# Workforce Investment Act Table of Contents

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I. **Purpose**

This communication provides guidance on job seeker registration for Wagner-Peyser Labor Exchange services and who can be served. Job seeker registration for Wagner-Peyser Labor Exchange services is accomplished through the use of the Sharing Career Opportunities and Training Information (SCOTI) Labor Exchange (LE) system.

II. **Effective Date**

Immediately.

III. **Background**

The Workforce Investment Act of 1998 transformed the Wagner-Peyser funded employment service from a nationwide system of separate local employment offices into the foundation of the nation’s One-Stop centers. Through One-Stop centers, job seekers may receive the services they need to enter or reenter the workforce. One-Stop centers provide early intervention and referrals to suitable job openings, including employment services customized to job seekers' needs, such as job search workshops, job development, screening for referrals to jobs, referral to training, or other support services.

IV. **Guidance Statement**

Wagner-Peyser LE services are provided to job seekers based on the customer's choice of self-service or staff-assisted service, to maximize customer choice in levels of services and to emphasize universal access. One-Stop centers provide information and resources for self-service and/or staff-assisted services. Job seekers will be able to register for Wagner-Peyser labor exchange services in the SCOTI LE system to receive LE services. The job seeker must establish an account in the SCOTI LE system.

A. **Eligibility - Who Can Be Served?**

Any job seeker in the United States may register for work, without regard to place of residence, current employment status, or occupational qualifications. Wagner-Peyser labor exchange services are available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, and other immigrants authorized to work in the United States. Unemployment Compensation (UC) claimants who are required to conduct work search to receive UC must register for Wagner-Peyser labor exchange services in the SCOTI LE system. Registration information is self-attestation.

Within the One-Stop system, there are programs that offer services to special populations such as veterans, individuals with disabilities, migrant and seasonal farm-workers, and youth and older workers. Inquiries should be made at the One-Stop if additional assistance is needed regarding one of these or other populations.

B. **Information for Registration**

Contact Information
The registration process requires the job seeker to provide contact information such as an address and telephone number. At a minimum, the job seeker must provide an address. Contact information is a necessity to accomplish the labor exchange process.

An exception is the case of individual who indicates his or her status as homeless. In such instances, the individual should be encouraged to provide a valid point of contact address such as a family member, friend or the location of a shelter if he or she utilizes it frequently. If no other address is available, staff may list the address of the One Stop to ensure the registration is complete. If no address is provided, the registration will be incomplete and will not be able to be matched against possible job openings.

Whenever a registered job seeker is in contact with One-Stop staff, the job seeker's contact information should be verified to ensure that it is current and updated in the SCOTI LE system.

Social Security Number (SSN)

The Wagner-Peyser labor exchange registration process requires the job seeker's social security number as an identifier. There may be situations where the job seeker refuses to provide the social security number when using SCOTI self-service online, although SCOTI is a secure site.

If a job seeker is self-registering and has no social security number or chooses not to provide the number, the job seeker is instructed to visit the nearest One-Stop center for further assistance. The job seeker's SSN is required to be provided during staff-assisted registration at a One-Stop center. For any job seeker who does not have a social security number, One-Stop staff must give the job seeker a pseudo nine-digit social security number that is a temporary number to be used to register the job seeker. The job seeker should be instructed to contact the nearest social security office to obtain a permanent social security number. The pseudo number will remain in the SCOTI LE system until a job seeker provides a social security number.

The formula for a pseudo number is as follows:

Use 99 for the first two digits, use two digits for the month of the job seeker's birth, use two digits for the job seeker's day of birth, use two digits for the job seeker's year of birth, and use an "0" for the last digit. If the system detects a duplicate with the pseudo number, advance the last digit by one number until no duplicates are found.

Equal Opportunity Questions

Job seekers may decline to provide ethnicity and race information. The SCOTI system will enter "did not declare" as the default if this information is not provided and the job seeker will be allowed to register.

Date of Birth

Refusal to provide a date of birth will preclude the job seeker from registering. A job seeker must be at least 14 years of age.

C. Complete and Incomplete Registration

A job seeker's complete registration means that all required entries of the registration are completed and an appropriate occupational code(s) is assigned. Only registrations that are complete are included in job matches in SCOTI LE.

At the time an individual registers for UC benefits and that individual is deemed to be a "Work Search Required or 'R' claimant", a complete registration is sent Real-Time to the SCOTI system. This 'R' claimant is active for Job Matches. At the time an individual registers for UC benefits and that individual is deemed to be a "Work Search NOT Required or 'C' claimant", no registration information is sent to the SCOTI system. But, upon this 'C' claimant being changed to an 'R' claimant, the INCOMPLETE registration is sent to the SCOTI system. At this time the
claimant would need to complete the registration via Self Service or visit a One-Stop to complete the registration to become an ACTIVE participant in Job Matches. Claimants may also register in the SCOTI system by calling 1-877-OHIOJOB (1-877-644-6562) or register online at www.scoti.ohio.gov www.scoti.ohio.gov.

D. Self-Service Registration

With internet access, self-service registration for Wagner-Peyser labor exchange can be accomplished in the convenience of the job seeker's home, in a public library, a One-Stop center, or anywhere internet access is available. The job seeker may create an account online for services with the SCOTI LE system at www.scoti.ohio.gov. Once a job seeker establishes an account, the job seeker is registered. Information provided by the job seeker remains secure and private.

E. Staff-Assisted Registration

Staff-assisted services involve a job seeker who is registering for Wagner-Peyser LE services and needs assistance from staff to complete the registration process. If the job seeker desires assistance, or is unable to complete the registration process, assistance will be provided. This may require an interpreter because of a hearing impairment, language difference or other communication barrier. Recognizing which job seekers may have difficulty with the registration process is not always possible in advance. One-Stop staff should monitor the self-registration process that occurs in the One-Stop center to identify job seekers who are having difficulty and arrange for assistance.

Section 7(e) of the Wagner-Peyser Act requires One-Stops to provide staff-assisted LE services for registering for work, job search, resume writing, job interview, exploring occupational opportunities, obtaining information on job training or related support services. Specific LE services that will be provided must be described in the local area One-Stop system Memorandum of Understanding (MOU).

One-Stop staff should accomplish the following:

- Review and analyze the information provided by the job seeker to ensure all qualifications for employment are adequately presented and current;
- Determine any needs the job seeker may have for employment counseling, selective placement or other services;
- Give the job seeker any additional information that will increase the opportunity for placement;
- Evaluate the occupationally significant facts about the job seeker and assign the appropriate O*NET Job Titles to reflect desired employment and any alternative occupations for which the job seeker may be qualified and/or interested; and
- Collect all necessary information and update the SCOTI system to maintain accuracy and to avoid duplicated efforts.

F. Active and Inactive Status

A job seeker's registration stays active for 90 days without activity by the job seeker. After 90 days of inactivity, the registration will be automatically changed by the SCOTI LE system to an inactive status. Inactive status means the job seeker will no longer be included in a match. The SCOTI LE system generates a letter to the job seeker prior to deactivation informing the job seeker that he or she will need to contact the One-Stop center if he or she wishes to remain in active status to receive Wagner-Peyser labor exchange services. One-Stop staff assigned to perform LE functions can update the inactive status to active for a job seeker.

V. Technical Assistance
Sharing Career Opportunities and Training Information Labor Exchange (SCOTI LE) System Training sessions

SCOTI Help Desk - Tel. # 1-888-2WORK-411, option 2

For additional information, you may send your questions to the Bureau of Employer Services-WIA: WIAQNA@odjs.state.oh.us.

VI. References

WIATL 34 (Delete Exit Procedures in Sharing Career Opportunities and Training Information (SCOTI))

Workforce Investment Act (WIA) Transmittal Letter No. 34

November 29, 2007

To: Local Elected Officials, WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Helen E. Jones-Kelley, Director

Subject: Delete Exit Procedures in Sharing Career Opportunities and Training Information (SCOTI)

I. Purpose

This guidance is to ensure the integrity of Workforce Investment Act (WIA) and Labor Exchange (LE) performance data and to provide parameters on the appropriate reasons and procedures to delete a participant’s exit in SCOTI in order to maintain accuracy in reporting.

II. Effective Date

Immediately.

III. Background

USDOL Training and Employment Guidance Letter 17-05 defines program exit when a participant has not received a service funded by the program or funded by a partner program for 90 consecutive calendar days, and is not scheduled for future services.

An exit occurs when a WIA or LE participant does not receive services for 90 days or longer. In SCOTI, the system will automatically exit those individuals 90 days after the actual end date of the most recent service. Occasionally, circumstances arise when an individual is exited from the system that should not be. In this case, the exit needs to be removed as the individual is still participating in a WIA or LE program. Removing a participant’s exit is accomplished by clicking the "unexit" button on the exit tab of the services screen in SCOTI.

IV. Guidance Statement

The exit date is the participant's last date of service and automatically occurs 90 days from when the case is closed. Each workforce investment area should develop processes and procedures to delete a participant’s exit when needed. Thorough caseload management is critical to ensure participant data is correctly entered into SCOTI and services provided match the participant's Individual Employment Plan (IEP). Internal quality reviews should be conducted regularly and randomly as a monitoring tool to maintain program and caseload management efficiency. Quality service to customers and accuracy for reporting to USDOL must be the top priority in making such decisions.

The ability to delete exits will be given to those serving in the local Management Information Systems (MIS) field support role for WIA and to ODJFS Labor Exchange staff for LE. The delete exit feature is not being added to enable local areas to inappropriately manipulate performance outcomes. This function will be monitored to determine if exits are being deleted other than for the reasons listed below.

Reasons for Deleting Exits:

Reasons to delete exits are decided locally. Some acceptable examples of reasons to delete exits are listed below, but are not limited to:

- Incorrect actual end dates entered into SCOTI
- Closed accidentally
- Incorrect exit reason
Delete Exit Process

The process to delete an exit should be executed immediately when the need is apparent to:

- Preserve the integrity of the data
- Comply with data validation standards for accuracy
- Convey full and accurate information to USDOL when reporting performance data

Absent extenuating circumstances, a participant's exit must be deleted within seven months (two quarters and thirty days) of the end of the quarter in which the participant exited. The following are two examples of the timeframes below:

**Example 1**
Participants with exit dates of January 1 through March 31 can only be deleted through October 30.

<table>
<thead>
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<td>Apr</td>
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<tr>
<td>Quarter 1 Exit Date</td>
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**Example 2**
Participants with exit dates of July 1 through Sept 30 can only be deleted through April 30.

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<thead>
<tr>
<th>Quarter 3</th>
<th>Quarter 4</th>
<th>Quarter 1</th>
<th>Quarter 2</th>
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<td>Jul</td>
<td>Aug</td>
<td>Sept</td>
<td>Oct</td>
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<tr>
<td>Quarter 3 Exit Date</td>
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**Deleting Exits Beyond the Limitation**

If an exit must be deleted beyond the above time limitations, the request must be submitted to the SCOTI help desk via email from one of the following at the local office: WIA Administrator, WIA Supervisor, LE Staff, One-Stop Manager, One-Stop Supervisor, One-Stop Operator or Local Operations Personnel. The request may also be submitted by fax to the SCOTI helpdesk, signed by the WIA Administrator, WIA Supervisor or the One-Stop Operator. The request should include information regarding the participant and the circumstance surrounding the reason to delete the exit. The request should include:

- Date
- Participant name
- Last four digits of the SSN
- Workforce area
- County name
Requests will be reviewed on a case by case basis, approved or denied with discretion based on the justification provided in the request to delete the exit. The power user will be notified when their request is received and pending. Approvals or denials will be sent to the power user via email.

V. Technical Assistance
For additional information, you may send your questions to the Bureau of Support Services:
SCOTI-HELP-DESK@odjfs.state.oh.us.
SCOTI Help Desk - Tel. # 1-888-2WORK411, option 2

VI. References
WIA Rule 5101:9-30-04 (A) (B)
USDOL, Training and Employment Guidance Letter 17-05, February 17, 2006
Workforce Investment Act of 1998, Public Law 105-220
WIA Final Rules, 20 CFR, Chapter V, Part 652.3
Rescissions: None
I. **Purpose**

To provide guidelines to local areas for accepting job orders; to define the conditions under which job orders or services to employers can be refused; and to address policies regarding quality control of job orders.

II. **Effective Date:**

Immediately.

III. **Background**

Section 7(a)(2) of the Wagner-Peyser Act, as amended by the Workforce Investment Act of 1998, Public Law 105-220, dated August 7, 1998, authorizes appropriate recruitment services and special technical services for employers.

IV. **Guidance Statement**

One-Stop staff should adhere to a uniform method of determining when job orders should be taken or refused, what constitutes a bona fide job order, and what quality control standards should be set for writing job orders.

A. **Types of Job Orders and Appropriate Actions**

Although the principle of universal access applies to the provision of services to employers, there are a number of circumstances in which a One-Stop center is required by law, regulation, or policy to refuse a job order. The following information describes specific circumstances surrounding job orders, and what actions should be taken if necessary.

1. **Fee for Placement**

   a. A fee for placement is a charge that consists of direct payment in exchange for the job opening being filled. If an employer or an agency recruiting for an employer wishes to place a job order that would charge the applicant a fee for placement, the One-Stop center should not take the order. The employer or agency should be informed why the order is being refused.

   b. The purchase of materials, equipment, and uniforms or payment for testing and licensing by an applicant are not considered fees for placement. If the employer requires that the applicant pay for such items, the job order may be taken as long as the required expenses are listed on the order.

   c. The Wagner-Peyser Act does not prohibit the referral of an applicant to a private employment agency as long as the applicant is not charged a fee.

2. **Employer-Employee Relationships**

   a. When an employer-employee relationship does not exist, an order can be refused. Typically an employer-employee relationship does not exist if the worker is an independent contractor, and/or if the employer does not pay Unemployment Compensation (UC) taxes or provide Workers' Compensation on behalf of the worker.
The determination as to whether a job opening will be an employee or an independent contractor can be complex but is essentially made by examining the right to control how, when, and where the person performs services.

There are three basic areas that determine employment status:

- behavioral control
- financial control
- relationship of the parties

Many sources are available for determining employer/employee relationships. For more information, refer to:

- IRS 20-factor test
- Internal Revenue Service (IRS) Chapter 2 of Publication 15, Circular E,
- Employer's Tax Guide and Chapter 2 of Publication 15-A.
- Employer's Supplemental Tax Guide

b. In the case where the worker is paid straight commission, it is normally not an employer-employee relationship. The employer normally has to guarantee at least minimum wage to an employee in order for an employer-employee relationship to be established. One-Stop centers have discretion to either accept or refuse job orders for commission-only positions, or require the employer to use the SCOTI Bulletin Board to post such openings. (Examples would be commission-only sales, real estate agents, cab drivers, and newspaper delivery persons.)

3. **Bona Fide Job Orders**

   a. A bona fide job order means that a current and valid job opening exists prior to any referrals being made, and that the One-Stop center has reasonable basis for concluding that the employer is a legitimate employer.

   b. Job orders that are received to build a list of applicants for future openings are not bona fide orders and should be refused.

   c. One-Stop centers should be alert to the possibility that a job opening or an employer may not be bona fide. Examples of questionable situations may be:

      1) When an employer requires any unusual pre-employment action on the part of the applicant such as a deposit for some alleged service (e.g., transportation, dues, food, or lodging); or

      2) When an unknown employer indicates that applicants will be interviewed at an address that is not a normal place of business such as a hotel room.

   d. Before a job order can be posted in the SCOTI system, the employer must provide its UC Tax number or Federal Employer Identification Number (FEIN). The only exception to this requirement is for domestic job orders where the person seeking a temporary worker is a homeowner, not a bona fide employer. In the case of a business seeking a worker for a very short period of time (1-3 days duration), the job opening should be listed as a casual labor job order, and the employer will be required to provide either a UC Tax number or FEIN. If the One-Stop center cannot verify that the opening or employer is bona fide, the job order may be refused.

4. **Pre-designation of Applicants**

   a. When an employer requests that certain workers be referred on any basis other than an occupational qualification, the job order should be refused. For example, an
employer might identify a specific individual to be referred and indicate that he or she is not willing to consider other applicants. Such requests for referrals are considered pre-designation of applicants and make a job order unacceptable. However, an order may be taken if the employer requests that a specific person be referred and is also willing to consider other referrals.

b. An exception to the rule on pre-designation occurs when an employer lists an agricultural job order. In this instance, the employer may request a specific crew leader or worker, and the job order should be accepted.

5. Discrimination

a. Title VII of the Civil Rights Act of 1964, 42 USC § 2000d et seq., prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, and other aspects of employment, on the basis of race, color, religion, sex, or national origin.

b. Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq., prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance, which would include most workforce development programs and services administered by ODJFS. See also WIA Section 188.

c. The Age Discrimination in Employment Act of 1967 prohibits arbitrary age discrimination in employment against individuals 40 years of age or older by: 1) private employers having 20 or more employees and engaging in an industry affecting interstate commerce, or 2) any governmental entity.

d. Title 1 of the Americans with Disabilities Act (ADA) prohibits employment discrimination against qualified individuals with disabilities.

e. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified disabled applicants in federally-funded programs and services, including WIA and One-Stop services. See also WIA, Section 188.

f. The Civil Rights Act of 1964 and the Wagner-Peyser Act require that the labor exchange system ensures that discriminatory job orders are not accepted. In addition, the Civil Rights Act of 1964 prohibits the labor exchange system from providing any service to an employer when there are reasonable grounds (i.e. documented evidence) to believe that the employer is engaged in discriminatory practices.

g. An exception to the nondiscrimination laws is a situation involving a Bona Fide Occupational Qualification (BFOQ). BFOQ pertains to an employment decision or request relating to age, sex, national origin, or religion is based on a finding that such a characteristic is necessary to the individual's ability to perform the job in question. Examples of BFOQs would be a request for an actress to portray a female role in a play or movie, or a male attendant to serve in a men’s locker room. Certain jobs have bona fide age requirements based on agility (e.g. fire fighter or police officer), legal requirements (e.g. bartender), or insurance requirements (e.g. commercial drivers). Orders with acceptable BFOQs may be written and serviced. See 42 USC 2000.

h. Should an employer wish to list an opening containing discriminatory specifications, and a BFOQ does not exist, the One-Stop center should attempt to persuade the employer to eliminate those discriminatory specifications. If the employer is willing to change his or her requirements, the order may be accepted. Otherwise, the order must be refused.

6. Affirmative Action

a. An affirmative action job order is one that seeks qualified applicants, particularly members of a specified group that, for non-occupationally valid purposes, have been
discouraged from entering certain occupational fields. In addition, it is an order that results from:

1) Executive Order No. 11246 and implementing instructions at 41 CFR Chapter 60, requiring certain government contractors to take affirmative action to hire and promote qualified minorities and women; or

2) Section 503 of the Rehabilitation Act of 1973 and implementing regulations at 41 CFR Part 60-741 requiring certain government contractors to take affirmative action to employ and advance in employment qualified disabled workers; or

3) Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and implementing regulations at 41 CFR part 60-250 requiring certain government contractors to take affirmative action to employ and advance in employment Vietnam-Era and disabled veterans; or

4) A court order resulting from a decision in which there was a finding of employment discrimination; or

5) A conciliation agreement as authorized by Title VII of the Civil Rights Act; or

6) Provisions of federal, state, or local fair employment practice law; or


b. One-Stop centers should accept all legitimate affirmative action job orders and may assist the employer with special applicant searches and recruitment efforts. However, applicant file searches must follow the standard job order processing procedures including veteran preference requirements. For example, if an employer places a job order, indicates that it is an affirmative action order and desires recruitment be done for minorities, the One-Stop center should make every effort to ensure that the requested group is represented among the qualified veterans and other applicants referred. Employers should be advised that an order that requires exclusive referral of a specific applicant group, or referral of a specific applicant group "quota," cannot be serviced as long as these restrictions are held.

c. An affirmative action order should be clearly marked as affirmative action and clearly reflect the employer's needs. An example of appropriate language to be included in the job order requirements section might be: "Affirmative Action: All qualified applicants will be considered. Minorities and women encouraged to apply."

7. Violations of Law

a. Job orders that contain job duties or terms or conditions of employment that are contrary to law should be refused. Examples of such orders would be those specifying pay below the legal minimum wage, requiring the worker to perform illegal activities, or specifying hours for a youth worker in violation of child labor laws.

b. One-Stop centers should explain the legal basis for refusing the order to the employer and offer the opportunity for the order to be modified. If the employer agrees to an appropriate modification, the job order may be accepted. Otherwise, the order must be refused.

8. Labor Disputes

a. A "labor dispute" is defined in 29 USC 152(9) as any controversy concerning the terms or conditions of employment, or any controversy concerning the association or representation of individuals in negotiating, maintaining, changing, or seeking to arrange the terms or conditions of employment.
b. When a labor dispute results in a work stoppage (such as a labor strike, walkout or lockout), One-Stop centers are restricted from accepting or servicing job orders that will directly, or indirectly aid in filling positions that are vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in the labor dispute. See 20 CFR 652.9.

c. One-Stop centers may accept job orders from an employer involved in a labor dispute until a work stoppage occurs, and may accept job orders during a work stoppage as long as the orders are for positions that are not impacted, either directly or indirectly, by the work stoppage.

d. Should job orders for positions not impacted be taken from an employer involved in a work stoppage, One-Stop centers are responsible for notifying any applicants referred that the employer is involved in a labor dispute and that the position listed on the job order is not vacant as a result of the dispute. One-Stop centers are encouraged to include this information in the job description of the job order.

e. Once a labor dispute resulting in a work stoppage has been resolved, the One-Stop center may once again resume full service to the employer. See 20 CFR 652.9.

f. One-Stop centers should be alert to labor disputes that are developing in their areas and are encouraged to contact their ODJFS Local Operations District Coordinator Representative with information on any such disputes. This will help facilitate timely notification of all impacted areas should a work stoppage occur.

9. Membership or Non-membership in a Labor Organization

a. Orders specifying membership or non-membership in a labor organization as a condition of being hired may be in violation of law if the employer is subject to the Labor-Management Relations Act of 1947 (Taft-Hartley Act). See also 29 USC 158(a).

b. However, if the employer requires an employee to join a labor organization on or after the 30th day of employment, and this requirement is pursuant to the employer's agreement with the labor organization, the order would not be in violation of the Act. In the case of the building and construction industries, the requirement to join a labor organization may be on or after the seventh (7th) day of employment. See 29 USC 158(a)(3).

10. Temporary Agencies

a. In general, job orders received from a temporary agency should be handled in the same manner as those from any other employer. However, One-Stop centers should be alert to whether job orders from these organizations have current and valid job openings and are not for the purpose of building lists of applicants for future openings.

b. One-Stop centers should also make certain that a job order from a temporary agency does not duplicate an order listed by an employer that the agency may be representing. To accomplish this, One-Stop centers should obtain the name of the employer being represented whenever possible and compare any listings from that employer with those received from the representative. Duplicates should be eliminated. The determination of which duplicate orders should be kept or deleted is the responsibility of the local One-Stop center.

11. Casual Labor

One-Stop centers should be careful to verify Workers' Compensation coverage on casual labor openings for other than domestic workers.

12. Substandard Job Orders
a. A job order should be considered substandard when an employer is offering wages, hours, or working conditions that are below the standard in a labor market for a particular type of work.

b. One-Stop centers should be aware of local labor market information such as average wage by occupation in order to establish local standards and policies regarding what job orders are to be considered substandard.

c. Should a job order be considered substandard, the One-Stop center should provide the employer with appropriate labor market information and offer him or her opportunity to modify the job order. If the employer agrees to an appropriate modification, the order should be accepted. If not, the One-Stop center should inform the employer that the position should be posted using the SCOTI Bulletin Board function.

B. Refusing, Discontinuing, or Limiting Services to an Employer

1. One-Stop centers may refuse or discontinue services to an employer if the employer or his or her job orders meet any of the conditions for refusal specified in Part IV(A) of this transmittal letter, or if the employer refuses to cooperate with the One-Stop center's requests for job order verification. One-Stop centers should set a local standard for terminating or refusing services based on lack of cooperation from the employer.

2. One-Stop centers should set a local standard for limiting services to an employer. These standards should include the circumstances under which the employer's openings should be posted on the SCOTI Bulletin Board rather than entered into SCOTI as a job order, and should define when multiple openings from an employer will be listed on a single job order. One-Stop centers are encouraged to coordinate standards for limiting services to an employer with other One-Stop centers sharing the same labor market area.

C. Quality Standards for Job Orders

1. On an annual basis the ODJFS Office of Research Assessment and Accountability (ORAA) may review a sample of job orders as part of its compliance monitoring of Workforce Investment Areas. Each job order selected will be expected to meet the following minimum standards:

   - It is legal and allowable under the law, regulations or policies governing the Wagner-Peyser program.

   - It has complete and accurate data including location of the employer, how to contact the employer, O-Net code, hours, and duration of the job.

   - It contains sufficient information for job matching including job title, required skills, secondary skills, pay information, and a description of duties.

   - It is "Internet Ready" (i.e. the most important elements of the job description can be viewed and understood by the job seeker, and no extraneous or confidential information is going out over the Internet).

   - It contains documentation of the veterans file search required on all job orders except filled-when-written orders and multi-opening job orders (the file search should include at a minimum the date of the file search; the local office and agent ID of the person doing the file search; the number of veterans selected; and the number of veterans contacted).  

   - It contains documentation of regular follow-up contacts with the employer including referral verification contacts. (The timing of follow-up contacts should be determined by local One-Stop center policy and the needs of individual employers.)
It contains timely results of referrals. (Local One-Stop centers should determine a maximum length of time for verifying results of referrals with employers, before utilizing wage data records.)

2. One-Stop centers are responsible for setting local standards for the quality of job orders and assuring that these standards are met. The Ohio Department of Job and Family Services’ minimum standards should be incorporated in the local standards. In addition, the One-Stop centers should determine procedures for internal monitoring of job order quality.

D. Establishment of Local Policies

1. One-Stop centers are responsible for developing written policies and procedures for accepting or refusing job orders, discontinuing or refusing services to employers, limiting services provided to employers, and assuring quality control of job orders.

2. These policies and procedures must incorporate the general guidance of this transmittal letter and provide additional detail as needed or desired to assist staff in properly implementing the employer services elements of the Wagner-Peyser labor exchange program.

3. The ORAA monitoring staff will request a copy of these policies and procedures as a part of its annual compliance monitoring of the Workforce Investment Areas.

V. Technical Assistance

For additional information, you may send your questions to the Bureau of Workforce Services: wiaqna@odjfs.state.oh.us.

VI. References

Section 7(a)(2) of the Wagner-Peyser Act, as amended by the Workforce Investment Act of 1998, Public Law 105-220, dated August 7, 1998

WIA Final Rules, 20 CFR, Chapter V, Parts 651.10, 652.3, 652.9, 653.500

29 CFR Part 1608

41 CFR Parts 60-250, 741

Ohio Administrative Code Rule 4141-3-05

29 USC 152(9), 158(a)(3); 42 USC 2000

Rescissions: None
I. Purpose

This communication provides guidance on how job orders should be handled using the Sharing Career Opportunities and Training Information (SCOTI) Labor Exchange (LE) system in a One-Stop environment.

II. Effective Date

Immediately.

III. Background

Both the Workforce Investment Act, Public Law 105-220, and the Wagner-Peyser Act amendments mandate the coordination and development of a nationwide system of public labor exchange services, provided as part of the One-Stop system of the states.

IV. Guidance Statement

Job order processing involves the comparison of specific job skill requirements with those of the job seekers. Business practices and steps for processing job orders in a One-Stop environment must adhere to the Wagner-Peyser Act and the SCOTI LE system requirements.

A. Sharing Information with One-Stop Partners

Wagner-Peyser staff is required to use SCOTI LE when providing labor exchange services. One-Stop partners can request access to the SCOTI LE system and are encouraged to list all available job openings in the SCOTI LE system. Partners and entities using SCOTI LE must work cooperatively and share job orders to effectively and efficiently serve employers. The One-Stop operator(s) in each workforce investment area should develop processes and procedures on how all job orders are shared and worked among One-Stop partners. Quality service to employers and job seekers must be the top priority in making such decisions.

B. Identifying New Job Orders - Use of SCOTI LE Reports Function

Job orders may be placed directly into the SCOTI LE system by employers utilizing self-service, or by One-Stop staff working with the employer. To provide timely services to employers, it is imperative that One-Stop management and staff closely monitor new job order activity in their location. The SCOTI LE "New Job Order Report" and/or the "ERO004 Job Order Activity Report" should be utilized and monitored on a regular basis to identify job orders that have been administratively assigned to each One-Stop location. The SCOTI LE "New Job Order Activity Report" is conveniently found on the SCOTI LE welcome page in spreadsheet format.

C. Referring Job Orders to Labor Exchange Call Centers for Processing

For each new job order received by a One-Stop location, a decision should be made as to whether the job order will be processed and handled by the One-Stop or forwarded to a LE Call Center for processing. The decision should take into account such factors as:
• Is this a new employer with which the One-Stop is attempting to develop a long-term relationship and therefore will require close scrutiny of the recruitment process?
• Did the employer specifically request that the One-Stop handle the recruitment?
• Are there special circumstances involved; i.e., the One-Stop will be involved in the physical recruitment effort by taking applications or conducting interviews on site?
• How many job openings are there with the employer and what is the size of the company?

D. Job Order Match Pool

Match Pool

Once a job order has been received, staff should generate a match pool and begin job order processing as soon as practical. Under normal circumstances this activity should occur within one (1) working day. The match pool is generated by use of the "Run Match" button on the Job Match screen in SCOTI LE. This action will create and display a match pool of qualified candidates whose skills must be reviewed based on the employer's detailed skill requirements before notifying them for possible referral. This match pool is generated, and must be worked in veterans' priority order.

Priority of Service for Veterans

Veterans are given full advantage of services available through the One-Stop delivery system. Veterans must also be given priority of service when referrals are made on a job order. The SCOTI LE system supports priority referral of qualified veterans to job openings.

Veterans (and unemployment insurance claimants) are automatically prioritized for selection and notification in the job order match pool. The prioritized match pool is shown below:

I. Veteran Status:
   a. Disabled Veteran;
   b. Campaign Badge Veteran;
   c. Other Veteran;
   d. Eligible Person; and
   e. Non-Veteran

II. UI Claimant Status

III. Date of Least Recent Referral

IV. Numerical Order by SSN

Veterans' status is automatically calculated by the "veteran's wizard" in SCOTI LE. The match pool must be processed in the order presented from the top down, which means that veterans must be considered for referral first. Because veterans must be given priority, the SCOTI LE system will not allow a veteran to be bypassed in the match pool without staff documenting the reason for the decision not to notify them on the Notification and Referral screen. Veterans' priority of service does not mean that veterans must be referred to the job order; it means they must be given consideration first. If a veteran, or any other job seeker, does not meet the minimum qualifications for the job order, they should not be referred to the employer.

Match Processing
To maximize efficient service to employers, any One-Stop staff assigned an appropriate LE role can conduct a match and refer job seekers to any job order regardless of the work site location. No single One-Stop or individual "owns" a job order. SCOTI LE allows any authorized staff to run a match and make referrals of qualified candidates to any job order that is in "open" status and is not currently in use by another SCOTI user.

Open status means the job order is available to be matched to job seekers. One-Stop staff must review the skills and experience of each job seeker and ensure they actually meet the requirements of the employer before referring them for the job opening. Once a decision is made regarding a specific job seeker on a job order, the job seeker will no longer appear in a subsequent match for that job order. Unprocessed match pool records are not maintained by SCOTI LE. When staff close out of a job order, the existing match pool will be removed. The next time a staff person opens the job order to continue referral activities a new match pool must be run. A record of all job seekers notified and/or referred is displayed under the "Make Referrals" tab of the job order.

In order to effectively run a job seeker match, three variables must be entered on the "Desired Employment" tab for a job seeker: occupational code, location and wage. The correct code must be used to get a good job match.

The job referral process begins after the job order match pool is created. Each applicant in a job order match pool must be reviewed in order of priority.

E. Screening, Selection, Notification and Referral of Job Seekers

Screening and Selection

Building a long-term relationship with an employer customer requires that qualified job seekers are provided for their hiring consideration. After a match pool has been generated, a determination must be made as to whether a job seeker is "qualified," meaning that the job seeker meets the minimum requirements/skills for a specific position. Employer criteria for determining a job seeker’s qualifications may include work experience, training, skills that require extensive training or practice, pertinent knowledge, or the physical capacity to perform the essential functions of the job.

Starting with the first job seeker in the job order match pool, the job seeker's qualifications (displayed in the job seeker's "Duties" text box on the Notification and Referral screen) must be reviewed. These duties are pre-populated from the Employment History screen previously completed by the job seeker or One-Stop staff, and they detail the job seeker's duties acquired from a previous job.

One-Stop staff responsible for entering the job seeker's past duties on the Employment History screen must capture pertinent information regarding the job seeker's skills. It should include information not already pre-populated in the job seeker's O*NET occupational code description. The closer the job seeker's duties align with the employer's job requirements the more likely a referral will be made.

The employer's job requirements are reflected on the Job Order Requirements' screen. In the "Desired Skills" text box, staff should enter details for the specific skills desired by the employer, which are not already captured in the pre-populated O*NET description. The Desired Skills could include the following requirements: specific hardware and software applications, desired educational levels or degrees, specific experience or other requirements not captured in other SCOTI LE fields.

In the screening and selection process, the job seeker's duties are compared with the employer's job order requirements. The comparison assists One-Stop staff to determine if the job seeker can be notified for possible referral.

Notification and Referral
Job referral is the process by which a registered job seeker is notified and referred to a specific job opening on a job order, and the referral is recorded on that job order. Identifying and selecting job seekers for referral to a job opening begins as job seekers are processed in the match pool.

Veterans are listed at the top of the match pool so that they may receive the required priority of service. Staff should determine if the veteran meets the minimum requirements of the job order. If the veteran meets the requirements an initial attempt should be made to contact him or her by telephone. The telephone approach quickly facilitates the placement process for employers and job seekers. If the veteran cannot be contacted by phone (either directly or by leaving a message to contact the One-Stop), then a call-in notice should be issued, which will generate a notification letter that is mailed to the applicant. This process should be followed for each veteran in the match pool, or until sufficient referrals have been made to fill the number of referrals requested by the employer. This same process should then be followed for the non-veterans listed in the match pool.

The only reason job seekers should not be notified is because the individual does not meet the minimum requirements for the job order. Job seekers who are interested and qualify should be referred to the job order if there are referral openings available.

Only one staff person can work a job order record at a time. Others may only view the record. The SCOTI LE system automatically locks the job order while it is being worked.

If a job order is in referred status, this means all of the requested referrals and notifications have been made. One-Stop staff cannot make a new referral and notification until a negative result on a notification or referral is entered, or the employer requests an increase in the number of referrals desired.

**Referrals on Mass Recruitment Job Orders**

The mass recruitment job order is a specific job order type in which a large number of candidates are desired by the employer. Candidates may be referred on a mass recruitment job order without completing a registration in SCOTI LE. Staff may simply enter the name and SSN of the individuals referred using the "Make Referrals" tab on the job order. SCOTI LE will create a partial application record using default values for the individual if he or she do not already have a registration record in the system.

**Quality Assurance**

The following steps are taken to ensure that the employer receives appropriate referrals:

- Review the employer's referral instructions, including methods of contact, contact person and driving directions, as appropriate.
- Ensure that the job seeker has the necessary pre-employment skills (completing an employment application, preparing a resume, interviewing) to adequately represent his/her qualifications to the employer.
- Provide additional relevant information about the employer's hiring practices.
- Provide the job seeker with a printed referral or introduction card or letter to give to the employer, as appropriate.
- Record the referral on the job order in accordance with established SCOTI LE system procedures.

**F. Job Order Processing and Maintenance**

**Timeliness of Job Order Entry and Match Processing**
Job orders should be entered into SCOTI LE at the time they are received. The job orders shall be verified for accuracy of content immediately. After completing the review, a match is conducted and the notification and referral process should begin immediately. Working job orders timely presents a positive image to the employer and facilitates job seekers who could be referred to the job order to have an opportunity to be interviewed and potentially placed in employment.

It is important to note that, by default, most job orders in SCOTI LE will remain active for up to 90 days (Alien Labor Certification orders are usually open for 30 days). After that time, the job order will be inactivated by the SCOTI LE system. To keep the job order open longer, the close date can be extended by the One-Stop staff.

**Retention of Employer's Record**

Once an employer has placed a job order in the SCOTI system, the employer's record will be maintained for at least three years. Employers' records will automatically be updated through the Labor Market Information data system.

**Employer Contact & Follow-up**

Unless the job order was forwarded to an LE Call Center for processing, the One-Stop center where the job order was originally taken is responsible for maintaining the order. By contacting the employer, staff can follow up to determine whether the employer requires additional referrals, or the order can be closed out.

**G. Communication with the Employer**

Communication with the employer during the selection process is important to keep the employer informed of the progress toward filling the job order and to assure that One-Stop staff is selecting job seekers based on the employer's current requirements and preferences.

SCOTI LE has the capability to generate a referral verification letter. If One-Stop staff chooses the option to send a referral verification letter, the SCOTI LE system will mail the letter to the employer. The sole source of information on whether a job seeker was hired is the employer.

It is important to note that on the Job Order Summary tab, the close date of the order signals the SCOTI LE system to close the order. The order will close on the date it is scheduled to close unless the date is changed to a future date.

**V. Technical Assistance**

For general policy or process questions, staff may contact the local ODJFS District Coordinator. For questions or concerns specific to services to veterans or veterans' priority of service, staff may contact the local ODJFS District Veterans Program Manager.

For additional information, you may send your questions or requests to the Bureau of Workforce Services: wiaqna@odjfs.state.oh.us

**VI. References**

- Workforce Investment Act of 1998, Public Law 105-220; Title III, Section 302, and amended Section 3(c)(1) of the Wagner-Peyser Act
- Final Rules, 20 CFR, Chapter V, Part 652.3
- The Jobs for Veterans Act of 2002, Title 38, Section 4212 and Section 4215, as amended by Public Law 107-288
- WIA Rule 5101:9-30-04, Mandated use of the "Sharing Career Opportunities and Training Information System" (SCOTI)
Rescissions: None
TO: Local Elected Officials and Workforce Development Agencies
FROM: Thomas J. Hayes, Director
SUBJECT: Initial Eligibility Criteria for Training Providers

**WIA Policy Letter 8A-2000** is attached and rescinds WIA Guidance Letter 8-2000 Revision 1, dated March 15, 2000. The new letter should replace the old one in your WIA Rules, Policy and Guidance Letters notebook. The length of initial certification of training providers was changed from 12 months to 18 months. The time extension was necessary to facilitate policy decisions regarding subsequent eligibility requirements.
WIA Guidance Letters

There are currently no WIA Guidance Letters.
Click here to view OAC 5101:9-30-02, Workforce Investment Act (WIA) Exclusion of Purchase of Goods.

This rule is maintained in the Administrative Procedure eManual, located in the Local Administration collection.
Click here to view OAC 5101:9-30-03, Workforce Investment Act (WIA) Poverty Income Guidelines and Lower Living Standard Income Level (LLSIL).

This rule is maintained in the Administrative Procedure eManual, located in the Local Administration collection.
Click here to view OAC 5101:9-30-04, Mandated Use of Ohio Workforce Case Management System (OWCMS).

This rule is maintained in the Administrative Procedure eManual, located in the Local Administration collection.
Archived Transmittal Letters
I. **Purpose**

This communication provides guidance on the waiver authority to vary the statutory employer match of 50% for Customized Training with the option of a sliding scale reimbursement method, to a minimum of 10%; as well as general requirements for Customized Training.

II. **Effective Date**

July 1, 2007 through June 30, 2009

III. **Background**

In May, 2007, Ohio submitted a waiver request to allow the State to replace the statutory employer match requirement of 50% for Customized Training, to a minimum of 10% with the variance based upon State and local policy. On November 5, 2007, the United States Department of Labor (USDOL) approved this waiver request, retroactive to July 1, 2007.

WIA Section 101(8) and the accompanying regulations in 20 CFR Subpart G 663.715, 663.720, and 663.730 establish that local workforce investment boards (WIBs) and the State may offer Customized Training through an agreement with either a vendor or employer with a mandatory employer match requirement of 50% of the cost of training.

IV. **Guidance Statements**

Overall, Customized Training is training designed to meet the needs of a specific employer, or group of employers (employer consortiums). It can be provided for the introduction of new technologies, or to new production or service procedures, upgrading existing skills, workplace literacy, or other appropriate purposes identified by the local WIB. The employer must commit to employ, or continue to employ, the worker(s) upon successful completion of any form of Customized Training. Customized Training agreements may be written for unemployed as well as employed workers. Employed workers may include full-time, part-time, and/or workers placed through private placement agencies.

The private placement agency and the placement employer should be included in the contract when offering Customized Training to employers that want to include workers placed through private placement agencies. This is to ensure that all parties agree that successful completion of the Customized Training will include the placement of the trainees into permanent employment.

Unless the trainee is unemployed, in order to participate in Customized Training, an "employer-employee" relationship must exist between the trainee and the business that is seeking local WIB approval to perform customized training. Individual workers who are Independent Contractors are not eligible to participate in Customized Training. Independent Contractors fall under the category of self-employment. Trainees must meet the definition of employment found in the Ohio Administrative Code (OAC) 4141-3-05.
Customized Training is one of several types of allowable training identified in Section 34(d)(4) of WIA. This training may be offered to individuals under local area formula-funded programs or as a type of incumbent worker training, conducted at the local level under waiver authority. As a type of training offered in local formula-funded programs, participants must meet all eligibility requirements, and receive both a core and an intensive service prior to the start of Customized Training. Local WIBs/employers need not adhere to the regulatory eligibility requirements when serving incumbent workers through programs operated under waiver authority, as they are considered statewide activities and not subject to the same eligibility and sequence of service rules as regular formula-funded program participant services.

Regardless of the target group for services (incumbent workers or formula-funded participants), all other requirements of Customized Training apply, as described in this issuance. This includes the sliding scale, which allows an employer to pay less than 50% of the cost of training, depending on the total number of employees.

Training providers for Customized Training either need to be included in the ETP Online System in SCOTI, or must be competitively procured. For training providers not in the ETP Online System, local WIBs will need to follow proper procurement procedures as identified in Fiscal Administrative Procedure Manual Transmittal Letter (FAPMTL) No. 14, Acquisition Standards Definitions and Procurement Requirements, or local procurement policies if they are more restrictive.

ODJFS reserves the right to review and approve proposed exceptions to the requirements identified in this issuance, on a case-by-case basis. Recommendations for exceptions may be submitted via e-mail to: WIAQNA@JFS.OHIO.GOV.

A. Utilizing the Employer Match Waiver

1. Sliding Scale

   This waiver is available immediately. Local WIBs may choose to implement this waiver of a reduction of the 50% match. If so, the employer match will be based upon the following sliding scale.

   a) 1-50 employees  Employer match of no less than 10%
   b) 51-100 employees  Employer match of no less than 25%
   c) 100+ employees  Employer match of 50% - as per current statutory requirements continue to apply

2. Employee Count

   The employee count is to include full-time and part-time workers, and workers placed through a private placement agency. This count is based upon the employer's total number of employees, not the number of employees to be trained. The count is to be on a company-wide-basis for all locations within the State of Ohio; and the involved adjoining state when Customized Training is being offered to Ohio residents who work for employers in an adjoining state.

3. Selection Criteria and Local Policy

   Local WIBs must establish policies if they choose to implement this waiver. Local policies should include any selection criteria for awarding Customized Training Contracts, such as industry type, cost, demand occupation, increase in earnings, career advancement, portable skills, retention, etc. WIBs without a policy that includes the criteria above will be assumed to require a 50% employer match for all Customized Training activities.
IN NO INSTANCE MAY THE EMPLOYER PROVIDE A MATCH OF LESS THAN 10% OF THE COST OF TRAINING

B. Customized Training

1. Customized Training means training:
   a) That is designed to meet the special requirements of an employer (including a group of employers);
   b) That is a participant/trainee service and a business service;
   c) That is conducted with a commitment by the employer to employ or continue to employ an individual upon successful completion of the training;
   d) That enable trainees to obtain industry or employer-recognized skills identified by the employer (or group of employers);
   e) For which the employer pays for not less than 50% of the cost of the training, except as set forth in Section IV. B. 1. (f) below;
   f) That requires a 50% employer match, unless a lesser percent match is warranted and approved by the local WIB (please refer to Section IV. A. above); and
   g) For which an agreement has been negotiated and signed. The agreement must identify the occupation(s) of trainees, the skills and competencies to be learned, and the length of time the training will be provided. The agreement must specify what the employer will pay for the employer match portion for the cost of the training and according to what payment percent and method.

2. The Local WIBs Must:
   a) Develop a local policy if they choose to implement the sliding scale and include any additional selection criteria;
   b) Obtain commitments from participating employers to include, at a minimum:
      i. That successful completion of the Customized Training will result in portable skills, and retention and placement of the trainee into permanent employment that offers good pay and benefits, with opportunities for career advancement;
      ii. That continued training will be provided for trainees who need help with remedial skills or other skills in order to retain their jobs; after completion of Customized Training; and
      iii. That training will be aligned with industry or employer recognized skill standards, as defined by the WIB and/or the employer.

3. Agreement Provisions for Customized Training
   a) Good and effective agreements should include:
      i. The occupation for which training will be provided; the skills and competencies to be achieved and the length of time for the training;
      ii. The number of employees to be trained;
      iii. The employer's assurance that Customized Training is needed, based upon the individual skill sets of trainees;
      iv. The method and maximum amount of reimbursement (employer match);
      v. Job description(s) of the trainees and a training outline;
vi. The cost and documented description of any ancillary items or supportive services that may be needed; and

vii. Other appropriate training outcomes related to the training (i.e., increases in earnings).

b) Customized Training agreements are to contain appropriate assurances and certifications as specified in this issuance.

c) Written endorsement from a union official is required when the workplace is covered by a collective bargaining agreement.

d) When working with a group of employers (employer consortiums), the local WIB may decide with whom to contract and the details set forth therein. If the consortium is a legal entity and the participating employers are in agreement on their match requirements, the local WIB may contract with the consortium directly and accordingly, the match requirement would be paid by the consortium. It is also allowable to enter into individual contracts with each participating employer. Regardless of what entity the contract is with, all requirements, expected outcomes, and assurances described in this issuance must be met.

4. Business Considerations for Customized Training

a) A WIB must not enter into a Customized Training agreement with an employer who has exhibited a pattern of failing to retain individuals after successful completion of the Customized Training.

b) Businesses should be current on their local, state and federal tax obligations and compliant with all environmental requirements. Only businesses that are not presently debarred, suspended, or proposed for disbarment by any State or federal department or agency should be considered for training. Several websites that may be helpful in checking tax, environmental compliance, and debarment status are located at the end of this issuance, in Section VI.

c) A Customized Training contract that would prevent a layoff or avert a business closure should be given priority consideration. Businesses that provide additional sources of funding to support the training make strong candidates.

d) Businesses that have employees in a lay-off status should not be considered for Customized Training unless the training would avert additional layoffs.

e) Businesses that have relocated to Ohio and laid-off workers at their original location in the United States may not be considered for Customized Training, until they have been in operation at the new location for 120 days.

To verify that a business is not relocating employment from another area, a Pre-award review must be undertaken and documented by the local WIB. The Review must include the names under which the establishment conducts business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information, and whether WIA assistance is being sought in connection with past or impending job losses at other facilities of their company. The pre-award review should also include a review of whether appropriate notices have been filed, as required by the Worker Adjustment Retraining Notification (WARN) Act. The review may also include consultations with labor organizations and others in the affected local area(s).

5. Training Considerations for Customized Training:

a) Training for Customized Training will address:
i. Occupations in industries that have documented skill shortages. High wages, high costs for recruitment, and/or positions that remain unfilled for long periods of time may indicate a shortage of skills within the workforce; and

ii. Developing the skills of the workforce and lead to enhanced career pathways for individual employees.

b) Training providers should have satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience and programs, accredited instructors, high job placement rates, and/or high training completion rates.

c) The training facility should provide an environment that supports learning and be within reasonable proximity to the participant. The training may take place in the business owned facility, a training provider's facility, or combination of sites.

6. Employer Match Requirements

Should a local WIB choose to lower the 50% match requirement, the local WIB must utilize the sliding scale described in Section IV. A., to determine the appropriate match. Local WIBs may add additional selection criteria to the sliding scale if they so choose. The match is to be based upon the total cost of the training, which can include items in Section IV. 7. The employer match may not be satisfied with federal, state, or other grant funds. The employer match, however, may be in cash or in-kind.

In-kind employer match alternatives to cash must be relevant to the specific project and documented. The use of cash or in-kind is a local WIB decision.

7. Allowable Costs for Customized Training

Allowable costs may include only costs directly related to training. Examples of allowable costs include, but are not limited to, the following:

a) Instructor's / trainer's salaries;

b) Wages of trainees while attending Customized Training;

c) Curriculum development; and

d) Textbooks, instructional equipment, manuals, materials and supplies.

8. Unallowable Costs for Customized Training

Unallowable costs include but are not limited to:

a) Trainees' benefits/fringes;

b) Costs that are not directly related to Customized Training for eligible individuals under Title I;

c) Foreign travel; and/or

d) Purchase of capital equipment.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Section 202 (8)

WIATL 22-B Waiver Authority to Use 20% of the Adult and Dislocated Worker Formula Allocation for Incumbent Worker Training

U.S. Department of Labor, Waiver Approval Letter, November 5, 2007

Federal Debarment Site: http://www.epls.gov

State Tax Status Site:
http://www2.sos.state.oh.us/pls/portal/PORTAL_BS.BS_QRY_BUS_INFORMATION1.SHOW_PARMS

Federal Environmental Compliance Site: http://www.epa-echo.gov/echo/index.html

Independent Contractor - Definition of Employment in OAC CH. 4141-3-05
I. **Purpose**
To establish joint procedures and operational parameters for implementation of the Incumbent Worker Training Program (IWTP) administered by the Ohio Dept of Development (ODOD), Workforce and Talent Division.

II. **Effective Date**
March 1, 2008

III. **Background**
The Incumbent Worker Training Program (IWTP) is a new addition to the array of business services offered through ODOD. With this initiative, Ohio's businesses will have access to a wide array of services offered through both ODOD and local WIBs through collaborative partnerships established throughout the state. The IWTP is authorized under House Bill 372 effective March 1, 2008 through June 30, 2009.

IV. **Guidance Statements**

A. **Program Overview**

Working together, ODOD Regional Workforce Directors and local WIB Directors (or their designees) will develop strategies that foster a streamlined approach to serving the business community within the region. As both ODOD and local WIBs offer services for businesses, it is essential that representatives from both entities have a common understanding and awareness of the availability of all services in order to ensure that business and industry customers have access to the best service package.

ODOD Regional Workforce Directors and WIB Directors or designees will work collaboratively to identify businesses that may be in need of training assistance for their workforce. Regardless of how the initial contact is made with a business, ODOD will be responsible to assess the business needs and determine the best strategy to assist the business, in partnership with the local WIB. Business services may include IWTP, Ohio Investment Training Program (OITP), or other types of assistance offered through ODOD and/or the local WIB's array of services.

If the determination is made that the business will be served through the IWTP, ODOD will submit (or assist the business in submitting) an approved training plan for funding through the Ohio Department of Job and Family Services (ODJFS). Local WIBs will acknowledge the approved training plan through sign-off. Local WIBs will then receive an allocation letter and a copy of the approved training plan for the project and will enter into a training contract utilizing the required template (provided by ODJFS) with the business based on the approved training plan. ODOD's Regional Workforce Director will then serve as a liaison between the business and the local WIB, providing general oversight of the project and assisting as needed.

Successful implementation of the IWTP occurs when the business has received services made available through the partnership between ODOD and the local WIB, workers have increased skills that enable them to advance earnings over time and obtain industry or employer recognized credentials, the business regains financial stability and viability within the regional
economy, or the business becomes engaged in the workforce investment system within the regional area.

B. Incumbent Worker Training - General Guidelines

IWTP will provide worker training assistance to businesses that are at risk of closing, downsizing, to expand capacity, or are in need of increased skill levels of the workforce. Training is developed with a business to upgrade the skills of a particular workforce and is conducted at the workplace or offsite. Training is designed to increase worker skills and competencies, and/or retrain workers with new technology-related skills that will improve their productivity.

An IWT that prevents a layoff or averts a business closure should be given priority consideration. Businesses that provide additional sources of funding to support the IWT make strong candidates for this program.

Participation in the IWTP is mutually beneficial to both the business and incumbent worker. Businesses participating in IWTP will benefit by having a more highly skilled workforce, which will result in increased financial viability, stability, competitiveness, and productivity. Workers receiving training under this initiative will receive needed skills that lead to job retention, increased earnings, promotions, and/or credentials/certificates and skills that are transferable and marketable in the regional economy.

High wages, high costs for recruitment, and or positions that remain unfilled for long periods of time may indicate a shortage of skills within the workforce. This program should target occupations in industries that have documented skill shortages. The program should also provide training that leads to credentials that are portable, transferable, and or recognized by the business community. The training should develop the skills of the workforce and lead to enhanced career pathways for individual employees.

For the purposes of this program and OMB Circular A-133, an approved business is not a vendor or subrecipient. These businesses are determined to be beneficiaries of this federal program. From this point forward, approved businesses will be referred to as "beneficiaries."

All beneficiaries receiving assistance through the IWTP must ensure that workers trained under this program are authorized to work in the United States and are willing to provide documentation to verify this status upon request. Documentation could include copies of I-9's for trainees.

Beneficiaries participating in the IWTP must pay for at least 50 percent of the cost of training. Trainee wages are not included in the cost of training.

No IWTP funds may be used, or proposed for use, to encourage or induce the relocation of a business or part of a business if such relocation would result in a loss of employment for any employee of such business at the original location and the original location is within the United States.

No IWTP funds may be used for customized training, skill training, or on-the-job training for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business begins operations at the new location, if the relocation of the business or part of a business results in a loss of employment for any employee of the business at the original location and the original location is within the United States.

The maximum award payable to a beneficiary is 50 percent of the training program's cost, or $200,000, whichever is less. All awards will be paid to a beneficiary on a reimbursement basis. Beneficiaries are required to pay 100 percent of the total training program costs of which 50 percent will be reimbursed, up to the total award amount.
Beneficiaries shall be reimbursed for 50 percent of the actual training program costs, up to $1,000 for each employee, subject to the limitations of the total award. Training program costs shall not be averaged for each employee when determining training plan approvals or reimbursement amounts. Curriculum development costs are limited to 10 percent of the total training program costs.

Workers receiving training under IWTP must be permanent full-time employees of the beneficiary.

ODOD shall ensure that not less than 25 percent of beneficiaries served statewide in the IWTP initiative will be in non-manufacturing industries and have less than 500 employees.

C. Eligibility for Participating Beneficiaries

Whether the initial point of contact with the beneficiary is made by the ODOD Regional Workforce Directors or a local WIB Director or designee, it is important to gather sufficient information to determine the appropriate mix of services to meet the beneficiary's needs. The IWTP initiative is one of many business services offered and based upon a thorough assessment, it may be determined that a business could be better served through a program not funded under this initiative.

There are also businesses that should not participate in this initiative due to past or current violations of local, state, or federal law; unfair labor practices; and other conditions identified through the up front assessment process.

The ODOD Regional Workforce Directors and the local WIBs will ensure that the assurances and considerations listed below have been reviewed prior to the approval of a training plan.

- Businesses must be current on their local, state and federal tax obligations and compliant with all environmental requirements. Only businesses that are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or any other federal department or agency shall be considered for IWT.

- Businesses must ensure that they are not on the most recent list established by the Ohio Secretary of State that would identify them as having more than one (1) unfair labor practice contempt of court finding.

- Businesses must have all of the approvals, licenses, or other qualifications needed to conduct business in Ohio and all are current. Should this status change during the course of the IWTP activities and the business is disqualified from conducting business in Ohio, all training under the IWTP must cease.

- Governmental entities, including the city, county and state, may not participate in IWTP. Health care providers that are operating as not-for-profit governmental entities are the only allowable exceptions to this prohibition.

- Businesses that have relocated to Ohio and have laid-off workers at their former location in the United States may not be considered for this program until they have been in operation at the new location for 120 days.

- Businesses that have employees in a lay-off status should not be considered for an IWT unless the IWT will avert additional lay-offs.

- Businesses must adhere to all other assurances and certifications as listed in the training contract provided by ODJFS.

D. Training Provider Considerations
Community colleges, state universities, vocational schools, technical schools, licensed private institutions, and training providers on Ohio's statewide WIA Eligible Training Provider (ETP) list should be used whenever possible. Professional trainers from the business community, including staff from the business applying for funds, are acceptable alternatives.

Training providers without satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience, accredited instructors, high job placement rates, and or high training completion rates, should be avoided.

The training facility should provide an environment that supports learning and be within reasonable proximity to the trainees so the cost and time required for travel is minimized.

**E. Application for Funds and Contracting**

Once a beneficiary is determined to be eligible for IWTP, an approved training plan that has been acknowledged by the local WIB through signature, will be submitted to ODJFS. This training plan may be completed by a local ODOD Regional Workforce Director or by the beneficiary, assisted by ODOD staff.

Once the approved local training plan has been received by ODJFS, the appropriate local WIB Administrative Entity and the Fiscal Agent will be notified and an allocation letter will be issued by ODJFS to the area that includes an additional 3 percent of the cost of training to offset the administrative costs associated with this initiative. A copy of the approved training plan will accompany the allocation letter.

Upon receiving the allocation letter for the approved training plan, the local WIB will develop a training contract with the beneficiary that identifies all costs associated with IWTP, utilizing the required contract template provided by ODJFS. The contract will include only those costs identified in the approved training plan.

Funds for IWTP will be passed from ODJFS to the local WIB, and from the local WIB to the beneficiary, on a reimbursement basis. A beneficiary that has been approved to participate in IWTP will be reimbursed by the local WIB for actual costs paid, up to 50 percent. These beneficiaries may purchase training from any approved training provider subject to section IV., subsection D., of this transmittal as well as the limitations of their approved training plan. Beneficiaries will submit the documentation required by the local WIB for reimbursement of training costs.

All costs associated with the training must be allowable, allocable, reasonable, and necessary, following all state and federal guidelines.

**Allowable Costs for IWTP** may include but are not limited to:

- Instructor / trainer salaries*,
- Curriculum development, textbooks, manuals, training software, materials and non-consumables,
- Other necessary and reasonable costs directly related to training.

* This includes in-house trainers if utilized to provide training to the incumbent workers.

**Unallowable Costs for IWTP** may include but are not limited to:

- Trainee wages,
- Foreign travel,
- The purchase or lease of capital equipment.

**F. Grant Award Structure**
ODJFS will allocate funds for approved IWTP training plans to local WIBs only. WIBs will maintain all responsibility for audits and audit resolutions.

The primary audit responsibility will remain with the fiscal agent for all fiscal related functions, including financial reporting, budget tracking, and fiscal audits as with any program activity, and should be incorporated into local area monitoring practices. Local WIBs will determine documentation requirements for reimbursement of training costs. Approved IWTP activities will also be monitored by ODJFS. Program monitoring activities may include, but are not limited to, site visits; examination of program operations; review of beneficiary and trainee eligibility; and, review of outcomes and quality of training provided (refer to the USDOL handbook for more information on monitoring procedures).

G. Fiscal Reporting

The local area fiscal agent will reimburse the approved beneficiaries for IWTP up to 50 percent of the actual costs of the approved training contract. Allocation letters will be issued for the project via the normal ODJFS process in conjunction with the annual local area grant agreement. The allocation will be based on 50 percent of the approved training amount plus an additional 3 percent administrative cost.

The fiscal agents will follow the Ohio Administrative Code for specifics on the cash draws, fiscal reporting, and other related accounting functions.

Expenditures reported against the incumbent worker training program will be monitored by ODJFS as part of the regularly scheduled visit. Therefore, local areas should report expenditures in a timely manner.

H. Data Elements, Documentation and Program Reporting

Local WIBs are required to report IWTP beneficiaries and workers via the mini-incumbent worker registration in the Sharing Career Opportunities and Training Information (SCOTI) WIA system. Outcomes are also required.

Both HB 372 IWTP and local incumbent worker programs utilize the mini-incumbent worker registration in SCOTI. However, the reporting requirements are not always the same. In order to distinguish between the HB 372 IWTP and the local IWT program, WIBs are required to follow the instructions below when entering activities tied to this initiative.

Data Element: Contract ID

This is a local use field that can be utilized at the local level to track specific data unique to the area. This 5-character field may be alpha or numeric (or a combination of the two). For all HB 372 activities, the first two characters in this field must be entered as "HB."

Data Element: Type of IWT Program

Each project must be categorized as either Layoff Aversion or Workforce Talent Development as identified in the training plan when recorded in SCOTI. The category definitions are as follows:

Layoff Aversion IWT - a category of incumbent worker training allowable under this IWTP initiative that identifies the beneficiary as having a workforce in need of training due to the potential for workforce downsizing or closure.

Workforce Talent Development (WTD) IWT - a category of incumbent worker training allowable under this IWTP initiative that identifies the beneficiary as in need of training for its workers in order to expand capacity, increase skills and competencies, remain viable and competitive, and/or retrain with new technologies.

Data Element: Training Types
All training under the IWTP must be entered as "skills upgrade." (This is unlike the reporting requirements for local areas conducting incumbent worker training programs under waiver authority with up to 20 percent of local funds. With the local program, the type of training must be reported under the appropriate category of OJT, ITA, Customized Training, or Skills Upgrade.)

Additional Data Elements

The following additional data elements are included in the SCOTI mini-incumbent worker screen for reporting:

<table>
<thead>
<tr>
<th>WIB Number</th>
<th>County</th>
<th>Business Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAICS Code</td>
<td>Worker Name</td>
<td>Date of Birth</td>
</tr>
<tr>
<td>Worker SSN (optional)</td>
<td>Training Start Date</td>
<td>Planned End Date</td>
</tr>
<tr>
<td>Planned Training Hours</td>
<td>Actual End Date</td>
<td>Actual Training Hours</td>
</tr>
</tbody>
</table>

Worker outcomes must be reported and selected from the following list (multiple selections may be made):

<table>
<thead>
<tr>
<th>Completed training program</th>
<th>Did not complete training program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received vocational skill certificate</td>
<td>Received other credential</td>
</tr>
<tr>
<td>Worker remained employed with same business after exit</td>
<td>Worker is employed by a different business after exit</td>
</tr>
<tr>
<td>Worker received wage increase</td>
<td>Worker received promotion</td>
</tr>
<tr>
<td>Worker received other positive outcome</td>
<td></td>
</tr>
</tbody>
</table>

V. Technical Assistance

For questions regarding this policy, contact ODOD Talent and Workforce Division at WORKFORCE@odod.state.oh.us or ODJFS Office of Workforce Development at WIAQNA@JFS.OHIO.GOV.

VI. References

Amended Substitute House Bill 372, 127th G.A., Section 3
Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652
OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations
OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments
Incumbent Worker Reporting Requirements Memo, issued January 2, 2008 Ohio Dept. of Job and Family Services, Office of Workforce Development, John B. Weber
Rescissions: none
To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Helen E. Jones-Kelley, Director

Subject: Reporting Requirements for One-Stop Universal Customers

I. Purpose

This guidance is to introduce the reporting requirements for One-Stop universal customers served by WIA, as mandated by USDOL with the release of Training Employment Guidance Letter (TEGL) 17-05 in February 2006.

II. Effective Date

Immediately.

III. Background

USDOL Training and Employment Guidance Letter 17-05 and federal reporting instructions include the requirements for all states to report One-Stop universal customers as appropriate for all Wagner-Peyser, WIA adults, and dislocated workers receiving self-directed services and workforce information services (non-registered core services).

Due to these requirements, enhancements were made to the Sharing Career Opportunities and Training Information (SCOTI) system to facilitate the new reporting elements. In addition, a pilot program was successfully completed that enabled an upload of universal customer data elements into SCOTI from another reporting system.

IV. Guidance Statement

Due to changes in federal reporting guidelines, local areas must begin reporting required data elements for One-Stop universal customers who are age 18 and over. One-Stop customers are included in this requirement if the services, staff, facility, or activity was funded in whole or in-part by WIA and/or Wagner-Peyser funds.

The mini-registration in SCOTI WIA and LE enable users to record the new data elements to satisfy the federal requirements. Both self-directed and workforce information services are recorded via the mini-registration. All local areas currently utilizing the mini-registration for tracking universal customers meet the new reporting requirements. However, the State recognizes that some local areas have incorporated other reporting systems for this target group, and that these systems meet local area needs for generating One-Stop related reports.

For those areas not utilizing the SCOTI mini-registration, an upload process has been developed to enable local areas to upload their data collected for universal customers from non-SCOTI local systems. With the mini-registration in SCOTI and the upload program in place, the State is now prepared to report One-Stop universal customer data from all local areas through quarterly and annual federal reports to USDOL.

The State will work with areas utilizing alternate methods to track universal customers, to assist in the preparation for the upload process. Test runs will be facilitated to ensure that the upload file is accepted properly. Instructions for the upload are found in Attachment A. Data specifications can be found online at the following URL: https://scoti.ohio.gov/scoti_lexs.
Local areas are encouraged to upload on a quarterly basis, during the first two weeks of each quarter. The upload submission should contain data from the previous quarter and data from prior quarters that has not been previously submitted. Ad-hoc reports are available in Discoverer.

Local areas not tracking One-Stop universal customers receiving self-directed or workforce informational services are urged to determine the best method to comply with the new reporting requirements as quickly as possible. Whether local areas utilize the SCOTI mini-registration, G-Stars, or a compatible alternate system, data must be collected and able for upload by 7/1/08.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: SCOTI-HELP-DESK@JFS.OHIO.GOV.

SCOTI Help Desk - Tel. # 1-888-296-7541, option 2

VI. References

WIA Rule 5101:9-30-04 (A) (B)

USDOL, Training Employment Guidance Letter 17-05, February 17, 2006

Workforce Investment Act of 1998, Public Law 105-220

WIA Final Rules, 20 CFR, Chapter V, Part 652.3

Rescissions: None

Attachment A

Instructions for Mini-Seeker File Upload

1. Go to URL: https://scoti.ohio.gov/scoti_lexs
2. Click on the icon titled: UPLOADS
3. Click on the New User? Register for a new account to upload Employer & Seeker files.
4. Complete the 7 fields for registration. Click on Submit Registration.
5. The screen should update and display your registration confirmation: Employer & Seeker Upload User Registration Successful... Your registration has been submitted. An email confirmation request will be sent to the email address you just provided. Please respond to that email. Once your registration is approved, an email with the assigned password will be sent to your email address.
6. After you receive your password, you can begin to upload your file.
7. Go to URL: https://scoti.ohio.gov/scoti_lexs
8. Click on the icon titled: UPLOADS
9. From the login screen, type in your USERNAME (your email address) and your assigned PASSWORD (sent in an email).
10. Click on Seeker File Upload
11. Select the file format titled: Mini - Seeker File Specification
I. Purpose
To provide clarification regarding the waiver authority to replace the statutory performance measures with the Common Measures for reporting of performance.

II. Effective Date
Immediately.

III. Background
WIA Section 136(b), 136(c) and the accompanying regulations in 20 CFR 666.100 and 666.300 establish seventeen performance measures that local areas and the State have to report to the US Department of Labor (USDOL). In addition, TEGL 17-05 introduced additional performance measures that local areas have to report. In May 2007, Ohio submitted a waiver request to allow the State to replace the statutory performance measures with the nine Common Measures that are identified in TEGL 17-05. On November 5, 2007, USDOL approved this waiver request. Under this waiver, Ohio will be able to simplify the reporting system by discontinuing the use of the current seventeen statutory measures and to fully implement the nine performance criteria under the Common Measures. The State believes that this simplified performance reporting system is crucial for the continued improvement of the service delivery system. This waiver will be implemented for the reporting of the performance outcomes beginning with Program Year 2007.

On October 10, 2007, USDOL issued TEGL 9-07, which revised DOL’s WIA incentive and sanctions policy. This new federal guidance explains that all states, even those that have received approvals to report only outcomes on the Common Measures, will be considered for incentives or sanctions. Therefore, beginning with PY 2007 the state of Ohio, as well as each local area, will be held accountable to the negotiated Common Measures standards.

This policy describes the Common Measures and sets an additional reporting requirement for the implementation of this waiver.

IV. Guidance Statement
As of program year 2007, the state of Ohio and local Workforce Development Areas will be held accountable only to the Common Measures. Annual standards for the Common Measures will be negotiated between the USDOL and the State, and between the State and local areas. The negotiation process is outlined in a separate communication.

The Common Measures are described below:

ADULT/DISLOCATED WORKER MEASURES

Please note: The Dislocated Worker program has the same Common Measures as the Adult program. The performance for the Adult and Dislocated Worker programs will be reported separately.

• Entered Employment
  Of those who are not employed at the date of participation:
The number of Adult/Dislocated Worker participants who are employed in the first quarter after the exit quarter divided by the number of Adult/Dislocated Worker participants who exit during the quarter.

Individuals who are employed at the date of participation are excluded from this measure. However, employed individuals who have received a notice of termination of employment, who have been notified that the facility will close, or individuals who are transitioning service members are considered unemployed, and are included in the performance measure. The employment status at participation is collected from the individual, not from wage records.

- **Employment Retention**
  Of those who are employed in the first quarter after the exit quarter:
  The number of Adult/Dislocated Worker participants who are employed in both the second and third quarters after the exit quarter divided by the number of Adult/Dislocated Worker participants who exit during the quarter.
  This measure includes only those individuals that are employed in the first quarter after the exit quarter, regardless of their employment status at participation. The employment in the first, second, and the third quarter does not have to be with the same employer.

- **Average Earnings**
  Of those Adult/Dislocated Worker participants who are employed in the first, second, and third quarter after the exit quarter:
  Total earnings in the second plus the total earnings in the third quarter after the exit quarter divided by the number of Adult/Dislocated Worker participants who exit during the quarter.
  Wage record will be the only data source for this measure. Individuals whose employment in either the first, second, or third quarter after exit was determined solely from supplemental sources, will be excluded from this measure.

**YOUTH MEASURES**

Please note: There is one set of Youth measures, the distinction between Older Youth and Younger Youth does not apply.

- **Placement in Employment or Education**
  Of those who are not in post-secondary education or employment (including the military and apprenticeship) at the date of participation:
  The number of youth participants who are in employment (including the military and apprenticeship) or enrolled in post-secondary education and/or advanced training/occupational skills training in the first quarter after the exit quarter divided by the number of youth participants who exit during the quarter.
  Employment and education status at the date of participation are based on information that is collected from the participant. Individuals who are in secondary school at exit will be included in this measure.

- **Attainment of a Degree or Certificate**
  Of those enrolled in education (at the date of participation or at any point during the program):
  The number of youth participants who attain a diploma, GED, degree, or certificate by the end of the third quarter after the exit quarter divided by the number of youth participants who exit during the quarter.
  The term education refers to participation in secondary school, post secondary school, adult education program, or other organized program of study that leads to a degree or a certificate.
Individuals who are in secondary school at exit will be included in this measure. The term certificate under this measure is defined in TEGL 17-05. Work readiness types of certificates are not accepted under this measure.

- **Literacy and Numeracy Gains**

  *Of those out-of-school youth who are basic skills deficient:*

  The number of youth participants who increase one or more educational functioning levels divided by the number of youth participants who have completed a year in the program (i.e., one year from the date of first youth program service) plus the number of youth participants who exit before completing a year in the youth program.

  Only out-of-school youth who are basic skills deficient are included in this measure. In-school youth are excluded from this measure, however, the determination of school status is only made at the point of program participation. Out-of-school youth must be assessed in basic reading/writing, math, and language. It is allowable to use pre-tests that are administered up to six months prior to the first WIA youth service. Out-of-school youth who are not basic skills deficient based on the pre-test, are excluded from this measure. In order to count as a positive performance, the youth must have demonstrated in the post-test that she/he has advanced one or more educational functioning levels within one year from the date of the first youth program service. The measure will include out-of-school youth who were determined to be basic skill deficient, but were not given a post-test prior to exiting, or exited before completing one year in the youth program.

**Additional Reporting Requirement**

Local areas are still required to track and report in SCOTI credential/certificate outcomes for those WIA Adult and Dislocated Worker participants who receive training services. This reporting requirement will not be associated with a federal standard that local areas will have to meet. The term "credential/certificate" has the same meaning as in TEGL 17-05 (this definition is provided in attachment A). Local areas will record credential/certificate attainments in the SCOTI "Credential" field under the menu "Post Exit and Wages", "Q3 Post Exit" tab. Please see attachment B for illustration of this screen.

This requirement will not adversely affect participants who are in programs such as On-the-Job or Customized Training as we are collecting the certificate rates for planning and informational purposes.

**Optional Reporting**

With the issuance of this guidance, local areas will no longer be required to report data for the statutory performance measures listed below. However, SCOTI fields will remain available for use by local areas that wish to continue collecting data around these measures.

- **For Older Youth:**
  - Entered Employment
  - Employment Retention
  - Earnings Change
  - Employment and Credential

- **For Younger Youth:**
  - Skill Attainment
  - Diploma/Equivalent Attainment
  - Retention

- Employer and Participant Customer Satisfaction
V. **Technical Assistance**
For additional information, you may send your questions to the Bureau of Employer Services-WIA: WIAQNA@odjfs.state.oh.us.

VI. **References**


Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Section 136(b) and 136(c).

Rescissions: WIATL 8 Youth Performance Measures
WIAGL 8 Youth Performance Measures

**WIATL 37 Attachment A: Definitions**

**WIATL 37 Attachment B: SCOTI Fields**
Workforce Investment Act (WIA) Transmittal Letter No. 36-A
May 22, 2008

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Helen E. Jones-Kelley, Director

Subject: ITA Obligations

I. Purpose
To clarify the reporting requirements for Individual Training Account (ITA) obligations.

II. Effective Date
Immediately.

III. Background
Training and Employment Guidance Letter No 16-99, Change 1 was issued by the United States Department of Labor (USDOL) to provide clarification for WIA financial reporting. In this guidance, USDOL defined "Unliquidated Obligation" as an obligation incurred against local area funds, for which an outlay (accrued expenditure) has not yet been recorded in the local entities' official accounting records. This amount should include the unexpended portion of awards to subgrantees and contractors. In addition, "Total Obligations" are defined as the sum of net outlays and the unliquidated obligations. Total obligations should include the aggregate of legal commitments made by local grant recipients to pay for future program activities. Legal commitments made by local grant recipients are considered an obligation at the local level at the time of the legal execution of applicable agreement(s).

For reporting purposes, the term "Unliquidated Obligation" is referred to as an "Obligation," and is defined in the WIA regulations (20 CFR 660.300) as "amounts of orders placed, contracts and subgrants awarded, goods and services received, and similar transactions during a funding period that will require payment by the recipient or subrecipient during the same or a future period."

The timing of the reporting of obligations for ITAs has been subject to much discussion in local areas, and this guidance provides additional explanation of when and what to report as obligations for ITAs.

IV. Guidance Statement
As of the effective date of this guidance, the following guidelines apply:

A. ITAs must be obligated at the time when 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 individual 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 training program (as defined in 20 CFR 663.508), and the school has accepted the enrollment application and signed off on the ITA.

B. ITAs may be obligated for the costs that will be incurred during the training program. However, if the training period exceeds two years, only that portion of the costs to be paid in the two-year period can be reported as an obligation. Thus, for multiple-year ITAs, obligations may only be reported for up to 24 months of training.

C. Local areas may impose additional requirements for reporting of ITA obligations, and must also comply with all local regulations and practices.

D. Local 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.
E. The oldest funds should be obligated and expended first.

Additional Considerations

Appropriate fiscal management practices will be especially important for areas that will report ITA obligations for a full two-year training period. In order to ensure the most effective use of training funds, local areas are advised to analyze past training completion and drop-out rates so as to determine the acceptable level of over obligation, and to regularly deobligate funds when individuals drop out or do not complete the training program. Deobligation of funds will allow training to be available to other WIA participants. With proper deobligation practices, local areas can avoid situations where funds are under-spent due to individuals leaving the training prior to completion.

V. Technical Assistance

For additional information, you may send your questions to the Bureau of Employer Services-WIA: WIAQNA@JFS.OHIO.GOV.

VI. References


WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 660.300, 663.508

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998
Workforce Investment Act (WIA) Transmittal Letter No. 36

February 1, 2008

To: Local Elected Officials, WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Helen E. Jones-Kelley, Director

Subject: ITA Obligations

I. Purpose

To clarify the reporting requirements for Individual Training Account (ITA) obligations.

II. Effective Date

Immediately.

III. Background

Training and Employment Guidance Letter No 16-99, Change 1 was issued by the United States Department of Labor (USDOL) to provide clarification for WIA financial reporting. In this guidance, USDOL defined "Unliquidated Obligation" as an obligation incurred against local area funds, for which an outlay (accrued expenditure) has not yet been recorded in the local entities' official accounting records. This amount should include the unexpended portion of awards to subgrantees and contractors. In addition, "Total Obligations" are defined as the sum of net outlays and the unliquidated obligations. Total obligations should include the aggregate of legal commitments made by local grant recipients to pay for future program activities. Legal commitments made by local grant recipients are considered an obligation at the local level at the time of the legal execution of applicable agreement(s).

For reporting purposes, the term "Unliquidated Obligation" is referred to as an "Obligation," and is defined in the WIA regulations (20 CFR 660.300) as "amounts of orders placed, contracts and subgrants awarded, goods and services received, and similar transactions during a funding period that will require payment by the recipient or subrecipient during the same or a future period."

The timing of the reporting of obligations for ITAs has been subject to much discussion in local areas, and this guidance provides additional explanation of when and what to report as obligations for ITAs.

IV. Guidance Statement

As of the effective date of this guidance, the following guidelines apply:

A. ITAs must be obligated at the time when 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 individual must be enrolled in a training program for an obligation to be reported. Enrollment can occur when a participant agrees to attend a specific training program (as defined in 20 CFR 663.508), and the school has accepted the enrollment application and signed off on the ITA.

B. ITAs may be obligated for the costs that will be incurred during the training program. However, if the training period exceeds two years, only that portion of the costs to be paid in the two-year period can be reported as an obligation. Thus, for multiple-year ITAs, obligations may only be reported for up to 24 months of training.

C. Local areas may impose additional requirements for reporting of ITA obligations, and must also comply with all local regulations and practices.

D. Local 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.
E. The oldest funds should be obligated and expended first.

Additional Considerations

Appropriate fiscal management practices will be especially important for areas that will report ITA obligations for a full two-year training period. In order to ensure the most effective use of training funds, local areas are advised to analyze past training completion and drop-out rates so as to determine the acceptable level of over obligation, and to regularly deobligate funds when individuals drop out or do not complete the training program. Deobligation of funds will allow training to be available to other WIA participants. With proper deobligation practices, local areas can avoid situations where funds are under-spent due to individuals leaving the training prior to completion.

V. Technical Assistance

For additional information, you may send your questions to the Bureau of Employer Services-WIA: WIAQNA@odjfs.state.oh.us.

VI. References


WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 660.300, 663.508

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998
Workforce Investment Act (WIA) Transmittal Letter No. 33

July 3, 2007

To: Local Elected Officials, WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Helen E. Jones-Kelley, Director

Subject: Youth Services and Program Participation

I. **Purpose**
   
   To provide local workforce areas with guidance and information regarding the definition of youth framework activities, and their relationship to the ten youth program elements.

II. **Effective Date**
   
   Immediately.

III. **Background**

   Framework activities have been previously defined to include the process of intake, determination of youth eligibility, initial assessment, objective assessment, and the development of the individual service strategy. With the implementation of youth common measures and the Department of Labor Training and Employment Guidance Letter (TEGL) 17-05, the State of Ohio is clarifying the definition of framework activities and youth enrollment activities. This guidance has a direct impact on the reporting requirements in SCOTI and the use of framework activities.

IV. **Guidance Statement**

   **Program Elements**

   Section 129 (c)(2) of the Workforce Investment Act (WIA) establishes the requirement of the local youth program elements to specifically include ten key components:

   1. Tutoring
   2. Alternative secondary school services
   3. Summer employment opportunities
   4. Paid and unpaid work experiences
   5. Occupational skill training
   6. Leadership development opportunities
   7. Supportive services
   8. Adult mentoring
   9. Follow-up services
   10. Comprehensive guidance and counseling (as appropriate)

   Although the ten program elements must be provided and/or made available to WIA eligible youth participants in each local area, they are not the sole array of services that make up the local youth programs.

   **Framework Activities**

   Framework activities must also be provided, and are defined under WIA section 129 (c)(1). These framework activities are the basis for the services received in the youth program and are as follows:
• An objective assessment of each participant consisting of the assessment of academic levels, skill levels, service needs, basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs

• Individual service strategies identifying an employment goal (including nontraditional jobs, as appropriate), appropriate achievement objectives, and appropriate services needed as a result of the objective assessment

Each framework activity is integral to the youth program, and is intended to be on-going throughout program participation. Framework activities serve as the basis for which decisions are made that lead to the receipt of the array of the ten program elements. Participation in framework activities requires the youth to be enrolled as a participant in the WIA youth program.

Pre-enrollment Activities

Clearly, there are an array of activities that must occur before the enrollment into the WIA youth program. These "pre-enrollment" activities include recruitment, intake, initial assessment including an initial determination of barriers and suitability for the program, referrals, and the determination of WIA youth eligibility. However, none of these activities should be considered framework activities or 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 WIA youth program.

In addition to the "pre-enrollment" activities listed above, informational and self-help activities provided through One-Stop centers are not considered registered services in the WIA youth program.

SCOTI and Reporting Requirements

Per USDOL TEGL 17-05, program participation begins when the participant receives the first service funded by the program after eligibility has been determined. This occurs AFTER the determination of program eligibility has been made.

Because the framework activities direct the assessment and determination of the kinds of services a youth participant will receive, the first program service reported in SCOTI will be called "Framework Activities." From this service category, the mix of the ten youth components is identified and will be recorded in SCOTI, as appropriate. Framework activities are considered to be registered services, and all participants will be counted in the WIA youth program performance calculations.

V. Technical Assistance

For additional information, you may send your questions to the Bureau of Workforce Services: wiaqna@odjs.state.oh.us.

VI. References


Workforce Investment Act 20 CFR Part 664, August 11, 2000

USDOL, Training Employment Guidance Letter 17-05, February 17, 2006
I. Purpose
This communication provides state policy and operational parameters for the expansion of Ohio's Career Advancement Accounts (CAA) through the One-Stop service delivery system.

II. Effective Date
August 18, 2008

III. Background
On October 26, 2006, Ohio was chosen by the U.S. Department of Labor (DOL) as one of five states to participate in a two-year pilot program called "Career Advancement Accounts." In the first year of implementation, the program was designed to be a fast track to short-term training for workers impacted by the Ford Motor Company, General Motors and Daimler Chrysler plant closures or shift reductions; workers from supplier companies that were experiencing shift reductions; and workers from community businesses that were experiencing layoffs or closures as a result of auto industry declines.

In April 2008, the CAA program eligibility was expanded to include all dislocated workers and workers who are at risk of losing their jobs (incumbent workers in need of layoff aversion training).

In August of 2008, the process to expend $3,000 per-year, per-participant was modified by DOL to allow $6,000 per participant over a two year period, even if those costs occurred within the first program year. The CAA program is scheduled to end June 30, 2009.

IV. Policy Statements
CAAs are individualized training accounts specifically targeted to Ohio's workers impacted by the downsizing and closures of companies and who have limited access to other training programs. CAA will be available and accessible through all One-Stop centers in Ohio and will focus on short-term training programs designed to enable eligible workers to gain marketable skills that will lead to new career opportunities or career advancement. One-Stops will ensure that eligible workers are informed of availability of CAA as well as of the full array of services offered through the One-Stop partners, including WIA Adult and Dislocated Worker programs. Through the provision of this information, workers will be prepared to make informed decisions on the type of services and training that are most effective for their situations and to make applications to the appropriate program or programs.

Local Workforce Investment Boards (WIBs) must review existing local policies to determine if additional policies are needed for successful implementation of CAA in their areas. To the extent possible, Ohio maintains the importance of local decision-making, while preserving the intent of the CAA program.

CAAs are to be available and implemented in a manner that is expedient and responsive to the impacted worker's needs. CAAs are outside the WIA program requirement of sequential services (core-intensive-training). All CAA participants must be determined eligible, approved for enrollment and complete training by June 30, 2009 in order to access CAA funds. Therefore, local areas are strongly encouraged to develop processes that do not unnecessarily impede access to training services.

A. Eligibility
1. CAAs are available to workers who are:
a) 18 years of age or over;

b) U.S. citizens or authorized to work in the U.S;

c) Properly registered for Selective Service;

d) Is laid off through no fault of his/her own due to plant closure or individual layoff; or

e) Is at risk of layoff and is categorized as an incumbent worker; or

f) Is a displaced homemaker.

Workers who meet the criteria above and who are under a pending Trade Adjustment Assistance (TAA) petition, or are under an "appeal" of a DOL trade determination (where an employer or a representative has appealed denial of TAA) are eligible. However, if the workers are actively implementing their CAA and subsequently become TAA eligible, the CAA must be closed and workers must follow their TAA Re-Employment Plans.

The "self-sufficiency" screening required for employed applicants for WIA Adult and Dislocated Worker programs does not apply to CAA applicants, unless the CAA participant is co-enrolled in the WIA Adult or Dislocated Worker program for intensive or supportive services.

2. CAAs are not intended for workers who have ready access to other training assistance. Therefore, the following workers are not eligible to receive CAA:

a) Workers who have an ITA through the WIA Adult or Dislocated Worker program.

b) Workers who are eligible for TAA benefits through the Trade Act.

c) Workers who are under an "appeal" due to workers’ non-adherence to their TAA Re-employment Plan.

d) Workers who are not eligible for Trade benefits due to factors other than lack of work separation (i.e. worker was terminated).

3. Local areas will determine if the worker meets the eligibility criteria listed above. WIA Adult and/or Dislocated Worker eligibility may be documented during the process of CAA determination, but is not required unless WIA core, intensive, or supportive services are planned.

4. Local areas may develop a priority of service policy in order to effectively manage the CAA program. The priority criteria may include the eligible worker category above (A (1) (d),(e) and (f)), the need of training to secure self-sufficient employment in a demand occupation, worker eligibility for buyouts, early retirement, or other resources such as Pell grants, etc. Local areas are reminded that veterans’ preference is mandatory for all levels of services through federal employment and training programs, regardless of the other criteria in local priority policies.

5. Once the local area has identified a worker as eligible for a CAA, obtained sufficient documentation, and the appropriate data has been entered in SCOTI under the three basic intake screens, eligibility for this individual can be calculated in SCOTI. The date of eligibility becomes the approval date for the CAA program and marks the beginning of the time-limited program duration.

B. Participant Agreement

All applicants must sign a CAA participant agreement that ensures full understanding of training expectations and responsibilities, how the training will be funded, and obligations for reporting and follow up.

Local areas will develop CAA Participant Agreements that will include the worker’s attestation that he/she will meet all conditions set forth in the local agreement. Local areas may incorporate language
for CAA into existing agreements, or create specific agreements for the CAA program. Local areas may wish to consider language that addresses the following:

- Attendance requirements.
- Pass/Fail requirements.
- Communication and contact procedures with local area staff.
- Procedures for follow-up upon obtaining employment.
- Procedures for situations involving hardship and dropping out of the program.

C. Program Duration

Individual CAAs will be approved based upon a rolling calendar year, rather than by program year or state fiscal year. The one year clock begins with the date of eligibility / approval date. Therefore, year 1 refers to months 1-12 from the first date of CAA eligibility, as entered by the local staff. Likewise, year 2 funds indicate months 13-24 from the first date of CAA eligibility.

All CAA training must be completed by 6/30/09.

D. Training Services

The CAA program is to focus on short-term training, defined as less than one year in duration. Local areas may approve training using providers included in the Ohio Eligible Training Provider Online system or other training providers. However, all CAA training must lead to degrees, licenses, or industry recognized certificates or credentials. Selection of the training providers is determined at the local level.

Training requirements and limitations are as follows:

a) Training may not exceed the limit of $6000 per participant.

b) WIA ITAs may not be utilized to supplement the cost of the CAA.

c) Training must lead to attainment of a degree, a license, or an industry-recognized certificate or credential.

d) Workers may re-apply for a CAA if failure to complete the program was due to hardship. Hardship will be determined at the local level.

E. CAA Account Awards and Management

Local areas will determine the amount of the CAA obligation and forward requests to the ODJFS Office of Workforce Development for approval. Once approved at the state level, the local area will receive a confirmation of the state's approval with an assigned number. Each week, the Office of Workforce Development will batch approved requests by area and request the Office of Fiscal Services to issue an allocation letter to the area. The allocation letter will reference the approved account numbers so that local areas can link customers to the allocation award.

Based upon the local procedures, the One-Stop systems will issue payments to vendors, and the local area fiscal agent will report the expenditures (both CAA account and CAA administrative costs) through the established County Finance System. Local areas are allocated up to 5% in administration for managing the CAA program.

F. Co-Enrollment

Local areas will ensure that eligible workers are informed of the wide array of services available through the One-Stop service delivery system and will promote maximum customer choice. Local areas may enroll WIA eligible CAA participants in the Adult or Dislocated Worker program, as appropriate, to provide registered core, intensive or supportive services that are needed to support the
CAA and ensure successful completion of the training. WIA enrollment may continue beyond the completion of the CAA, based upon the needs of the workers.

CAA participants who are co-enrolled in the local WIA Adult or Dislocated Worker program will be included in all appropriate WIA performance measures.

CAA participants who are not co-enrolled into WIA Adult or Dislocated Worker programs will not be counted in the local areas' performance measures. Common measures, as defined in TEGL 17-05, will be used to report outcomes for those participants enrolled only in CAA.

G. **Reporting**

The U.S. Department of Labor has established reporting requirements for all workers served in the CAA program. Initial CAA program data will be reported using the Sharing Career Opportunities and Training Information (SCOTI) system. Updates to the SCOTI system capture key and supplemental data, and will be rolled out to the local areas in phases.

Initially, SCOTI was updated to capture individual CAA participant's data including: intake, eligibility determination, acceptance or decline of the CAA offer, and training services selected.

Additional phases may incorporate exchanges of data between OJI (the state reporting system for Unemployment Compensation and the Trade program) and SCOTI.

Additional data, which is requested by DOL, must be reported by the local areas through alternative methods (paper forms, manual tracking, etc.). Detailed reporting instructions will be issued separately to the CAA points of contact.

H. **Monitoring / Documentation**

ODJFS program and fiscal monitoring will be incorporated into the existing audits and program reviews to ensure data validation and adherence to CAA implementation policy and procedures.

Local areas may follow the guidelines established in WIATL 27, "Source Documentation for WIA Eligibility," for CAA general eligibility (Age, Authorization to Work, Selective Service Registration) documentation.

Suggested documentation for establishing dislocated worker or at-risk of layoff status include:

- Employer notice of layoff or pending layoff.
- Receipt of Unemployment Compensation (current recipient or exhausted UC).
- Self-attestation of layoff, at-risk of layoff, or displaced homemaker status.

For CAA participants who are co-enrolled in the WIA Adult or Dislocated Worker programs, local areas shall adhere to existing eligibility criteria and documentation requirements for these programs listed in WIAGL 6-2000, "WIA Eligibility Determination and Documentation," and WIATL 27, "Source Documentation for WIA Eligibility."

The State, DOL, or its contractors will be evaluating this demonstration program. In order to gather information for this purpose, local areas may be required to accommodate site visits by providing access to key personnel and necessary data.

I. **Local CAA Contact Designation**

Local areas must establish a primary point of contact (POC) for the CAA program. An alternate POC is also required. This will provide a means for on-going communication between the Office of Workforce Development and the local area throughout implementation. Local areas must submit the primary and alternate POC for each One-Stop center in the area, and include the following:

- Name.
- Title.
• Agency.
• Workforce Area #.
• Address.
• Phone Number.
• Fax Number.
• E-Mail Address.

POC information is to be submitted via e-mail to:
WIAQNA@JFS.OHIO.GOV. Please insert this language in the subject line of the message: CAA POC.

V. Technical Assistance
For additional information, you may send your questions to the Bureau of Workforce Services: WIAQNA@JFS.OHIO.GOV, subject line: CAA.

VI. References
Ohio Career Advancement Account Plan, February 2007
WIAGL 6-2000, WIA Eligibility Determination and Documentation
WIATL 27, Source Documentation for WIA Eligibility
Ohio Career Advancement Account Plan Modification, February 2008
Ohio Career Advancement Account Plan Addendum, August 15, 2008
USDOL Addendum Approval, August 18, 2008
Rescissions: WIATL 32A Ohio’s Career Advancement Accounts
Workforce Investment Act (WIA) Transmittal Letter No. 32-A

May 22, 2008

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Helen E. Jones-Kelley, Director

Subject: Ohio's Career Advancement Accounts

I. Purpose

This communication provides state policy and operational parameters for the expansion of Ohio's Career Advancement Accounts (CAA) through the One-Stop service delivery system.

II. Effective Date

April 1, 2008

III. Background

On October 26, 2006, Ohio was chosen by the U.S. Department of Labor (DOL) as one of five states to participate in a two-year pilot program called "Career Advancement Accounts." In the first year of implementation, the program was designed to be a fast track to short-term training for workers impacted by the Ford Motor Company, General Motors and DaimlerChrysler plant closures or shift reductions; workers from supplier companies that were experiencing shift reductions; and workers from community businesses that were experiencing layoffs or closures as a result of auto industry declines.

In April 2008, the CAA program eligibility was expanded to include all dislocated workers and workers who are at risk of losing their jobs (incumbent workers in need of layoff aversion training).

IV. Policy Statements

CAAs are individualized training accounts specifically targeted to Ohio's workers impacted by the downsizing and closures of companies and who have limited access to other training programs. CAA will be available and accessible through all One-Stop centers in Ohio and will focus on short-term training programs designed to enable eligible workers to gain marketable skills that will lead to new career opportunities or career advancement. One-Stops will ensure that eligible workers are informed of availability of CAA as well as of the full array of services offered through the One-Stop partners, including WIA Adult and Dislocated Worker programs. Through the provision of this information, workers will be prepared to make informed decisions on the type of services and training that are most effective for their situations and to make applications to the appropriate program or programs.

Local Workforce Investment Boards (WIBs) must review existing local policies to determine if additional policies are needed for successful implementation of CAA in their areas. To the extent possible, Ohio maintains the importance of local decision-making, while preserving the intent of the CAA program.

CAAs are to be available and implemented in a manner that is expedient and responsive to the impacted worker's needs. CAAs are outside the WIA program requirement of sequential services (core-intensive-training). All CAA participants must be determined eligible and approved for enrollment by 12/31/2008 in order to access CAA funds. Therefore, local areas are strongly encouraged to develop processes that do not unnecessarily impede access to training services.

A. Eligibility

1. CAAs are available to workers who are:
   a) 18 years of age or over;
   b) U.S. citizens or authorized to work in the U.S;
c) Properly registered for Selective Service;
d) Is laid off through no fault of his/her own due to plant closure or individual layoff; or
e) Is at risk of layoff and is categorized as an incumbent worker; or
f) Is a displaced homemaker.

Workers who meet the criteria above and who are under a pending Trade Adjustment Assistance (TAA) petition, or are under an "appeal" of a DOL trade determination (where an employer or a representative has appealed denial of TAA) are eligible. However, if the workers are actively implementing their CAA and subsequently become TAA eligible, the CAA must be closed and workers must follow their TAA Re-Employment Plans.

The "self-sufficiency" screening required for employed applicants for WIA Adult and Dislocated Worker programs does not apply to CAA applicants, unless the CAA participant is co-enrolled in the WIA Adult or Dislocated Worker program for intensive or supportive services.

2. CAAs are not intended for workers who have ready access to other training assistance. Therefore, the following workers are not eligible to receive CAA:
   a) Workers who have an ITA through the WIA Adult or Dislocated Worker program.
   b) Workers who are eligible for TAA benefits through the Trade Act.
   c) Workers who are under an "appeal" due to workers' non-adherence to their TAA Re-employment Plan.
   d) Workers who are not eligible for Trade benefits due to factors other than lack of work separation (i.e. worker was terminated).

3. Local areas will determine if the worker meets the eligibility criteria listed above. WIA Adult and/or Dislocated Worker eligibility may be documented during the process of CAA determination, but is not required unless WIA core, intensive, or supportive services are planned.

4. Local areas may develop a priority of service policy in order to effectively manage the CAA program. The priority criteria may include the eligible worker category above (A (1) (d), (e) and (f)), the need of training to secure self-sufficient employment in a demand occupation, worker eligibility for buyouts, early retirement, or other resources such as Pell grants, etc. Local areas are reminded that veterans' preference is mandatory for all levels of services through federal employment and training programs, regardless of the other criteria in local priority policies.

5. Once the local area has identified a worker as eligible for a CAA, obtained sufficient documentation, and the appropriate data has been entered in SCOTI under the three basic intake screens, eligibility for this individual can be calculated in SCOTI. The date of eligibility becomes the approval date for the CAA program and marks the beginning of the time-limited program duration.

B. Participant Agreement

All applicants must sign a CAA participant agreement that ensures full understanding of training expectations and responsibilities, how the training will be funded, and obligations for reporting and follow up.

Local areas will develop CAA Participant Agreements that will include the worker's attestation that he/she will meet all conditions set forth in the local agreement. Local areas may incorporate language for CAA into existing agreements, or create specific agreements for the CAA program. Local areas may wish to consider language that addresses the following:

- Attendance requirements.
• Pass/Fail requirements.
• Communication and contact procedures with local area staff.
• Procedures for follow-up upon obtaining employment.
• Procedures for situations involving hardship and dropping out of the program.

C. **Program Duration**

Individual CAAs will be approved based upon a rolling calendar year, rather than by program year or state fiscal year. The one year clock begins with the date of eligibility / approval date. Therefore, year 1 refers to months 1-12 from the first date of CAA eligibility, as entered by the local staff. Likewise, year 2 funds indicate months 13-24 from the first date of CAA eligibility.

**All CAA participants must be determined eligible and approved for enrollment by 12/31/08 in order to receive CAA funds.**

D. **Training Services**

The CAA program is to focus on short-term training, defined as less than one year in duration. Local areas may approve training using providers included in the Ohio Eligible Training Provider Online system or other training providers. However, all CAA training must lead to degrees, licenses, or industry recognized certificates or credentials. Selection of the training providers is determined at the local level.

Training requirements and limitations are as follows:

a) Training may not exceed the limit of $3000 for year 1 and an additional $3000 in year 2.

b) WIA ITAs may not be utilized to supplement the cost of the CAA.

c) Training is limited to one year in duration, but under certain limited circumstances may be extended for an additional year. Given Ohio’s focus on short-term training, renewals may be considered only for individuals who have successfully completed year 1, and year 2 builds upon skills attained from the first year CAA.

d) Training must lead to attainment of a degree, a license, or an industry-recognized certificate or credential.

e) Workers may re-apply for a CAA if failure to complete the program was due to hardship. Hardship will be determined at the local level.

f) Workers who fail to complete their CAA agreement in year 1 are ineligible for year 2 funds, unless they meet the locally-defined hardship definition.

E. **CAA Account Awards and Management**

Local areas will determine the amount of the CAA obligation and forward requests to the ODJFS Office of Workforce Development for approval. Once approved at the state level, the local area will receive a confirmation of the state’s approval with an assigned number. Each week, the Office of Workforce Development will batch approved requests by area and request the Office of Fiscal Services to issue an allocation letter to the area. The allocation letter will reference the approved account numbers so that local areas can link customers to the allocation award.

Based upon the local procedures, the One-Stop systems will issue payments to vendors, and the local area fiscal agent will report the expenditures (both CAA account and CAA administrative costs) through the established County Finance System. Local areas are allocated up to 5% in administration for managing the CAA program.

F. **Co-Enrollment**
Local areas will ensure that eligible workers are informed of the wide array of services available through the One-Stop service delivery system and will promote maximum customer choice. Local areas may enroll WIA eligible CAA participants in the Adult or Dislocated Worker program, as appropriate, to provide registered core, intensive or supportive services that are needed to support the CAA and ensure successful completion of the training. WIA enrollment may continue beyond the completion of the CAA, based upon the needs of the workers.

CAA participants who are co-enrolled in the local WIA Adult or Dislocated Worker program will be included in all appropriate WIA performance measures.

CAA participants who are not co-enrolled into WIA Adult or Dislocated Worker programs will not be counted in the local areas' performance measures. Common measures, as defined in TEGL 17-05, will be used to report outcomes for those participants enrolled only in CAA.

G. **Reporting**

The U.S. Department of Labor has established reporting requirements for all workers served in the CAA program. Initial CAA program data will be reported using the Sharing Career Opportunities and Training Information (SCOTI) system. Updates to the SCOTI system capture key and supplemental data, and will be rolled out to the local areas in phases.

Initially, SCOTI was updated to capture individual CAA participant's data including: intake, eligibility determination, acceptance or decline of the CAA offer, and training services selected.

Additional phases may incorporate exchanges of data between OJI (the state reporting system for Unemployment Compensation and the Trade program) and SCOTI.

Additional data, which is requested by DOL, must be reported by the local areas through alternative methods (paper forms, manual tracking, etc.). Detailed reporting instructions will be issued separately to the CAA points of contact.

H. **Monitoring / Documentation**

ODJFS program and fiscal monitoring will be incorporated into the existing audits and program reviews to ensure data validation and adherence to CAA implementation policy and procedures.

Local areas may follow the guidelines established in WIATL 27, "Source Documentation for WIA Eligibility," for CAA general eligibility (Age, Authorization to Work, Selective Service Registration) documentation.

Suggested documentation for establishing dislocated worker or at-risk of layoff status include:

- Employer notice of layoff or pending layoff.
- Receipt of Unemployment Compensation (current recipient or exhausted UC).
- Self-attestation of layoff, at-risk of layoff, or displaced homemaker status.

For CAA participants who are co-enrolled in the WIA Adult or Dislocated Worker programs, local areas shall adhere to existing eligibility criteria and documentation requirements for these programs listed in WIAGL 6-2000, "WIA Eligibility Determination and Documentation," and WIATL 27, "Source Documentation for WIA Eligibility."

The State, DOL, or its contractors will be evaluating this demonstration program. In order to gather information for this purpose, local areas may be required to accommodate site visits by providing access to key personnel and necessary data.

I. **Local CAA Contact Designation**

Local areas must establish a primary point of contact (POC) for the CAA program. An alternate POC is also required. This will provide a means for on-going communication between the Office of Workforce
Development and the local area throughout implementation. Local areas must submit the primary and alternate POC for each One-Stop center in the area, and include the following:

- Name.
- Title.
- Agency.
- Workforce Area #.
- Address.
- Phone Number.
- Fax Number.
- E-Mail Address.

POC information is to be submitted via e-mail to:

WIAQNA@JFS.OHIO.GOV. Please insert this language in the subject line of the message: CAA POC.

V. Technical Assistance

For additional information, you may send your questions to the Bureau of Workforce Services: WIAQNA@JFS.OHIO.GOV, subject line: CAA.

VI. References

Ohio Career Advancement Account Plan, February 2007


WIAGL 6-2000, WIA Eligibility Determination and Documentation

WIATL 27, Source Documentation for WIA Eligibility

Ohio Career Advancement Account Plan Modification, February 2008
I. **Purpose**

This communication provides state policy and operational parameters for the implementation of Ohio's Career Advancement Accounts (CAA) through the One-Stop service delivery system.

II. **Effective Date**

March 1, 2007.

III. **Background**

On October 26, 2006, Ohio was chosen by the U.S. Department of Labor (DOL) as one of five states to participate in a two-year pilot program called "Career Advancement Accounts." The program will provide a fast track to short-term training for workers impacted by the Ford Motor Company, General Motors and DaimlerChrysler plant closures or shift reductions. Furthermore, this program will provide training to workers both from supplier companies that are experiencing shift reductions, as well as workers from community businesses that are experiencing layoffs or closures as a result of auto industry declines.

IV. **Policy Statements**

CAAs are individualized training accounts specifically targeted to Ohio's workers impacted by the downsizing of the automotive industry and who have limited access to other training programs. CAA will be available and accessible through all One-Stop centers in Ohio and will focus on short-term training programs designed to enable eligible workers to gain marketable skills that will lead to new career opportunities or career advancement. One-Stops will ensure that eligible workers are informed of availability of CAA as well as of the full array of services offered through the One-Stop partners, including WIA Adult and Dislocated Worker programs. Through the provision of this information, workers will be prepared to make informed decisions on the type of services and training that are most effective for their situations and to make applications to the appropriate program or programs.

Local Workforce Investment Boards (WIBs) must review existing local policies to determine if additional policies are needed for successful implementation of CAA in their areas. To the extent possible, Ohio maintains the importance of local decision-making, while preserving the intent of the CAA program.

CAAs are to be available and implemented in a manner that is expedient and responsive to the impacted worker's needs. CAAs are outside the WIA program requirement of sequential services (core-intensive-training).

A. **Eligibility**

1. CAAs are available to workers who are:
   a.) 18 years of age or over.
   b.) U.S. citizens or authorized to work in the U.S.
   c.) Properly registered for Selective Service.
   d.) Impacted directly through the downsizing or closure of the Ford Motor Company, General Motors or DaimlerChrysler. Or
e.) Indirectly impacted as a worker of a supplier company (2nd or 3rd tier employers).

Or

f.) Impacted as a worker from a community business that has been adversely affected due to the decline of the automotive industry.

Workers who meet the criteria above and who are under a pending Trade Adjustment Assistance (TAA) petition, or are under an "appeal" of a DOL trade determination (where an employer or a representative has appealed denial of TAA) are eligible. However, if the workers are actively implementing their CAA and subsequently become TAA eligible, the CAA must be closed and workers must follow their TAA Re-Employment Plans.

The "self-sufficiency" screening required for employed applicants for WIA Adult and Dislocated Worker programs does not apply to CAA applicants, unless the CAA participant is co-enrolled in the WIA Adult or Dislocated Worker program for intensive or supportive services.

2. CAAs are not intended for workers who have ready access to other training assistance. Therefore, the following workers are not eligible to receive CAA:

a.) Workers who have an ITA through the WIA Adult or Dislocated Worker program.

b.) Workers who are eligible for TAA benefits through the Trade Act.

c.) Workers who are under an "appeal" due to workers' non-adherence to their TAA Re-employment Plan.

d.) Workers who are not eligible for Trade benefits due to factors other than lack of work separation (i.e. worker was terminated).

3. Local areas will determine if the worker meets the eligibility criteria listed above. WIA Adult and/or Dislocated Worker eligibility may be documented during the process of CAA determination, but is not required unless WIA core, intensive, or supportive services are planned.

4. Local areas may develop a priority of service policy in order to effectively manage the CAA program. The priority criteria may include the eligible worker category above (A (1) (d), (e) and (f)), the need of training to secure self-sufficient employment in a demand occupation, worker eligibility for buyouts, early retirement, or other resources such as Pell grants, etc. Local areas are reminded that veterans' preference is mandatory for all levels of services through federal employment and training programs, regardless of the other criteria in local priority policies.

5. Once the local area has identified a worker as eligible for a CAA, obtained sufficient documentation, and the appropriate data has been entered in SCOTI under the three basic intake screens, eligibility for this individual can be calculated in SCOTI. The date of eligibility becomes the approval date for the CAA program and marks the beginning of the time-limited program duration.

B. Individual Career Plan and Participant Agreement

Each CAA participant must have an individual career plan that is to be developed jointly with a case manager. The career plan can be designed locally either by modifying existing forms or by creating CAA-specific forms. The career plan must include:

- The individual's career goal.
- The type of training desired/approved.
- The expected date of training completion.
- The training provider's name.
Furthermore, all applicants must sign a CAA participant agreement that ensures full understanding of training expectations and responsibilities, how the training will be funded, and obligations for reporting and follow up.

Local areas will develop CAA Participant Agreements that will include the worker's attestation that he/she will meet all conditions set forth in the local agreement. Local areas may incorporate language for CAA into existing agreements, or create specific agreements for the CAA program. Local areas may wish to consider language that addresses the following:

- Attendance requirements.
- Pass/Fail requirements.
- Communication and contact procedures with local area staff.
- Procedures for follow-up upon obtaining employment.
- Procedures for situations involving hardship and dropping out of the program.

C. **Program Duration**

Approximately 950 CAAs will be established during the first year of implementation. Ohio may be eligible to receive funds for two years. Individual CAAs will be approved based upon a rolling calendar year, rather than by program year or state fiscal year. The one year clock begins with the date of eligibility / approval date. Therefore, year 1 refers to months 1-12 from the first date of CAA eligibility, as entered by the local staff. Likewise, year 2 funds indicate months 13-24 from the first date of CAA eligibility.

D. **Training Services**

The CAA program is to focus on short-term training, defined as less than one year in duration. Local areas may approve training using providers included in the Ohio Eligible Training Provider Online system or other training providers. However, all CAA training must lead to degrees, licenses, or industry recognized certificates or credentials. Selection of the training providers is determined at the local level.

Training requirements and limitations are as follows:

a.) Training may not exceed the limit of $3000 for year 1 and an additional $3000 in year 2.
b.) WIA ITAs may not be utilized to supplement the cost of the CAA.
c.) Training is limited to one year in duration, but under certain limited circumstances may be extended for an additional year. Given Ohio's focus on short-term training, renewals may be considered only for individuals who have successfully completed year 1, and year 2 builds upon skills attained from the first year CAA.
d.) Training must lead to attainment of a degree, a license, or an industry-recognized certificate or credential.
e.) Workers may re-apply for a CAA if failure to complete the program was due to hardship and no funds have been expended during year 1. Hardship will be determined at the local level.
f.) Workers who fail to complete their CAA agreement in year 1 are ineligible for year 2 funds, unless they meet the locally-defined hardship definition.

E. **CAA Account Awards and Management**

Local areas will determine the amount of the CAA obligation and forward requests to the ODJFS Office of Workforce Development for approval. Once approved at the state level, the local area will receive a confirmation of the state's approval with an assigned number. Each week, the Office of Workforce Development will batch approved requests by area and request the Office of Fiscal Services to issue
an allocation letter to the area. The allocation letter will reference the approved account numbers so that local areas can link customers to the allocation award.

Based upon the local procedures, the One-Stop systems will issue payments to vendors, and the local area fiscal agent will report the expenditures (both CAA account and CAA administrative costs) through the established County Finance System. Local areas are allocated up to 5% in administration for managing the CAA program.

F. Co-Enrollment

Local areas will ensure that eligible workers are informed of the wide array of services available through the One-Stop service delivery system and will promote maximum customer choice. Local areas may enroll WIA eligible CAA participants in the Adult or Dislocated Worker program, as appropriate, to provide registered core, intensive or supportive services that are needed to support the CAA and ensure successful completion of the training. WIA enrollment may continue beyond the completion of the CAA, based upon the needs of the workers.

CAA participants who are co-enrolled in the local WIA Adult or Dislocated Worker program will be included in all appropriate WIA performance measures.

CAA participants who are not co-enrolled into WIA Adult or Dislocated Worker programs will not be counted in the local areas' performance measures. Common measures, as defined in TEGL 17-05, will be used to report outcomes for those participants enrolled only in CAA.

G. Reporting

The U.S. Department of Labor has established reporting requirements for all workers served in the CAA program. CAA program data will be reported using the Sharing Career Opportunities and Training Information (SCOTI) system. Updates to the SCOTI system are currently underway to capture key and supplemental data, and will be rolled out to the local areas in phases.

During Phase 1, SCOTI was updated to capture individual CAA participant's data including: intake, eligibility determination, acceptance or decline of the CAA offer, and training services selected.

Phase 2 activities, planned for later in 2007, will incorporate exchanges of data between OJI (the state reporting system for Unemployment Compensation and the Trade program) and SCOTI.

Additional data, which is currently requested by DOL, must be reported by the local areas through alternative methods (paper forms, manual tracking, etc.). Detailed reporting instructions will be issued separately to the CAA points of contact.

H. Monitoring / Documentation

ODJFS program and fiscal monitoring will be incorporated into the existing audits and program reviews to ensure data validation and adherence to CAA implementation policy and procedures.

Local areas may follow the guidelines established in WIATL 27, "Source Documentation for WIA Eligibility," for CAA general eligibility (Age, Authorization to Work, Selective Service Registration) documentation.

Suggested documentation for establishing an individual's attachment to the auto industry include:

- Employer notice of layoff or pending layoff.
- NAICS Code (for suppliers to automotive manufacturers).
- Specific location / proximity to affected plant (for community-impacted employers).
- Self-attestation.

For CAA participants who are co-enrolled in the WIA Adult or Dislocated Worker programs, local areas shall adhere to existing eligibility criteria and documentation requirements for these programs listed in
WIAGL 6-2000, "WIA Eligibility Determination and Documentation," and WIATL 27, "Source Documentation for WIA Eligibility."

The State, DOL, or its contractors will be evaluating this demonstration program. In order to gather information for this purpose, local areas may be required to accommodate site visits by providing access to key personnel and necessary data.

I. **Local CAA Contact Designation**

Local areas must establish a primary point of contact (POC) for the CAA program. An alternate POC is also required. This will provide a means for on-going communication between the Office of Workforce Development and the local area throughout implementation. Local areas must submit the primary and alternate POC for each One-Stop center in the area, and include the following:

- Name.
- Title.
- Agency.
- Workforce Area #.
- Address.
- Phone Number.
- Fax Number.
- E-Mail Address.

POC information is to be submitted via e-mail to: wiaqna@odjfs.state.oh.us. Please insert this language in the subject line of the message: CAA POC.

V. **Technical Assistance**

For additional information, you may send your questions to the Bureau of Workforce Services: wiaqna@odjfs.state.oh.us, subject line: CAA.

VI. **References**

Ohio Career Advancement Account Plan, February 2007


WIAGL 6-2000, WIA Eligibility Determination and Documentation

WIATL 27, Source Documentation for WIA Eligibility
I. Purpose
This communication sets the conditions for providing Needs-Related Payments (NRPs) paid from state
of Ohio Rapid Response (RR) funds while the approval or denial of a National Emergency Grant (NEG)
application by the US Department of Labor (DOL) is pending.

II. Effective Dates
Immediately.

III. Background
NRPs provide financial assistance to participants for the purpose of enabling individuals to participate
in training, and are one of the supportive services authorized by WIA section 134(e)(3).

NRPs can be provided to dislocated workers under formula-allocated funds. However, in
circumstances where the local formula funds are limited, and the local area has applied for a federal
NEG, the area may request to use statewide RR funds to provide NRPs.

IV. Guidance Statement
RR funds may be used to provide NRPs to dislocated workers while an NEG application is pending.
The state has established the following requirements for the use of RR funds for NRPs.

Supportive Services and NRPs Plans
20 CFR 663.800 states that supportive services include NRPs, and that local workforce investment
boards (WIBs), in consultation with the One-Stop partners and other community service providers,
must develop a policy on supportive services that ensures resource and service coordination in the
local area. Such policy should address procedures for referral to such services, including how such
services will be funded when they are not otherwise available from other sources. The provision of
accurate information about the availability of supportive services in the local area, as well as referral to
such activities, is one of the core services that must be available to adults and dislocated workers
through the One-Stop delivery system.

20 CFR 663.810 states that WIBs may establish limits on the provision of supportive services or
provide the One-Stop operator with the authority to establish such limits, including a maximum amount
of funding and maximum length of time for supportive services to be available to participants.
Procedures may also be established to allow One-Stop operators to grant exceptions to the
established limits.

In order to request and receive RR funds for NRPs, a local area must have a policy that addresses its
procedures for providing Supportive Services, including NRPs, and it must include a copy of the policy
with the NEG application. If a local area does not have a Supportive Services policy, it must develop
one that will address Supportive Services, including NRPs. This new policy must be approved by the
WIB and submitted as part of the NEG application. If a local area has a Supportive Services policy, but
it does not specifically address NRPs, the local area must revise its policy to address NRPs. The
revised policy must be approved by the WIB and submitted as part of the NEG application. It is
recommended that in their Supportive Services policy, local areas establish a priority for the receipt of these services.

**Events Qualifying for NEG**

DOL established guidelines for submitting NEG applications in TEGL 16-03 and published WIA-NEG application procedures in the Federal Register on April 27, 2004. In these guidelines, DOL identified the specific project types that will be considered for NEG funding. These include the following:

1. Regular projects intended to temporarily expand service capacity in response to significant dislocation events. These projects encompass plant closures and mass layoffs as follows:
   - A single company layoff of 50 or more workers at a single site of employment.
   - Multiple company layoffs that occur within a 4-month period where the dislocations from each company impact 50 or more workers.
   - Industry-wide layoffs from companies in the same industry as determined by the three-digit code level in the North American Industrial Classification System. The dislocation events in the same local workforce investment area must include at least one company with layoff of 50 or more workers and other individual companies may have layoffs of fewer than 50 workers as part of the application.
   - Community impact projects where layoffs at several companies in a single community within six months have significantly increased the total number of unemployed individuals in the community.
   - Closures and realignments of military installations.
2. Disaster Projects that respond to all natural and manmade disaster events or emergencies that FEMA has declared eligible for public assistance.
3. Trade-WIA Dual Enrollment Projects that are intended to ensure that the full range of services is available to trade impacted individuals where such services are not available through the regular Trade Adjustment Assistance program.
4. Trade Health Insurance Coverage Assistance Projects, including Pension Benefit Guaranty Corporation (PBGC), which provide special health insurance coverage assistance through partial payment of health insurance premium costs under approved plans, supportive services, and income assistance to targeted individuals defined in the Trade Adjustment Assistance Reform Act of 2002.

Furthermore, DOL will conduct a review of the expenditure rates of Dislocated Worker formula funds by states and applicants when determining whether to approve an NEG application. DOL expects an expenditure rate of 70% of the total available (current year allocation and previous year carryover) Dislocated Worker formula funds in order to approve an NEG application.

**Events Qualifying for RR-funded NRPs**

The state will apply these same principles when assessing a request for use of RR funds for NRPs. However, as RR funds are limited, there are additional factors that will be considered when approving RR-funded NRPs. Namely, RR funds will be available for NRPs only when layoffs are likely to cause severe disruptions in the local area. The following are the characteristics that will be used to assess the application for RR-funded NRPs:

1. The NEG project type has to be either Regular NEG project or Trade-WIA Dual Enrollment. Disaster Projects and Trade Health Insurance Coverage Assistance Projects will not be considered for RR-funded NRPs.
2. The state will consider previous use of the local formula funds for NRPs according to their local policies and procedures. Requests will be approved if the local area has previously provided
some NRPs from its local WIA funds, or if in the application the local area can demonstrate some planned use of its local funds for NRPs.

3. The state will also consider the potential effect of the dislocation event on the local economy. Local areas should request the use of these funds only in situations where a dislocation event and loss of jobs will potentially have a dramatic impact in the area. Meeting the basic requirements for submittal of an NEG application will not in itself constitute sufficient justification to request RR funds for NRPs. The RR funding request application must show how the dislocation event will have an overwhelmingly negative economic impact on the community. Each application will be reviewed based on the nature and severity of the layoff, the potential economic impact on the area, the area's capacity to absorb the effects of the dislocation by being able to provide the necessary services, and the area's previous expenditure rates.

4. Finally, in determining whether to approve requests for RR funds for NRPs, the state will consider the amount of available statewide funds. The state will make available up to 10% of the unexpended, unobligated balance of statewide RR funds for the payment of NRPs for the current year. This means that regardless of the dislocation event, requests will not be approved once the state has reached the limit of obligating 10% of its available RR funds for NRPs for the current year.

Participant Eligibility for RR NRPs

The eligibility for NRPs is established under the Workforce Investment Act and its implementing regulations. To be eligible to receive NRPs, a dislocated worker must meet the conditions in 20 CFR 663.825 as follows:

1. Be unemployed, and:
   a. Have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA or NAFTA-TAA; and
   b. Be enrolled in a program of training services under WIA by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months; or

2. Be unemployed and did not qualify for unemployment compensation or trade readjustment assistance under TAA or NAFTA-TAA.

Individuals who are participating in unpaid internships and similar unpaid short-term work experience activities may be "trainees", depending on the circumstances of the activity. If an individual is determined to be a trainee in an unpaid internship or work experience, he or she is not considered to be employed for the purposes of providing RR NRPs.

A displaced homemaker who meets these requirements will not be eligible to receive RR NRPs.

The payment level of RR-funded NRPs will not exceed the following levels:

- For participants who were eligible for unemployment compensation (UC) as a result of the qualifying dislocation, and are no longer receiving benefits, the weekly payment may not exceed the applicable weekly level of the unemployment compensation benefit, or

- For participants who did not qualify for unemployment compensation as a result of the qualifying layoff, the weekly payment may not exceed the lesser of:
  1. The poverty level for an equivalent period based on family size; or
  2. One half of the individual's most recent weekly earnings.

In order to determine one half of the individual's most recent weekly earnings, use the following method:
multiply the individual's last hourly wage rate by 40 hours, this will give you the weekly earning amount.

multiply the weekly earning amount by 50%. This will give you the amount that is equal to one-half of the individual's weekly earnings. Use this amount if it is lower than the weekly poverty level adjusted for the family income and number of dependents.

Limitations

RR funds may be used for NRPs only during the period in which a dislocated worker participates in WIA training, and before either the receipt of federally funded NRPs from DOL, or a denial of the request by DOL. In the case that DOL denies an NEG application, the RR funds cannot be used for more than 26 weeks from the start of the training. Local areas should make participants aware that this limitation on funding for NRPs exists.

Once DOL approves the NEG application, and NEG funds for NRPs become available, authorization to use state RR funds will cease. ODJFS will advise the local area of the specific procedures and date when costs should be charged to the DOL NEG funding.

RR funds may not be used to cover NRP costs incurred more than 30 days before the date of the submission of the NEG application.

Application Procedure for Requesting RR funds for NRPs

Once an NEG application has been submitted to ODJFS, RR funds may be requested from the Office of Workforce Development, Rapid Response Section, P.O. Box 1618, Columbus, OH 43216.

V. Technical Assistance

For additional information, you may send your questions regarding RR NRPs to the Bureau of Workforce Services: wiaqna@odjfs.state.oh.us.

VI. References

Congressional Federal Register, Department of Labor, Workforce Investment Act: National Emergency Grants-Application Procedures. April 27, 2004

DOL, TEGL 16-03, National Emergency Grant (NEG) Policy Guidance, January 26, 2004


Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Section 101 (46), Section 134 (e)(3), and Section 173

29 USC 2801, 29 USC 2864 and 29 USC 2918
Workforce Investment Act (WIA) Transmittal Letter No. 29

February 21, 2007

To: Local Elected Officials, WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Helen E. Jones-Kelley, Director

Subject: Dislocated Worker Eligibility Determination for Locked-Out Workers

I. Purpose

This communication provides state policy to enable provision of WIA services to locked-out workers. For lock-out situations, it defines "unlikely to return to a previous industry or occupation" in the WIA definition of dislocated worker.

II. Effective Date:

Immediately

III. Background

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 101 defines the term "dislocated worker" as an individual who meets specific criteria, primarily that an individual must be: (1) laid off or terminated from employment, (2) eligible for unemployment compensation, and (3) unlikely to return to his/her previous industry or occupation (see WIA section 101(9)(A)(iii)). Questions have been raised regarding if an employee locked-out by his or her employer could be considered eligible as a dislocated worker.

In addition, the ODJFS Office of Workforce Development (OWD) wants to ensure that any possible concern about potential impact on WIA performance does not interfere with provision of services to locked-out workers who qualify under this policy.

IV. Policy Statement

When an ODJFS Office of Unemployment Compensation hearing officer has issued a determination that a lockout exists, individuals prevented from working for a period of 120 days as a result of that lockout shall be considered "unlikely to return to a previous industry or occupation". The 120 day duration starts on either the date of layoff or date of lockout, whichever is earlier, at which point the locked-out workers are considered to be unemployed for WIA dislocated worker eligibility purposes. Eligibility for services does not constitute an entitlement to services for locked-out workers. Local workforce investment areas will still maintain responsibility for determining the individual need for services, including the appropriateness of specific training given the skills of the applicant and the requirements of the labor market.

If desired, local Workforce Investment Boards may establish policies that consider individuals in a lockout situation "unlikely to return to a previous industry or occupation" if the individuals have been laid off for a duration of less than 120 days. Local policies may not require a duration greater than 120 days.

For purposes of WIA performance results, local workforce investment areas will be held harmless for locked-out individuals served under this policy and reported according to instructions that will be provided by OWD. OWD will re-negotiate performance standards with local workforce investment areas that request re-negotiation as a result of services to locked-out individuals. Local areas must follow the OWD reporting instructions, so that individuals may be tracked separately and performance may be re-negotiated. OWD will assist local areas in the re-negotiation process, using existing WIA policy.

If local funds are not sufficient to serve locked-out workers eligible as a result of this policy, the local workforce investment area should submit a request for additional funds by mail or fax to: Office of Workforce
V. Technical Assistance
For additional information, you may send your questions to the Bureau of Workforce Services:
wiaqna@odjfs.state.oh.us.

VI. References
Workforce Investment Act of 1998, Public Law 105-220: Section 101 (9) 29 USC 2801
Rescissions: None
I. Purpose
To provide guidance on acceptable sources of documentation for establishing WIA adult, dislocated worker, and youth program eligibility.

II. Effective Date
Immediately.

III. Background
WIA and 20 CFR Part 652 establish general and specific program eligibility criteria. In TEN 9-06, USDOL established specific expectations for acceptable source documentation for WIA adult, dislocated worker and youth participants. The data validation requirements were issued to ensure compliance with the WIA eligibility guidelines. DOL data validation requirements form the basis for the state of Ohio case file requirements for all WIA program participants.

Local areas conducting incumbent worker training programs using local funds specifically approved by the state for this purpose are not subject to the requirements listed in this guidance, except for the General Eligibility Items that are discussed later in this guidance. Refer to WIATL 22 B for additional information on incumbent worker program specifics.

IV. Guidance Statement
Local areas are required to verify (i.e., confirm) eligibility requirements through an examination of documents. Furthermore, local areas are required to document (i.e., maintain physical evidence of) eligibility in participant files. There are a variety of documents that may be used to verify required data elements. In fact, self-attestation and telephone/electronic verification are acceptable documents for some data elements. However, it is important to note that the type of acceptable documentation is dependent upon each particular data element. The charts provided list each data element collected during the application process that require documentation, and provide a variety of source documentation that may be used for verification.

Please note that the following source documentation elements represent the minimal requirements for documenting eligibility. A local area may choose to implement a more restrictive documentation policy based on knowledge of specific local conditions. However, the local policy should not be so restrictive as to make the eligibility determination an unnecessary burden.

Dislocated Worker Local Definitions
Local areas should have their own local definitions for the following terms:

- Substantial layoff
- Unlikely to return

The rationale for each of these definitions must be clearly evident, and in the cases where they are applied, documentation must be provided that shows how the participant or the business meets the definition.

Clarification of the Use of Specific Documents

Telephone or Electronic Communication
In instances where telephone or electronic communication is acceptable and used by a local area, the case file must contain the name of the agency representative, the date of the conversation, and the result of the verification. Local areas should use standardized forms to document phone verification. If a phone conversation is used to verify dislocation, the file must contain the date of termination, the reason for termination, and if applicable, a possible recall date. Please see attachment A for a sample telephone verification form.

Self-Attestation

Applicant self-attestation statements may be used to document certain data elements. However, self-attestation can be used only if it avoids undue hardship for individuals to obtain a proof of eligibility, or if all other forms of documentation are not available. In self-attestation, a participant states his/her status or characteristic, and then signs and dates a form that acknowledges this status. Local areas should use a standardized form for self-attestation. Please see attachment B for a sample self-attestation form.

Cross match with public assistance records

A cross match requires accessing a state public assistance records database to find detailed supporting evidence for the eligibility characteristic that is being documented. Detailed supporting evidence may include the date of eligibility determination, as well as the date and type of services provided. For example, a CRIS-E printout that shows the name, the Social Security Number, the date of determination and the amount of assistance will be considered to be detailed supporting evidence for the receipt of public assistance. However, a CRIS-E printout that shows just a check mark in a box indicating a receipt of public assistance is not enough supporting evidence.

Required General Eligibility Verification Items

The following items must be verified and documented for all participants.

<table>
<thead>
<tr>
<th>Eligibility Criteria</th>
<th>Documentation in File (one document per group required)</th>
<th>Adult</th>
<th>Dislocated Worker</th>
<th>Youth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/Birth Date</td>
<td>Birth Certificate</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Baptismal Record if Date of Birth is Shown</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>DD-214 Transfer or Discharge Paper</td>
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<tr>
<td></td>
<td>Hospital Record of Birth</td>
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<td></td>
<td>Driver's license</td>
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<td></td>
<td>State, Federal, or Local Government ID</td>
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<tr>
<td></td>
<td>Passport</td>
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<tr>
<td></td>
<td>Work permit</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Cross match with public assistance records via state MIS system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other public assistance records (CRIS-E printout)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>School Record</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tribal Records</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Citizenship Status/ Authorization to Work in the U.S.</td>
<td>U.S. passport, certificate of U.S. citizenship, certificate of naturalization, permanent resident card, unexpired refugee travel document.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>U.S. Social Security card issued by the Social Security</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eligibility Criteria</td>
<td>Documentation in file (one document per group required)</td>
<td>Adult</td>
<td>Dislocated Worker</td>
<td>Youth</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>--------------------------------------------------------</td>
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</tr>
<tr>
<td><strong>US</strong></td>
<td>Administration (other than a card stating not valid for employment), Certificate of Birth Abroad issued by the Department of State, birth certificate issued by a state, county, municipal authority or outlying possession of the U.S., U.S. citizen ID card, ID card for use of Resident Citizens in the U.S. Cross match with public assistance records via state MIS system Other public assistance records (CRIS-E printout) Self-attestation - Please see attachment C for a sample self-attestation form for this criteria.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Selective Service Registration</td>
<td>Selective service card Verification from the Selective Service web site: <a href="https://www4.sss.gov/regver/verification1.asp">https://www4.sss.gov/regver/verification1.asp</a>. Self-attestation form if an applicant failed to register, is too old to register, and the local areas determine that the failure to register was not willful and knowing</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>SSN</td>
<td>SS card Photo ID with the SSN W-2 DD-214 Transfer or Discharge Paper Pay stubs Letter from Social Service Agency Cross match with public assistance records via state MIS system Other public assistance records (CRIS-E printout) Social Security Benefit Documents U.C. records if name and SSN is shown</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Required Program Specific Eligibility Documentation

An individual who meets **ONE** of the six conditions below is considered to be a low income individual

<table>
<thead>
<tr>
<th>Eligibility Criteria</th>
<th>Documentation in file (one document per group required)</th>
<th>Adult</th>
<th>Dislocated Worker</th>
<th>Youth</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Low Income Individual</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Cash Public Assistance - receives or is a member of a family that receives cash payments under a federal, state, or local income-based</td>
<td>Copy of authorization to receive cash public assistance Verification by the public assistance agency through phone, email or fax.</td>
<td>No*</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Question</th>
<th>Method</th>
<th>Field 1</th>
<th>Field 2</th>
<th>Field 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Medical card showing cash grant status</td>
<td>Cross match with public assistance records via state MIS system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other public assistance records (CRIS-E printout)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Refugee assistance records</td>
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<tr>
<td></td>
<td>Verification from the refugee assistance provider through phone, email or fax.</td>
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<td></td>
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</tr>
<tr>
<td>2. Family Income</td>
<td>Pay stubs</td>
<td></td>
<td></td>
<td>No*</td>
</tr>
<tr>
<td></td>
<td>Employer statement of earnings</td>
<td></td>
<td></td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Compensation award letters</td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Social Security retirement benefits letter</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pension statement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bank statements if income is received by direct deposit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Court award letter</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Family or business financial records</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Quarterly estimated tax for self-employed persons</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Alimony agreements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Self attestation only in cases when an individual has no income or receives very little undocumented income. The statement should include some description of how the applicant has been supported within the past six months.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Food Stamps</td>
<td>Verification by the public assistance agency through phone, email or fax</td>
<td></td>
<td></td>
<td>No*</td>
</tr>
<tr>
<td></td>
<td>Cross match with public assistance records via state MIS system</td>
<td></td>
<td></td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Other public assistance records (CRIS-E printout)</td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>4. Homeless Individual</td>
<td>Verification from a shelter or social</td>
<td></td>
<td></td>
<td>No*</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>
- as defined in subsections (a) and (c) of Sections 103 of the Stewart B. McKinney Homeless Assistance Act.

<table>
<thead>
<tr>
<th>Services Agency</th>
<th>Self attestation</th>
<th>Written statement from individual providing residence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court documentation</td>
<td>Verification from a social services agency</td>
<td>Case notes</td>
</tr>
</tbody>
</table>

### 5. Foster Child

- individual is a foster child on behalf of whom State and local government payments are made.

<table>
<thead>
<tr>
<th>To Document Disability:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter from drug or alcohol rehabilitation agency</td>
</tr>
<tr>
<td>Medical records</td>
</tr>
<tr>
<td>Physician's statement</td>
</tr>
<tr>
<td>Case notes regarding observable conditions</td>
</tr>
<tr>
<td>Psychologist diagnosis</td>
</tr>
<tr>
<td>Social security disability records</td>
</tr>
<tr>
<td>School record of disability determination</td>
</tr>
<tr>
<td>Social services records</td>
</tr>
<tr>
<td>Veterans administration letter</td>
</tr>
<tr>
<td>Vocational rehabilitation letter</td>
</tr>
<tr>
<td>Worker's compensation record</td>
</tr>
<tr>
<td>Self attestation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To Document Low Income:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pay stubs</td>
</tr>
<tr>
<td>Employer statement of earnings</td>
</tr>
<tr>
<td>Compensation award letters</td>
</tr>
<tr>
<td>Social security retirement benefits letter</td>
</tr>
<tr>
<td>Pension statement</td>
</tr>
<tr>
<td>Bank statements if income is received by direct deposit</td>
</tr>
<tr>
<td>Court award letter</td>
</tr>
<tr>
<td>Family or business financial records</td>
</tr>
<tr>
<td>Quarterly estimated tax for self-employed persons</td>
</tr>
</tbody>
</table>

No* No Yes
Alimony agreements
Copy of authorization to receive cash public assistance
Verification by the public assistance agency through phone, email or fax.
Copy of public assistance check
Medical card showing cash grant status
Cross match with public assistance records via state MIS system
Refugee assistance records
Verification from the refugee assistance provider through phone, email or fax.

* Applies for adult participants only when funds are limited and the priority policy is in effect for intensive and training services

<table>
<thead>
<tr>
<th>Working Adults and Dislocated Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Self-sufficiency</strong></td>
</tr>
<tr>
<td>-If an individual is employed at the time of application, local areas must determine if the applicant is self-sufficient based on the local definition established by the Workforce Investment Board.</td>
</tr>
<tr>
<td>Documentation is based on the local definition of self-sufficiency.</td>
</tr>
<tr>
<td>If the local self-sufficiency policy is based on income:</td>
</tr>
<tr>
<td>Pay stubs</td>
</tr>
<tr>
<td>Employer statement of earnings</td>
</tr>
<tr>
<td>Compensation award letters</td>
</tr>
<tr>
<td>Social Security retirement benefits letter</td>
</tr>
<tr>
<td>Pension statement</td>
</tr>
<tr>
<td>Bank statements if income is received by direct deposit</td>
</tr>
<tr>
<td>Court award letter</td>
</tr>
<tr>
<td>Family or business financial records</td>
</tr>
<tr>
<td>Quarterly estimated tax for self-employed persons</td>
</tr>
<tr>
<td>Alimony agreements</td>
</tr>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

Youth Eligibility Criteria and Documentation

<table>
<thead>
<tr>
<th>Eligibility Criteria</th>
<th>Documentation in file (one document per group required)</th>
<th>Youth Barriers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth Barriers</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>
Youth must have one of the following 7 barriers in addition to meeting one of the low income criteria:

| 1. Deficient in basic literacy skills | Standardized assessment test  
|                                       | School records  
|                                       | Case notes |
| 2. School dropout                     | School board verification of drop out status or habitual truancy  
|                                       | Dropout letter  
|                                       | Self-attestation |
| 3. Homeless                           | Verification from a shelter or social services agency  
|                                       | Self-attestation  
|                                       | Written statement from individual providing residence |
| 4. Foster Child                       | Court documentation  
|                                       | Verification from a social services agency |
| 5. Pregnant or parenting youth        | Physician’s statement  
|                                       | Birth certificate if parenting  
|                                       | Baptismal record  
|                                       | Verification with social service agency  
|                                       | Self-attestation |
| 6. Offender                           | Court records  
|                                       | Halfway house resident  
|                                       | Letter of parole  
|                                       | Letter from probation officer  
|                                       | Police records  
|                                       | Self-attestation |
| 7. Require additional assistance to complete educational program or to secure and hold employment | This is a locally defined criteria. Local areas provide appropriate documentation based on the local definition. |

**5% Youth Exception**

Up to 5% of youth participants may be individuals who do not meet the income criteria, but they must be in one or more of the following 8 categories:

| 1. Deficient in basic literacy skills | Standardized assessment test  
|                                       | School records  
|                                       | Case notes |
| 2. School dropout                     | School board verification of drop out status or habitual truancy |
### Dislocated Worker Eligibility Criteria and Documentation

All dislocated workers must be within one of the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3. Homeless</strong></td>
<td>Verification from a shelter or social services agency</td>
</tr>
<tr>
<td></td>
<td>Self-attestation</td>
</tr>
<tr>
<td></td>
<td>Written statement from individual providing residence</td>
</tr>
<tr>
<td><strong>4. Pregnant or parenting youth</strong></td>
<td>Physician's statement</td>
</tr>
<tr>
<td></td>
<td>Birth certificate if parenting</td>
</tr>
<tr>
<td></td>
<td>Baptismal record</td>
</tr>
<tr>
<td></td>
<td>Verification with social service agency</td>
</tr>
<tr>
<td></td>
<td>Self-attestation</td>
</tr>
<tr>
<td><strong>5. Offender</strong></td>
<td>Court records</td>
</tr>
<tr>
<td></td>
<td>Halfway house resident</td>
</tr>
<tr>
<td></td>
<td>Letter of parole</td>
</tr>
<tr>
<td></td>
<td>Letter from probation officer</td>
</tr>
<tr>
<td></td>
<td>Police records</td>
</tr>
<tr>
<td></td>
<td>Self-attestation</td>
</tr>
<tr>
<td><strong>6. Disabilities (including learning disabilities)</strong></td>
<td>Letter from drug or alcohol rehabilitation agency</td>
</tr>
<tr>
<td></td>
<td>Medical records</td>
</tr>
<tr>
<td></td>
<td>Physician's statement</td>
</tr>
<tr>
<td></td>
<td>Case notes regarding observable conditions</td>
</tr>
<tr>
<td></td>
<td>Psychologist diagnosis</td>
</tr>
<tr>
<td></td>
<td>Social security disability records</td>
</tr>
<tr>
<td></td>
<td>School record of disability determination</td>
</tr>
<tr>
<td></td>
<td>Social services records</td>
</tr>
<tr>
<td></td>
<td>Veterans administration letter</td>
</tr>
<tr>
<td></td>
<td>Vocational rehabilitation letter</td>
</tr>
<tr>
<td></td>
<td>Worker's compensation record</td>
</tr>
<tr>
<td></td>
<td>Self attestation</td>
</tr>
<tr>
<td><strong>7. One or more grade levels below the grade level appropriate for the individual's age</strong></td>
<td>School records</td>
</tr>
<tr>
<td><strong>8. Face barriers to employment</strong></td>
<td>This is a locally defined criteria. Local area provides appropriate documentation based on the local definition.</td>
</tr>
<tr>
<td>Eligibility Criteria</td>
<td>Documentation in file (one document per group required)</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>1. Terminated or laid off, or received a notice of termination or layoff from employment (must document A, B, C, D or E)</td>
<td></td>
</tr>
</tbody>
</table>
| **A. Proof of employment with layoff employer** | Pay stub  
Letter from employer  
UC award if names of both company and participant are stated  
Bank statements if direct deposit is used and the name of the employer is stated  
Individual's name or SSN on a WARN notice  
Employer contact: phone or electronic verification  
Self-attestation  
DD 214 |
| **B. Proof of termination or layoff** | Layoff letter from employer  
Employer contact: phone or electronic verification  
Individual's name or SSN on a WARN notice  
UC award letter or check  
Self-attestation  
DD 214 if dislocation is based on the participant discharge from the military  
Military orders if the participant is a military spouse and the dislocation is based on the service member permanent change of military station. |
| **C. Receipt of Unemployment Compensation (current receipt or exhausted UC)** | UC award letter  
Phone or email verification with ODJFS UC staff  
UC check  
UC direct deposit or UC Visa Debit Card verification  
OR  
UC denial letter  
Pay stub showing insufficient earnings to date  
Letter from employer noting not subject to UC law  
Employer contact: phone or electronic verification that services are not subject to UC law  
Phone verification with ODJFS UC staff  
DD 214 if dislocation is based on the participant discharge from the military  
Self-attestation |
<p>| OR | proof of attachment to the workforce, but UC ineligible due to insufficient earnings or services not covered by UC law |</p>
<table>
<thead>
<tr>
<th>Eligibility Criteria</th>
<th>Documentation in file</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Unlikely to return to previous industry or occupation</td>
<td>Local approval letter/form based on local LMI data and local</td>
</tr>
<tr>
<td></td>
<td>Printout screen shots from state or local LMI data</td>
</tr>
<tr>
<td></td>
<td>OCIS printout</td>
</tr>
<tr>
<td></td>
<td>Other appropriate documentation based on local definition</td>
</tr>
<tr>
<td></td>
<td>Self-attestation</td>
</tr>
<tr>
<td>E. Has been identified as meeting the criteria for Worker Profiling and ReEmployment</td>
<td>UC WPRS letter to claimant</td>
</tr>
<tr>
<td>Services (WPRS)</td>
<td>Phone verification with ODJFS UC staff</td>
</tr>
<tr>
<td></td>
<td>Printout of profiling pool</td>
</tr>
<tr>
<td></td>
<td>REA work search plan</td>
</tr>
</tbody>
</table>

1 Military spouses can be served under the dislocated worker category if the spouse is unable to continue an employment due to the service member's permanent change of military stations, or if the spouse loses employment as a result of discharge from the military. The spouse must also satisfy "unlikely to return to previous industry of occupation".

<table>
<thead>
<tr>
<th>2. Plant Closure or Substantial Layoff: an individual must be in one of the 3 sub-categories below</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Terminated or laid off, or received a notice of termination or layoff from employment as a</td>
</tr>
<tr>
<td>result of any permanent closure of, or any substantial layoff at a plant, facility, or enterprise</td>
</tr>
<tr>
<td>(must document A, B and C)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>A. Proof of employment with an employer that closed or is experiencing substantial layoffs</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Pay stub</td>
</tr>
<tr>
<td>Letter from employer</td>
</tr>
<tr>
<td>UC award if names of both company and participant are stated</td>
</tr>
<tr>
<td>Bank statements if direct deposit is used and the name of the employer is stated</td>
</tr>
<tr>
<td>Individual's name or SSN on a WARN notice</td>
</tr>
<tr>
<td>Employer contact: phone or electronic verification</td>
</tr>
<tr>
<td>Self-attestation</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>B. Proof of termination or layoff</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Layoff letter from the employer</td>
</tr>
<tr>
<td>Employer contact: phone or electronic verification</td>
</tr>
<tr>
<td>Individual's name or SSN on a WARN notice</td>
</tr>
<tr>
<td>UC award letter if names of both company and participant are stated</td>
</tr>
<tr>
<td>Self-attestation</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>C. Proof of closure or substantial layoff</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Employer notice</td>
</tr>
<tr>
<td>WARN notice</td>
</tr>
</tbody>
</table>
II. Is employed at a facility at which the employer has made a public announcement that such facility will close within 180 days (Must document A and B)

| A. Proof of employment in closing facility | Pay stub  
|                                           | Letter from employer  
|                                           | Bank statements if direct deposit is used and the name of the employer is stated  
|                                           | Individual's name or SSN on a WARN notice  
|                                           | Employer contact: phone or electronic verification  
|                                           | Self-attestation  
| B. Proof of a public announcement of closure within 180 days | Employer notice  
|                                                           | WARN notice  
|                                                           | Employer contact: phone or electronic verification  
|                                                           | Newspaper article / media announcement  

III. For purposes of eligibility to receive services other than training services described in Section 134(d)(4A), intensive services described in Section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close (Must document A and B)

| A. Proof of employment at closing facility | Pay stub  
|                                           | Letter from employer  
|                                           | Bank statements if direct deposit is used and the name of the employer is stated  
|                                           | Individual's name or SSN on a WARN notice  
|                                           | Employer contact: phone or electronic verification  
|                                           | Self-attestation  
| B. Proof of announcement | Employer notice  
|                                                   | Newspaper article / media announcement  
|                                                   | Employer contact: phone or electronic verification  
|                                                   | WARN notice  

3. Self Employed Individual, including employment as farmer, a rancher, or a fisherman, but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters (Must Document A and B)

| A. Evidence of self employment | Business license or permits  
|                               | IRS forms  
|                               | Other evidence of self-employment  

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Documentation in file (one document per group required)</th>
<th>Adult</th>
<th>Dislocated Worker</th>
<th>Youth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veteran status</td>
<td>DD-214</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Low income</td>
<td>Previously defined in the table above</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>
| Employment status at participation | Pay stub  
Bank statements if income is received by direct deposit  
Case notes | Yes   | Yes               | Yes   |
<table>
<thead>
<tr>
<th>TANF recipient</th>
<th>Cross match with TANF public assistance records</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Verification from a TANF service provider through phone, email or fax</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other public assistance recipient</th>
<th>Copy of authorization to receive cash public assistance</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Verification by the public assistance provider through phone, email or fax</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Copy of public assistance check</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medical card showing cash grant status</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public assistance records</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Refugee assistance records</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Verification from the refugee assistance provider through phone, email or fax</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cross match with public assistance records via state MIS system</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If participants are enrolled under multiple funding streams, applicable source documentation must exist for each eligibility determination.

Equal Opportunity Data must be collected for every participant who has submitted personal information. Information on each individual’s race, ethnicity, sex, age, and where known, disability status must be recorded in SCOTI (20 CFR Sections 663.105, 660.300).

V. **Technical Assistance**

For additional information, you may send your questions to the Bureau of Workforce Services: wiaqna@odjfs.state.oh.us.

VI. **References**


**Attachment A, WIA Telephone Eligibility Verification (JFS 13188)**

**Attachment B Self-Attestation (JFS 13186)**

**Attachment C Citizenship Status / Authorization to Work Self-Attestation (JFS 13187)**
Workforce Investment Act (WIA) Transmittal Letter No. 26

January 8, 2007

To: Local Elected Officials, WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Barbara E. Riley, Director

Subject: WIA Funds Rescission Policy

I. Purpose

This communication provides guidance on ODJFS's methodology in determining the amount of statewide and local WIA funds that will be subject to rescission when the United States Department of Labor (USDOL) requires a rescission from the state.

II. Effective Date

Immediately.

III. Background

The state of Ohio has been subject to rescission of WIA funds in the past. During these past rescissions, the amount of funds that was requested for the federal rescission was small enough that the state was able to absorb the rescission request in its entirety through the statewide funds, thus leaving local areas unaffected. It is ODJFS’s policy to continue to absorb future rescissions at the state level to the maximum extent possible. This policy was developed in order to better prepare the state's response to future rescissions that may require more funds than what the statewide funds would be able to cover.

IV. Guidance Statement

Once the state has received a rescission from USDOL, state staff will determine the level of cuts necessary to comply with the rescission. The amount of funds that will be rescinded will be determined separately in accordance with applicable federal requirements for each funding stream and will be subject to the same methodology. The state will rescind funds utilizing a tiered approach. The tiered reduction in funding will occur in four steps, with each tier incorporating a larger total reduction of funds. However, once the first step in the rescission process is completed, the next step, and any subsequent steps will be utilized only if they are necessary to reach the amount of funds that USDOL requires to be rescinded from the state. For example, if after the first step the state has reached the amount of funds that are necessary for the rescission, the process will stop, and the second step will not be taken. If after the first step the state has not reached the desired amount, the second step will be taken, and the process may stop here only if the second step makes available all of the required funds. This process is designed to reduce the probability of having involuntary recapturing of funds from the local WIBs.

The state recognizes that steps 3 and 4 could have significant impact on local service delivery. Therefore, it is the state's intention to do everything possible to ensure that rescissions do not go beyond steps 1 and 2. However, should the need arise to advance to steps 3 and 4 in the rescission process, WIBs affected as a result of either step may need to assess current obligations with their service providers, WIA participants currently enrolled in training, and other phases of service delivery and determine the best strategy to provide continued services to participants to the fullest extent possible.

The rescission process will be implemented while ensuring that the allocation distributions required by WIA and 20 CFR Section 667.130 are met. In other words, after the rescission, funds allocated to local areas will retain their mandated share of the total funds. Statewide funds will also be subject to rescission, and may be subject to a greater share. For instance, after the rescission process, statewide
funds may be reduced to an amount that would constitute less than the 15% that is normally reserved for statewide activities.

Some of the steps described in the process below rely on expenditure rates of the local areas. The expenditure rate for each WIB will be the rate that is reported by the local areas to the ODJFS Office of Fiscal Services as of the latest completed quarter when the rescission notice is issued. Definitions of expenditure and expenditure rate are provided later in this document. Upon notice of a Congressional decision to rescind WIA funds, transfers between funding streams will not be approved.

If at any step the amount to be rescinded from local areas exceeds the rescission, the local amount will be adjusted proportionally to the amount needed to be taken back. Please see the rescission examples in Attachments A and B.

The tiered process for the rescission is described below:

1. The first step in the rescission process of WIA funds will take place at the state level and will include only statewide funds. All available funds intended for statewide projects and other state activities will be reviewed first. At this point the state will assess the funds that could be rescinded without seriously affecting critical services.

2. The second step in the rescission process will involve voluntary de-obligation of funds from WIBs. The voluntarily returned funds will be those funds that WIBs cannot reasonably expect to expend. The level of rescission will be determined by the WIB and will be reported to the state.

3. The third step in the rescission process will be based on the expenditure rate of the funding stream subject to rescission. Areas with an expenditure rate of seventy percent of these funds or greater will be held harmless for at least ninety percent. When less than seventy percent of these funds have been expended, the hold-harmless rate will be at least seventy-five percent. The expenditure rate will be pro-rated based upon the timing of the rescission as follows:

<table>
<thead>
<tr>
<th>70% Expenditure Rate Adjustment Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Quarter Funds</td>
</tr>
<tr>
<td>2nd Quarter Funds</td>
</tr>
<tr>
<td>3rd Quarter Funds</td>
</tr>
<tr>
<td>4th-8th Quarter Funds</td>
</tr>
</tbody>
</table>

4. The fourth step in this process will involve across the board rescissions. The cuts from each area will be based on the balance of funds after step 3 and each area's share (percentage) of allocation of the funds identified in the rescission. This final step will be used only if it is necessary to cover any remainder of funds that are needed to comply with the USDOL rescission.

In the event that the rescission will affect the service delivery in the local one-stop system, or a WIA partner contribution to the one stop system, an amended business plan may need to be submitted for state approval.

Definitions

**Accrued expenditures** are the charges incurred by the grantee during a given period requiring the provision of funds for (1) goods and other tangible property received; (2) services performed by employees, contractors, subgrantees, subcontractors, and other payees; and (3) other amounts
becoming owed (by the grantee) under programs for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments. [29 CFR 97.3]

The expenditure rate is amount of funds that are expended by a local area and its subgrantees when compared to the total allocation. The expenditure rate is expressed as a percentage of the total allocation.

V. **Technical Assistance**

For additional information, you may send your questions to the Bureau of Workforce Services: wiaqna@odjfs.state.oh.us.

VI. **References**


Attachment A

Example of a WIA funding rescission scenario through step 3 and proportional adjustment

Click here to view the Example of a WIA funding rescission scenario through step 3 and proportional adjustment

Attachment B

Example of a WIA funding rescission scenario using all 4 steps

Click here to view the WIA funding rescission scenario using all 4 steps
To: Local Elected Officials, WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Barbara E. Riley, Director

Subject: Salary and Bonus Limitations

I. Purpose

To provide guidance regarding the limitations on salary and bonus payments from funds administered or provided by the United States Department of Labor, Employment and Training Administration (USDOL ETA).

II. Effective Date

Immediately.

III. Background

Public Law 109-234 section 7013, enacted on June 15, 2006, limits the salary and bonus payments to individuals from funds appropriated to the ETA. Training and Employment Guidance Letter (TEGL) 5-06, issued on August 15, 2006, provides further details on the implementation of Public Law 109-234.

IV. Guidance Statement

The limit for salary and bonus payments to individuals funded from any ETA program, grant or contract is set at the rate of the Executive Level II. A salary table providing this rate is listed on the Federal Office of Personnel Management Web site: www.opm.gov. These levels and the web site are revised annually. The rate for Executive Level II is $165,200 for the Fiscal Year (FY) 2006. The sum of all bonuses received over the previous 12-month period when added to the employee's salary may not at any time exceed this limitation. For example, an employee paid at a rate of $162,000 may not receive bonuses in any 12-month period that exceeds $3,200, assuming the limitation of $165,200. If an individual works part time, let's say 60% of the time on any program funded by the ETA, then his/her salary and bonus payments may not be more than 60% of the Executive Level II, or $99,120. All ETA funds that were appropriated in FY 2006, and any prior years' funds that are available for expenditure on or after June 15, 2006 are affected by this limitation. This limitation must be implemented retroactively to June 15, 2006.

Any limits for payments to individuals that have been previously set are not affected by this WIATL if they are more restrictive than the limit in the TEGL 5-06. For example, the limitations set for payments to individuals through the Job Corps program, as well as any limitations that are contained in grants or contracts that are more restrictive than the limit set in this letter are still in effect.

The limitation in this WIATL applies to funds used by recipients and sub-recipients to pay for salaries or bonuses regardless of whether these are considered as direct or indirect costs. Recipients are entities that directly or indirectly receive contracts or grants from ETA. If an individual's payments include only a portion of ETA appropriated funds, this limit pertains to that portion. Thus, if an employee spends 25% of the time on an ETA funded program, the limit for this individual ETA funded salary is 25% of the Executive Level II.

The limit pertains to programs that received appropriations through the ETA, even if these programs are administered by another agency. The Veterans Employment and Training Service (VETS) programs that are funded by ETA are subject to the salary and bonus limitations. Conversely, programs funded by H-1B grants, Disaster Unemployment Assistance (DUA) program, and WIA incentive grants that are financed only through the Department of Education (DOE), are not subject to ETA appropriations and are not affected by this limit.

TEGL 5-06 affects recipients, sub-recipients, contractors and sub-contractors, but it does not apply to vendors that provide goods and services to other entities, and to ETA funded programs. The definition of "vendor" is found in OMB Circular A-133, and it generally refers to an organization that meets all of the following:
Provides the goods and services within normal business operations;

Provides similar goods or services to many different purchasers;

Operates in a competitive environment;

Provides goods or services that are ancillary to the operation of the federal program; and

Is not subject to compliance requirements of the federal program.

A recipient or a sub-recipient is an organization that:

Determines who is eligible to receive federal assistance;

Has its performance measured against whether the objectives of the federal program are met;

Has responsibility for programmatic decision making;

Has responsibility for adherence to applicable federal program compliance requirements; and

Uses the federal funds to carry out a program of the organization as compared to providing goods or services for a program of the pass-through entity.

The determination of whether an organization is a sub-recipient or a vendor is based on the substance of the relationship. For instance, when deciding whether a vendor or sub-recipient relationship exists, no one factor should be taken in isolation; all the applicable criteria should be reviewed. However, under no circumstances should a designation of vendor be made for providers that have a financial or performance requirement related to eligibility or selection of participants. The designations of sub-recipient and vendor relate to type of product or service provided, and not to the type of agreement document used or whether that agreement is called a contract or a subgrant.

V. **Technical Assistance**

For additional information, you may send your questions to the Bureau of Workforce Services: wiaqna@odjfs.state.oh.us.

VI. **References**


USDOL, Training and Employment Guidance Letter (TEGL) 5-06, August 15, 2006
Workforce Investment Act Transmittal Letter (WIATL) No. 24

November 27, 2006

To: Local Elected Officials, WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Barbara E. Riley, Director

Subject: Worker Profiling and ReEmployment Services (WPRS), ReEmployment Eligibility and Assessment (REA), and Workforce Investment Act (WIA) Eligibility for Dislocated Workers

I. Purpose

To provide guidance and information regarding Worker Profiling and ReEmployment Services (WPRS), and ReEmployment Eligibility and Assessment (REA) as these programs relate to dislocated worker eligibility for WIA services.

II. Effective Date

Immediately.

III. Guidance Statements

On November 24, 1993, the President signed into law the Unemployment Compensation (UC) Amendments of 1993, Public Law 103-152. The UC law requires states to establish and use a system to profile claimants for regular UC benefits. The WPRS system is an early intervention approach for providing dislocated workers with reemployment services to help expedite their return to productive employment.

The UC worker profiling methodology and referral process for UC claimants to receive reemployment services meet the criteria in WIA Section 101(9) for determining dislocated workers.

A profiled claimant is an individual who has applied for and is receiving UC benefits, and has been selected through the Ohio Job Insurance (OJI) system-generated Profiling Pool. A profiled claimant is considered a dislocated worker eligible for WIA services and may be referred to a One-Stop system for WIA services. The priority of service to be provided to a profiled dislocated worker will be determined by each One-Stop system to which referral may be made.

The UC profiling system identifies claimants who are most likely to exhaust UC benefits and unlikely to return to their previous job based on declining industry. On a weekly basis, the OJI system generates a pool of claimants selected for profiling. Profiled claimants are required to attend a reemployment services orientation and may be required to complete a reemployment eligibility assessment that covers information about WIA services.

Claimants in the profiling pool are selected based on the following UC criteria:

- have received a first UC payment
- are receiving benefits for Regular - Ohio, Unemployment Compensation for Federal Employees (UCFE), Unemployment Compensation Extension Act (UCX), or are combined wage claimants receiving a payment under Ohio law
- are Ohio residents filing for benefits
- are totally unemployed (no income or earnings for the first week paid)
- are not job attached and have no hiring hall (i.e., required hiring hall work search assignment)
- were last employed in a declining industry
To be included in the pool, the individual must have been last employed in a declining industry. The ODJFS Bureau of Labor Market Information (LMI) determines declining industries for WPRS by using LMI data for twelve economic regions. A declining industry is defined by using a moving fourth quarter-covered employment figures by industry (provided by the LMI QCEW data) and comparing it to employment for that same industry for the calendar year 2000 annual average. If the number of individuals in employment decreased, the industry is determined to be declining.

One of the eligibility criteria for dislocated worker programs under WIA is that the individual has been determined to be unlikely to return to a previous industry or occupation. "Were last employed in a declining industry" is defined for WIA as unlikely to obtain employment in a previous industry or occupation due to general economic conditions of the area.

A profiled claimant, who has no return to work date, is not job attached, has received a first UC payment and has a skill set that could preclude the individual from being competitive and finding reemployment in a previous or demand occupation may be considered an eligible dislocated worker meeting the WIA criterion in Section 101(9) (A) (iii), unlikely to return to previous industry or occupation.

Evidence that an individual has been profiled may be obtained from the local ODJFS staff in the One-Stop center. No further documentation is needed to establish the category for dislocation if the individual claimant has met the criteria for WPRS.

IV. **Technical Assistance**

For additional information, you may send your questions to the Bureau of Workforce Services, wiaqna@odjfs.state.oh.us.

V. **Reference**

Workforce Investment Act, Section 101(9)
Federal Register/Volume 65, No. 156, Friday, August 11, 2000 Final Rules and Regulations, page 49316
Unemployment Compensation Amendments of 1993, Public Law 103-152
I. Purpose
This communication provides guidance on the automated procedure for recommending training institutions for the statewide Workforce Investment Act (WIA) Eligible Training Provider (ETP) list. WIA administrative entities should convey this guidance to subrecipients, vendors and other entities that provide WIA activities, services, and postsecondary occupational training programs.

II. Effective Date
Immediately

III. Background
The Workforce Investment Act (WIA), Public Law 105-220, dated August 7, 1998, reformed federal job training programs. WIA legislation requires a training and employment system that demands greater quality control and increased accountability of training providers funded with WIA federal dollars.

The Governor must establish procedures for use by local Workforce Investment Boards (WIBs) to determine eligibility of training institutions for the WIA program. Statutory requirements for determining eligibility of training institutions and their programs are in Section 122 of the WIA.

Regulatory requirements are in Title 20 of the Code of Federal Regulations (CFR), WIA Final Rules, and dated August 11, 2000, Subpart E, Sections 663.500 through 663.590.

Training institutions submit application and programs to a local WIB for review and consideration. Local WIBs approve training institutions and their programs for the statewide eligible training provider list. WIA, Section 134 (a) (2) (B) requires the state to maintain and disseminate a statewide list of eligible training providers. The statewide Eligible Training Provider (ETPO) list is a compilation of eligible training providers approved by local WIBs.

A WIA eligible training provider may offer postsecondary occupational training programs to WIA participants and train them for occupations that are in demand. Payment for a participant's training cost is through an individual training account funded with WIA funds and by a local WIB.

WIA, Section 122(c)(5) also requires the state to establish a consumer report. Training institutions are required to submit specified cost and performance information when making application to be an eligible training provider. The consumer report is a compilation of WIA eligible training provider's program cost and performance information on training WIA participants.

The consumer report is the tool for informing customers using the WIA One-Stop delivery system about training programs offered and the performance of eligible training providers. Customers may view options available when choosing a training provider and postsecondary occupational training program.

IV. Guidance Statements
The Ohio Department of Job and Family Services, Office of Workforce Development is the designated state agency responsible for the development, operation and maintenance of the statewide eligible training provider list and consumer report.

The Sharing Career Opportunity and Training Information (SCOTI), Eligible Training Provider Online (ETPO) system is the automated procedure for approving and compiling the statewide ETPO list. Training institutions must use the ETPO system to submit application and programs, and local WIBs must use the system to approve training provider's applications and programs. Paper application is not accepted.

Local WIBs may accept applications from training institutions in other states. However, in order to conduct business with a local WIB, a training institution must be up to date with required filings and be in "Good Standing" with the state of Ohio. Filing requirements also apply to correspondence and distance learning/Internet-based training institutions and programs. It is the responsibility of the local WIBs to ensure that training institutions are up to date with required filings and be in "Good Standing." Local WIBs may be subject to questioned and/or disallowed cost if it enrolls WIA participants in a training institution not authorized to conduct business in Ohio.

WIA participants with an individual training account (ITA) must choose an eligible training provider and program from the state ETPO list. The selection of a training provider is a joint decision between the case manager and participant and agreed upon in accordance with a local WIB policy.

Any local WIB may send its WIA participants to any eligible training provider and program on the state ETPO list, regardless whether a local WIB specifically approved the training provider and its program. The state recognizes a local WIB's responsibility to build a local list. The state also recognizes a local WIB's discretion to require training institutions to submit application and programs to its specific local WIB before it will do business with the training institution. A local WIB may establish its additional application requirements.

**Initial Eligibility**

A training institution submitting application and programs for the first time is requesting initial eligibility. The initial eligibility period is one-year. An eligible training provider agrees on an annual basis to collect, track and report outcome information regarding participants enrolled in its approved programs.

Local WIBs may request training institutions to submit performance information to determine initial eligibility. Local WIBs may require performance levels higher than the state minimum performance levels.

**Subsequent Eligibility**

A WIA eligible training provider must re-submit application and programs after being on the state ETPO list for a year. The re-submission is subsequent eligibility requiring training providers to report performance information on WIA participants trained, and meet performance levels annually in order to remain on the state ETPO list. Eligible training providers can be removed by the state under subsequent eligibility based on performance. The subsequent eligibility review is on both the program and the eligible training provider.

**State Minimum Program Performance Levels**

The Governor's Ohio Workforce Policy Board (GOWPB) established the State Minimum Program Performance Levels in July 2000. See the State Minimum Program Performance Levels in the WIA Eligible Training Provider Online (ETPO) Procedure Guidance document, dated March 1, 2006, Attachment A to this transmittal letter. The performance levels are in effect, and may be used to determine both initial and subsequent eligibility.

On July 25, 2005, the U. S. Department of Labor (DOL) approved a waiver extending the period of initial eligibility of training providers and allowing the state to postpone subsequent eligibility. The
Removal of Eligible Training Providers and Programs

The state can remove a training provider and/or its programs if the eligible training provider:

- intentionally submitted inaccurate data and there is evidence;
- is in non-compliance with the WIA and its regulations;
- is in violation of state and/or local laws; and/or
- has ceased to be in business and/or lost its license to operate.

Local WIBs cannot allow WIA participants to enroll with an eligible training provider removed from the state ETPO list.

Under the waiver, the state will not remove eligible training providers from the state ETPO list because of failure to meet performance levels. Until the state conducts subsequent eligibility, a local WIB may choose not to use an eligible training provider if it deems the training provider's performance is unsatisfactory.

This Workforce Investment Act Transmittal Letter No. 23 includes the attached Eligible Training Provider Online (ETPO) Procedure Guidance document. The document gives detailed guidance to training institutions applying to be a WIA eligible training provider and to local WIBs on approving training institutions and their programs.

V. Technical Assistance

For additional information, you may send your questions or request to the Bureau of Workforce Services, wiaqna@odjs.state.oh.us.

VI. Reference

Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998, Sections 122, 123, 129 (b) (2) (A), and 134 (b) (I)

Workforce Investment Act, Code of Federal Register, WIA Final Rules, August 11, 2000; Subpart E, Sections 663.500 through 663.590


Attachment

Workforce Investment Act Eligible Training Provider Online Procedure Guidance

Click here to view the Workforce Investment Act Eligible Training Provider Online Procedure Guidance
Purpose

This issuance is a revision of WIATL 22B, and provides guidance and additional clarification on the waiver authority to use up to 20% of local area adult and dislocated worker formula funds to provide Incumbent Worker Training (IWT).

Effective Date

October 1, 2007 through June 30, 2009

Background

Waiver authority has allowed local WIBs to transfer up to 20% of local area adult and dislocated worker formula funds for conducting IWT. This policy has been revised as a result of input from local Workforce Investment Board (WIB) Directors and stakeholders in order to enhance and streamline the local IWT program. Due to the success of local incumbent worker training programs during the past year, the state is continuing to utilize the waiver authority.

Guidance Statements

A. Incumbent Worker Training-General Guidelines

Incumbent worker training is generally developed with a business or business association that is expanding capacity, incorporating new technology, or is at risk of closing or downsizing.

Incumbent worker training is a business service designed to develop a highly skilled workforce which will result in increased business financial viability, stability, competitiveness, and productivity. Local WIBs are encouraged to develop their incumbent worker training program policies and procedures in a manner that coordinates with the array of business services available through the Ohio Department of Development (ODOD) and other state and local stakeholders.

Workers participating in IWT will benefit by enhancing existing skills, learning new skills, earning employer or industry recognized credentials, retaining employment, advancing their careers, and/or increasing their earnings potential. IWT will also allow the opportunity for backfilling vacated positions resulting from the promotion of newly trained workers.

WIBs are not required to use this waiver. However, in order to conduct local IWT, local WIBs must request permission to utilize this funding. A WIB must determine the level of funding, up to 20% of their adult and dislocated worker formula funds, that will be needed to provide incumbent worker training services.

Ohio employers, as well as employers in bordering states whose employees are Ohio residents, are eligible to participate in Incumbent Worker Training programs under the waiver authority defined in this policy. A joint strategy should be developed between the WIBs, bordering states, and other stakeholders to explore the possibility of a jointly funded training package among appropriate state and local entities.
IWT under this policy is considered to be a statewide activity. Therefore, self-sufficiency requirements for formula funded adult and dislocated worker programs do not apply. All IWT participants must be authorized to work in the U.S. Documentation may be satisfied by an employer statement that ensures all trainees meet this requirement and documentation must be made available to the WIB upon request.

Local WIBs are encouraged to develop innovative program design strategies to meet the needs of its local area workforce. If a WIB chooses to offer incumbent worker services, it must set criteria to select employers and/or incumbent workers and define its local program requirements and application process.

Local WIBs have several options when determining how best to serve eligible employers. A WIB can arrange training using the traditional array of intensive and training services, including on-the-job training (OJT), customized training, skill upgrade training, occupational skills training (through the issuance of ITAs), or a combination of these training approaches. WIBs may also implement innovative training strategies that best meet the needs of the business community.

ODJFS observes the right to approve variances to this guidance on a case by case basis.

Training Wages

Incumbent worker training is not intended to be a wage subsidy program for employers. Rather, IWT is the provision of training services that lead to the increase of needed skills for participating workers that employers have identified as necessary for their workforce. It is recognized, however, that due to the loss of productivity and other non-training expenses associated with sending workers to training, it may be cost-prohibitive to some employers to invest in training without additional financial assistance.

In circumstances where it is warranted, WIA funds may be used to pay trainee wages for workers participating in IWT, as indicated below. However, local WIBs are encouraged to minimize this level of assistance and pay only those costs directly tied to the training, as the cost of paying training wages greatly increases the investment of WIA funds and may limit the number of employers that may be served in the local programs under this waiver authority.

- Training wages are for straight time only - no overtime;
- Training wages may be paid only when IWT is arranged between the WIB and the employer; and
- Individuals applying for WIA training directly may not be paid training wages.

Allowable Costs for Incumbent Worker Training Program

Allowable costs may include:

- Instructor / trainer salaries
- Trainee wages*
- Curriculum development, textbooks, manuals, training software, materials and non-consumables
- Other necessary and reasonable costs directly related to training

*See conditions in previous section

Unallowable Costs for Incumbent Worker Training Program

Unallowable costs include but are not limited to:

- Foreign travel
- Purchase or lease of capital equipment
• encouragement or inducement of a business or part of a business to relocate from any location in the United States
• use of IWT funds to pay for a worker's training or wages before his training period has commenced or after his training period has ended

B. Definitions

For the purpose of this waiver, the following definitions apply:

Incumbent Worker

An employed worker who is in need of additional skills in order to advance, avoid layoff or acquire skills needed by the employer. Incumbent workers do not need to meet the self-sufficiency standard established by the local WIB.

Types of Incumbent Worker Training

Allowable types of training for incumbent workers:

• **Innovative training**: locally-designed training that provides workers with employer-recognized skills but does not fall within the state or federal requirements of customized training, OJT, occupational skills training, or skill upgrade training.

• **Skill upgrade training**: short-term training that enhances occupation-specific skills or basic skills that does not lead to a credential/certificate as defined in USDOL TEGL 17-05.

• **Customized training**: see WIATL 40 for details; minimum employer match of 10% required depending on number of employees.

• **On-the-job training**: reimbursement for the extraordinary cost of training at a rate not to exceed 50% of the employee's hourly wage.

• **Occupational skill training (ITAs)**: training that leads to a credential or a certificate as defined in TEGL 17-05 (subject to local policy established by local area boards).

Layoff Aversion IWT

A category of IWT allowable under this initiative that identifies an eligible employer as having a workforce in need of training due to the potential for workforce downsizing or closure.

Workforce Talent Development (WTD) IWT

A category of IWT allowable under this initiative that identifies an eligible employer as in need of training for its workers in order to expand capacity, increase skills and competencies, remain viable and competitive, and/or retrain with new technologies.

C. Eligibility for Participating Businesses

Local Incumbent Worker Training is one of many business services offered through local WIBs, ODOD, and other stakeholders. Based upon a thorough assessment, it may be determined that a business could be better served through a program not funded under this activity. Therefore, it is important to gather sufficient information to determine the appropriate mix of services to meet the business' needs.

There are also businesses that should not participate in this initiative due to past or current violations of local, state, or federal law; unfair labor practices; and other conditions identified during the course of conducting initial employer assessments and reviewing contract requirements, assurances, and certifications with the local WIB designee. Businesses that fail to meet any of the following six qualifying criteria are not eligible to receive funds for incumbent worker training:
1. Businesses must not be presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the State of Ohio.

2. Businesses shall not have any outstanding tax liability to the State of Ohio.*

3. Businesses must ensure that they are not on the most recent list established by the Ohio Secretary of State that would identify them as having more than one (1) unfair labor practice contempt of court finding.

4. Ohio businesses must have all of the approvals, licenses, or other qualifications needed to conduct business in the state and all must be current. Should this status change during the course of the local IWT program activities and the business is disqualified from conducting business in Ohio, all training under the IWT program must cease.

5. Governmental entities, including the city, county and state, may not participate in the local IWT program. Health care providers that are operating as not-for-profit entities are the only allowable exceptions to this prohibition.

6. Businesses that have relocated to Ohio and have laid-off workers at their former location in the United States may not be considered for this program until they have been in operation at the new location for 120 days.

7. Businesses must not have any outstanding civil, criminal or administrative fines or penalties owed to or pending in the state of Ohio.

* WIBs will require the businesses to disclose any known outstanding tax liabilities with other states prior to entering into contract. The local WIB may consider existing out-of-state violations when determining eligibility to receive incumbent worker training funds.

D. Procurement of Training

WIBs have several options to determine how best to provide the training needed by a business as described below:

1. Local WIBs may enter into contracts with training providers registered in Ohio's Eligible Training Provider Online (ETPO) system without any additional procurement requirements. Utilization of the ETP list is for universally applicable off-the-shelf employer training and is not intended to include unique, specialized, or employer-specific training.

2. A business may be considered a "beneficiary" of this federal program and receive incumbent worker training assistance on a reimbursement basis. Subrecipients and vendors are not considered to be beneficiaries. In order to utilize this option, the following guidelines must be followed:
   a. Business beneficiaries may receive reimbursement for their actual training costs incurred under this program, on a reimbursement basis, subject to the limitations of section IV.A. of this policy.
   b. Local WIB approval of a training plan is required before reimbursement may be provided to a beneficiary. The development of training plans is the joint responsibility of the local WIB designee and the business.
   c. The training plan must identify the provider(s) of training, type of training, planned start/end dates, number of individuals to be trained, the projected cost of training, and any other information required by the WIB. All training costs must be allowable as defined under section IV.A. of this policy and follow the guidelines of this issuance. Training plans must be approved by the local WIB or a WIB designee prior to the start date of training. Beneficiaries must agree to provide all documentation required by the WIB in order to be reimbursed for the training.
d. Training providers are not required to be enrolled in the ETPO system for the purpose of providing training under this policy. WIBs may assist business beneficiaries in identifying potential providers of training; however, selection of a training provider is not subject to state or federal procurement requirements.

3. For businesses not following the guidelines in paragraph D.2 and that have training needs that cannot be offered by Ohio’s eligible training providers, local WIBs will need to follow proper procurement procedures as identified in Fiscal Administrative Procedure Manual Transmittal Letter (FAPMTL) No. 14 or local procurement policies if more restrictive.

E. Training Provider Considerations

Community colleges, state universities, vocational schools, technical schools, licensed private institutions, and training providers on Ohio's statewide WIA Eligible Training Provider (ETP) list should be used whenever possible. However, WIBs may enter into a contract for services, rather than using an ITA, if there are an insufficient number of eligible training providers on the ETP list to conduct the proposed training.

Training providers without satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience, accredited instructors, high job placement rates, and or high training completion rates, should be avoided.

The training facility should provide an environment that supports learning and be within reasonable proximity to the trainees so the cost and time required for travel is minimized.

F. Program Authority and Fund Request Process

Local adult and dislocated worker formula funds appropriated annually for the program year may be used to fund an incumbent worker training program.

A WIB may request the incumbent worker waiver at any time during the program year (July 1st - June 30th), but is limited to such request once per quarter during the program year. A fiscal agent may request to draw cash throughout the program year from the Office of Fiscal Services.

The last page of this guidance letter is a sample letter showing a request to use adult and dislocated worker funds for a local incumbent worker training program.

G. Fiscal Reporting

Funds contracted to a subrecipient or vendor for an incumbent worker training program are reported as program cost. The fiscal agent must track adult and dislocated worker formula funds used for incumbent worker training. The administrative cost limit remains in effect. However, if funds are given to a subrecipient or vendor for the sole purpose of performing general administrative functions, such as payroll, accounting budgeting, cash management, for the incumbent worker training program, those costs must be reported as administrative. The accrued expenditures charged to the adult and dislocated worker funding streams must not exceed the amount authorized for the incumbent worker training program and will be monitored.

H. Data Elements, Documentation and Program Reporting

Local WIBs are required to report IWT activities via the mini-incumbent worker registration in the Sharing Career Opportunities and Training Information (SCOTI). The reporting of outcomes is also required.

Each project must be categorized as either Layoff Aversion or Workforce Talent Development when recorded in SCOTI. The category definitions are as follows:

Layoff Aversion IWT - a category of incumbent worker training allowable under this local IWT program initiative that identifies the business as having a workforce in need of training due to the potential for workforce downsizing or closure.
Workforce Talent Development (WTD) IWT - a category of incumbent worker training allowable under this local IWT program initiative that identifies the business as in need of training for their workers in order to expand capacity, increase skills and competencies, remain viable and competitive, and/or retrain with new technologies.

The type of training provided is also a required data element. Definitions for each training type are found in Section IV.B. of this issuance. They are as follows:

- **Customized Training**
- **On-the-Job Training (OJT)**
- **Occupation Skills Training (ITAs)**
- **Skill Upgrade Training**
- **Innovative Training**

  *Any training that does not follow the state or federal requirements of customized, OJT, ITAs, or skill upgrade training must be reported as “innovative Training.”*

The following additional data elements are required for reporting:

<table>
<thead>
<tr>
<th>WIB Number</th>
<th>County</th>
<th>Business Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAICS Code</td>
<td>Worker Name</td>
<td>Date of Birth</td>
</tr>
<tr>
<td>Worker SSN (optional)</td>
<td>Training Start Date</td>
<td>Planned End Date</td>
</tr>
<tr>
<td>Planned Training Hours</td>
<td>Actual End Date</td>
<td>Actual Training Hours</td>
</tr>
</tbody>
</table>

Worker outcomes must be reported and selected from the following list (multiple selections may be made):

<table>
<thead>
<tr>
<th>Completed training program</th>
<th>Did not complete training program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received vocational skill certificate</td>
<td>Received other credential</td>
</tr>
<tr>
<td>Worker remained employed with same business after exit</td>
<td>Worker is employed by a different business after exit</td>
</tr>
<tr>
<td>Worker received wage increase</td>
<td>Worker received promotion</td>
</tr>
<tr>
<td>Worker received other positive outcome</td>
<td></td>
</tr>
</tbody>
</table>

The state has streamlined the reporting requirements to a minimal level that should not overburden employers but still allow for an assessment of the effectiveness of Ohio’s Incumbent Worker Training programs. Local WIBs may choose to collect more information if necessary to conduct successful Incumbent Worker Training programs. Local WIBs choosing to collect and document data elements over and beyond the requirements must ensure that every Incumbent Worker Training program is compliant with reporting rules. Local policies should include local requirements in regards to data elements, documentation and reporting.
IWT programs will be reported in Sharing Career Opportunities and Information (SCOTI) with a minimal amount of data required. If local WIBs wish to co-enroll an IWT participant in the local adult or dislocated worker program, a full registration is required in SCOTI which includes all of the data elements needed for WIA participants for performance. Co-enrolled participants must meet all eligibility requirements for Adult, Youth and/or Dislocated Worker programs.

Incumbent worker trainees in an incumbent worker training program under this waiver are not subject to the local WIA Common Measures unless they are co-enrolled in a WIA Adult, Dislocated Worker, or Youth program. Under this waiver, co-enrollment is permissible and is a local decision.

I. **Process to Request Permission to Utilize Funds**

The fiscal agent’s authorized representative must sign and submit a letter via mail or fax to:

Ohio Department of Job and Family Services  
Office of Workforce Development  
4020 E. Fifth Avenue  
P.O. Box 1618  
Columbus, OH 43216-1618  
Fax: (614) 728-5938

The letter must include:

- allocation for the funding stream  
- dollar amount for incumbent worker services assignable by funding stream (adult and/or dislocated worker) and year of appropriation (such as program year and fiscal year)  
- a statement that the WIB approved the request  
- e-mail address of fiscal agent authorized representative

Within 15 business days, the Office of Workforce Development will notify the fiscal agent and/or administrative entity of the approval by email.

V. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development, WIAQNA@JFS.OHIO.GOV.

VI. **Reference**


DOL waiver approval letter, November 5, 2007

DOL Training and Employment Guidance Letter (TEGL) 14-00, Change 1, November 19, 2001


Federal Register 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.400, 661.420(c) and (e), 663.245, 663.145, 665.220, 667.220, 667.262, 663.715, and 667.264

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 129(b), 134, 181(e) and 189 (i) (4) (B)


Office of Workforce Development Memo, June 2, 2008, John B. Weber

VII. **Rescissions**
Date
Ohio Department of Job and Family Services
Office of Workforce Development
4020 E. Fifth Avenue
P.O. Box 1618
Columbus, OH 43216-1618
RE: Incumbent Worker Training Fund Request
Dear:
Local Workforce Investment Area # requests approval to use the following funds and amounts for an incumbent worker training program under the waiver. The local Workforce Investment Board (WIB) approved this request on (date). The fiscal agent representative submitted this request.

<table>
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<tr>
<th>Funding Stream</th>
<th>Appropriation Year</th>
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<th>Incumbent Worker Amount</th>
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<tr>
<td>Adult</td>
<td>PY’2008</td>
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</tr>
<tr>
<td>Adult</td>
<td>FY’2009</td>
<td>Not applicable</td>
<td>until July 2008</td>
<td></td>
</tr>
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You may email me at (email address). You may call me at (telephone #) if you have questions.

Sincerely,

Fiscal Agent Representative
Workforce Investment Act (WIA) Transmittal Letter No. 22B

September 27, 2006

To: Local Elected Officials, WIA Local Workforce Investment Boards, WIB Directors, Fiscal Agents, Administrative Entities and One-Stop Operators

From: Barbara E. Riley, Director

Subject: Waiver Authority to Use 20% of the Adult and Dislocated Worker Formula Allocation for Incumbent Worker Training Program

I. Purpose

This WIATL is a revision of WIATL 22, and provides guidance and additional clarification on the waiver authority to use adult and dislocated worker formula funds for an incumbent worker training program. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities.

II. Effective Date

July 1, 2005 through June 30, 2007

III. Background

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 134 (a) (3) (A) (iv) (I) allows the use of statewide and Rapid Response funds for incumbent worker training programs. WIA, 20 Code of Federal Regulations, Section 663.145 does not include authority for a local Workforce Investment Board (WIB) to use adult, dislocated worker and youth local formula fund allocations for an incumbent worker training program.

On July 25, 2005, the U.S. Department of Labor (DOL) granted Ohio a waiver to permit a local Workforce Investment Board (WIB) to request to use up to 10% of adult and dislocated worker formula funds to provide statewide employment and training activities identified in WIA Section 134.

On March 3, 2006, the Bureau of Workforce Services issued clarification on the Workforce Investment Act Transmittal Letter No. 16 regarding public service employment and the local incumbent worker training program.

On March 6, 2006, DOL issued Training & Employment Guidance Letter 18-05, providing guidance to states on the use of WIA funds for incumbent and employed worker training.

On March 28, 2006, the Bureau of Workforce Services issued a letter announcing the availability of planning grants and clarification on the use of Rapid Response funds for local incumbent worker training programs.

On August 23, 2006, DOL approved an increase of the amount in the waiver to use local WIA Adult and Dislocated Worker funds to conduct statewide activities under WIA Section 134. The current waiver allows local areas to request the use of up to 20 percent of their local adult and dislocated worker funds to provide statewide employment and training activities.

Guidance Statements

A. Goals

A WIB should keep in mind the following goals when designing and implementing an incumbent worker training program:

• allowing local area flexibility to offer incumbent worker services and enhancing services to businesses,
• increasing flexibility to engage and work with businesses on improving the skills of their workforce,
• assisting employers in averting layoffs,
• improving employer satisfaction,
• helping workers continue their skill building and maximizing their potential,
• raising the skill level of workers so that it leads to promotion of the workforce, thus providing a career progression that opens entry level positions to others,
• increasing retention in employment,
• increasing individuals' wages.

B. Program Design

Even though DOL approved the waiver to allow up to 20% of adult and dislocated worker local formula funds to provide statewide employment and training activities identified in WIA Section 134, the state has restricted this waiver authority prohibiting other statewide activities using local formula funds, except for incumbent worker training.

A WIB has the discretion to request permission to use this waiver. If permission is granted by the state, the WIB may implement an incumbent worker training program under this waiver. A WIB must determine the level of funding, up to 20% of their adult and dislocated worker formula funds, to provide only incumbent worker training services. Adult and dislocated worker funds appropriated for Program Years 2004, 2005, and 2006 may be used to fund an incumbent worker training program.

Youth funds cannot be used for incumbent worker training under WIA.

WIA general eligibility requirements, such as proper selective service registration and citizenship status apply to participants receiving incumbent worker training services under this waiver.

WIA incumbent worker training funds cannot be used for encouragement or inducement of a business. WIA incumbent worker training funds cannot be used to relocate a business or part of a business from any location in the United States, if the relocation results in any employee losing his or her job at the original location.

Public service employees of governmental entities, such as the city, county and state, may participate in the local incumbent worker training program, but the wages and benefits for these employees cannot be included as part of the training cost. This affects on-the-job training, customized training, and local incumbent worker training programs.

This guidance does not prescribe the local process for implementing incumbent worker services but encourages a WIB to tailor a program and process to meet the needs of its local area and customers. If a WIB chooses to offer incumbent worker services, it must set criteria to select employers and/or incumbent workers and define its local program requirements and application process.

An employer or employer association in conjunction with the administrative entity may design and implement an incumbent worker training program. The administrative entity may also arrange incumbent worker training for an individual or group of individuals.

An administrative entity can arrange training using on-the-job training (OJT) and customized training contracts and an individual training account (ITA), or a combination of these training approaches. When the administrative entity arranges the training on behalf of an individual or group of individuals, consider customer choice. You must use the State Eligible Training Provider (ETP) list with an ITA. However, you may enter into a contract for services, rather than
using an ITA, if there is an insufficient number of eligible training providers on the ETP list to conduct the proposed training.

As with other types of training, you must complete an Individual Employment Plan (IEP) for an incumbent worker participant identifying the individual's skill level, needs, and outcomes.

When a WIB designs an incumbent worker training program, items to consider include, but are not limited to:

**Business considerations:**
- demonstrated financial viability,
- commitment to the regional economy,
- current on state tax obligations and environmental issues,
- other sources of funds to support the training,
- no federal or state debarment or suspension.

**Industry and training considerations:**
- demonstrated skill shortages,
- significant closure and/or layoff avoidance strategy,
- high skill occupations leading to enhanced career pathways for employees,
- portable, transferable, recognized industry or sector credentials for employees.

**Training services considerations:**
- community colleges, school districts, area vocational-technical centers, state universities, licensed and certified private institutions, and other training institutions on the Eligible Training Provider (ETP) list,
- business owned facility, training provider's facility or combination of sites,
- full or part-time educators, professional trainers from the business community including staff from the employer applying for funds.

C. **Program Authority and Fund Request Process**

A WIB may request to use Program Year 2004, and Fiscal Year 2005 adult and dislocated worker formula funds for the incumbent worker training program from July 1, 2005 through June 30, 2006.

A WIB may request to use Program Year 2005, and Fiscal Year 2006 adult and dislocated worker formula funds for the incumbent worker training program from July 1, 2005 through June 30, 2007.

A WIB may request to use Program Year 2006 and Fiscal Year 2007 funds for the incumbent worker training program from July 1, 2006 to June 30, 2007.

A WIB may request the incumbent worker waiver at any time during the program year (July 1st - June 30th), but is limited to such request once a program year. A fiscal agent may request to draw cash throughout the program year from the Office of Fiscal Services.

The last page of this guidance letter is a sample letter showing a request to use adult and dislocated worker funds for a local incumbent worker training program.

D. **Planning Grants**

The state is making available a $10,000 planning grant to each local WIB to fund the development, implementation, and methodologies for determining outcomes of incumbent
worker training programs. Each local WIB may access these funds by submitting a plan. All local plans must be approved by the local WIB prior to submittal. Allowable uses for these planning funds, suggested activities, the plan template and sample plan are addressed in the March 28, 2006 letter issued by the Bureau of Workforce Services.

E. **Fiscal and Program Reporting**

Funds contracted to a subrecipient or vendor for an incumbent worker training program are reported as program cost.

The fiscal agent must track funds used for incumbent worker training by funding stream and by the year of appropriation.

The administrative cost limit remains in effect. No separate amount may be set-aside for administration of the incumbent worker training program. Because administrative dollars are combined for the adult and dislocated worker funding streams, you do not need to identify administrative costs for the incumbent worker program separately.

However, if you contract funds to a subrecipient or vendor for the *sole purpose of performing general administrative functions*, such as payroll, accounting budgeting, cash management, for the incumbent worker training program, those costs must be reported as administrative.

Because the request is not a transfer of funds, the fiscal agent will report incumbent worker expenditures using the incumbent worker code established by the Office of Fiscal Services. Coding will exist for both the adult and dislocated worker programs. The accrued expenditures charged to the incumbent worker code for the adult and dislocated worker programs must not exceed the amount authorized for the incumbent worker training program. Costs reported against the incumbent worker training program will be monitored.

Funds that are not used for the incumbent worker training program may be expended on the adult and dislocated worker programs for program activities authorized by WIA respectively for those two programs.

The administrative entity will report incumbent worker trainees, incumbent worker activity, and outcomes under this waiver in the Sharing Career Opportunities and Training Information (SCOTI) client tracking system. Incumbent worker trainees in an incumbent worker training program under this waiver are not subject to the WIA Performance Measures. Under this waiver co-enrollment is not permissible.

For evaluation of the incumbent worker training program, outcomes to report include the following: remained with same employer, employed with different employer, skills upgrade, wage increase, did not complete program and other non-positive.

F. **Definitions**

For the *purpose of this waiver*, the following definitions apply.

**Economic Development Activities**

Economic development is any activity of regulating, promoting or assisting in relocation, expansion or development of business in a local area. (Defined by ODJFS)

**Employment Generating Activities**

Employment generating activities are activities undertaken with grant funds for the sole purpose of generating employment.

Activities undertaken that directly benefit a WIA participant are not considered employment generating even though employment may be the end result of the activity. Activities not considered employment generating may include, but are not limited to:

- promoting the use of first source hiring agreements,
• vouchering services in support of enterprise zone efforts,
• marketing of services available through WIA with local economic development practitioners,
• advertising to industry clusters that match skill sets of WIA participants,
• active participation with local business resource centers to provide technical assistance to small and new businesses to reduce the rate of business failure. (Defined by ODJFS)

**Incumbent Worker**

An incumbent worker is an individual who is employed and is being served in the local incumbent worker training program. These individuals do not need to meet the self-sufficiency standard established by the local WIB.

**Incumbent Worker Training Program**

Incumbent worker training is generally developed with an employer or employer association to upgrade skills training of a particular workforce. The training usually takes place in the workforce or after work hours for employees of a specific employer or employer association. This training may include the establishment and implementation of an employer loan program to assist in skills upgrading. [WIA Section 134(a) (3) (A) (iv) (I), Federal Regulations, Subpart B, Subsection 665.210(d) (1) and 665.220]

**G. Allowable Costs for Incumbent Worker Training Program**

Allowable costs may include but are not limited to:

• instructors/trainers' salaries,
• curriculum development, textbooks/manuals, materials and supplies,
• trainee wages when employees are **not** participating in economic development activities.

**H. Unallowable Costs for Incumbent Worker Training Program**

Unallowable costs include but are not limited to:

• normal employer payroll,
• wages of incumbent employees during their participation in economic development activities,
• employment generating activities,
• economic development activities,
• investment in revolving loan funds,
• capitalization of businesses,
• investment in contract bidding resource center,
• activities that are not directly related to training for eligible individuals under Title I,
• foreign travel,
• purchase of capital equipment.

**I. Approval Process**

The fiscal agent's authorized representative must sign and submit a letter (mail or fax) to:

Ohio Department of Job and Family Services
Office of Workforce Development
The letter must include:

- allocation for the funding stream,
- dollar amount for incumbent worker services assignable by funding stream (adult and/or dislocated worker) and year of appropriation (such as program year and fiscal year),
- a statement that the WIB approved the request,
- email address of fiscal agent authorized representative.

Within 15 business days, the Bureau of Workforce Services will notify the fiscal agent and/or administrative entity of the approval by email.

IV. **Technical Assistance**
For additional information, you may send your questions or request to the Bureau of Workforce Services, wiaqna@odjfs.state.oh.us.

V. **Reference**
Bureau of Workforce Services, Waiver Request Plan, May 9, 2005.
Federal Register 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.400, 661.420(c) and (e), 663.245, 663.145, 665.220, 667.220, 667.262 and 667.264.
Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 129(b), 134, 181(e) and 189 (i) (4) (B).

### Sample Request Letter

Your Agency Letter Head

Date
Ohio Department of Job and Family Services
Office of Workforce Development
Bureau of Workforce Services
4020 E. Fifth Avenue
P.O. Box 1618
Columbus, OH 43216-1618
RE: Incumbent Worker Training Fund Request
Dear:

Local Workforce Investment Area # requests approval to use the following funds and amounts for an incumbent worker training program under the waiver. The local Workforce Investment Board (WIB) approved this request on (date). The fiscal agent representative submitted this request.

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You may email me at (email address). You may call me at (telephone #) if you have questions.

Sincerely,

Fiscal Agent Representative
Workforce Investment Act (WIA) Transmittal Letter No. 22A

July 17, 2006

To: Local Elected Officials, WIA Local Workforce Investment Boards, WIB Directors, Fiscal Agents, Administrative Entities and One-Stop Operators

From: Barbara E. Riley, Director

Subject: Waiver Authority to Use 10% of the Adult and Dislocated Worker Formula Allocation for Incumbent Worker Training Program

I. Purpose

This WIATL is a revision of WIATL 22, and provides guidance and additional clarification on the waiver authority to use adult and dislocated worker formula funds for an incumbent worker training program. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities.

II. Effective Date

July 1, 2005 through June 30, 2007

III. Background

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 134 (a) (3) (A) (iv) (I) allows the use of statewide and Rapid Response funds for incumbent worker training programs. WIA, 20 Code of Federal Regulations, Section 663.145 does not include authority for a local Workforce Investment Board (WIB) to use adult, dislocated worker and youth local formula fund allocations for an incumbent worker training program.

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Guidance Statements

A. Goals

A WIB should keep in mind the following goals when designing and implementing an incumbent worker training program:

- allowing local area flexibility to offer incumbent worker services and enhancing services to businesses,
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- improving employer satisfaction,
• helping workers continue their skill building and maximizing their potential,
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B. Program Design

Even though DOL approved the waiver to allow up to 10% of adult and dislocated worker local formula funds to provide statewide employment and training activities identified in WIA Section 134, the state has restricted this waiver authority prohibiting other statewide activities using local formula funds, except for incumbent worker training.

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community colleges, school districts, area vocational-technical centers, state universities,
licensed and certified private institutions, and other training institutions on the Eligible Training Provider (ETP) list,
business owned facility, training provider's facility or combination of sites,
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C. Program Authority and Fund Request Process
A WIB may request to use Program Year 2004, Fiscal Year 2005, Program 2005 and Fiscal Year 2006 adult and dislocated worker formula funds for the incumbent worker training program from July 1, 2005 through June 30, 2006.

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An incumbent worker is an individual who is employed and is being served in the local incumbent worker training program. These individuals do not need to meet the self-sufficiency standard established by the local WIB.
Incumbent Worker Training Program

Incumbent worker training is generally developed with an employer or employer association to upgrade skills training of a particular workforce. The training usually takes place in the workforce or after work hours for employees of a specific employer or employer association. This training may include the establishment and implementation of an employer loan program to assist in skills upgrading. [WIA Section 134(a) (3) (A) (iv) (I), Federal Regulations, Subpart B, Subsection 665.210(d) (1) and 665.220]

G. Allowable Costs for Incumbent Worker Training Program

Allowable costs may include but are not limited to:

- instructors/trainers’ salaries,
- curriculum development, textbooks/manuals, materials and supplies,
- trainee wages when employees are not participating in economic development activities.

H. Unallowable Costs for Incumbent Worker Training Program

Unallowable costs include but are not limited to:

- normal employer payroll,
- wages of incumbent employees during their participation in economic development activities,
- employment generating activities,
- economic development activities,
- investment in revolving loan funds,
- capitalization of businesses,
- investment in contract bidding resource center,
- activities that are not directly related to training for eligible individuals under Title I,
- foreign travel,
- purchase of capital equipment.

I. Approval Process

The fiscal agent’s authorized representative must sign and submit a letter (mail or fax) to:

Ohio Department of Job and Family Services
Office of Workforce Development
Bureau of Workforce Services
4020 E. Fifth Avenue
P.O. Box 1618
Columbus, OH 43216-1618
Fax: (614) 728-5938

The letter must include:

- allocation for the funding stream,
- dollar amount for incumbent worker services assignable by funding stream (adult and/or dislocated worker) and year of appropriation (such as program year and fiscal year),
- a statement that the WIB approved the request,
Within 15 business days, the Bureau of Workforce Services will notify the fiscal agent and/or administrative entity of the approval by email.

IV. Technical Assistance
For additional information, you may send your questions or request to the Bureau of Workforce Services, wiaqna@odjfs.state.oh.us.

V. Reference
Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 129(b), 134, 181(e) and 189 (i) (4) (B);
WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.400, 661.420(c) and (e), 663.245, 663.145, 665.220, 667.220, 667.262 and 667.264;
DOL Training and Employment Guidance Letter (TEGL) 14-00, Change 1, November 19, 2001;
Waiver Request Plan, May 9, 2005;
DOL waiver approval letter, July 25, 2005
DOL Training and Employment Guidance Letter (TEGL) 18-05, March 6, 2006;
Bureau of Workforce Services letter, March 3, 2006;
Bureau of Workforce Services letter, March 28, 2006

Attachment
Sample Request Letter (Incumbent Worker Training Fund Request)
Click here to view Sample Request Letter (Incumbent Worker Training Fund Request).
I. Purpose

This communication provides guidance on the waiver authority to use adult and dislocated worker formula funds for an incumbent worker-training program. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities.

II. Effective Date

July 1, 2005 through June 30, 2007

III. Background

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 134 (a) (3) (A) (iv) (I) allows the use of statewide and Rapid Response funds for incumbent worker training (IWT) programs. WIA, 20 Code of Federal Regulations, Section 663.145 does not include authority for a local Workforce Investment Board (WIB) to use adult, dislocated worker and youth local formula fund allocations for an IWT program.

On July 25, 2005, the U.S. Department of Labor (DOL) granted Ohio a waiver to permit a local Workforce Investment Board (WIB) to request to use up to 10% of adult and dislocated worker formula funds to provide statewide employment and training activities identified in WIA Section 134.

IV. Guidance Statements

A. Goals

A WIB should keep in mind the following goals when designing and implementing an incumbent worker-training program.

- Allowing local area flexibility to offer incumbent worker services and enhancing services to businesses
- Increasing flexibility to engage and work with business improving skills of the employer's workforce
- Assisting employers in averting layoffs
- Improving employer satisfaction
- Helping workers continue their skill building and maximizing their potential
- Raising skill level of workers so that it leads to promotion of the workforce, providing a career progression that opens entry level positions to others
- Increasing retention in employment
- Increasing individuals' wages

B. Program Design
Even though DOL approved the waiver to allow up to 10% of adult and dislocated worker local formula funds to provide statewide employment and training activities identified in WIA Section 134, the state has restricted this waiver authority prohibiting other statewide activities using local formula funds, except for incumbent worker training.

A WIB has the discretion to request permission to use this waiver. If permission is granted by the state, the WIB may implement an incumbent worker-training program under this waiver. A WIB must determine the level of funding, up to 10% of their adult and dislocated worker formula funds, to provide only incumbent worker training services. Adult and dislocated worker funds appropriated for Program Years 2004, 2005, and 2006 may be used to fund an incumbent worker-training program.

Youth funds cannot be used for incumbent worker training under the Workforce Investment Act. WIA general eligibility requirements, such as selective service and citizenship, apply to participants receiving incumbent worker training services under this waiver. WIA incumbent worker training funds cannot be used for encouragement or inducement of a business. WIA incumbent worker training funds cannot be used to relocate a business or part of a business from any location in the United States, if the relocation results in any employee losing his or her job at the original location.

This guidance does not prescribe the local process for implementing incumbent worker services but encourages a WIB to tailor a program and process to meet the needs of your local area and customers. If a WIB chooses to offer incumbent worker services, you must set criteria to select employers and/or incumbent workers and define your local program requirements and application process.

An employer or employer association in conjunction with the administrative entity may design and implement an incumbent worker-training program. The administrative entity may also arrange incumbent worker training for an individual or group of individuals.

An administrative entity can arrange training using on-the-job training (OJT) and customized training contracts and an individual training account (ITA), or a combination of these training approaches. When the administrative entity arranges the training on behalf of an individual or group of individuals, consider customer choice. You must use the State Eligible Training Provider (ETP) list with an ITA. However, you may enter into a contract for services, rather than using an ITA, if there is an insufficient number of eligible training providers on the ETP list to conduct the proposed training.

As with other types of training, you must complete an Individual Employment Plan (IEP) for an incumbent worker participant identifying the individual's skill level, needs, and outcomes.

When a WIB designs an incumbent worker-training program, items to consider include, but are not limited to:

**Business considerations:**
- demonstrated financial viability
- commitment to the regional economy
- current on state tax obligations and environmental issues
- other sources of funds to support the training
- no federal or state debarment or suspension

**Industry and training considerations:**
- demonstrated skill shortages
• significant closure and/or layoff avoidance strategy
• high skill occupations leading to enhanced career pathways for employees
• portable, transferable, recognized industry or sector credentials for employees

Training services considerations:
• community colleges, school districts, area vocational-technical centers, state universities, licensed and certified private institutions, and other training institutions on the Eligible Training Provider (ETP) list
• business owned facility, training provider's facility or combination of sites
• full or part-time educators, professional trainers from the business community including staff from the employer applying for funds

C. Program Authority and Fund Request Process


A WIB may request to use Program Year 2006 and Fiscal Year 2007 funds for the incumbent worker-training program from July 1, 2006 to June 30, 2007.

A WIB may request the incumbent worker waiver at any time during the program year (July 1st - June 30th), but is limited to such request once a program year. A fiscal agent may request to draw cash throughout the program year from the Office of Fiscal Services.

The last page of this guidance letter is a sample letter showing a request to use adult and dislocated worker funds for a local incumbent worker-training program.

D. Fiscal and Program Reporting

Funds contracted to a subrecipient or vendor for an incumbent worker-training program are reported as program cost.

The fiscal agent must track funds used for incumbent worker training by funding stream and by the year of appropriation.

The administrative cost limit remains in effect. No separate amount may be set-aside for administration of the incumbent worker-training program. Because administrative dollars are combined for the adult and dislocated worker funding streams, you do not need to identify administrative costs for the incumbent worker program separately.

However, if you contract funds to a subrecipient or vendor for the sole purpose of performing general administrative functions, such as payroll, accounting budgeting, cash management, for the incumbent worker-training program, those costs must be reported as administrative.

Because the request is not a transfer of funds, the fiscal agent will report incumbent worker expenditures using the incumbent worker code established by the Office of Fiscal Services. Coding will exist for both the adult and dislocated worker programs. The accrued expenditures charged to the incumbent worker code for the adult and dislocated worker programs must not exceed the amount authorized for the incumbent worker-training program. Costs reported against the incumbent worker-training program will be monitored.

Funds that are not used for the incumbent worker-training program may be expended on the adult and dislocated worker programs for program activities authorized by WIA respectively for those two programs.

The administrative entity will report incumbent worker trainees, incumbent worker activity, and outcomes under this waiver in the Sharing Career Opportunities and Training Information
client tracking system. Incumbent worker trainees in an incumbent worker-training program under this waiver are not subject to the WIA Performance Measures. Under this waiver co-enrollment is not permissible.

For evaluation of the incumbent worker-training program, outcomes to report include the following: remained with same employer, employed with different employer, skills upgrade, wage increase, did not complete program and other non-positive.

E. Definitions

For the purpose of this waiver, the following definitions apply.

**Economic Development Activities**

Economic development is any activity of regulating, promoting or assisting in relocation, expansion or development of business in a local area. (Defined by ODJFS)

**Employed Worker**

An employed worker is an individual who is employed, but earns a wage that has been determined below the self-sufficiency standard set by a WIB of a local workforce investment area. (WIA Federal Regulations, Subpart B, Section 663.220)

**Employment Generating Activities**

Employment generating activities are activities undertaken with grant funds for the sole purpose of generating employment.

Activities undertaken that directly benefit a WIA participant are not considered employment generating even though employment may be the end result of the activity. Activities not considered employment generating may include, but are not limited to:

- promoting the use of first source hiring agreements;
- vouchering services in support of enterprise zone efforts;
- marketing of services available through WIA with local economic development practitioners;
- advertising to industry clusters that match skill sets of WIA participants; and
- active participation with local business resource centers to provide technical assistance to small and new businesses to reduce the rate of business failure. (Defined by ODJFS)

**Incumbent Worker**

An incumbent worker is an individual who is employed, but earns a wage that is at or above the self-sufficiency standard set by a WIB of a local workforce investment area. (Defined by ODJFS)

**Incumbent Worker Training Program**

Incumbent worker training is generally developed with an employer or employer association to upgrade skills training of a particular workforce. The training usually takes place in the workforce or after work hours for employees of a specific employer or employer association. This training may include the establishment and implementation of an employer loan program to assist in skills upgrading. [WIA Section 134(a) (3) (A) (iv) (I), Federal Regulations, Subpart B, Subsection 665.210(d) (1) and 665.220]

F. Allowable Costs for Incumbent Worker Training Program

Allowable costs may include but are not limited to:

- instructors/trainers’ salaries;
- curriculum development, textbooks/manuals, materials and supplies; and
• trainee wages when employees are not participating in economic development activities.

G. Unallowable Costs for Incumbent Worker Training Program

Unallowable costs include but are not limited to:

- normal employer payroll
- wages of incumbent employees during their participation in economic development activities
- employment generating activities
- economic development activities
- investment in revolving loan funds
- capitalization of businesses
- investment in contract bidding resource center
- activities that are not directly related to training for eligible individuals under Title I
- foreign travel
- purchase of capital equipment

H. Approval Process

The fiscal agent’s authorized representative must sign and submit a letter (mail or fax) to:

Ohio Department of Job and Family Services
Office of Workforce Development
Bureau of Workforce Services
145 S. Front Street, 4th floor
Columbus, OH 43215
Fax: (614) 738-5938

The letter must include:

- allocation for the funding stream
- dollar amount for incumbent worker services assignable by funding stream (adult and/or dislocated worker) and year of appropriation (such as program year and fiscal year);
- a statement that the WIB approved the request; and
- email address of fiscal agent authorized representative.

Within 15 business days, the Bureau of Workforce Services will notify the fiscal agent and/or administrative entity of the approval by email.

V. Technical Assistance

For additional information, you may send your questions or request to the Bureau of Workforce Services, wiaqna@odjfs.state.oh.us.

VI. Reference

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 129(b), 134, 181(e) and 189 (i) (4) (B);

WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.400, 661.420(c) and (e), 663.245, 663.145, 665.220, 667.220, 667.262 and 667.264;
DOL Training and Employment Guidance Letter (TEGL) 14-00, Change 1, November 19, 2001; Waiver Request Plan, May 9, 2005; and U.S. DOL waiver approval letter, July 25, 2005

Sample Request Letter

Your Agency Letter Head

Date

Ohio Department of Job and Family Services
Office of Workforce Development
Bureau of Workforce Services
145 S. Front Street, 4th Floor
Columbus, OH 43215

RE: Incumbent Worker Training Fund Request

Dear:

Local Workforce Investment Area # requests approval to use the following funds and amounts for an incumbent worker-training program under the waiver. The local Workforce Investment Board (WIB) approved this request on (date). The fiscal agent representative submitted this request.

<table>
<thead>
<tr>
<th>Funding Stream</th>
<th>Appropriation Year</th>
<th>Local Formula Allocation</th>
<th>Incumbent Worker Amount</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult</td>
<td>PY’2004</td>
<td>1,220,465.00</td>
<td>122,047.00</td>
<td>10</td>
</tr>
<tr>
<td>Adult</td>
<td>FY’2005</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td>PY’2005</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td>FY’2006</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td>PY’2006</td>
<td>Not applicable</td>
<td>until July 2007</td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td>FY’2007</td>
<td>Not applicable</td>
<td>until July 2007</td>
<td></td>
</tr>
<tr>
<td>Dislocated Worker</td>
<td>PY’2004</td>
<td>184,739.00</td>
<td>14,780.00</td>
<td>8</td>
</tr>
<tr>
<td>Dislocated Worker</td>
<td>FY’2005</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dislocated Worker</td>
<td>PY’2005</td>
<td></td>
<td></td>
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<tr>
<td>Dislocated Worker</td>
<td>FY’2006</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dislocated Worker</td>
<td>PY’2006</td>
<td>Not applicable</td>
<td>until July 2007</td>
<td></td>
</tr>
<tr>
<td>Dislocated Worker</td>
<td>FY’2007</td>
<td>Not applicable</td>
<td>until July 2007</td>
<td></td>
</tr>
</tbody>
</table>

You may email me at (email address). You may call me at (telephone #) if you have questions.

Sincerely,
Fiscal Agent Representative
To: Local Elected Officials, WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Helen E. Jones-Kelley, Director

Subject: Waiver to Increase the Percentage on Transfer of Funds between the Adult and Dislocated Worker Programs

I. **Purpose**

This communication provides guidance on the waiver to increase the transfer of up to 50% of local area formula allocations, between the Adult and Dislocated Worker programs. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities.

II. **Effective Date**

July 1, 2007 through June 30, 2009

III. **Background**

Under the Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 133 (b) (4) allows the local Workforce Investment Board (WIB), through the administrative entity (AE) and/or fiscal agent (FA), may request a transfer of funds between the adult and dislocated worker programs of up to 20% of the original formula allocation for each year of appropriation.

The 2003 WIA appropriations as specified in the Training and Employment Guidance Letter 23-02, dated April 1, 2003, outlined a technical amendment that increased transfer authority from 20% to no more than 30%.

On July 25, 2005, the U.S. Department of Labor (DOL) granted Ohio a waiver to increase the 30% transfer authority to no more than 50%.

IV. **Guidance Statement**

A WIB cannot transfer youth funds under the Workforce Investment Act.

A WIB has the discretion to use this waiver. A WIB should instruct the fiscal agent and/or the administrative entity whether to implement the waiver to transfer up to 50% of local area formula allocations between the adult and dislocated worker programs.

Funds will retain the year of appropriation identity and must be transferred, accounted for and reported accordingly. For example, if you transfer Program Year (PY) 2005 adult funds to the dislocated worker program, you will report the transferred funds as PY 2005 dislocated worker funds. Funds transferred cannot be transferred back.

You should not transfer funds from the dislocated worker program to the adult program without regard to demands for dislocated worker services. The state will not provide Rapid Response funds to address a predictable need if a transfer has occurred from the dislocated worker program to the adult program.

A request for transfer is restricted to once every six weeks. The fiscal agent will continue to use the "Request for Transfer of WIA Funds" form. The form is available at [http://www.odjfs.state.oh.us/forms/file.asp?id=47267](http://www.odjfs.state.oh.us/forms/file.asp?id=47267). Requests for the transfer of WIA funds must be submitted to the Ohio Department of Job and Family Services, Office of Fiscal Services via the Bureau of County Finance and Technical Assistance.

**Considerations**
There are short-term and long-term effects on program operations that could result from transfers of funds. The local WIB, the fiscal agent, and/or the administrative entity should examine the following considerations when deciding to request a transfer:

1. Are there adequate funds to maintain services to currently enrolled participants?
2. What is prompting the request?
   - Customer demand
   - Business demand
   - Expenditures
   - Enrollments
3. How will you respond to unforeseen events?
   - Company closings
   - Mass layoffs
   - Increased training costs
4. Will there be adequate time to meet WIA funds obligation and expenditure requirements?
   - Current program year funds obligation requirement of 80%
   - 100% of the prior year funds are expended within the second year of appropriation
5. What are short-term and long-term impacts of the transfer?
   - Significant change in business plan goals to warrant a business plan modification
   - Public comment period
   - Incumbent worker program transfer request
   - Service level and service groups

V. Technical Assistance

For additional information, you may send your questions to the Bureau of Employer Services-WIA, wiaqna@odjfs.state.oh.us.

VI. References

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 133 (a) (B) (2) and 133(b) (4), 189 (i) (4) (B);
Federal Regulation, Final Rules, August 11, 2000, 20 CFR Sections 661.420 (c) and 667.140;
DOL Training and Employment Guidance Letter No. 23-02, April 1, 2003;
Waiver Request Plan, May 9, 2005; and U.S. DOL waiver approval letter, July 25, 2005
Waiver Request Plan, May 9, 2007; and USDOL waiver approval letter, Sept. 26, 2007
I. **Purpose**

This communication provides guidance on the waiver to increase the transfer of up to 50% of local area formula allocations as of July 1, 2005, between the Adult and Dislocated Worker programs. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities.

II. **Effective Date**

July 1, 2005 through June 30, 2007

III. **Background**

Under the Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 133 (b) (4) allows the local Workforce Investment Board (WIB), through the administrative entity (AE) and/or fiscal agent (FA), may request a transfer of funds between the adult and dislocated worker programs of up to 20% of the original formula allocation for each year of appropriation.

The 2003 WIA appropriations as specified in the Training and Employment Guidance Letter 23-02, dated April 1, 2003, outlined a technical amendment that increased transfer authority from 20% to no more than 30%.

On July 25, 2005, the U.S. Department of Labor (DOL) granted Ohio a waiver to increase the 30% transfer authority to no more than 50%.

IV. **Guidance Statements**

A WIB cannot transfer youth funds under the Workforce Investment Act.

A WIB has the discretion to use this waiver. A WIB should instruct the fiscal agent and/or administrative entity whether to implement the waiver to transfer up to 50% of local area formula allocations as of July 1, 2005, between the adult and dislocated worker programs.

Funds will retain the year of appropriation identity and must be transferred, accounted for and reported accordingly. For example, if you transfer Program Year (PY) 2005 adult funds to the dislocated worker program, you will report the transferred funds as PY 2005 dislocated worker funds. Funds transferred cannot be transferred back.

You should not transfer funds from the dislocated worker program to the adult program without regard to demands for dislocated worker services. The state will not provide Rapid Response funds to address a predictable need if a transfer has occurred from the dislocated worker program to the adult program.

A request for transfer is restricted to once a quarter. The fiscal agent will continue to use the "Request for Transfer of WIA Funds form. The form is available at http://jfs.ohio.gov/Ofs/bcfta/forms.stm. Requests for the transfer of WIA funds must be submitted to the Ohio Department of Job and Family Services, Office of Fiscal Services via the Bureau of County Finance and Technical Assistance.

Considerations
There are short-term and long-term effects on program operations that could result from transfers of funds. A WIB and fiscal agent and/or administrative entity should examine the following considerations when deciding to request a transfer, but not limited to:

1. Are there adequate funds to maintain services to currently enrolled participants?
2. What is prompting the request?
   - Customer demand
   - Business demand
   - Expenditures
   - Enrollments
3. How will you respond to unforeseen events?
   - Company closings
   - Mass layoffs
   - Increased training costs
4. Will there be adequate time to meet WIA funds obligation and expenditure requirements?
   - Current program year funds obligation requirement of 80%
   - 100% of the prior year funds are expended within the second year of appropriation
5. What are short-term and long-term impacts of the transfer?
   - Significant change in business plan goals to warrant a business plan modification
   - Public comment period
   - Incumbent worker program transfer request
   - Service level and service groups

V. **Technical Assistance**

For additional information, you may send your questions or request to the Bureau of Workforce Services, wiaqna@odjfs.state.oh.us.

VI. **Reference**

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 133 (a) (B) (2) and 133(b) (4), 189 (i) (4) (B);

Federal Regulation, Final Rules, August 11, 2000, 20 CFR Sections 661.420 (c) and 667.140;

DOL Training and Employment Guidance Letter No. 23-02, April 1, 2003;

Waiver Request Plan, May 9, 2005; and

U.S. DOL waiver approval letter, July 25, 2005
To: Local Elected Officials, WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Helen E. Jones-Kelley, Director

Subject: Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)

I. Purpose

This communication provides guidance on the option to competitively select a youth provider for three of the youth program elements or to conduct the three youth program elements internally. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date

July 1, 2007 through June 30, 2009

III. Background

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Sections 123 and 129 (c) (2) require the local Workforce Investment Board (WIB) to competitively select youth providers to deliver services for the ten youth program elements.

On July 25, 2005, the U.S. Department of Labor (DOL) granted Ohio a waiver to allow a WIB to decide whether to competitively select youth providers or allow the administrative entity to deliver services for the following three youth program elements: Paid and Unpaid Work Experience, Supportive Services, and 12-month Follow-up Services.

IV. Guidance Statements

A WIB has the option to competitively select a youth provider for three of the youth program elements (paid and unpaid work experience, supportive services, and follow-up services) or to conduct the three youth program elements internally. This waiver does not apply to the remaining seven youth program elements.

This waiver applies statewide. A formal request from a WIB is not required to implement this waiver. If a WIB uses this waiver, the local business plan must be modified.

A WIB, in coordination with the Youth Council, should identify the extent that the three program elements are available in the community. These three youth program elements may exist without charge through other community entities. A WIB may:

1. Continue to competitively select youth providers to deliver the services because of operational effectiveness and efficiency.
2. Authorize the administrative entity to provide services internally through One-Stop locations.
3. Use a mixed approach conducting services internally and using a competitive selection process.

Regardless of the option selected, a WIB must ensure documentation of the decision, including the reasonableness of cost. Annually, a WIB should ensure completion of an independent analysis of the cost effectiveness and outcomes under the youth program. The analysis will help to verify that youth services remain cost effective and the youth program continues to meet performance expectations.
This waiver is not meant to diminish the established network of quality youth service providers. The local administrative entity should inform appropriate stakeholders that competitively selecting youth providers is no longer required for the three youth program elements. You may want to consider allowing the community and existing youth service providers the opportunity to submit comments.

V. Technical Assistance
For additional information, you may send your questions to the Bureau of Employer Services-WIA, wiaqna@odjfs.state.oh.us.

VI. References
Workforce Investment Act of 1998, Public Law 105-220, August 7, 1998, Sections 189 (i) (4) (B), (c), 112 (b) (8) (B), 117 (d) (2) (B), 117 (h) (4) (B) (I), 123, and 129(c) (2);
WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.420, 664.110(c), 664.220, and 664.405(a) (4);
TEGL No. 9-00, January 23, 2001;
Waiver Request Plan, May 9, 2005; and U.S. DOL waiver approval letter, July 25, 2005
Waiver Request Plan, May 9, 2007; and USDOL waiver approval letter, Sept. 26, 2007
Workforce Investment Act (WIA) Transmittal Letter No. 20
January 11, 2006

To: Local Elected Officials, WIA Local Workforce Investment Boards, Fiscal Agents, Administrative Entities and One-Stop Operators
From: Barbara E. Riley, Director
Subject: Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)

I. Purpose
This communication provides guidance on the option to competitively select a youth provider for three of the youth program elements or to conduct the three youth program elements internally. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date
July 1, 2005 through June 30, 2007

III. Background
The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Sections 123 and 129 (c) (2) require the local Workforce Investment Board (WIB) to competitively select youth providers to deliver services for the ten youth program elements.

On July 25, 2005, the U.S. Department of Labor (DOL) granted Ohio a waiver to allow a WIB to decide whether to competitively select youth providers or allow the administrative entity to deliver services for the following three youth program elements: Paid and Unpaid Work Experience, Supportive Services, and 12-month Follow-up Services.

IV. Guidance Statements
A WIB has the option to competitively select a youth provider for three of the youth program elements (paid and unpaid work experience, supportive services, and follow-up services) or to conduct the three youth program elements internally. This waiver does not apply to the remaining seven youth program elements.

This waiver applies statewide. A formal request from a WIB is not required to implement this waiver. If a WIB uses this waiver, the local business plan must be modified.

A WIB in coordination with the Youth Council should identify the extent that the three program elements are available in the community. These three youth program elements may exist without charge through other community entities. A WIB may:

1. Continue to competitively select youth providers to deliver the services because of operational effectiveness and efficiency.
2. Authorize the administrative entity to provide services internally through One-Stop locations.
3. Use a mixed approach conducting services internally and using a competitive selection process.

Regardless of the option selected, a WIB must ensure documentation of the decision, including the reasonableness of cost. Annually, a WIB should ensure completion of an independent analysis of the cost effectiveness and outcomes under the youth program. The analysis will help to verify that youth services remain cost effective and the youth program continues to meet performance expectations.

This waiver is not meant to diminish the established network of quality youth service providers. The local administrative entity should inform appropriate stakeholders that competitively selecting youth...
providers is no longer required for the three youth program elements. You may want to consider allowing the community and existing youth service providers the opportunity to submit comments.

V. **Technical Assistance**
For additional information, you may send your questions or request to the Bureau of Workforce Services, wiaqna@odjfs.state.oh.us.

VI. **Reference**
Workforce Investment Act of 1998, Public Law 105-220, August 7, 1998, Sections 189 (i) (4) (B), (c), 112 (b) (8) (B), 117 (d) (2) (B), 117 (h) (4) (B) (I), 123, and 129(c) (2);
WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.420, 664.110(c), 664.220, and 664.405(a) (4);
TEGL No. 9-00, January 23, 2001;
Waiver Request Plan, May 9, 2005; and
U.S. DOL waiver approval letter, July 25, 2005
Workforce Investment Act (WIA) Transmittal Letter No. 19A
December 20, 2007

To: Local Elected Officials, WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Helen E. Jones-Kelley, Director

Subject: Waiver on Individual Training Account (ITA) for Youth Participants, ages 16-21

I. Purpose
This communication provides guidance on the waiver to use Individual Training Accounts (ITAs) for WIA youth participants who are ages 16-21. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date
July 1, 2007 through June 30, 2009

III. Background
The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 134 (d) (4) (G) requires the use of an ITA for training services for the adult and dislocated worker programs. WIA, 20 Code of Federal Regulations, Section 664.510 allows youth, who are 18 years of age and above, to use an ITA for training services if they are co-enrolled in the adult and/or dislocated worker programs.

On July 25, 2005, the U.S. Department of Labor (DOL) granted Ohio a waiver allowing the use of ITAs for youth participants who are ages 16-21, and/or who are out-of-school without co-enrolling in the adult and/or dislocated worker program for training services requiring an ITA.

IV. Guidance Statements
This waiver allows the administrative entity to use ITAs for youth participants who are ages 16-21 who are out of school, or ages 16-21 who are in school and at risk.

Local areas can provide ITA to these categories of youth participants without co-enrolling them in the adult and/or dislocated worker program. Local areas must use their local youth formula allocations to provide ITAs to the eligible youth participants who are enrolled in the WIA youth program. This waiver applies statewide. A local Workforce Investment Board (WIB) does not need to make a formal request to implement this waiver.

Youth who are ages 14 - 15 cannot receive an ITA even if they are out-of-school. The administrative entity must procure the occupational skills training youth program element for individuals not using an ITA.

The definition of out-of-school youth is as follows: Out-of-school youth is an eligible youth who is a school dropout, or who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.

For reporting purposes, out-of-school youth includes all youth except those who are attending any school and have not received a secondary school diploma or its recognized equivalent and except those who are attending post-secondary school and who are not basic skills deficient.

An ITA must be a part of a youth's individual service strategy (ISS). The decision to use an ITA is based on an objective assessment. The participant must have the qualifications to succeed in an occupational skills training program and funding must be available. A determination must be made that occupational skill training is necessary and is for a demand occupation. Youth should be cautioned and encouraged not to use an ITA as an enticement to drop out of high school or terminate other academic programs.
The administrative entity must ensure that youth have access to and select providers and programs from the State Eligible Training Provider list (ETP).

You will be able to record in the Sharing Career Opportunities and Training Information (SCOTI) system that a youth received an ITA. If a youth is receiving services through the ten youth program elements and an ITA, the youth performance measures apply. When you co-enroll a youth in both the ten youth elements and the adult and/or dislocated programs, the performance measures apply as appropriate. The WIB should provide policy direction to the administrative entity staff to evaluate outcomes at least quarterly to determine any impact of the waiver.

V. **Technical Assistance**

For additional information, you may send your questions to the Bureau of Workforce Services, wiagnaw@odjfs.state.oh.us.

VI. **References**

Workforce Investment Act (WIA) 1998, Public Law 105-220, August 7, 1998, Sections 101 (33) 123, 129 (c), 134 and 189 (i) (4) (B);

WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.340 661.420(c) and (e), 664.405 (4) and 664.510;

Training and Employment Guidance Letter (TEGL) 17-05, February 17, 2006

Waiver Request Plan, May 9, 2005; and U.S. DOL waiver approval letter, July 25, 2005

Waiver Request Plan, May 9, 2007; and USDOL waiver approval letter, Sept. 26, 2007
Workforce Investment Act (WIA) Transmittal Letter No. 19

January 11, 2006

To: Local Elected Officials, WIA Local Workforce Investment Boards
    Fiscal Agents, Administrative Entities and One-Stop Operators

From: Barbara E. Riley, Director

Subject: Waiver on Individual Training Account (ITA) for Youth Participants, ages 16-21

I. Purpose
   This communication provides guidance on the waiver to use Individual Training Accounts (ITAs) for WIA youth participants who are ages 16-21. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date
   July 1, 2005 through June 30, 2007

III. Background
   The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 134 (d) (4) (G) requires the use of an ITA for training services for the adult and dislocated worker programs. WIA, 20 Code of Federal Regulations, Section 664.510 allows youth, who are 18 years of age and above, to use an ITA for training services if they are co-enrolled in the adult and/or dislocated worker programs.

   On July 25, 2005, the U.S. Department of Labor (DOL) granted Ohio a waiver allowing the use of ITAs for youth participants who are ages 16-21, and/or who are out-of-school without co-enrolling in the adult and/or dislocated worker program for training services requiring an ITA.

IV. Guidance Statements
   This waiver allows the administrative entity to use ITAs for youth participants who are ages 16-21, and/or who are out-of-school without co-enrolling in the adult and/or dislocated worker program for training services requiring an ITA. This waiver applies statewide. A local Workforce Investment Board (WIB) does not need to make a formal request to implement this waiver.

   Youth who are ages 14-15 cannot receive an ITA even if they are out-of-school. The administrative entity must procure the occupational skills training youth program element for individuals not using an ITA.

   The definition of out-of-school youth has been revised based on the Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) 28-04, dated April 15, 2005.

   The revised definition is as follows: Out-of-school youth is an eligible youth who is a school dropout, or who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.

   For reporting purposes, out-of-school youth includes all youth except those who are attending any school and have not received a secondary school diploma or its recognized equivalent and except those who are attending post-secondary school and who are not basic skills deficient.

   An ITA must be a part of a youth's individual service strategy (ISS). The decision to use an ITA is based on an objective assessment. The participant must have the qualifications to succeed in an occupational skills training program and funding must be available. A determination must be made that occupational skill training is necessary and is for a demand occupation. Youth should be cautioned and encouraged not to use an ITA as an enticement to drop out of high school or terminate other academic programs.
The administrative entity must ensure that youth have access to and select providers and programs from the State Eligible Training Provider list (ETP).

You will be able to record in the Sharing Career Opportunities and Training Information (SCOTI) system that a youth received an ITA. If a youth is receiving services through the ten youth program elements and an ITA, the youth performance measures apply. When you co-enroll a youth in both the ten youth elements and the adult and/or dislocated programs, the performance measures apply as appropriate. The WIB should provide policy direction to the administrative entity staff to evaluate outcomes at least quarterly to determine any impact of the waiver.

V. **Technical Assistance**

For additional information, you may send your questions or request to the Bureau of Workforce Services, wiaqna@odjfs.state.oh.us.

VI. **Reference**

Workforce Investment Act (WIA) 1998, Public Law 105-220, August 7, 1998, Sections 101 (33) 123, 129 (c), 134 and 189 (i) (4) (B);

WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.340 661.420(c) and (e), 664.405 (4) and 664.510;

Training and Employment Guidance Letter (TEGL) 28-04, April 15, 2005 Waiver Request Plan, May 9, 2005; and

U.S. DOL waiver approval letter, July 25, 2005
Workforce Investment Act (WIA) Transmittal Letter No.18

October 26, 2005

To: Local Elected Officials, WIA Local Workforce Investment Boards, Fiscal Agent, Administrative Entities, and One-Stop Operators

From: Barbara E. Riley, Director

Subject: Work Experience for Youth

I. Purpose

This communication provides guidance on paid and unpaid work experience for the youth program under Title I of the Workforce Investment Act (WIA). WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date

September 1, 2005

III. Background

Under the Workforce Investment Act of 1998, paid and unpaid work experience is an allowable activity and one of the ten (10) youth program elements required to be competitively procured when selecting a youth service provider for this activity.

On July 25, 2005, the U. S. Department of Labor granted Ohio a waiver to allow a Local Workforce Investment Board (WIB) to decide whether to competitively procure paid and unpaid work experience or assign the administrative entity the responsibility for internally implementing this youth program element. Refer to guidance letter regarding this waiver.

IV. Guidance Statements

Work experience is one of the ten (10) required program elements that must be made available to all registered youth and should be offered throughout the program year. Work experience may be competitively procured or assigned to the administrative entity to perform the tasks for implementing this youth program element.

Work experience is a planned, structured learning experience that takes place in a workplace setting for a limited period of time. Youth are able to gain exposure to the world of work and its requirements. Work experience may be paid or unpaid. Work experience must be clearly distinguishable from public service employment.

The primary intent of the work experience element is to provide youth participants with opportunities for career exploration and skill development to gain work readiness skills in preparation for employment. Youth should acquire personal attributes, knowledge, and skills needed to obtain a job and advance in employment. Although an employer 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.

The use of work experience situations should be based on an assessment and service strategy identified in the individual service strategy (ISS).

Work experience may include, but not be limited to:

- Instruction in employability skills or generic workplace skills such as those identified by the Secretary's Commission on Achieving Necessary Skills (SCANS);
- Exposure to various aspects of an industry;
- Progressively more complex tasks;
- Internship and job shadowing;
- The integration of basic academic skills into work activities
- Supported work, work adjustment, and other transition activities;
- Entrepreneurship;
- Service learning;
- Paid and unpaid community service; and
- Other elements designed to achieve the goals of work experience.

Work experience may be conducted in the private-for profit, private non-profit and public sectors. In most cases on-the-job training (OJT) is not an appropriate work experience activity for youth participants under age 18. The WIB may choose to use on-the-job training for an older youth when it is appropriately based on the needs identified by the objective assessment of an individual youth participant.

Work experience may be combined with classroom instruction relating to a particular position, occupation, industry or basic skills and abilities to successfully compete in the local labor market.

Job shadowing may be provided to participants as a work experience activity. Job shadowing is a short term unpaid activity which introduces a participant to the workplace and provides exposure to occupational areas of interest. A participant experiences the work environment to increase career awareness, observe models of behavior on the job through examples, and receives help in making career decisions. Job shadowing can reinforce the link between classroom learning and work requirements. Job shadowing is limited and allows youth to observe only.

A. Employer and Employee Relationship

Work experience may be paid or unpaid. It is expected that work experience will be paid in most cases and the federal Fair Labor Standards Act (FLSA) will apply in any situation where an employer/employee relationship exists.

WIA participants are subject to the requirements of the FLSA to the extent that the activities performed in the work experience constitute employment. A local grant recipient should ensure that the administrative entity makes determination regarding whether work experience is a training situation or an employment situation. The administrative entity should establish a process for making determination.

According to the Wage and Hour Division of the U.S. Department of Labor, Employment Standards Administration, if all of the following six (6) items exist, the work experience can be considered a training situation. The WIA participant is not an employee of the employer site if:

1. the training, even though it includes actual operation of the facilities of the employer is essentially a training experience similar to a vocational school;
2. the participant is primarily the beneficiary of the experience;
3. regular employees are not displaced and the experience is closely supervised/observed;
4. the "employer" that hosts the experience derives no immediate or significant advantage (and may experience an actual downside);
5. the participant is not necessarily entitled to a job at the conclusion of the experience; and,
6. there is mutual understanding between the participant and the host agency that the participant is not entitled to wages for this time because the activity is essentially a training experience.

If any of the above 6 conditions are not met, then the WIA participant must be considered an employee. If the worksite is relying on the participant to perform real work, i.e., to be productive, then
the situation should be recognized as an employer-employee relationship. In this situation, the site employer is the employer of record. Participants must receive no less than the applicable state or federal minimum wages, related benefits are required and payroll taxes should be deducted. The employer of record will be responsible for paying all taxes and providing similar benefits as are available to other employees.

The WIA administrative entity or youth service provider has the option of being the employer of record for the youth participant. The administrative entity or service provider as employer of record is responsible for paying the participant and negotiating with the host site the activities that will be performed by the participant. The work experience may occur at the administrative entity or service provider location or the participant may be referred to a host site to receive the work experience. The host site is the location where work experience tasks will occur.

B.  Unpaid Work Experience

Unpaid work experience is an activity exposing participants to the working environment, and an individual does not expect payment for tasks performed. An employer and employee relationship must not exist. The use of unpaid work experience should be limited.

For unpaid work experience, WIA funds may be used for incentives and/or a stipend for youth. Incentives and stipend encouraging successful completion are beneficial to youth.

Unpaid work experience participants may receive remuneration in cash or non-cash incentives. An incentive is remuneration to participants for successful participation and achievement of expected outcomes as defined in the individual service strategy (ISS). The incentive should equate to an achievement, and should be tied to training and education, a work readiness skill attainment and/or an occupation skill attainment goal identified in the individual service strategy.

Incentives for youth may include plaques, a certificate, gift certificates, and recognition banquets for participants, cap and gowns, class pictures, class rings, school supplies and/or calculators or a check.

WIA, title I is silent on using the term "stipend." A stipend is a fixed and regular small payment such as an allowance. Reasonable stipends are allowable expenditures for unpaid work experience for youth when the provision of stipend is included in the participant's individual service strategy. A youth may receive a stipend for an entire day if at least 51% of the youth's time is spent in unpaid work experience. For example, if a youth spends five hours per day in unpaid work experience and three hours in GED, the participant may receive a stipend for eight hours.

The incentives or stipend are determined by the WIB and funded by the WIA administrative entity. Stipends should be issued through a uniform payment system. Such incentives or stipend are not considered income for WIA eligibility purposes, not required to meet minimum wage requirements, are not to be dispersed as payroll, and income tax is not to be withheld.

C.  Stand Alone Activities vs. Combination of Services

Unpaid work experience must be offered in combination with other services. The services that will be provided in combination with unpaid work experience need to be identified in the local policy.

Paid work experience may be the only training activity provided along with follow-up services, or combined with other services. If offered in combination with other services, identify in the policy the types of services that will be combined with paid work experience.

When combined with other services, work experience should be concurrently or sequentially scheduled to increase the basic education and/or occupational skills of the participant. Work experience may be combined with community service or conservation service corps programs.

D.  Summer Employment Opportunities (SEO)
The Summer Employment Opportunities component is one of the ten (10) required program elements that must be made available to all youth. A summer employment opportunities activity is not intended to be a stand-alone program and must be tied to an objective in the individual service strategy.

Summer youth employment involves work experience as the primary strategy and must provide direct linkages to academic and occupational learning. Summer employment may provide other activities and strategies as appropriate to meet the needs and goals of the youth. Twelve months of follow-up services must be provided to youth in the summer employment opportunities activity.

**E. Local Workforce Investment Board Policy**

The WIB is responsible for directing policy and a service delivery strategy to the administrative entity for administering both paid and unpaid work experience. We recommend that work experience be paid. Local policy should ensure that paid work experience do not result in the loss of public assistance benefits. In developing policy, the needs, circumstances and characteristics of the youth population should be taken into consideration. At a minimum, the WIB's policy should cover the following:

- **The goal of the work experience** - Work experience designed to aid participants in learning good work habits should be assigned more hours than work experience which is designed for career exploration.

- **Duration of work experience** - The duration of paid and unpaid work experience should be stated in the policy. A minimum and a maximum limitation may be set on the number of hours that may be assigned for any single work experience. When assigning hours consider the needs of the participant and the job duties to be performed.

- **Past work experience** - More hours are justified for a participant who has not worked before or who has a poor work history, and fewer hours should be assigned to participants who possess good work histories.

- **Participant barriers** - Participants with multiple barriers may benefit from more hours and those with fewer barriers may require fewer hours.

- **The complexity of the job tasks** - Jobs with tasks of higher complexity will need more hours assigned, and jobs of lesser complexity require fewer hours.

The WIB must ensure that the administrative entity has a written agreement to ensure compliance with WIA and applicable regulations. The agreement, including a minor wage agreement, is a written document that details terms and conditions of paid and unpaid work experience and the expectations of the parties to the agreement. The written agreement is between the participant, the site employer or host site, and the administrative entity.

The written agreement which may be called a worksite agreement, job site agreement, or host site agreement should 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 termination clause. The worksite or host site entity, the participant and the administrative entity should be given a copy of the agreement. The agreement must be available for audit and monitoring purposes.

**F. Health and Safety Standards**

The local policy should include an assurance that the health and safety standards established under Federal and state law will be followed.

Health and safety standards otherwise applicable to working conditions of employees are equally applicable to working conditions of participants in programs and activities under Title I of WIA.

The State worker's compensation law may or may not apply to a participant in work experience depending on the work experience arrangements and employer's benefits. If the State worker's
compensation law does not apply to a participant in work experience, the administrative entity must secure insurance coverage for injuries suffered by the participant in work experience.

G. Child Labor Laws

An administrative entity must ensure compliance with child labor laws. The employer must comply with all applicable federal laws and with state child labor laws if the participant is less than 18 years of age. The Fair Labor Standards Act (FLSA), Ohio Revised Code (ORC) Chapter 4109, "Employment of Minors," and Ohio Administrative Code (OAC) 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. The FLSA and the ORC can be accessed online at the following web addresses:

- FLSA www.opm.gov/flsa

Minors who are under sixteen must have an Age and Schooling Certificate (work permit). Sixteen and seventeen year olds must have evidence of proof of age and parental consent. A work permit must be obtained and proof of age and parental consent must be given for both paid and unpaid work experience. The employer must be given a work permit or parental consent before a youth begins work and must keep these documents on file. A work permit cannot be transferred from one employer to another. If a youth is assigned to another worksite or host site, a new work permit must be obtained. A youth may obtain a work permit from the local Board of Education or School.

H. Documentation to be Maintained

Documentation of the work experience must be maintained in the participant's file. Local policy and procedures should specify what documentation will be kept on file, which should include, at a minimum, the following items:

- an objective assessment and individual service strategy (ISS) indicating a need for work experience;
- justification for incentive, and description of type of payment method and amount, if applicable;
- an analysis of how the cost and duration of the work experience was determined;
- a copy of the agreement between the participant, the worksite or host site and the local workforce investment board, including any attachments to the agreement, such as a training plan; and
- Time sheets, attendance sheets and performance records, as appropriate.

To ensure effective and efficient record keeping practices, local procedures should specify where certain documents will be placed in the file.

I. Appropriate Employers

Additional considerations for youth may be appropriate. The WIB may encounter employers reluctant to assume responsibility for youth as employees. If an employer/employee relationship does exist, the local WIA administrative entity or youth provider may deem it advisable to be the employer of record and refer youth participants to host sites so they may receive experience.

The WIB should seek employers that are committed to helping participants receive the experience and training that is required for employment beyond the work experience period. You should use employers that are willing to work closely with program staff. Employers should be flexible in working with youth who have issues that may be barriers to employment.

Attention must be given to ensure that work experience arrangements do not unfavorably impact 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.

A selection criteria can be established to ensure that one employer is not favored at the expense of another employer. Although not required, the employer selection criteria could include using a request for proposal or a modified bid process which would also make the community at large aware of opportunities.

J. **Sharing Career Opportunities and Training Information (SCOTI)**

Work experience job positions are not to be entered into SCOTI Labor Exchange matching system as a job order. Work experience job positions cannot be included in the match pool because job seekers are not to be referred to these job positions. Work experience is not counted as placements for purposes of Wagner-Peyser. Keep in mind the employer offers a meaningful position for a participant to gain work experience.

K. **Monitoring**

The WIB is responsible for ensuring oversight of the program. The administrative entity should periodically monitor the participant and the worksite or a host site to ensure that goals are being met and adherence to this guidance and WIA law and regulations.

V. **Technical Assistance**

For additional information, you may send your questions or request to the Bureau of Workforce Services, wiaqna@odjfs.state.oh.us.

VI. **Reference**

Workforce Investment Act of 1998, Public Law 105.220 and Subtitle E, Section 195 (10)


Question and Answer on WIA Implementation (Question 9)
I. **Purpose**

This communication provides guidance on paid and unpaid work experience for the adult and dislocated worker programs under Title I of the Workforce Investment Act (WIA). WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. **Effective Date**

Immediately

III. **Background**

Under the Workforce Investment Act of 1998, paid and unpaid work experience is an allowable activity for the adult and dislocated worker employment and training programs.

IV. **Guidance Statements**

Work experience is intensive services under WIA. Work experience is a planned, structured learning experience that takes place in a workplace setting for a limited period of time. Work experience may be paid or unpaid. Work experience must be clearly distinguishable from public service employment.

Work experience functions as a workplace-values activity for the acquiring of behavioral competencies and specific occupation or job skills. It is a strategy for participants who have little or no work experience in situations where an employer can offer a meaningful experience. Although an employer may also receive some benefit from work experience in the form of work being done or recruiting a potential new employee, the primary goal is to benefit the participant.

The use of work experience should be based on an assessment and service strategy identified in an individual employment plan (IEP).

Work experience may include, but not be limited to:

- Instruction in employability skills or generic workplace skills such as those identified by the Secretary's Commission on Achieving Necessary Skills (SCANS);
- Exposure to various aspects of an industry;
- Progressively more complex tasks;
- Internship and job shadowing;
- The integration of basic academic skills into work activities;
- Supported work, work adjustment, and other transition activities;
- Entrepreneurship;
- Service learning;
- Paid and unpaid community service; and
- Other elements designed to achieve the goals of work experiences.
Work experience may be combined with classroom instruction relating to the work experience position, occupation, industry or basic skills and abilities to successfully compete in the local labor market. Work experience is an intermediate employment step toward the long-term goal of moving along a career path and may be conducted in the private for-profit, private non-profit and public sectors.

A likely candidate for work experience is a participant who is appropriate for long term employment in a particular industry or occupation, but does not have all of the skills or the experience to qualify for entry-level employment in the field.

You are encouraged to develop on-the-job training and customized training contracts as a service strategy for dislocated worker participants assigned to the private for-profit sector.

**A. Employer and Employee Relationship**

Work experience may be paid or unpaid. It is expected that work experience will be paid in most cases and the federal Fair Labor Standards Act (FLSA) will apply in any situation where an employer/employee relationship exists. You may use the following Web site for information on FLSA: www.opm.gov/flsa.

WIA participants are subject to the requirements of the FLSA to the extent that the activities performed in the work experience constitute employment. A local grant recipient should ensure that an administrative entity makes determination regarding whether work experience is a training situation or an employment situation. The administrative entity should establish a process for making determination.

According to the Wage and Hour Division of the U.S. Department of Labor, Employment Standards Administration, if all of the following six (6) items exist, the work experience can be considered a training situation. The WIA participant is not an employee of the employer site if:

1. the training, even though it includes actual operation of the facilities of the employer, is essentially a training experience similar to a vocational school;
2. the participant is primarily the beneficiary of the experience;
3. regular employees are not displaced and the experience is closely supervised/observed;
4. the "employer" that hosts the experience derives no immediate or significant advantage (and may experience an actual downside);
5. the participant is not necessarily entitled to a job at the conclusion of the experience; and,
6. there is a mutual understanding between the participant and the host agency that the participant is not entitled to wages for this time because the activity is essentially a training experience.

If any of the above 6 conditions are not met, then the WIA participant must be considered an employee. If the worksite is relying on the participant to perform real work, i.e., to be productive, then the situation should be recognized as an employer-employee relationship. In this situation, the site employer is the employer of record. Participants must receive no less than the applicable state or federal minimum wages, related benefits are required and payroll taxes should be deducted. The employer of record will be responsible for paying all taxes and providing similar benefits as are available to other employees.

The WIA administrative entity has the option of being the employer of record for the WIA participant. The administrative entity as employer of record is responsible for paying the participant and negotiating with the host site the activities that will be performed by the participant. The work experience may occur at the administrative entity, service provider or employer location or the participant may be referred to a host site to receive the work experience. The host site is the location where work experience tasks will occur.
Needs-related payments are prohibited for WIA adult and dislocated worker participants who are in school and required to complete an internship that is an employment situation, if wages are being paid for the internship activity.

B. Unpaid Work Experience

Unpaid work experience is an activity exposing participants to the working environment, and an individual does not expect payment for tasks performed. The use of unpaid work experience should be limited.

Unpaid work experience may include job shadowing. Job shadowing is a short-term activity which introduces a participant to the workplace and provides exposure to occupational areas of interest. A participant experiences the work environment to increase career awareness, observe models of behavior on the job through examples, and receives help in making career decisions. Job shadowing can reinforce the link between classroom learning and work requirements. Job shadowing is limited and allows participants to observe only.

WIA adult and dislocated worker participants who are in school and required to complete an unpaid internship as part of a training program may receive needs-related payments in accordance with WIA requirements governing needs-related payments or receive incentives or a stipend as appropriate.

Unpaid work experience participants may receive remuneration in cash or non-cash incentive. An incentive is remuneration to participants for successful participation and achievement of expected outcomes as defined in the individual employment plan (IEP). The incentive should equate to an achievement, and should be tied to training and education, a work readiness skill and/or an occupation skill attainment goal identified in IEP.

WIA, title I is silent on using the term "stipend." A stipend is a fixed and regular small payment such as an allowance. Reasonable stipends are allowable expenditures for unpaid work experience when the provision of stipend is included in the participant's IEP. An adult or dislocated worker may receive a stipend for an entire day if at least 51% of the individual's time is spent in unpaid work experience. For example, if an individual spends five hours per day in unpaid work experience and three hours in classroom training, the participant may receive a stipend for eight hours.

The incentives or stipend are determined by the Local Workforce Investment Board (WIB) and funded by the WIA administrative entity. Stipends should be issued through a uniform payment system. Such incentives or stipend are not considered income for WIA eligibility purposes, not required to meet minimum wage requirements, are not to be dispensed as payroll, and income tax is not to be withheld.

C. Stand-alone Activities vs. Combination of Services

Unpaid work experiences must be offered in combination with other services. The services that will be provided in combination with unpaid work experience need to be identified in the local policy.

Paid work experience may be a stand-alone activity, or it may be combined with other services. The local policy needs to indicate whether paid work experience will be offered as a stand-alone activity or in combination with other services. If offered in combination with other services, identify the types of services that will be combined with paid work experience in the local policy. Work experience may be combined with community service programs.

D. Local Workforce Investment Board Policy

The WIB is responsible for directing policy and a service delivery strategy to the administrative entity for administering both paid and unpaid work experience. We recommend that work experience be paid. Local policy should ensure that paid work experience does not result in the loss of public assistance benefits. In developing local policy, the needs, circumstances and characteristics of the adult and dislocated worker population should be taken into consideration. At a minimum, the WIB's policy should cover the following:
The goal of the work experience - Work experience designed to aid participants in learning good work habits should be assigned more hours than work experience which is designed for career exploration.

Duration of work experience - The duration of paid and unpaid work experience should be stated in the policy. A minimum and a maximum limitation may be set on the number of hours assigned for any single work experience. When assigning hours consider the needs of the participant and the job duties to be performed.

Past work experience - More hours are justified for a participant who has not worked before or who has a poor work history, and fewer hours should be assigned to participants who possess good work histories.

Participant barriers - Participants with multiple barriers may benefit from more hours and those with fewer barriers may require fewer hours.

The complexity of the job tasks - Jobs with tasks of higher complexity will need more hours assigned, and jobs of lesser complexity require fewer hours.

The WIB must ensure that the administrative entity has a written agreement to ensure compliance with WIA and applicable regulations. The agreement is a written document that details terms and conditions of paid and unpaid work experience and the expectations of the parties to the agreement. The written agreement is between the participant, the site employer or host site, and the administrative entity.

The agreement which may be called a worksite agreement, job site agreement, or host site agreement should 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 termination clause. The worksite or host site entity, the participant and the administrative entity should have a copy of the agreement. The agreement must be available for audit and monitoring purposes.

E. Health and Safety Standards

The local policy should include an assurance that the health and safety standards established under Federal and state law will be followed.

Health and safety standards otherwise applicable to working conditions of employees are equally applicable to working conditions of participants in programs and activities under Title I of WIA.

The State worker's compensation law may or may not apply to a participant in work experience depending on the work experience arrangements and employer's benefits. If the State worker's compensation law does not apply to a participant in work experience, the administrative entity must secure insurance coverage for injuries suffered by the participant in work experience.

F. Documentation to be Maintained

Documentation of work experience activities must be maintained in the WIA participant's file. Local policy and procedures should specify what documentation will be kept on file, which should include, at a minimum, the following items:

- an objective assessment and Individual Employment Plan (IEP) indicating a need for work experience;
- justification for incentive and description of type of payment method and amount, if applicable;
- an analysis of how the cost and duration of the work experience were determined;
- a copy of the agreement between the participant, the worksite or host site and the local workforce investment board, including any attachments to the agreement, such as a training plan; and
time sheets, attendance sheets and performance records, as appropriate.

To ensure effective and efficient record keeping practices, local procedures should specify where certain documents should be placed in the file.

G. Appropriate Employers

You should use employers that are committed to helping participants receive the experience and training that is required for employment beyond the work experience period. Use employers that are willing to work closely with program staff. Employers should be flexible in working with participants who have issues that may be barriers to employment.

Attention must be given to ensure that work experience arrangements do not unfavorably impact current employees and do not impair existing contracts for services or collective bargaining agreements.

Work experience, including an internship, 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.

A selection criteria can be established to ensure that one employer is not favored at the expense of another employer. Although not required, the selection criteria could include using a request for proposal or a modified bid process which would also make the community at large aware of opportunities.

H. Sharing Career Opportunities and Training Information (SCOTI)

Work experience job positions are not to be entered into SCOTI Labor Exchange matching system as a job order. Work experience job positions cannot be included in the match pool because job seekers are not to be referred to these job positions. Work experience is not counted as placements for purposes of Wagner-Peyser. Keep in mind the employer offers a meaningful position for a participant to gain work experience.

I. Monitoring

The WIB is responsible for ensuring oversight of the program. The administrative entity should periodically monitor the participant and the worksite or a host site to ensure goals are being met and adherence to this guidance and WIA law and regulations.

V. Technical Assistance

For additional information, you may send your questions or request to the Bureau of Workforce Services, wiaqna@odjfs.state.oh.us.

VI. Reference


Question and Answer on WIA Implementation (Question 9)
Workforce Investment Act (WIA) Transmittal Letter # 16

August 10, 2005

To: Local Elected Officials, WIA Local Workforce Investment Boards, Administrative Entities, and One-Stop Operators

From: Barbara Riley, Director
Ohio Department of Job and Family Services

Subject: Prohibition on Public Service Employment (PSE) in the Workforce Investment Act (WIA) Program

I. **Purpose**

This communication provides guidance on the prohibition of Public Service Employment (PSE) activities in WIA. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. **Effective Date**

Immediately

III. **Guidance Statements**

WIA funds cannot be used for public service employment (PSE) except as specifically authorized for WIA National Emergency Grants.

Public service employment is work normally provided by governments, and includes, but is not limited to work (including part time work) in fields of: human betterment and community improvement often including environmental quality; child care; health care; education; crime prevention and control; prisoner rehabilitation; public transportation; creation and maintenance of public facilities, streets and parks; solid waste removal; pollution control; housing and neighborhood improvement; rural development; conservation and beautification; and alternative energy and technology development. Disaster relief employment is specifically authorized under WIA national emergency grants as an example of public service employment.

Generally, public service employment is partially or fully subsidized employment provided in the public or nonprofit sector to eligible individuals. Such employment is on a temporary, time-limited basis with the goal of providing income maintenance to participants and services for a community that would not have received such services, in the absence of the public service employment program. One objective is to move participants in public service employment to permanent, unsubsidized employment with the governmental unit offering the public service employment opportunity.

Refer to the Work Investment Act (WIA) Transmittal Letters #17 and #18 for work experience activities for adult and dislocated workers and youth respectively.

IV. **Technical Assistance**

For additional information, you may contact John Weber, Chief, Bureau of Workforce Services, at (614) 644-8836, or weberj@odjfs.state.oh.us.

V. **Reference**

Workforce Investment Act of 1998, Public Law 105.220, Subtitle D, Section 173 (d), Subtitle E, Section 195 (10) and WIA Final Rules, 20 CFR, Section 667.264 (2)
I. **Purpose**  
This communication provides guidance on post placement activities and post-exit followup services available under the Workforce Investment Act (WIA).

II. **Effective Date**  
Immediately

III. **Guidance Statements**  
The goal of post placement activities and post-exit followup services is to ensure job retention, wage gains and career progress for WIA registered participants who have entered unsubsidized employment. Under the Workforce Investment Act (WIA), placement is an activity that may or may not initiate exits from WIA.

Adults and dislocated workers do not need to be immediately exited from the WIA 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 management providers are encouraged 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 WIA program.

There are two types of followup services: post placement activities which are provided after an individual has entered unsubsidized employment and before exiting from WIA, and there are post-exit followup services which may be provided after an individual has been exited from WIA.

Post placement activities must be made available for a minimum of 12 months after the first day a WIA 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 WIA 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-exit followup is a core service and may be provided to individuals that have exited WIA with or without unsubsidized employment. These followup services are informational and do not require significant staff assistance or registration.

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

Post placement activities include, but are not limited to:
• Additional Career Planning and Counseling
• Assistance with Work-Related Challenges That May Arise
• Contact with Participant’s Employer
• Continued Career Planning and Other Core Services
• Counseling in the Workplace
• Staff Assisted Workshops/Job Clubs
• 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
• Skills Upgrading and Retraining
• Staff Assisted Job Development
• Supportive Services (provided on a limited basis)
• On-the-Job Training and Customized Training (provided on a limited basis)

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.

Before providing post placement activities to a participant that has obtained employment, WIA administrative entities must ensure that the core, intensive and training sequence of service requirement has been met.

WIA services are coded in the Sharing Opportunities and Training Information (SCOTI) system to distinguish between core, intensive and training services received by participants prior to entering unsubsidized employment and post placement core, post placement intensive and post placement training services received after entering unsubsidized employment. The codes are as follow:

C  Core services
I  Intensive services
T  Training services
PC  Post placement core services
PI  Post placement intensive services
PT  Post placement training services

Post placement activities will be monitored by the State. A report will be generated that will show those participants that have received post placement activities for 15 months.
WIA administrative entities will need to decide when to record employment for participants in order to establish when the post placement activities begin. 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.

The SCOTI system will allow employments to be recorded on the Job Placement option and Job Placement Summary tab and such employment should be documented in the participant file. The Post Placement button will need to be selected to indicate employment that will allow for post placement activities to begin.

WIA post placement activities must be recorded on the Work Readiness Plan in the Service/Type/Service Activity section in the SCOTI WIA participant tracking system. The need for WIA activities after placement into unsubsidized employment must be documented in the individual employment plan (IEP) and in the participant's case file.

B. Exit

An exit from the WIA program must occur when a registered participant is no longer receiving services and have no activities and services planned for the future. Exits can occur for participants regardless of whether or not they have completed services and goals outlined in their Individual Employment Plan (IEP).

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. 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.

A soft exit occurs when a participant has not received services or activities for 90 consecutive calendar days. Participants who have not received services for 90 consecutive calendar days and have no services scheduled must be exited from WIA. SCOTI does not automatically create a soft exit.

A hard exit occurs when a participant has a date of case closure, completion or known exit from WIA-funded or non-WIA funded partner activities or services within the quarter. A participant's exit date is the last date of WIA funded or partner services received by a participant. Participants exited from WIA may continue to receive partner services. The partner services would not be recorded and tracked in SCOTI after the participant has exited the WIA program.

WIA administrative entities have the discretion to define and determine when a participant is job ready and which employment has potential to lead to being counted for performance purposes. Administrative entities must carefully determine which participants are prepared to be exited after entering unsubsidized employment with the expectation that the participant will likely be employed in the first and third quarter after exit.

It is important to 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.

C. Post-Exit Followup Services

After a participant has entered unsubsidized employment, received post placement activities and is then exited from WIA, post placement activities are no longer available for the customer.
Participants who have exited may receive post-exit followup services through WIA core services or non-WIA funded services. The provision of core services does not require registration. WIA and partners' core services must be available at the One-Stop center.

Adults or dislocated workers needing staff-assisted core, intensive or training services following an exit must be re-registered into WIA, including determining eligibility and obtaining necessary eligibility documentation. A new record is created and will count again for performance measures.

D. Example of Scenarios

Following is guidance regarding scenarios that may occur and how post placement activities and post-exit followup services will be handled:

- **A participant who has entered unsubsidized employment and not exited from WIA.** The participant may receive post placement activities for a minimum of 12 months and not to exceed 15 months. Participant must be exited after 90 consecutive calendar days of no services or activity received or after 15 months, whichever comes first.

- **A participant is currently enrolled in a program of training services and obtains unsubsidized employment.** The participant may continue in the program of training services.

- **A participant receives staff-assisted core services, obtains unsubsidized employment, not exited and needs post placement activities.** The participant will need to receive a post placement intensive service before receiving the post placement training.

- **A participant who has entered unsubsidized employment, not exited from WIA, receiving post placement activities and loses the employment before exiting.** The participant may continue in post placement activities or may receive another WIA activity.

- **A participant who has entered unsubsidized employment, received post placement activities, exited from WIA and is in need of additional WIA staff-assisted core, intensive and/or training services.** The individual must be re-registered into WIA. The re-registration is a new record and will count again for performance measure.

- **A participant who has not been placed in unsubsidized employment and exited from WIA.** This individual may not receive post placement activities. The individual may receive core followup services which do not require re-registration. The individual can also be served again and must start the process over. The individual may return to the One-Stop center and receive staff-assisted core, intensive and/or training services, but the individual must be re-registered to get these WIA services. The re-registration is a new record and will count again for performance measures.

- **An individual that comes to the One-Stop center seeking services and is currently employed.** The individual may receive core services and intensive and training services if determined eligible. If the individual is registered in WIA, the participant may be provided post placement activities. The participant will not be counted for entered employment; however, the individual could be counted in the wage gain and retention performance measures and if applicable the credential performance measure.

Followup for Youth

One of the ten program elements that must be available for youth is followup services. The goal of followup services is to ensure youth continue participation and achieve their goal(s). All youth participants must receive some form of followup services for a minimum of 12 months after the completion of participation and as appropriate. Followup is the only program element that is required for all youth.
The type of service provided must be determined based on the needs of the youth. For youth, followup services may be provided beyond exit and beyond 12 months. Followup services may be less intensive for youth that participate only in the summer employment opportunity program element.

There may be costs incurred for followup services for youth who are not registered in WIA at the time the services are provided. Before seeking competitive bids from youth providers, local WIA administrative entities should determine a strategy and budget to ensure followup services will be available when subcontracts for the other program elements end and youth participants are exited.

Followup services may include, but are not limited to:

- Adult Mentoring
- Assistance in Securing Better Paying Jobs
- Career Development and Further Education
- Contact with a Youth's Employer
- Leadership Development
- Supportive Services
- Tracking the Progress of Youth in Employment After Training
- Work-Related Peer Support Groups

For youth who are concurrently enrolled in the adult, dislocated worker and youth programs, followup activities and services must be provided for individuals who are concurrently registered in the youth program and may be provided for youth registered in the adult and/or dislocated worker program. For example, when a youth has exited from the youth program, the youth must receive followup services even though the youth may be currently enrolled in the adult and/or dislocated worker WIA program. Once the youth has entered unsubsidized employment as a result of services received through the adult and/or dislocated worker program and remains registered, the youth may receive post placement activities and services.

### IV. Technical Assistance

You may call John Weber, Chief, Bureau of Workforce Services at (614) 644-8836 for additional information.

### V. Reference

- Workforce Investment Act of 1998, Public Law 105-220
- Recissions: None
I. Purpose

This communication gives guidance on the services available under the Workforce Investment Act (WIA) for adults and dislocated workers and which of those services require registration into WIA. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date

Immediately

III. Guidance Statements

WIA services for adults and dislocated workers, are grouped into three categories: core, intensive and training services. In the category of core services there are self-service informational services and staff-assisted services. Self-service informational services may require none or minimal assistance from One-Stop staff. Core services must be made available to the universal customer; that is anyone who walks into a One-Stop center.

Staff-assisted core services, intensive services and training services involve assistance from One-Stop staff. Adults and dislocated workers who receive staff-assisted core, intensive and training services must be registered in WIA. Registration into WIA is the signal that performance measurements will be counted. Local workforce investment administrative entities will need to determine when a participant is receiving staff-assisted core services because it is a level of service requiring registration.

Intensive services are services that may be provided by the One-Stop staff or through contracts with service providers. Intensive services involve staff assisting with making a determination on needs of an individual and arranging for those services to be provided to the participant. Intensive services require registration and include short-term pre-vocational services and exclude a program of training services.

Intensive services do not lead to a degree, diploma or certification. For example, a class in driver's education, introductory to computer literacy classes or Certified Pulmonary Resuscitation (CPR) classes would be considered intensive services.

Before receiving intensive services an individual must have received at least one core service, be unemployed and unable to obtain employment, or employed adult and determined to be in need of intensive services to obtain or retain employment at a self-sufficient wage. When applicable to adults, the individual must have been determined to be eligible in accordance with a locally established priority system. Dislocated workers should meet the locally developed self-sufficiency wage criteria to be determined eligible. Documentation should be maintained to ensure the appropriateness of the transition from core to intensive services.

A program of training services is a series of courses or classes that, upon successful completion, leads to:

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

A program of training services is provided to adults and dislocated workers through individual training accounts (ITAs). Training providers and their program of training services must be on the State Eligible Training Provider list.

Before receiving a program of training services, an individual must have received at least one intensive services and have been 1) determined to be unable to obtain or retain employment; 2) in need of training services; and 3) have the skills and or qualifications to successfully complete the selected program of training services. Documentation should be maintained to ensure the appropriateness of the transition between services.

The table below lists the types of WIA services and gives examples and guidance on how the services may be categorized. The list is not all inclusive.

For this guidance, WIA services are coded to distinguish between core, intensive and training services received by participants prior to entering unsubsidized employment and post placement core, post placement intensive services and post placement training services received after entering unsubsidized employment. They are coded as follow:

C1 Self-directed core services
C2 Registered core services
I Intensive services
T Training services
PC2 Post placement registered core services
PI Post placement intensive services
PT Post placement training services

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<tr>
<th>WIA Service Levels and Registration Requirements</th>
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| C1      | Core Self-Service Information | General information such as pamphlets or directions
|         |                      | Resources such as books or videos
|         |                      | Labor market information
|         |                      | Information on job vacancy
|         |                      | Employment statistics information
|         |                      | Local demand occupations information
|         |                      | Eligible Training Provider lists
|         |                      | Consumer Report information on training providers
|         |                      | Local workforce Investment Board program performance reports
|         |                      | Information on filing Unemployment Insurance | No |
|   | Core Self-Service  
(Provision of core self-service) | Service needs evaluation/assessment  
Information and referral to services  
Staff assisted job search  
Career counseling and guidance  
Job matching, job referrals, job search assistance, |  
|---|---|---|  
| C1 | **Core Self-Service**  
(Provision of core self-service) | Orientation to the One-Stop environment  
Internet browsing, including accessing:  
Resources on-line  
Information on job availability, including job information system(s)  
Information on job vacancy  
Employment statistics information  
Labor market information  
Local demand occupations information  
Eligible Training Provider lists  
Consumer Report information on training providers  
Local workforce Investment Board program performance reports  
Information on partner agency and local community services  
Information on support service availability  
Internet registration for America's Job Bank  
Filing Unemployment Insurance claims  
Assistance with WTW eligibility and financial aid assistance  
Outreach, intake and orientation  
Self-directed initial assessment  
WIA eligibility determination  
Group workshops in interviewing, job search, resume writing, financial management  
Job fairs  
Followup core services | No  
| C2 | **Core Staff-Assisted**  
(Moderate Assistance) | Service needs evaluation/assessment  
Information and referral to services  
Staff assisted job search  
Career counseling and guidance  
Job matching, job referrals, job search assistance, | Yes, if WIA funded  

| I | **Intensive Services**  
(Significant Assistance) | Case management or service coordination  
Specialized assessments/testing/in-depth interviewing and evaluation  
Development of an individualized employment plan  
Counseling or career planning (individual or group)  
Basic job readiness, short-term pre-vocational skills which may include: communication skills, interviewing skills, punctuality, personal maintenance skills, English as a Second Language (ESL), remediation and workplace literacy  
Literacy activities related to basic workforce readiness  
Adult basic education, GED preparation  
Job search assistance  
Out-of-area job search  
Relocation assistance  
Work experience (paid or unpaid)  
Internships  
Referrals to training  
Job development/job placement | Yes, if WIA funded |
| --- | --- | --- | --- |
| T | **Training Services** | Adult education and literacy activities in combination with other training services and/or job skills  
Customized training  
Entrepreneurial training  
Job readiness training (specific occupation skills)  
Occupational skills training  
On-the-job training  
Programs that combine workplace training with related instruction  
Skill upgrading and retraining  
Training programs operated by the private sector | Yes, if WIA funded |
| PC2 | Post Placement Staff-Assisted Core Services | Referral to supportive services in the community  
|     |                                            | Staff-assisted job referrals  
|     |                                            | Contact with participants' employer  
|     |                                            | Continued career planning and other core services  
|     |                                            | Staff-assisted workshops and job clubs  
|     |                                            | Peer support groups  
|     |                                            | Supportive services | Yes, if WIA funded |
| PI  | Post Placement Intensive Services          | Staff assisted job development  
|     |                                            | Skills upgrade and retraining  
|     |                                            | Additional career planning and counseling  
|     |                                            | Continued career planning and other core services  
|     |                                            | Assistance with work-related challenges that may arise  
|     |                                            | Contact with participant's employer  
|     |                                            | Intervention to eliminate employee-employer conflicts  
|     |                                            | Staff-assisted job referrals  
|     |                                            | Staff-assisted workshops/job clubs  
|     |                                            | Job Coaching  
|     |                                            | Peer support groups  
|     |                                            | Counseling in the work place  
|     |                                            | Referral to supportive services available in the community  
|     |                                            | Supportive services | Yes, if WIA funded |
| PT  | Post Placement Training Services           | Adult education and literacy activities in combination with other training services and/or job skills  
|     |                                            | Entrepreneurial training  
|     |                                            | Job readiness training (specific occupation skills)  
|     |                                            | Occupational skills training  
|     |                                            | Programs that combine workplace training with related instruction  
|     |                                            | Skill upgrading and retraining  
|     |                                            | On-the-job training  
|     |                                            | Customized training  
|     |                                            | Training programs operated by the private sector | Yes, if WIA funded |
| C1  | Post-Exit Followup                         | C1 Core services | No |
IV. **Technical Assistance**

Questions concerning this guidance may be directed to John Weber, Chief, Bureau of Workforce Services a weber@odjfs.state.oh.us, or (614) 644-8836.

V. **Reference**

Section 134 (d) (2) (3) and (4) of WIA
Workforce Investment Act (WIA) Transmittal Letter #13

November 15, 2004

To: Local Elected Officials, WIA Local Workforce Investment Boards, Administrative Entities, and One-Stop Operators

From: Tom Hayes, Director
Ohio Department of Job and Family Services

Subject: Selective Service Registration

I. Purpose

This communication provides guidance regarding WIA eligibility of males registered with the Selective Service System (SSS) and males over the age of 26 who have not registered. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date

Immediately

III. Guidance Statements

The Military Selective Service Act (MSSA) requires male U.S. citizens, nationals, some male immigrants and others between the ages of 18 and 26 to register with the Selective Service System (SSS). The Workforce Investment Act and regulations require that male customers must register with the Selective Service System to participate in services and activities funded by WIA. There are exceptions to the MSSA requirement as to whom must register.

Administrative entities and One-Stop Operators may get male customers seeking WIA services who have not registered with the Selective Service System and are over the age of 26. These individuals are presumptively disqualified from participation in WIA activities and services. Administrative entities have the responsibility for deciding WIA eligibility of males not registered with the Selective Service System and who cannot register because the MSSA does not allow for registration after the age of 26. If a customer between the ages of 18 and 26 is not registered, they should be referred to the Selective Service System at www.sss.gov.

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:

(1) the requirement to register has terminated or become inapplicable to the person, and

(2) the person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register."

The decision as to whether a male over age 26 has fully met the Selective Service requirement must be based on the preponderance of evidence that the male customer's failure to register was not knowing or willful. To determine what is "knowing and willful" the administrative entity should advise customers to provide a "Status Information Letter." The "Status Information Letter" indicates an individual's Selective Service Status. The "Status Information Letter" and instructions may be obtained from www.sss.gov.

Local workforce investment board's policy and procedure should describe how to determine if an individual over age 26 "knowingly and willfully" did not register. The administrative entity should have procedure in place to determine if males over age 26 and not registered with the selective service
are/were citizens, nationals, etc., and were required to be registered. These procedures should be in place for all registered (core, intensive and training services) WIA male customers.

The procedure should include requiring the "Status Information Letter" and a written explanation from the customer stating his circumstances at the time of the required registration and his reasons for not registering. Supporting documentation concerning the reasons for not registering is also required. Customers may be advised to offer as much evidence and in as much detail as possible to support his case. Third party affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to administrative entities in making determinations. The burden of proof is on the applicant. Such evidence should be in compliance with Federal, State and local workforce investment board policy and guidance.

If after reviewing the evidence, the administrative entity determines that the preponderance of the evidence shows that a man's failure to register was not a knowing and willful failure and he is otherwise eligible for WIA, services may be granted.

**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 WIA, if otherwise eligible, only after a "Status Information Letter" has been obtained from SSS. If SSS issues a "Status Information Letter" that has no evidence that such individuals knowingly and willfully failed to register, the individuals should provide the administrative entity reasons why SSS has no evidence of their registration and provide evidence to justify they did not knowingly or willfully fail to register.

If SSS is silent on such a case, the administrative entity must make the determination. It is important to remember that WIA prohibits participation of an alien without legal status from INS, even if there is a determination that there is evidence to show the customer did not knowingly and willfully fail to register with SSS.

If the administrative entity determines that the man's failure to register was knowing and willful, WIA services must be denied. Applicants denied services should be advised of the available grievance procedures under WIA. Decisions by the administrative entity regarding selective service registration determinations are subject to WIA grievance and appeal procedures.

SSS registration may be verified on-line at www.sss.gov

The following chart gives guidance on male groups that are required or exempt from registering. The chart also gives examples of documentation that may be presented by male customers to assist administrative entities in making a determination on whether the customer did not knowingly and willfully fail to register with SSS.

**Who Must Register to be Eligible for WIA Services**

<table>
<thead>
<tr>
<th>Selective Service Status</th>
<th>Documentation</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>All male US citizens born from March 29, 1957 to December 31, 1959 (The registration program was not in operation at the time they turned 18. The requirement to register was reinstated in 1980 and applied to all men born on or after January 1, 1960.)</td>
<td>Proof of date of birth</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>All male US citizens born after</td>
<td>Verify registration on-line</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
<td>Verification</td>
<td>Required</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
<td>--------------</td>
<td>----------</td>
</tr>
<tr>
<td>Military-Related</td>
<td>Members of the Armed Forces on active duty (active duty for training does not constitute 'active duty' for registration purposes.)</td>
<td>No*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Males who served honorably in the US Armed Forces and received an honorable discharge</td>
<td>DD Form 214**</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Cadets and Midshipmen at Service Academies or Coast Guard Academy</td>
<td>No*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cadets at the Merchant Marine Academy</td>
<td>Verify registration on-line</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Students in Military Officer Procurement Programs at the Citadel, North Georgia College, and State University, Norwich University and Virginia Military Institute, Texas ATM University and Virginia Polytechnic Institute and State University</td>
<td>No*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>National Guardsman and Reservists not on active duty</td>
<td>Verify registration on-line</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Delayed Entry Program enlistees</td>
<td>Verify registration on-line</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>ROTC Students</td>
<td>Verify registration on-line</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Separatees from Active Military Service, separated for any reason before age 26</td>
<td>Verify registration on-line</td>
<td>Yes*</td>
</tr>
<tr>
<td></td>
<td>Males rejected for enlistment for any reason before age 26</td>
<td>Verify registration on-line</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Civil Air Patrol members</td>
<td>Verify registration on-line</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Aliens</strong></td>
<td>Non-Immigrant Aliens: Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families; foreign students; and tourists with unexpired visas or border crossing documents. Males are not required to register with Selective Service, but</td>
<td>INS Forms I-94, I-95A Border Crossing Documents: I-185, I-186, or I-444</td>
<td>No</td>
</tr>
<tr>
<td>Category</td>
<td>Verification Method</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>Permanent resident aliens</td>
<td>Verify registration on-line</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Aliens Males Who Entered the U.S. on or after age 26</td>
<td>Alien Registration Receipt (commonly called the Green Card shows birth date)&lt;br&gt;INS Form I-94 (Arrival-Departure Record)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Special (seasonal) agricultural workers</td>
<td>INS Form I-688</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Special agricultural workers</td>
<td>INS Form I-688A</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Immigrant Aliens: Refugee, parolee, and asylee aliens, SAWs, and IRCA-legalized aliens with work permits only after SSS registration or exemption is established</td>
<td>INS Form I-688 (Temporary Resident Card)</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Undocumented (illegal) aliens</td>
<td>Verify registration on-line</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Dual National U.S. citizens</td>
<td>Verify registration on-line</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>Confinement</strong></td>
<td>Court or institution of release&lt;br&gt;Hospital, or other facility (such as resident) where male was confined&lt;br&gt;Document should indicate time frame</td>
<td>No*</td>
<td></td>
</tr>
<tr>
<td>Handicapped physically or mentally</td>
<td>Verify registration on-line</td>
<td>Yes</td>
<td></td>
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<tr>
<td>-----------------------------------</td>
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<td></td>
</tr>
<tr>
<td>Able to function in public with or without assistance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Males with disabilities that would disqualify them from military service</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Must register within 30 days of release unless already age 26, or already registered when released, or unless exempt during entire period aged 18 through 25.

** Such documents may be considered prima facie evidence that the failure to register with the SSS was not willful or knowing.

*Note:* Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa are nationals and must register when their permanent address is in the U.S. This also goes for a national or citizen of the Republic Marshall Islands or the Federal States of Micronesia if they live in the U.S. for more than one year for any reason, except as a student or employee of the government of his homeland.

Local workforce investment boards have the final authority to determine if the reason and documentation were sufficient to determine a customer not registered with the Selective Service System eligible for WIA.

**IV. Technical Assistance**

Questions concerning this guidance may be directed to John Weber, Chief, Bureau of Workforce Services a weber@odjfs.state.oh.us, or (614) 644-8836.

**V. Reference**

Workforce Investment Act (WIA) Transmittal Letter #12

November 15, 2004

To: Local Elected Officials, WIA Local Workforce Investment Boards, Administrative Entities, and One-Stop Operators

From: Thomas J. Hayes, Director
Ohio Department of Job and Family Services

Subject: Eliminating Duplication of Issuing a WIA Guidance Letter and Transmittal Letter

I. Purpose
This communication provides notification on eliminating duplication of WIA guidance letter and a transmittal letter. WIA administrative entities should convey this guidance to subrecipients and other appropriate stakeholders that are involved with WIA activities and services.

II. Effective Date
Immediately

III. Guidance Statements
A Workforce Investment Act Guidance Letter (WIAGL) was issued along with a WIA Transmittal Letter (WIATL) as two separate documents. The WIAGL has been changed to "Workforce Investment Act Transmittal Letter" (WIATL). One transmittal letter will be issued.

IV. Technical Assistance
Questions concerning this guidance may be directed to John Weber, Chief, Bureau of Workforce Services a weber@oddfs.state.oh.us, or (614) 644-8836.

V. Reference
None
Workforce Investment Act Transmittal Letter 11

July 20, 2004

To: Local Elected Officials and WIA Administrative Entities

From: Thomas J. Hayes, Director

Subject: Amended Rule regarding Poverty Income Guidelines and Lower Living Standard Income Levels

WIA Rule 5101:9-30-03 has been amended and is attached. The purpose of the amendment was to delete paragraph (C) referencing Appendix A which was attached to the rule. Appendix A is rescinded because the poverty income guidelines and the lower living standard income levels have been revised and are revised annually. The poverty income guidelines and lower living standard income levels are used for determining eligibility and low income for programs operated under the Workforce Investment Act. Low income is used to determine eligibility for youth services and to prioritize adult individual training accounts when funds are limited.

There are separate time frames and federal agencies involved in issuing these two separate guidelines. The Department of Health and Human Services (HHS) is responsible for and released the Federal Poverty Guidelines on February 13, 2004. The Secretary of Labor determines and released the lower living standard income levels on June 25, 2004, for Title I of the Workforce Investment Act.

From now on, once both income guidelines have been published in the Federal Register, ODJFS will post them electronically at www.ohioworkforce.org and send an e-mail broadcast alert. ODJFS will update income levels used by the Sharing Career Opportunities and Training Information (SCOTI) reporting system to determine eligibility and utilize the most recent guidelines effective July 15 of each year.

You should replace the old rule with the amended rule. Appendix A of the rule is rescinded.
Workforce Investment Act Transmittal Letter 10

June 17, 2004

TO: Local Elected Officials, WIA Administrative Entities, and Workforce Development Agencies

FROM: Thomas J. Hayes, Director

SUBJECT: Mandated Use of the Sharing Career Opportunities and Training Information (SCOTI) System

WIA Rule 5101:9-30-04 is attached. The purpose of the Rule is to provide local elected officials, WIA Administrative Entities, and Workforce Development Agencies with requirements for use of SCOTI. This rule rescinds WIA Rule 5101-30-01.
To: Local Elected Officials and WIA Administrative Entities

From: Thomas J. Hayes, Director

Subject: WIA Credentials Guidance

Attached is a WIA Guidance Letter regarding WIA credentials. The purpose of the Guidance Letter is to help workforce investment boards and WIA administrative entities identify ways to access or create tools that would provide a valid means to substantiate skill and knowledge gains over time and measure skill development efforts. Tracking of skill and knowledge gain through credentials is required to meet performance measures in the Workforce Investment Act.
To: Local Elected Officials and WIA Administrative Entities
From: Thomas J. Hayes, Director
Subject: WIA Youth Performance Measures

Attached is a WIA Guidance Letter regarding WIA Youth Performance Measures. The purpose of the Guidance Letter is to help workforce investment boards and WIA administrative entities better understand youth performance measures. Local programs should be a product of well-designed and well-implemented systems, responsive to local needs and both building on and expanding local opportunities. This letter should be viewed as technical assistance so that local areas can plan programmatic interventions that produce quality results, meet the US Department of Labor WIA performance measure outcome requirements, and satisfy our youth customers.
TO: Local Elected Officials and Workforce Development Agencies
FROM: Tom Hayes, Director
SUBJECT: WIA Guidance Letter 3-2002

The WIA Guidance Letter 3-2002 is attached. The purpose of the Guidance Letter is to provide local elected officials and workforce development agencies information about approval from the U.S. Department of Labor waiving the subsequent eligibility requirements for the eligible training providers until January 1, 2004.
TO: Local Elected Officials and Workforce Development Agencies
FROM: Thomas J. Hayes, Director
SUBJECT: Revised Poverty Income Guidelines and Lower Living Standard Income Levels

WIA Rule 5101:9-30-03 is attached. The purpose of the Rule is to provide local elected officials and workforce development agencies the most recently published income guidelines and lower living standard income levels that must be used to determine eligibility and low income of individuals for programs operated under the Workforce Investment Act.

TO: Local Elected Officials and Workforce Development Agencies
FROM: Thomas J. Hayes, Director

WIA Guidance Letter 3A-2001 is attached and rescinds WIA Guidance Letter 3-2001 dated November 27, 2001. The new letter should replace the old one in your WIA Rules, Policy and Guidance Letters notebook. The only change made was on the Attachment, Authorization to Submit National Emergency Grant Application form. The form should be signed by the Workforce Policy Board or the Workforce Investment Board Chair as well as the County Commissioners.
Workforce Investment Act Transmittal Letter 1

May 2, 2002

TO: Local Elected Officials and Workforce Development Agencies

FROM: Thomas J. Hayes, Director

SUBJECT: Exclusion of Purchase of Firearms

WIA rule 5101:9-30-02 entitled "Workforce investment act (WIA) exclusion of purchase of goods" is attached. The rule states that Workforce Investment Act program costs shall exclude the purchase of firearms and ammunition.

This begins a new numbered series of transmittal letters that will communicate policy in the form of guidance (best practices) and internal management Ohio Administrative Code rules. Please maintain these letters and attachments. They may also be found on the Internet site at http://dynaweb.odjfs.state.oh.us:6336/dynaweb.
Archived Guidance Letters
Directive Title: Workforce Investment Act Guidance Letter 9

Ohio Department of Job and Family Services
30 East Broad Street
Columbus, Ohio 43215-3414

December 5, 2003

To: Local Elected Officials and WIA Administrative Entities

From: Thomas J. Hayes, Director
Ohio Department of Job and Family Services

Subject: WIA Credentials

I. Purpose

To provide local elected officials and WIA Administrative Entities information regarding Workforce Investment Act (WIA) Credentials.

II. Effective Date

Immediately

III. Guidance Statement

This guidance was prepared to help local workforce investment areas identify ways to access or create tools that would provide a valid means to substantiate skill and knowledge gains over a period of time and to measure skill development efforts. These are commonly referred to as credentials. Tracking of skill and knowledge gain is required to meet performance measure mandates outlined in the Workforce Investment Act.

The USDOL definition of credential is flexible which allows the state and local areas to expand on the definition. Ohio has adopted the federal definition as follows:

Credential - Will include nationally recognized degree or certificate or State or locally recognized credential.

Credentials include, but are not limited to, a high school diploma, GED or other recognized equivalents, post-secondary degrees/certificates, recognized skill standards, and licensure or industry-recognized certificates. Local Workforce Investment/Policy Boards should encourage certificates to recognize successful completion of the training services listed above that are designed to equip individuals to enter or re-enter employment, retain employment, or advance into better employment. Local areas/subareas should include all State Education Agency recognized credentials.

The local workforce investment area has great flexibility in defining a credential. Local areas have the opportunity to work with employers to develop meaningful credentials. A credential is evidence that someone has acquired certain knowledge and/or mastered certain skills and it is often viewed as proof of an individual’s competence to perform certain tasks or a job.

The spirit of the Workforce Investment Act language related to credentialing is one of encouraging a valid process for upgrading and developing skills that lead to, enhance, advance, and/or assist in obtaining or retaining employment. This could include: soft skills training that is recognized by a third party that helps an individual get a job, a driver's license needed to get a job, passing proficiency tests, etc. Local areas should track and document what is acceptable.

Understanding diverse methods of credentialing will permit the workforce development system to be responsive to the special needs of the business community and the individuals served. The better
different kinds of credentialing systems are understood, the more it will insure that the training and education provided in the area is meaningful with valid and credible outcomes.

The Workforce Investment Act of 1998 establishes 17 indicators of performance that local areas must meet related to adult, dislocated worker, and youth programs. [Please see Training and Employment Guidance Letter (TEGL) 7-99.]

Three of the seventeen performance measures relate to credentialing. The performance measures local workforce development areas must meet specifically related to credentialing are:

- Adult Employment and Credential Rate;
- Dislocated Worker Employment and Credential Rate; and,
- Older Youth Credential Rate.

**Types of Credentials**

Existing credentialing systems refer to certificates, degrees, licenses, and endorsements that are already in place. Local credentialing systems refer to methods created to fill specific local needs.

**A. Educational Institutions**

These credentials are characterized by attendance in a series of classroom learning experiences that are packaged to create a certification or degree program for specific occupations or professions.

Examples of educational institution credentials:
- Associate Degree
- Management Certificate
- Computer Science Degree
- Teaching Certificate
- Waste Water Management Degree
- Automotive Technology Degree
- High School Diploma
- GED or equivalent

All documentation stating successful program completion must be obtained from the training provider or the participant.

**B. Associations**

Associations typically represent a targeted population of individuals focused in a particular area of professional interest. Associations serve as advocates and networking units for the profession they represent.

Examples of association credential systems:
- Certified in Volunteer Administration (sponsored by the Association of Volunteer Administration)
- Child Development Associate (sponsored by The Council for Early Childhood Professional Recognition)
- Certified Workforce Development Professional (National Association of Workforce Development Professionals)

All documentation stating successful program completion must be obtained from the training provider or the participant.
C. Professional Accreditation

This type of accreditation is defined by established qualification standards an individual must achieve in order to be considered a certified member of a particular professional group. This group includes licenses and certifications.

Examples of professionals with established accreditation standards include:

- Counselors
- Certified Public Accountants
- Accredited Statistician
- Master Teacher

All documentation stating successful accreditation must be obtained.

D. Licenses

Licenses are a credential awarded by a state government or its authorized agent that permits individuals to practice a profession or use a title in association with their work.

Examples of licenses:

- Medical Doctors
- Dental Hygienists
- Beauticians
- Real Estate Brokers
- Licensed Practical Nurse

Documentation of licensure must be obtained.

E. General Occupational Skills Training

Occupational Skills Training credentials are earned by successfully completing planned classroom instruction that upgrades an individual's occupational skills, but does not result in a certificate. Credentials can also be awarded for recognized skill standards such as Apprenticeship Programs. Occupational skills training credentials may also be awarded for industry recognized training such as: skill upgrading and retraining, entrepreneurial training, safety and risk topics, management topics, leadership topics, sexual harassment or workplace violence prevention, vocational specific training, or industry recognized certificates. This training may be provided via WIA or non-WIA funded services.

The training provider must submit documentation that outlines the training activity and type of training that will be provided, the length of the training, and the specific outcomes that are considered to be a successful completion. This type of documentation might include: a pre- and post-test or pre- and post-evaluation, skills attained and certificate or letter of completion. The certificate or letter could state the type of training received, dates of participation, and number of training hours completed.

F. Partner/Employer/Occupational Skills Training

Partnering agencies and employers offer a variety of in-house training programs. The training provider must submit documentation that outlines the training activity and type of training that will be provided, the length of the training, and the specific outcomes that are considered to be successful completion. This type of documentation might include: a pre- and post-test or pre- and post-evaluation, skills attained and certificate or letter of completion. The certificate or letter could state the type of training received, dates of participation, and number of training hours completed.
G. Job Internship

Prior to completing Job Internship, we recommend the participant complete a career assessment that demonstrates this would be an appropriate assignment. Once it has been determined that these criteria have been met, a work site will be developed. The work site must provide an on-site supervisor who will provide individual training to the participant. The site supervisor will also evaluate the participant's job performance. The local area and the employer will determine the length of the internship. The length of time and specific skills achieved internship must be documented. Documentation could include: time sheets, pre- and post-internship evaluations, job performance evaluations, a copy of the certificate of completion and skills attained.

H. Work Experience

Paid / unpaid Work Experiences are designed to earn a credential for skills attained while in Work Experience. We recommend the participant complete a career assessment that demonstrates this would be an appropriate assignment. The work site must provide an on-site supervisor who will provide individual training to the participant. The site supervisor must also provide an evaluation of the participant's job performance. The worksite will have the responsibility to monitor time sheets and verify hours worked. The local area needs to establish a limited length of time on the Work Experience activity. The length of time must relate the skills that are expected to be learned from this activity. Documentation could include: time sheets, pre- and post-work experience evaluations, job performance evaluations, copy of the certificate of completion and skills attained.

I. On the Job Training (OJT) / Customized Training

An OJT/Customized Training contract is specifically written based on the participant's and employer needs. The specific competencies, tasks, or skills to be attained by the participant must be identified prior to the start of the training and shall be identified by looking at the participant's current abilities and comparing them to the employer needs. The local area and employer determine the length of the contract. Documentation for the OJT/Customized Training should state the name of the training program, dates of participation, number of hours completed and skills attained.

J. Work Readiness Skills Training

Participants completing Work Readiness Skills or other Employability Training may be able to earn a Work Readiness Skills credential. Each local area shall establish a minimum number of hours of training to establish a Work Readiness Skills Training credential. Work Readiness Skills Training may be a self-paced curriculum or may be a group activity. In order to establish a Work Readiness Skill credential the local area must document the following: the skill deficiency prior to training and the skill attainment after the training.

Examples of Work Readiness Skills Training might include:

- Job Retention Skills
- Interviewing and Resume Preparation
- Job Shadow and/or Informational Interview

Documentation for this credential could include: skill deficiency before training, post training skill attainment, a certificate of completion stating the name of the training, dates of participation, with the number of hours completed.

K. Work-Based Learning

Work-based learning is structured work experience that focuses on the demand side of workforce development, the business community. Workers learn on the job based on a set of
skills standards and competencies established for specific occupations. Some work-based learning systems require a combination of classroom and on-the-job. The classroom portion may be provided on-site or at another location such as an educational institution or at another business.

Examples of work-based learning credential systems:

- Corporate universities
- Industry consortiums.

The area of work-based learning provides local areas with the greatest opportunity to develop home grown, employer driven credential programs. There are a number of resources (e.g. Skill Standards, existing DACUMs, and SCANs) which can be used to assist employers in establishing skills standards for specific occupations. These skills standards can then serve as a frame work for the development of targeted programs and development of employees to specific levels of competency. Such a homegrown system can be done independently or in partnership with an educational institution.

Documentation for this credential could include: a certificate that states the name of the training, date of participation, number of hours completed and skills attained.

IV. Technical Assistance

Establishing Credential Systems

Local areas/subareas may have interest in establishing their own credential systems that meet their local needs. What follows is a brief outline that would assist in setting up such a system.

To obtain a credential a person must typically fulfill pre-established requirements or satisfy a set of standards that have been set for a specific skill or knowledge area. There are some factors to consider related to accessing an existing credential or developing a homegrown credential.

Some key factors that local areas might consider are:

1. Driver:
   a. What is the purpose?
   b. Who will benefit and how?
   c. Who is the target audience?

2. Requirements:
   a. What must an individual do to become certified?

3. Standards:
   a. What are the assessment criteria and how were they derived?

4. Assessment Methods:
   a. What method will be used to determine whether candidates have met the standards?

5. Governance:
   a. Who will provide policy, oversight and stewardship?

6. Administrative Responsibility:
   a. Who will conduct the reporting, keep records, insure confidentiality, and prevent misuse of results?

**Basic Process - A Suggested Checklist for Getting Started**

1. Identify the specific reason a credential is needed.
List the purpose of the certification. The local area/subarea should do research, which might include an employer survey, to determine what employers need and/or use in the way of credentials to determine skill proficiency.

Example: Child-care workers at ABCs Center need to have consistent standards in order to lower insurance premiums and to provide excellent service.

2. Identify who will benefit from the credential and how.

List who will benefit and how each will benefit.

Example: The business will benefit with increased revenues, uniform staff expertise, and a greater margin of revenue with reduced insurance premiums. The child will benefit with higher level of consistency across child-care workers. The parents will benefit with greater peace of mind and confidence in the business.

3. Who is eligible to participate?

List the target audience.

Example: Individuals currently working as child-care workers at ABCs Center and individuals wanting to work as a child-care worker at ABCs Center.

4. What are the requirements?

List what an individual must do to become certified. Include: prerequisites, training, testing, supervision, demonstration, experience, work samples, and fees. List any requirements for recertification that need to be considered.

Example: 12 semester hours of early childhood development classroom training and 80 hours of supervised on-the-job training in an early childhood development position.

5. What are the standards?

List what will be the assessment criteria and how they were derived.

Example: Standards were set through a job task analysis of existing professionals who are proficient in the field. Standards include: the ability to get along with others, work with, and relate to others; the ability to engage in learning activities with children under the age of 5 using interactive toys; the ability to write reports in a clear and concise format.

6. What assessment methods will you use?

List what methods will be used to determine whether an individual has met the standards.

Example: Individuals will be tested related to classroom training and must achieve at least a "C" to be considered passing. In addition, individuals will be observed while engaged in on-the-job training. The supervisor who is observing will document skills and knowledge. The individual under review must have the observer's signature at the completion of the training recommending approval of the credential.

7. Who will govern?

List who will provide policy, oversight, and stewardship to the credentialing process.

Example: A sub-committee of the ABCs Center Board of Directors will serve as the governing body or the child-care worker certification.

8. Who will have administrative responsibility?

List who will conduct the reporting, keep records, insure confidentiality, and prevent misuse of results.

Example: The Human Resource Department of ABCs Center will be responsible for the administrative functions.
Requirements

The workforce development credentialing entity will need to decide what will be required of the individuals participating to gain the credential. The local area should start with an initial assessment that confirms the individual has the capability and desire to engage in a credentialing program. Next, the workforce development credentialing entity needs to decide the most appropriate requirement mechanisms.

Some of the more common ones are:

Prerequisites.

Testing.

Training.

Supervision.

Demonstration.

*Prerequisites* help establish that an individual had taken specific classes, had a defined number of years of experience, or had a specified degree in a related field.

*Testing* might establish that an individual complete a pre-test to establish knowledge and skills prior to certification and/or complete a post-test to document knowledge and skills after training period.

*Supervision* might outline that an individual have defined measurable outcomes that are observed by a supervisor who attests to successful attainment of knowledge and skills.

*Demonstration* provides for individuals to show what they have learned through their on-the-job training performance. The individual proves they can perform a task or series of tasks to a standard under regular working conditions.

One or any combination of the requirements above could be used in establishing a credential. When making a decision on which requirements to mandate, a workforce development credentialing entity should consider whether they want knowledge-based, skill-based, or performance-based criteria. Often credentialing involves all three levels.

*Knowledge-based* refers to the individual knowing terms, rules, principles, concepts, policies, procedures.

*Skill-based* refers to the individual being able to apply the terms, rules, principles, concepts, policies, and procedures under controlled conditions such as in a simulation.

*Performance-based* refers to the individual being able to apply the terms, rules, principles, concepts, policies, and procedures under real working conditions.

Standards

Uniform standards enable organizations to hire and train workers that have consistent work practices. Common job descriptions are not enough to ensure employees have the same level of competency to perform the duties and tasks they are responsible for.

Most organizations have "core competencies" that every single person in the organization or in a particular division need. Core competencies are those skills that are needed regardless of the specific position or occupation a person is in. When identifying standards these core competencies need to be identified. Core competencies include skills such as communication, customer service, leadership, managing teams, problem identification, problem solving, critical thinking, and decision-making.

The workforce development credentialing entity should establish what the assessment criteria will be and how it will be derived. A typical way to establish the assessment criteria is job task analysis. Job task analysis is a review of the functions performed that identifies the duties and tasks, skills and knowledge, traits and attitudes, and tools and equipment needed to be proficient in the function. The
result of the job task analysis is a competencies chart that outlines needed skill and knowledge for a specific occupation or cluster of occupations.

Another way to establish assessment criteria is simply to ask the organization wanting a credentialing system what skills and knowledge they require for the individual to become proficient in a particular function or series of functions. The job task analysis is recommended because it provides for a consistent set of standards that can be used over and over again to fill positions.

A common job task analysis process used by Community Colleges and for workforce development agencies to design curriculum for private employers is the DACUM method. DACUM is an acronym that stands for Developing A Curriculum. The DACUM process simply brings eight to ten people together who have successfully performed a specific function or series of functions for two or more years and facilitates a process to capture their expert opinion on duties and tasks, skills and knowledge, traits and attitudes, tools and equipment needed to be proficient in the area under review. The method is based on a premise of whom better to define the competencies associated with a job than people who know how to do the job. More information regarding using DACUM by logging onto www.dacum.org or by contacting Dr. Robert Norton at Ohio State University 1-800-848-4815, extension 2-8481.

Assessment Methods

Assessment methods fall into two primary categories:

1) Observation.
2) Testing.

Classroom training can be measured through the grading of tests with some consideration given to attendance, attitude, and work habits. On-the-job training is often measured through observation by a supervisor or mentor/coach who actually sees the individual demonstrate knowledge and skill in pre-established areas. A workforce development system should set an assessment method for each phase of the credentialing process. Be consistent to insure credibility and confidence in the system.

Governance

The governance of the credentialing system has four major responsibilities:

1. To review and approve the purpose, requirements, standards, and assessment methods prior to the start.
2. To make ongoing policy decisions related to the credentialing system.
3. To review and rule on any disputes.
4. To assess and analyze the effectiveness of the credentialing system.

It is important for a homegrown system to have credibility and validity. For the purposes of individuals enrolled in Workforce Investment Act programs, the certification/credential system should be governed by a committee appointed by the local workforce investment board. The committee does not necessarily include only board members, but may also include industry experts from the community in the growth occupation areas. The governance function should include a check for consistency and valid documented measurement of the outcomes.

Administrative Responsibility

Administrative responsibility entails reporting, keeping records, insuring confidentiality, and preventing the misuse of the results. An administrative unit could issue the formal announcement of credential attainment and keep records and tickler systems to insure appropriate follow-up on any re-certification requirements. The administrative responsibility includes keeping original assessment standards and documentation of assessment methods that have determined an individual has met the standards. The
local workforce investment board could appoint a staff person or committee member to oversee the credentialing administrative responsibilities.

Non-Occupational Credentials

Training in relationship to workforce development is not always conducted in a business environment or at an educational institution. Many organizations are responsible for training activities that prepare future or existing workers to meet the challenges of a job or occupation. Such training may or may not be occupational specific.

For training that is not occupational specific, a method must outline what learning will take place and how the skill and knowledge attainment will be measured. These types of credentials are rarely found in existing systems and thus must be created. In workforce development programs these types of credentials can be as important as occupational specific credentials. They help instill transferable skills and knowledge to help the participant deal with future job changes with greater ease. This is essential in a working environment that points to each of us having several career moves in the span of our lifetime.

A Recommended Method to Establish A Non-Occupational Credential

1. An organization establishes standards that will be required for participation in training activities.
2. The Certification Plan is submitted to a sub-committee of the local workforce investment board for approval as a credential program along with how participants will be assessed to establish the credential.
3. An individual is determined to be appropriate for enrollment in an activity provided by an organization through established criteria (e.g., pre-test or pre-assessment).
4. The organization's case manager meets with the individual to review the requirements of the training activity.
5. The individual commits to the standards outlined and the methods of measurement.
6. The individual is trained.
7. The case manager and/or trainer attest that the individual has met standards as prescribed with evidence of test scores, demonstrated competencies, and assessment.
8. The individual receives certificate signed by organization and/or the chair of the local workforce investment board.

Please contact the Bureau of Workforce Services (614) 644-7078 or E-Mail WIAQNA@odfs.state.oh.us with any questions.

V. Reference

Workforce Investment Act Section 122 (c) (5)
20 CFR 663.530

Rescissions: None
Distribution: WIA Guidance Letter
Expiration: Continuing
I. **Purpose**

To provide local areas with guidance and information regarding implementation of the federal Shared Youth Vision (SYV) collaborative approach to meeting the needs of America's neediest youth, and Ohio's KEYS (Knowledge and Education for Youth Success) initiative.

II. **Effective Date**

Immediately

III. **Background**

In 2004, the U.S. Departments of Labor, Education, Justice, and Health and Human Services created the SYV. Other national partner agencies joined the SYV. These partners include but are not limited to the following: US Departments of Housing and Urban Development (HUD), and Transportation, and the Social Security Administration and, The Corporation for National and Community Service.

The SYV focuses on interagency collaboration to prioritize resources and improve services to:

- The youth most at risk of not making a successful transition to adulthood
- Meet the needs of business in the 21st century knowledge economy
- Increase the performance of programs that serve the most at-risk youth

For federal guidance please see Training Employment and Guidance Letter (TEGL) No. 28-05, TEGL No. 3-04 and www.doleta.gov/ryf.

The youth are an important part of the future labor force needed for a thriving economy. In the context of federally identified priority investments, Ohio has chosen to focus on the emerging youth workforce with the expectation that all youth will have opportunities to become economically self-sufficient as they transition to adulthood.

In Ohio, the SYV is implemented through the KEYS initiative. In 2005, Ohio held focus groups with youth and adults on the SYV initiative. The purposes of these focus groups were to present information and develop strategies on the new vision to provide services to the "neediest youth." The youth suggested the acronym KEYS for Knowledge and Education for Youth Success. Ohio has since developed a state strategic team to provide input on the KEYS initiative.

Currently, Ohio has two pilot programs that directly align with the KEYS initiative.

- The WIA Youth Employment Program - which provides eighteen grants statewide for innovative education and employment programs.
- The TANF (Temporary Assistance for Needy Families)/WIA/DYS (Department of Youth Services) Program - that provides pre- and post- release activities for youth offenders.

IV. **Guidance Statement**

The SYV focuses on critical strategies to be employed across four major areas:
• Meeting the demands of business, especially in high-growth industries and occupations
• Focus on the neediest youth
• Focus on improved performance
• Focus on alternative education

The SYV is not an additional set of requirements for implementing WIA youth programs. Rather, it provides a mechanism for states and local areas to:

• Prioritize program funding
• Prioritize populations of youth to be served
• Create a WIA youth system that is responsive to the short- and long-term needs of the local labor market
• Provide high-quality services to youth through program and system accountability

Local areas are responsible for building and maintaining a quality WIA youth system by procuring effective programs and through continuous monitoring of the system’s performance. This guidance provides direction for local areas to implement the SYV by strategically funding successful programs targeted to achieve local outcomes and to improving performance by developing and monitoring those outcomes.

A. Meeting the Demands of Business, Especially in High-Growth Industries and Occupations

The goal is to assure that youth obtain the skills needed by employers so they can succeed in the 21st century economy.

A youth workforce system that responds to the needs of employers allows local areas to prioritize investments in training opportunities and so prepare youth for jobs that are expected to be in high demand. Demand-driven systems benefit employers by providing the well-trained workforce they need to be competitive in a global economy. Youth benefit when local systems provide them with the skills needed to enter jobs that will allow them to be economically self-sufficient.

Strategies

In order to meet the needs of business and to provide the greatest benefit to youth, local areas should:

(1) Understand the local and regional labor market. Continuously work with employers and economic development representatives to identify current and emerging jobs that are or will be in demand. Provide training for local youth staff and service providers on local and regional high-growth, high-demand occupations and career pathways in those industries.

(2) Use local labor market information to prioritize training investments.

(a) Identify short-term and long-term skills needed by local employers and invest in training that develops those skills.

(b) Give priority funding to occupational skill training and youth ITAs that lead to industry-recognized certificates should be given priority for funding.

(3) Work with training providers, especially community colleges, to create and invest in training programs that build knowledge and skills in smaller increments, creating a pathway to increased skills and job advancement. Basic skills remediation may be needed to ensure student success in transitioning to postsecondary education.

(4) Develop strong connections with non-WIA programs such as Job Corps, YouthBuild, and other youth employment programs to enable local systems to meet the needs of youth for whom WIA programs are not appropriate.
Funding priority should be given to programs that result in industry-standard certificates in high-growth, high-demand occupations and industries.

B. **Focus on the Neediest Youth**

The goal is to increase the number of WIA youth program participants from the most at-risk population groups.

The White House Task Force Report on Disadvantaged Youth identified several populations who are most at-risk of becoming disconnected from education and employment. These youth are:

- Youth in foster care, especially those who are aging out of foster care
- Youth in the juvenile justice system
- Children of incarcerated parents
- Migrant youth
- Native American Youth
- Youth with disabilities

These youth are often difficult to identify, recruit and engage in WIA youth programs. They require long-term services, as well as more comprehensive and intensive services in order to be successful in education and employment. Often, programs that effectively serve these youth serve small numbers and have a higher cost-per-participant than programs that serve other populations.

Nevertheless, these youth are an important part of the future employment labor force. Local areas should invest in programs that increase the number of neediest youth who receive services that will aid them in making a transition to self-sufficient adulthood.

**Strategies**

In order to increase the number of youth served in target populations, local areas should:

1. Give funding priority to programs that serve a significant percentage of one or more populations of neediest youth.
2. Increase outreach and recruitment efforts that are targeted to neediest youth populations.
3. Require service providers to demonstrate the effectiveness of program activities in meeting the particular needs of the neediest youth populations they serve.
4. Hold providers accountable for appropriate and reasonable outcomes for the populations served by the program.
5. Provide complete documentation of neediest youth populations served in the state data tracking system. Local area youth staff and WIA youth service providers are required to provide the Ohio Department of Job and Family Services with information on the population to which a youth belongs if applicable. If youth are members of multiple populations, each population should be reported. For example, if a youth is both a migrant worker and a dropout, both populations should be captured in the state data tracking system. This information should be provided on the Youth Keys screen that is found on the Basic Intake screens currently within our statewide data tracking system and is in addition to the barriers reported to determine eligibility for the WIA youth program.

C. **Focus on Improved Performance**

The goal is to assure that local WIA systems are outcome-focused and place a priority on funding programs that demonstrate effectiveness.
Successful WIA youth systems are effective and produce high-quality outcomes for youth. The effectiveness of the local WIA youth system is measured in part by how well the local area performs on three federally mandated performance measures (Common Measures). However, WIA performance measures are not sufficient nor always appropriate measures of success for individual programs. Local areas should continually monitor both program and system performance and make course corrections as needed.

**Strategies**

In order to focus on outcomes and fund effective programs, local areas should:

1. Fund programs that demonstrate effectiveness through outcomes. Local areas should invest in programs that produce positive outcomes for youth that contribute to or directly lead to self-sufficiency through further education or training and employment.

2. Focus on outcomes as well as outputs. Outcomes are changes that occur for youth as a result of participating in WIA activities. Examples of outcomes include attaining occupational skills, improving level of academic achievement, receiving a diploma, or entering and retaining employment. Outputs are evidence that service has been provided. Examples of outputs include number of youth served, duration and intensity of services, or cost per participant. Outputs provide information on the quantity of services being provided. Outcomes provide information on the quality of those services. Effective systems pay particular attention to outcomes to assure that services result in beneficial changes for youth.

3. Establish program and system benchmarks to chart progress toward desired outcomes. Benchmarks may include both outcomes and outputs. Program benchmarks should be individualized for each provider and should reflect appropriate levels of progress based on services provided and population(s) served. System benchmarks should allow local areas to monitor progress toward both WIA performance measures and outcomes that contribute to local system goals.

4. Continually monitor performance at the program and system levels. Program and system performance should be assessed no less than once per quarter.

5. Make adjustments at the system or program levels to improve performance. Local processes and policies should allow for adjustments when needed to assure that local goals, as well as WIA performance measures, are met.

**D. Focus on Alternative Education**

The goal is to provide youth who have dropped out or who are at risk of dropping out with multiple educational pathways to complete high school.

"Alternative education" in the context of the SYV should not be confused with "alternative schools" or "alternative disciplinary schools"—as defined in the Ohio Revised Code 3313.97. A school district may be required or elect to provide an alternative school with the purpose of serving "students who are on suspension, who are having truancy problems, who are experiencing academic failure, who have a history of class disruption, who are exhibiting other academic or behavioral problems specified in the resolution, or who have been discharged or released from the custody of the department of youth services" (ORC 3313.53.3). In practice, these alternative schools offer an alternative to suspension or expulsion.

The SYV’s focus on alternative education has a much broader meaning. While alternative schools focus on discipline, alternative education is intended to provide high-quality, engaging academic programs for youth who have dropped out of school or who are at risk of dropping out. Alternative education may be thought of as providing multiple education pathways to the same destinations: a high school diploma and preparation for success in post-secondary education.
Alternative education programs that meet the intent of the SYV also meet the intent and purpose of the WIA youth program element "alternative secondary school services."

**Strategies**

In order to provide alternative education pathways for drop-outs and youth at-risk of dropping out, local WIA youth systems should strive to fund high-quality alternative education programs that:

1. **Lead to a high school diploma.** Youth who receive a G.E.D. are likely to have substantially lower wages over time and are far less likely to complete post-secondary education than their peers who receive a diploma. The Adult Basic and Literacy Education (ABLE) program is a resource for out-of-school youths participating in KEYS to access alternative education services. The ABLE program is funded by the State of Ohio, Department of Education, and the United States Department of Education. ABLE programs serve adults in the areas of GED preparation (assisting qualified students to earn their GED diploma), basic literacy skills (including computation and computers, as well as reading and writing), family literacy (working with parents and children to enhance literacy and learning), workplace education (helping to elevate the level of literacy for employees in the workplace), and English for Speakers of Other Languages (ESOL--helping make the transition to full engagement in their communities).

2. **Demonstrate characteristics of effective alternative education,** such as flexible scheduling, low student-teacher ratios, high expectations for all youth, and contextual learning that emphasize connections between academics and real-world situations and problems.

3. **Meet the state standards developed in response to No Child Left Behind (NCLB).** These standards include:
   - Meeting state report card indicators of attendance, academic achievement, and graduation rate.
   - Meeting Adequate Yearly Progress (AYP) standards for all students, as well as identified sub-populations of students.
   - Employing highly qualified teachers and paraprofessionals as defined by NCLB - (For more information on Ohio's NCLB standards, see www.ode.state.oh.us).

4. **Provide opportunities for career exploration and information on career pathways,** especially in high-growth industries and occupations in the local labor market.

5. **Do not imitate traditional school settings or teaching methods.** Many WIA youth participants have learning styles that are not best served by settings and methods typically used in schools. Alternative education should provide opportunities for youth to learn in environments most suited to their individual learning styles.

6. **Prepare youth for success in and connect youth to postsecondary education.** The demand for workers with postsecondary education is growing, while opportunities for workers with no education beyond a high school diploma are shrinking. A high school diploma or G.E.D. is critical, but it is only the foundation for success. Local areas should, therefore place priority on funding alternative education programs that assist youth in making a successful transition to postsecondary education.

7. **Focus on academic achievement rather than discipline.** School districts' alternative schools are unlikely to meet the intent of the SYV or of WIA alternative secondary school services. Evidence suggests that alternative disciplinary programs are much less likely to lead to significant gains in academic skills.

**V. Technical Assistance**
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

USDOL TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 28-05 and 3-04
To: Local Elected Officials and Workforce Development Agencies  
From: Tom Hayes, Director  
Ohio Department of Job and Family Services  
Subject: Eligible Training Providers - Initial Eligibility Criteria  

I. **Purpose**  
To provide local elected officials policy information approved by the Governor's Workforce Policy Board regarding Eligible Training Providers - Initial Eligibility Criteria.  

II. **Effective Date**  
Immediately  

III. **Background**  
Section 122 of the Workforce Investment Act states that the Governor is responsible for establishing the criteria and procedure for use by local boards to determine the initial eligibility of training providers. The state agency designated by the Governor to establish, maintain and disseminate the statewide list of eligible training providers will also be responsible for developing the initial eligibility procedure and for soliciting comments from the public regarding the initial eligibility procedure.  

Educational institutions that are eligible to receive funds under title IV of the Higher Education Act (HEA) are automatically eligible to have their programs that lead to an associate degree, baccalaureate degree or certificate placed on the Eligible Training Provider List. Programs carried out under the National Apprenticeship Act are also automatically eligible for placement on the list. This automatic eligibility status is for the period of initial eligibility only. All institutions must meet subsequent eligibility criteria.  

Customers who need training and who are eligible will, in most cases, have an Individual Training Account established for them. The account may be used to pay for training in a locally approved course of study. Training can be obtained from any program listed on the statewide Eligible Training Provider List. Providers on the list must have agreed to accept Individual Training Account payments for approved programs and to report required performance and cost data.  

The eligibility procedure for training providers begins at the local level. Educational institutions, schools or other organizations, including automatically eligible providers that wish to be on the Eligible Training Provider List, apply to the Workforce Investment Board with a description of their program(s). The Workforce Investment Board determines the time and manner of submission of applications for inclusion on the State Eligible Training Provider List. The Workforce Investment Board also determines what information in addition to the minimum required by the State must be included on the local application. The Workforce Investment Board certifies the provider by program and forwards the information to the State. The State has 30 days to review the information and determine if the provider's program(s) meet the criteria for listing.  

NOTE: When a provider and program is listed on the State Eligible Training Provider List, WIA participants from anywhere in the State with that approved course of study may select that provider/program.  

NOTE: Each individual program must be certified. A single provider may have multiple programs.  

IV. **Policy Statement**  
The Governor's Workforce Policy Board approved provisions for initial certification of training providers. Initial certification will last 18 months.
For initial certification of existing training providers:

- existing providers must submit raw data to support eligibility;
- the state will determine whether a training provider is in "good standing" with federal and state organizations; and
- providers must agree to provide the performance data required by the Workforce Investment Act and the Governor's Workforce Policy Board.

For initial certification of new training providers:

- new training providers must provide information on previous DBAs (doing business as) and information on whether the training program is accredited, approved, registered with, or licensed by, an independent professional organization, government or industry recognized agency;
- the state will determine whether the training provider (or any prior DBA) is in "good standing" with federal and state organizations; and
- providers must agree to provide the performance data required by the Workforce Investment Act and the Governor's Workforce Policy Board.

V. **Action Required**

Workforce Investment Boards must become familiar with the criteria for certification of training providers and utilize the criteria as applicable. Workforce Investment Boards must establish the time and manner of submission of applications from training providers and determine if they will require additional information.


Distribution: WIA Policy Letter

Expiration Date: Continuing
December 5, 2003

To: Local Elected Officials and WIA Administrative Entities
From: Thomas J. Hayes, Director
Ohio Department of Job and Family Services

Subject: WIA Youth Performance Measures

I. Purpose

To provide local elected officials and WIA administrative entities information regarding Workforce Investment Act (WIA) Youth Performance Measures.

II. Effective Date

Immediately

III. Guidance Statement

This guidance has been prepared to help local areas understand the WIA Youth Performance Measures. We expect that the performance measures will be meaningful indicators of how our workforce system is serving its customers, but performance measures should never become an end in itself. Rather, the focus should be on the needs of the individual and not performance measures themselves. Local programs should be a product of well-designed and well-implemented systems, responsive to local needs and both building on and expanding local opportunities.

We hope that the process of designing local programs will be highly collaborative, focusing on customer needs and the resources available for meeting those needs. Within that process, the performance measures should be seen as parameters within which programs must operate- much like allocation size and applicable laws and regulations.

The WIA performance measures are one component in the comprehensive WIA performance system. Together components focus attention on: the importance of performance accountability at all levels, the interdependence of partner programs and the right of the public to valid consumer information and quality service. But most of all, the performance measures are important because they represent the aspirations of our customers - for skill development and acquisition of meaningful credentials, for stable employment over time, for improved earnings, and for positive experiences when they seek our help.

Youth Performance Measures - General

The US Department of Labor (DOL) has outlined seven specific measures for youth and youth are also included in the Customer Satisfaction measures for Participants and Employers. There are different measures for different age groups.

Older Youth (19 - 21)

- Entered Employment
- 6 Month Retention
- 6 Month Earnings Change
Credential Rate
Younger Youth (14 - 18)
Skill Attainment Rate
Diploma or Equivalent Rate
Retention

Those for Older Youth are more employment oriented, though they recognize the importance of further education. Those for Younger Youth are less employment oriented and focus on skills and education development, though they reward program directions that should result in better employability. A more detailed look at each of these measures will take place later in the document.

The USDOL selected these seven measures for some of the following reasons:
1. The research shows what gets measured is what gets done
2. Effective youth programs require longer term interventions with youth
3. Goal setting is a valuable life skill and is a learned behavior
4. They wanted focus on skill attainment, educational advancement, credentials and job placement
5. Follow-up was important to insure continued success and development

This document is intended as guidance for local areas but the most current and comprehensive federal information on WIA youth performance measures is contained in three federal documents: USDOL Training and Employment and Guidance Letters (TEGL's) No. 7-99, 8-99 and 7-01. These TEGL's and other timely information can be viewed and/or downloaded from http://wdr.doleta.gov/directives/.

Registration and Exit

Registration. All youth receiving services of any level under the WIA Title I youth funding stream must be registered. Registration is the process of collecting information to support a determination of eligibility. Local areas can collect information as part of the pre-registration process to determine whether the youth would benefit from participation in WIA services prior to registration.

An individual can be registered for both Adult and Youth services simultaneously if they meet the eligibility requirements for both funding streams. In the case of a youth participant who also becomes an adult participant, the individual will be counted in both the applicable youth measures and adult measures. Neither set of exit-based measures will be applied until that participant has exited both adult and youth services (as well as all other WIA Title I or partner services). This is because exit-based measures assess a participant's outcome following their full range of services, even when those services are from different program areas.

Classification as a younger youth or older youth is done at registration and does not change regardless of the individual's age at exit. The Individual Service Strategy (ISS) goals are appropriate as long as the youth continues to receive services identified in their ISS and has not attained the outcomes established for that age group.

Examples:
1. If an individual is 16 on the registration date and the services are Youth funded - counts in Younger Youth performance measures
2. If individual who is 19 is served in both Youth and Adult funds - they count in both Older Youth and Adult performance measures
3. If individual is enrolled between ages 14 - 18 and turns 19 while enrolled - counted in Younger Youth performance measures at exit
Once a youth registers for WIA Youth Services, the local area can get credit for partner services. To encourage integration of services and recognize shared contributions toward outcomes, USDOL recommends the following strategy for tracking and reporting across WIA Title I funded (WIA funded programs) and other workforce investment partners.

Once an individual has registered for WIA funded services, programs can claim credit for outcomes on core measures attained by participants who receive non-WIA funded services (such as those offered by One-Stop partner programs).

The non-WIA-funded partner programs that are included in the performance measurement system must be party to local Memorandums of Understanding (MOU).

Each partner program must have the capacity to track registered WIA participants until the individual exits all WIA and non-WIA-funded partner services. Care must be taken to maintain current records on service participation through case management or tracking systems. Some methods for tracking participants across programs include specifying the non-WIA funded services in the individuals’ ISS, coordinating services across WIA and non-WIA funded services, and providing follow-up services to individuals.

**Point of Exit.** For all of the measures (except the younger youth skill attainment rate and employer customer satisfaction measure) the term "exit" is used to determine when to count an individual in a specified reporting period. There are two ways to determine exit during a quarter:

1. A participant who has a date of case closure, completion or known exit from WIA-funded or non-WIA funded partner service within the quarter (hard exit) or

2. A participant who does not receive any WIA-funded or non-WIA funded partner service for 90 days and is not scheduled for future services except follow-up services (soft exit). This definition is designed to encourage program operators to keep in close contact with all youth enrolled in the program until they complete all services.

Participants who have a planned gap in service of greater than 90 days should not be considered as exited if the gap in service is due to a delay before the beginning of training or a health/medical condition that prevents an individual from participating in services. Service providers should document any gap in service that occurs with a reason for such a gap in service. Participants who exit from services because they are incarcerated, deceased, or are reservists called to active duty and choose not to return to WIA, or have a health/medical condition that prevents the individual from participating in services, should be excluded from the measures. Once a participant has not received any WIA funded or partner services for 90 days, except follow-up services and there is no planned gap in service or the planned gap in service is for reasons other than those specified above, that participant has exited WIA.

**Timing of Performance Measures and UI Wage Data**

**Timing of Performance Measures.** There are two types of time periods that affect WIA Youth Performance measures. There are "real time" measures (Younger youth skill attainment, Younger Youth High School or equivalent, and customer satisfaction) and "long term" measures (Older Youth - entered employment, retention, earnings and credential and Younger Youth retention rate). The final results of the long term measures will not be known until some time after the individual exits the program.

Due to the use of Unemployment Insurance (UI) wage data as a source of much of the data, reporting for WIA, outcomes are reported quarterly. Exits are counted during calendar quarters and not necessarily on the exact date that they are reported in the system. The Exit Quarter is the calendar quarter in which the last date of service takes place. Performance calculations are based on the Exit Quarter, with the exception of younger youth skill attainment rate and employer customer satisfaction measure. An individual who exits in January will be counted as exited during the January - March quarter so that the 3rd quarter after exit would be October - December of that same year. (See attachment A). Each individual becomes part of an exit cohort, a group who are determined to be
"exiters" within a particular quarter and are looked at together for measurement purposes. When performance measures are calculated the exit cohorts are kept together as a group as time passes depending on each measure.

As explained earlier, the exit date is the last date of WIA funded or partner service received (except follow-up services). For a soft exit, the exit date cannot be determined until 90 days has elapsed from the last date of service. At that point, the exit date recorded is the last date of service and not at the end of the 90 day period. The exit quarter is the quarter in which the last date of service (except follow-up services) takes place. If a participant exits WIA and receives additional WIA services, (other than follow-up) after exiting, that participant is treated as a new participant for purposes of the core measures and will be included in the appropriate measures. The definition of exit applies to all of the core measures except the younger youth skill attainment and employer customer satisfaction measures. Please see Attachment B for a chart showing the timing of WIA Youth Performance Measures.

**Unemployment Insurance (UI) Wage Data.** All employers who are covered under the Unemployment Insurance Act are required each quarter to report the earnings of each of their employees to the ODJFS. This data is maintained in a database organized by employer account code and employee Social Security Number. The data is used to verify the employers, quarters, and amounts of earnings, when employees file a claim for an unemployment insurance benefit.

UI Wage Records are the primary data source for entered employment, retention, earnings change, employment portion of credential rate and employment portion of younger youth retention rate. If employment is not found in UI Wage Records, local areas may use supplemental data. However, UI Wage records are the only data source for earnings change measures.

For the WIA performance measures, a customer is considered "employed" in a given quarter if they have any reported earnings for that quarter, regardless of the amount earned or hours worked.

The WIA measures use six quarters of wage record data: the 2nd and 3rd quarters prior to the quarter of registration, and the 1st, 2nd, and 3rd quarters following exit. There can be up to a two quarter delay in which the wages are earned and the quarter in which the data on those earnings are available. For example: earnings for the 1st post exit quarter for WIA registrants who exit during the July through September quarter of 2002 may not be available until the April through June quarter of 2003. Clearly, UI wage record based measures are not useful for day-to-day program management.

Therefore we recommend creating an information system for day-to-day management, and to project performance on longer-term measures. In order to manage program goals, a case management system is needed to constantly keep in touch with participants; goals for vendors need to be clearly defined; and a strong network of vendors and partners is needed.

A percentage of workforce is not covered by Unemployment Insurance, which has led USDOL to permit - but not require - the use of supplemental data sources for reporting employment. Ohio has recently gained the ability to access federal and other states wage data that expands the amount of data that is available for performance measures.

USDOL has issued guidelines regarding the use of supplemental data in USDOL TEGL 7-99. Please follow those guidelines if you are using supplemental data for performance measures.

**Follow-Up**

After a youth has exited the program the local area is required to provide at least 12 months of follow-up services. The types of services provided and the duration of the services must be determined based on the needs of the individual. Please see WIA regulation section 664.450 for more information on follow-up services.

Much of the data reported for youth performance measures are not part of the UI wage data reporting system. That data includes: exit date; high school diploma or GED; credentials; skill attainments; attendance in secondary school, post-secondary education, advanced training; military service;
qualified apprenticeship and those not employed at registration. Some of these data elements can be reported up to almost a year after the exit date.

Example: If an individual exits on January 7, 2003 they could be excluded from the Earnings Change for Older Youth if they are in post-secondary education of advanced training in the 3rd quarter after exit. The third quarter after exit will not end until December of 2003.

Reporting data on these elements requires acquiring information from the participant and other sources. The best way to gather this information is through follow-up. If the information is not gathered and reported it is likely to have a negative effect on performance measures.

Closely tracking youth after exit can not only contribute to more successful long-term outcomes for youth, but also allow for the ongoing data collection that is required to measure performance for youth. Without tracking the youth’s progress after exit, local operators would face the burden of paying for costly follow-up surveys to track performance outcomes.

Do make sure that you have good collateral contact information on all youth, so that you will be able to capture performance information after they leave the program.

Follow-up is not only essential for accurate data reporting but retaining and keeping youth engaged in the program and following up on their goals and success.

Credential

The federal definition of credential is flexible which allows the state and local areas to expand on the definition. Ohio has defined a credential as follows:

Credential - A nationally recognized degree or certificate or State or locally recognized credential. Credentials include, but are not limited to, a high school diploma, GED or other recognized equivalents, post-secondary degrees/certificates, recognized skill standards, and licensure or industry-recognized certificates. Local Boards should encourage certificates to recognize successful completion of the training services listed above that are designed to equip individuals to enter or re-enter employment, retain employment, or advance into better employment. Local areas should include all State Education Agency recognized credentials.

As stated above the local area has great flexibility in defining a credential. It includes locally determined credentials that help get or retain a job. Local areas have the opportunity to work with employers to develop meaningful credentials. It could include: soft skills training that are recognized by a third party that helps an individual get a job, a driver's license needed to get a job, passing proficiency tests, etc. Local areas should document what is acceptable as credentials in their area.

To get credit for the credential measure for Older Youth Credential Rate the credential must be coupled with another Older Youth positive outcome. All of the credential-based measures incorporate some lag time between exit and when the credential must be obtained. In the case of the Younger Youth and the diploma or equivalent rate, the credential must be obtained by the end of the 1st quarter after exit. In all of the remaining credential based measures, the credential must be obtained by the 3rd quarter after exit. However, credential attainment can occur anytime during participation but must occur and be reported by the end of the third quarter after exit.

More detailed information on credentials will be contained in a specific guidance under separate cover.

Specific Youth Performance Information

When looking at the formulas for Youth performance measures it is important to look at the parameters for each measure. Those parameters will tell who is included and/or excluded from the measure. The parameters will be in italics.

Older Youth (Age 19-21) Entered Employment Rate

Parameter: Of those who are not employed at registration and who are not enrolled in post-secondary education or advanced training in the first quarter after exit:
Numerator: Number of older youth who have entered employment by the end of the first quarter after exit divided by

Denominator: Number of older youth who exit during the quarter

**What is this measure?** Clearly, this is an employment-related measure. It measures the number of youth who didn't have a job before services and were employed by the end of the 1st quarter after exit. The measure looks at what happens after a young person exits services. It recognizes the importance of education for older youth. Youth who exit but are in post-secondary education or training are not included in the measure.

This measure looks at the number of older youth who have entered employment by the end of the first quarter after exit divided by the number of older youth who exit during the quarter. The individual is considered employed if UI wage records for the quarter after exit show earnings greater than zero. UI Wage records will be the primary data source for tracking employment in the quarter after exit. When other data sources are used, individuals should be counted as employed if, in the calendar quarter after exit, they did any work at all as paid employees, worked in their own business, profession, or worked on their own farm.

**Who is included in this measure?** This measure includes all older youth except those who meet the exclusions below. Individuals who are both employed and in post-secondary education or advanced training in the first quarter after exit are included in this measure.

**Who is excluded from this measure?** Individuals who are employed at registration are excluded from this measure. Individuals who are not employed, but are in postsecondary education or advanced training in the first quarter after exit are also excluded from this measure.

**When is this measured?** This is an EXIT measure. It is measured in the first quarter after the exit quarter. For example, if a participant exits any time from July 1 - September 30, 2002, the first quarter after exit is October 1 - December 31, 2002.

**What period of time does this measure cover?** This measure looks at the employment status of the individual at registration and also looks at their employment status, and whether they are in postsecondary education or advanced training, the quarter after they exit.

**What else should I know about this measure?**

- This measure is similar to the one calculated for Adults and Dislocated Workers.
- If tracking and reporting is not done for those who are in post-secondary education or advanced training in the quarter after exit they will not be excluded from this measure.
- Those employed at registration are not gathered from the UI database but are inputted into the system at the local level.
- Those who are employed in the 1st quarter after exit and in postsecondary education or advanced training will be included in this measure.

**Example:** 100 youth exit (April - May 02)

- 20 employed at registration (January - March 02)
- 40 entered employment in 1st quarter after exit (June - August 02)
- 15 entered Post-Secondary Education and not employed in 1st qtr after exit (June - August 02)
- 5 entered Advanced Training and not employed in 1st quarter after exit (June - August 02)
- 10 entered employment and Post-Secondary Education or Advanced Training in 1st quarter after exit (June - August 02)
Older Youth (Age 19-21) Employment Retention Rate

Parameter: Of those who are employed in the first quarter after exit and who are not enrolled in post-secondary education or advanced training in the third quarter after exit:

Numerator: Number of older youth who are retained in employment in third quarter after exit

Denominator: Number of older youth who exited during the quarter

What is this measure? This is another employment-related measure. It is longer-term, examining what happens 6 months after leaving services. Like the entered employment rate, information for this measure will be taken from the UI wage records unless supplemental data sources are needed. It also recognizes the value of further education. Youth who are not working but are enrolled in post-secondary education or advanced training 6 months after exit are not included in the measure.

This measures the number of older youth who were employed in the first quarter after exit and are employed in third quarter after exit divided by the number of older youth who exited during the quarter. Employment in the first and third quarters following exit does not have to be with the same employer. The individual is considered employed if UI wage records for the quarter after exit show earnings greater than zero. UI wage records will be the primary data source for tracking employment in the third quarter after exit. When other data sources are used, individuals should be counted as employed if, in the calendar quarter after exit, they did any work at all as paid employees, worked in their own business, profession, or worked on their own farm.

Who is included in this measure? This measure includes all older youth who are employed in the first quarter following exit except those specifically excluded as described below.

Who is excluded from this measure? This measure excludes older youth who were employed in the first quarter and not employed in the third quarter following exit, but are in post-secondary education or advanced training in the third quarter following exit.

When is this measured? This is an EXIT measure. It is measured in the third quarter after the exit quarter. For example, if the participant exits any time from July 1 - September 30, 2002, the 3rd quarter after exit will be April 1 - June 30, 2003.

What period of time does this measure cover? This measure looks at the employment status of the individual the quarter after they exit, and whether they are in postsecondary education or advanced training and their employment status the 3rd quarter after they exit.

What else should I know about this measure?

- This measure is similar to the one calculated for Adults and Dislocated Workers.
- If tracking and reporting is not done through the 3rd quarter after exit for those who are in post-secondary education or advanced training, they will not be excluded from this measure.
- This measure is based on those employed in the 1st quarter after exit regardless of employment at registration.
- Employment retention is not limited to the same employer.
- Those who are employed in the 1st quarter after exit and the third quarter after exit and also in postsecondary education or advanced training will be included in this measure.

Example: 100 youth exit (April - May 02)
40 entered employment in 1st quarter after exit (June - August 02)
10 entered Post-Secondary Education and not employed in 3rd quarter after exit (Jan - Mar 03)
5 entered Advanced Training and not employed in 3rd quarter after exit (Jan - Mar 03)
10 entered employment and Post-Secondary Education or Advanced Training in 1st quarter after exit (June - August 02)
20 + 10 / [40 - (10 + 5)] = 30 / 35 = 86% Employment Retention Rate

Older Youth (Age 19-21) Average Earnings Change in Six Months

Parameter: Of those who are employed in the first quarter after exit and who are not enrolled in post-secondary education or advanced training in the third quarter after exit:

Numerator: Total post-program earnings (earnings in quarter 2 + quarter 3 after exit) minus pre-program earnings (earnings in quarter 2 + quarter 3 prior to registration)

divided by

Denominator: Number of older youth who exit during the quarter

What is this measure? This is another long-term measure, looking at a young person's earnings 6 months after exit from services compared to the individual's earnings 6 months before receiving services. It is also an employment-related measure. Like the previous two, it recognizes the value of further education. Information for this measure is drawn from UI wage records only. No supplemental data sources can be used.

This measures total post-program earnings (earnings in quarter 2 + quarter 3 after exit) minus pre-program earnings (earnings in quarter 2 + quarter 3 prior to registration) divided by the number of older youth who exit during the quarter. This measure includes all older youth who were employed in the first quarter after exit. The UI wage records will be the only data source for this measure.

Who is included in this measure? Individuals who are employed in UI covered employment in the quarter after the exit quarter.

Who is excluded from this measure? Individuals who are not employed in the first quarter after exit. Individuals whose employment status (pre- or post-program) cannot be confirmed by UI Wage Record cross match, or through other accepted data sources. Individuals whose entry date is so far back in time that accessing pre-registration wage data is unfeasible or unreasonable are also excluded from the measure.

When is this measured? This is an EXIT measure. When calculating this measure data is collected from the 2nd and 3rd Quarters after exit and the 2nd and 3rd Quarters prior to registration. The 2nd and 3rd Quarters prior to registration are used because trends show that many participants experience intermittent or "stop-gap" employment immediately prior to registration.

What period of time does this measure cover? This measure looks at the employment status of the individual the quarter after they exit, and whether they are in postsecondary education or advanced training the 3rd quarter after they exit. This measure is based upon the wages the 2nd and 3rd quarters prior to registration as well as the 2nd and 3rd quarters after exit.

What else should I know about this measure?

- This measure is similar the one calculated for Adults and Dislocated Workers.
- If tracking and reporting is not done through the 3rd quarter after exit for those who are in post-secondary education or advanced training they will not be excluded from this measure.
- This measure is based on those employed in the 1st quarter after exit regardless of employment at registration.
- Wages are not limited to the same employer.
- Those who are employed in the 1st quarter after exit and the third quarter after exit and also in postsecondary education or advanced training will be included in this measure.
The only wages that are tracked for this measure are UI wages.

Youth with no or low pre-program earnings will be much more likely to experience significant earnings gain.

Example: 100 youth exit (April - May 02)
- 40 entered employment in 1st quarter after exit (June - August 02)
- 20 still employed in the 3rd quarter after exit (Jan - Mar 03)
- 10 entered Post-Secondary Education and not employed in 3rd quarter after exit (Jan - Mar 03)
- 5 entered Advanced Training and not employed in 3rd quarter after exit (Jan - Mar 03)
- 10 entered employment and Post-Secondary Education or Advanced Training in 1st quarter after exit (June - August 02)

Total of $30,000 Earnings in quarter 2nd (July - August 01) and 3rd quarter (April - June 01)

$50,000 Total Earnings in quarter 2nd (Oct - Dec 02) and 3rd quarter (Jan - Mar 03) after exit of 30 exited youth who were employed in the first quarter after exit

$50,000 - $30,000 / [40 - (10 + 5)] = $20,000 / 35 = $571 Average Earnings Change

Older Youth (Age 19-21) Credential Rate Measure

Parameter: None

Numerator: Number of older youth who are in employment, post-secondary education, or advanced training in the first quarter after exit and received a credential by the end of the third quarter after exit divided by

Denominator: Number of older youth who exit during the quarter

What is this measure? This is a new type of measure. It looks at whether those youth who left services and were in employment or further education when they left have received a credential during services or within 6 months after services. Like the last two measures, this is a long-term measure. It recognizes and rewards attainment of credentials. It is important to note that "credentials" may be defined by the State, the local area, or both. In addition to academic credentials such as Associate's or Bachelor's degrees, this measure could include such things as obtaining a Commercial Driver's License or earning a Child Development Credential.

This measures the number of older youth who are in employment, post-secondary education, or advanced training in the first quarter after exit and received a credential by the end of the third quarter after exit divided by the number of older youth who exit during the quarter. A credential must be coupled with employment, entry into post-secondary education, or entry into advanced training. Credentials can be obtained while an individual is still participating in services.

Who is included in this measure? All older youth exiters will be included in this measure.

Who is excluded from this measure? There are no exclusions from this measure.

When is this measured? This is an EXIT measure that has two components. In the quarter after the exit quarter, entry into employment, post-secondary education, or advanced training is measured. In the third quarter after the exit quarter, attainment of a credential is measured.

What period of time does this measure cover? This measure looks at the time period for measuring credentials when the participant starts receiving services through the 3rd quarter after exit and for entry into employment, post-secondary education, or advanced training in the 1st quarter after exit.

What else should I know about this measure?
This measure is similar to the one calculated for Adults and Dislocated Workers.

If tracking and reporting is not done through the 3rd quarter after exit for those who are in post-secondary education or advanced training they will not be excluded from this measure.

The credential must be coupled with other Older Youth outcomes to be counted as a positive outcome.

All youth who exit are included in the measure

Credential can be received during the receipt of services or any time including through the 3rd quarter after exit

Credentials can be defined by the federal, state or local level depending on local need.

Example: 100 youth exit (April - May 02)
- 40 entered employment in 1st quarter after exit (June - August 02)
- 10 entered Post-Secondary Education in 1st quarter after exit (June - August 02)
- 5 entered Advanced Training in 1st quarter after exit (June - August 02)
- 50 had credentials before the end of the 3rd quarter after exit and another OY positive outcome in the 1st quarter after exit (Jan - March 03)

50 / 100 = 50% Credential Rate

Younger Youth (14 - 18) Skill Attainment Rate Measure

Parameter: Of all in-school youth, and any out-of-school youth assessed to be, in need of basic skills, work readiness skills, and/or occupational skills:

Numerator: Total number of basic skills goals attained by younger youth plus number of work readiness skills goals attained by younger youth plus number of occupational skills goals attained by younger youth

\[
\text{divided by}
\]

Denominator: Total number of basic skills goals plus the number of work readiness skills plus the number of occupational skills goals set

What is this measure? It is a "real time" measure, meaning that it looks at what is happening while youth are participating. It measures the attainment of basic academic, work readiness or occupational skills, comparing actual achievement to planned achievement.

Up to three skill attainment goals may set for each youth within a program year. The first skill attainment goal must be set on the registration date. Other goals may be set at this time or they may be set later. No more than 3 may be set, during the program year for performance purposes. Goals may involve any combination of the three types of goals. For example, a customer could have two basic skills goals plus one occupational skill goal. New skill attainment goals may be set on the anniversary date of the individual registration into WIA even if all previously set goals have not been attained.

Pre-assessment and post-assessment of skill goals are required. Use of standardized test procedures, such as standardized tests or performance-based assessments with standardized scoring methods are encouraged. Where such tests or assessments are not available assessment techniques must be objective, unbiased and conform to widely accepted, clearly defined criteria, be field tested for utility, consistency, and accuracy, and provide instructions for valid test administration. All data and methods used to determine achievement of skill attainment goals must be documented and are subject to audit.

Who is included in this measure? All in-school and out-of-school Younger Youth who have a basic skills goal, a work readiness skills goal, and/or an occupational skills goal and, during the reporting
quarter, the goal was attained or one year has lapsed since the goal was set. A youth who is basic skills deficient must have at least one basic skills goal.

**Who is excluded from this measure?** Youth who do not have any skill attainment goals are excluded from this measure. Youth who have skill attainment goals set, but the one year anniversary of the date the goal was set is a future date are also excluded from this measure. There will always be more goals set than attained, but some of the "goals set" shouldn't be part of the denominator because the "12 months" hasn't expired.

**When is this measured?** Skill Attainment Rate is measured DURING program participation. Skill goals that are recorded as "Attained" during the reporting quarter are included in the numerator. Skill goals that were set and the one year anniversary of the date the goal was set falls within the reporting quarter, and the goal has not been recorded as attained are included in the denominator. There is flexibility in defining goals (Goal setting around what you want to do, what you want to have, what you want to be - within 30 days, 6 months, one year).

**What period of time does this measure cover?** This measure is reported by actual program year. Skill attainments are reported as they are achieved and do not have to wait until the 12 month period is reached. Failure to meet a goal should not be recorded until the goal attainment period has expired, in case the goal can be obtained.

**What else should I know about this measure?**

- The local area has flexibility in setting a goal to be achieved. It should be something that can be achieved in a 12 month period. There is no standard such as a grade level a year mandated by federal or state policy. Special care should be taken with mentally disabled youth to make sure that goals are set that can be achieved within the year period.
- First goal must be recorded as set on the registration date (even if not actually set until a short time later).
- If youth exits before attaining a goal, it is considered a negative outcome. If the youth achieved a goal prior to exit, case management and follow-up may be used to gather these pre-exit attainments to record positive outcomes.
- Three goals per year maximum.
- Youth have one year to attain each goal (each goal is independent).
- This measure counts **skills** not the number of youth. One youth can achieve several skill goals.
- Local Areas might consider the denominator as the # of goals attained + # of goals not attained within one year + # of goals set for those who exit without attaining set goals
- For Younger Youth who remain in school during the program, this is likely to be the only measure that will apply. Therefore it is essential that these youth be assessed and as appropriate, achievable goals are set for each year that they are in the program.
- Target dates for accomplishing goals may not be more than a year from the date on which they are set, but they may be extended to accommodate periods of time with a planned gap of service as outlined by DOL in TEGL 7-99.
- Although it may seem obvious, in order to be successful with this measure, there must be a local system in place to assess each youth, determine what are the appropriate goals, and a process to reassess each youth to determine when the goals have been achieved.
- Do not exit the youth until you have verified that each of the set goals have been achieved, because once they are exited, you cannot go back and complete goals.

Example: 50 Skill goals attained
Younger Youth (14 - 18) Attainment Of Secondary School Diplomas And Their Recognized Equivalents Measure

Parameter: Of those who register without a diploma or equivalent:

Numerator: Number of younger youth who attained secondary school diploma or equivalent by the end of the first quarter after exit

divided by

Denominator: Number of younger youth who exit during the quarter (except those still in secondary school at exit)

What is this measure? This measure looks at whether those who participate in activities receive a high school diploma or equivalent. It only applies to those who do not already have this credential, and recognizes it as an important first step in employability. The measure is calculated at the end of the 1st quarter after exit, even if the diploma/equivalent was received during services. Note that in-school youth who leave services and are still in school, such as those who participate in a summer program and return to school, are excluded from the measure.

Number of younger youth who attained secondary school diploma or equivalent by the end of the first quarter after exit divided by the number of younger youth who exit during the quarter.

Who is included in this measure? Individuals who exit the WIA youth program and don't meet the exclusion listed below.

Who is excluded from this measure? Individuals who had a high school diploma or equivalent at registration and/or youth who remain in secondary school at exit are excluded from this measure.

When is this measured? This is an EXIT measure. It is measured in the first quarter after the exit quarter. For example, if a participant exits any time from July 1 - September 30, 2002, the first quarter after exit is October 1 - December 31, 2002.

What period of time does this measure cover? This looks at those individuals before they register to see if they have a high school diploma or its equivalent and attained their secondary school diploma or equivalent during program participation through the 1st quarter after exit to see if they have received these credentials.

What else should I know about this measure?

- If the youth is still in school at exit they are excluded from this measure. The fact that they are in school must be reported for the individual to be excluded.
- Those who have HS diploma or equivalent at registration are excluded from this measure.
- Attainment of the diploma can occur anytime during participation.
- Must attain diploma or equivalent by the end of the end of the 1st quarter after exit.

Example: 350 Those who registered without a high school diploma or equivalent (January - March 02)

100 youth exit (April - May 02)

45 Of those without HS diploma at registration who equivalent who received HS diploma or equivalent before the end of the 1st quarter after exit (June - Aug 02)

10 Youth who exit who are still in secondary school (April - May 02)

45 / (100 - 10) = 45 / 90 = 50% Diploma or Equivalent Attainment Rate
Younger Youth (14 - 18) Retention Rate Measure

Parameter: None

Numerator: Number of younger youth found in one of the following categories in the third quarter following exit: post secondary education, advanced training, employment, military service, qualified apprenticeships

\[ \text{divided by} \]

Denominator: Number of younger youth who exit during the quarter (except those still in secondary school at exit).

**What is this measure?** The third and last measure for younger youth is the retention rate. As shown here, it recognizes a variety of positive outcomes for youth. It is a longer-term measure which looks at placement and retention in postsecondary education, advanced training, military service, unsubsidized employment, or qualified apprenticeships. The measure is determined by dividing the number of younger youth who, in the third quarter after the exit quarter, are in post secondary education, advanced training, unsubsidized employment, military service or qualified apprenticeships by the number of younger youth who exit during the quarter.

**Who is included in this measure?** Individuals who exit the WIA youth program and did not remain in secondary school at exit.

**Who is excluded from this measure?** Individuals who remain in secondary school at the time of exit are excluded from this measure.

**When is this measured?** This is an EXIT measure. It is measured in the third quarter after the exit quarter. For example, if the participant exits any time from July 1 - September 30, 2002, the 3rd quarter after exit will be April 1 - June 30, 2003.

**What period of time does this measure cover?** It is measured in the third quarter after the exit quarter. It also looks at those who are still in secondary school at exit.

**What else should I know about this measure?**

- If the youth is still in school at exit they are excluded from this measure. They must be reported as in-school to be excluded.
- All other younger youth are included in this measure.
- Youth have to be in one of the 5 positive outcomes in the 3rd quarter after exit: employment, post-secondary education, advanced training, military or qualified apprenticeship.
- Local areas must implement programs for younger youth that are likely to lead to one of the positive outcomes for this measure. Aside from employment, these outcomes are generally obtained after high school. This measure is directed at out-school-youth and older in-school youth who can be expected to continue their education or enter employment or military after high school.
- Local areas that serve exclusively in-school youth in the 14-18 category who are not scheduled to graduate from high school while in the program should be cautious. Such designs will result in no students planned to be in the denominator for this measure. In such a situation, the only students actually entering the denominator may be those who dropped out of school and then dropped out of the program. This will result in failure of the measure.

**Example:**

100 youth exit (April - May 02)

75 Are found in one of the 5 federally recognized positive outcomes in the 3rd after exit (Jan03 - March 03)

10 Youth who exit who are still in secondary school (April - May 02)
IV. **Technical Assistance**

There are a number of strategies local areas can undertake to better manage the performance of their youth programs. WIA has seven youth performance measures, six of which measure outcomes after program exit. The performance measures are accountability tools set by the federal government and not management tools. The measures may not "tell your story" or adequately reflect the health of your organization and programs. The best strategy for success is to maintain and monitor interim measures to assess progress. Five key interim measures to monitor are intake, participation in program elements, skill attainments, exit data, and follow-up services.

- **Intake:** Comprehensive Individual Service Strategies (ISS) should be developed that include both short-term and long-term goals. ISS goals and strategies should be updated as short-term goals are achieved or the youth's needs change. Skill attainment goals should be established for all in-school and all out-of-school youth assessed as needing basic skills, work readiness skills and/or occupational skills training.

- **Participation In Program Elements:** Active participant engagement in the ten youth program elements leads to positive outcomes. In addition, specific program elements have direct impacts on certain WIA outcome measures. Thorough assessment of each individual's needs and determining which program elements impact which performance measures and monitoring to ensure participation in these activities will increase successful program outcomes. Tracking youth participation will help manage the process of keeping participants on track for completion of short-term skill attainment goals and preparation to move into long-term employment, education, or training.

- **Skill Attainment:** Closely tracking skill attainment is another interim way to monitor performance. Skill attainments, particularly in academic areas, positively correlate with both diploma acquisition and exit placement outcomes.

- **Exit Data:** A key piece of data to monitor is the number of participants exiting the program. Because exit is the triggering event for six of the seven youth performance measures, it is extremely important to understand the definition of exit and to monitor youth participation and promptly capture "soft exits," youth who have not participated in any activity for 90 days, as well as hard exits. Active case management, identification of multiple family/friend contact information, and frequent contact with youth participants can both reduce the number of "soft exits" and increase access to these youth during the 12-month follow-up period. Programs should strive to insure that participants do not exit the program until they complete short-term skill attainment goals and are prepared to move into long-term employment, education, or training.

- **Follow-Up Services:** Closely tracking follow-up services can not only contribute to more successful long-term outcomes for youth, but also allow for the ongoing data collection that is required to measure performance for youth. Without tracking the required follow-up services, local operators would face the burden of paying for costly follow-up surveys to track performance outcomes.

Local areas might also consider these suggestions when developing service strategies for the out-of-school youth population. A major challenge in serving out-of-school youth is not only identifying them, but recruiting, retaining and keeping them engaged in the program. Training programs have not historically been designed to meet the needs of these youth. These programs often do not offer age-appropriate or other activities that interest youth, "get them in the door," and keep them enrolled in the program, until completion. Local program operators must focus on strategies to provide for employment, as well as addressing the need for basic skills, occupational skills, and work readiness skills. A three-pronged service strategy may be useful in serving this population:
• Help them find gainful employment (full-time or part-time), and provide available support services, such as childcare. Also, help the youth understand that securing employment opportunities and increasing one's career potential is directly related to completing education and/or skills training, and attainment of educational/employment credentials.

• While employed, provide the education and skills training needed by the youth to attain education/employment credentials, participate in post-secondary education, or become gainfully employed in a career with advancement opportunities.

• Focus on retention of those out-of-school youth engaged in the required education/skills training activities until program completion.

• Connecting youth, including those not in schools, to the One-Stop system, which may include: developing One-Stop Career Centers specifically designed to engage out-of-school youth; establishing convenient and extended hours for youth (e.g., youth who have jobs); conducting out-of-school youth-only forums and focus groups; and "informal presentations" by One-Stop staff in neighborhood places frequented by the out-of-school youth.

Examples of other strategies that focus on both in-school and out-of-school youth include: marketing youth-focused outreach materials; developing youth-based informational websites; One-Stop staff presentations to youth and their families in traditional and non-traditional places, such as convenience stores and laundromats; and training One-Stop front-line staff on the development of and elements required in the design of training programs for out-of-school youth.

Linkages to Partner Services. To encourage integration of services across programs (WIA Title I funded and non-WIA Title I funded) and recognize shared contributions toward outcomes, the following strategy for tracking and reporting on the core measures across programs can be used. WIA Title I funded youth programs can count participants who receive services provided by non-WIA Title I funded school-to-work (i.e., schools) and one-stop partner programs in the WIA core measures as long as the individual has been registered for WIA Title I youth services and:

a) is concurrently receiving WIA Title I funded youth services while receiving partner services;

b) is scheduled to receive WIA Title I funded youth services at a future date while receiving partner services or upon exit of the partner services; or

c) moves to partner services, and can be tracked while receiving and upon exit of partner services.

One approach for maximizing resources could include identifying service providers who already offer services that meet one or more of the program elements and are accessible to all eligible youth. In a competitive selection process, those service providers could be assigned more weight or scored higher if they agree to match WIA-funded services with some additional non-WIA funded services that address the ten program elements, as long as it is clearly stated in the Request for Proposal (RFP).

Examples of the types of existing resources that can be tapped to complement youth programs under WIA include the local education system, public housing agencies, and programs such as Temporary Aid for Needy Families (TANF) and Welfare-to-Work.

Because the measures reward long-term attachment, multiple activities for one individual, and collaboration, goals may not be able to be passed on in a straightforward manner. Also, because official data collection will involve the UI wage records, which may not be readily available to local areas, local Youth Councils may have to set goals for vendors in a different way than before.

Local areas need to acknowledge that the data collected to determine goal attainment for the program as a whole will not be available on a timely basis, and is not sufficient to manage programs on a day-to-day basis. Therefore, an information system is needed for day-to-day management, and to project performance on longer-term measures. In order to meet goals, a case management system is needed to constantly keep in touch with participants; goals for vendors need to be clearly defined; and a strong network of vendors and partners is needed.
While it is a good idea to incorporate the WIA measures in the RFP process, there is some danger in this approach due to the long-term nature of the WIA outcome measure and delays associated with using the Unemployment Insurance wage records - the data source for many of the measures. There is a significant delay in the information available on these measures. Therefore, local areas may opt to consider the following two strategies to counteract these timeliness issues. First, local areas could use shorter term or interim outcome measures and process measures in conjunction with the WIA outcome measures to receive more timely feedback on performance of their service providers. Second, local areas may want to consider contracts longer than one year in order to allow more time for results against the WIA performance measures. A combination of these two approaches is also possible.

Setting Appropriate Goal(s). Within the skill attainment rate, three types of skills are being assessed within the Skill Attainment Measure: basic skills, work readiness skills, and/or occupational skills. All younger youth who are determined basic skills deficient (defined as an individual who has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test) must have a basic skills goal that will be held accountable to in the skill attainment rate. If the participant is not basic skills deficient and therefore does not have a basic skills goal, the individual must have a work readiness and/or an occupational skills goal if they are an in-school youth. If the participant is an out of school youth (not in need of basic skills), it is a local option whether or not a work readiness skills goal and/or an occupational skills goal is necessary. In the example of a younger youth who only participates in the summer activity, exits, and returns to secondary school following the summer activity, if that participant is not deemed to be basic skills deficient, then a work readiness skills goal would be most appropriate for that youth. This work readiness skills goal could be tied to their summer youth experience in order to make it feasible to attain such a goal. If the participant is basic skills deficient, they must have a basic skills goal and it would be more appropriate to continue serving such a participant beyond their summer experience.

Enhance Program Quality. Local Boards, Youth Councils, and local programs should utilize quality practices as they plan and design a comprehensive and effective year-round youth services strategy. Principles that define quality programming for youth include:

- Designing program activities to reflect program goals;
- Ensuring the ongoing participation of caring adults;
- Continuously improving the program based on data collection and analysis; and
- Guaranteeing long-term follow-up to all youth participants.

Enhance Assessment Strategies. The objective assessment is a process that identifies service needs, academic levels, goals, interests, skill levels, abilities, aptitudes, and supportive service needs, as well as barriers and strengths. It includes a review of basic and occupational skills, prior work experience, employability potential, and developmental needs.

To determine whether a youth has met the skill attainment goals requires a pre-assessment and post-assessment of skill level. There are a wide range of tools that can be used to measure skill attainment goals for youth. Local assessment strategies should include some type of standardized assessment procedure such as a written test or a performance-based assessment with a standardized scoring method. See TEGL 7-99, which provides guidance on the WIA performance measures, for examples of the types of tests that may be used.

In some cases, a standardized test or a performance-based assessment may not be available (such as for work-readiness skills). The assessment methods used must be objective, unbiased and conform to widely accepted, clearly defined criteria, be field tested for validity, consistency, and accuracy, and provide for the training/preparation of all raters/scorers. Progress toward skill attainment goals can be tracked through case management or follow-up services if the goal attainment occurs during the exit quarter. While WIA allows flexibility, assessment strategies should include methods for documentation.
Since participant records are subject to audit, States and local programs will want to ensure that staff receive training on how to document individual skill achievement and goal attainment.

**Improve Recruitment Efforts, Enhance Retention and Completion of Individual Service Strategies.** The youth development emphasis in WIA calls for effective strategies to recruit youth and then to engage and retain participants until they receive all needed services to successfully transition to adulthood and careers. Experience has shown that enrolling youth in occupational skills training and retaining them until completion of the program leads to better results. There are a number of steps that local programs can take to effectively recruit youth and then engage and retain youth in services.

First, it is important to make a positive connection with a young person from initial recruitment. This includes engaging youth who can talk positively about programs as peer advocates and recruiters; collaborating with community and faith-based organizations that already work with disadvantaged youth, especially out-of-school youth; and offering staff and youth incentives for recruiting new participants. Outreach and recruitment strategies can also tap into youth culture, such as public service announcements on local radio stations that appeal to young people.

A youth development approach recognizes that the young people who participate in WIA youth services will have diverse backgrounds and experiences and different types of developmental needs. It is important to recognize that most of these young people live in communities marked by poverty, violence, and illness. Not all youth mature at the same rate. Starting with their first visit to a program and the orientation process, youth want to understand how they "fit in." Some may want to immediately start skills training or a GED class; others might just be looking for somewhere to hang out for a few hours a week. In both cases, youth are "testing" how much they can trust the staff and the program. Local programs should be prepared to accommodate the wide variety of needs that youth bring during the early stages of their emerging relationship with the staff and program. Just like a new friendship, as the trust levels grow, so can the expectations that are placed on the youth.

The most effective youth programs promote a sense of membership and affiliation and a safe alternative to the streets. This includes strategies such as providing participants with membership cards, t-shirts, and opportunities to participate in planning activities, all of which contribute to retention. Programs that are co-located or connected to community centers that offer a range of recreational and cultural activities may be more successful in attracting and engaging young people, especially out-of-school youth. An effective individual service plan can play a critical role in ensuring that a young person stays engaged and completes the program. Adult mentorship, one of the ten required program elements, is key to the engagement and retention of youth during their enrollment. Other strategies that help programs to retain youth and maintain contact with them as part of follow-up are presented in the next section.

**Expand and Further Develop Follow-Up Services.** While local areas may conduct a broad range of follow-up activities under WIA (see TEGL 3-99), many face the challenge of developing and implementing a structure and/or system for follow-up. Indicators of a systematic approach to follow-up may include assigning follow-up activities to specific staff and developing a computer generated tickler file or some other type of system to ensure regular check-in with youth. In cases where partner organizations are conducting follow-up activities, local areas need to have a structure in place to monitor these activities. A systematic approach also entails using follow-up data and information to assess program effectiveness and improve program quality.

As local areas develop strategies for follow-up, they may find the operating principles listed below useful. These principles are drawn from "best practices" in the field of youth development.

1. Develop a close mentoring relationship before and after placement. Structure staff assignments, schedules, and activities in a manner that will facilitate the establishment of a strong personal bond between the young person and the staff member providing follow-up services before the youth completes/leaves the program.
(2) Develop a systematic approach for maintaining contact and interaction with the young person during follow-up services. Since job loss or other setbacks generally occur early in the post-program time period, it is important to provide intensive support and mentoring during the first part of the follow-up period. One successful model entails contacting the youth by phone:

- each day before or after work/school/training for the first 5 days of placement in a job or advanced education/training. It is important to talk over everything that happened during work/school/training.
- once a week for the next six months of employment/school/training.
- once a month after the first six months of employment/school/training unless a personal crisis requires intensive contact.

(3) Provide engaging follow-up activities to help keep young people interested and connected. The activities need to be relevant which have to support the individuals goals (not just WIA) This could include: evening and weekend social, recreational, and cultural activities for informal support; meeting for a business lunch during the workday; skills upgrading classes and workshops in the evening (e.g., computer skills, GED); peer tutoring and mentoring; or support group meetings.

(4) Meet physical and emotional as well as vocational needs. It is important to maintain a network of services that support the whole person and help youth access those services. This network should include: medical services, housing, transportation, child care, and workplace clothing supplements.

(5) When the youth is employed, maintain a non-intrusive contact with employers. Follow-up staff should visit the job site as soon after the youth starts a job as possible and meet the employer and/or supervisor. During this visit, the follow-up staff should describe his/her role to the employer and provide a phone number. The follow-up staff should contact the employer again at the end of four to six weeks of employment for an update and periodically thereafter as needed.

(6) Incorporate the Youth voice. The youth need to give their input to insure buy-in and relevance to their needs.

Follow-up services can not only contribute to more successful long-term outcomes, but also allow for the ongoing data collection that is required to measure performance for youth under WIA. Without required follow-up services, local operators would face the burden of paying for costly follow-up surveys to track performance outcomes.

Enhancing Youth Connections to One-Stop Systems. WIA requires each local area to establish at least one comprehensive One-Stop center, specifies a wide range of required partners, and specifies the types of services that must be available. Youth programs funded under WIA are required partners in One-Stop systems. Many existing One-Stop systems were established before WIA and most of these One-Stop systems did not have outreach efforts to attract youth, pursue youth program partnerships, or provide youth services because the required core partners for that initiative primarily focused on adult customers. However, since youth programs are required partners under WIA, States should ensure that local One-Stop systems look for ways to better incorporate youth programs, develop a broader array of youth services, and reach out to a wider range of youth program partners than was typical in the past.

There are a number of ways in which local areas can enhance connections to youth and access to One-Stop systems. These include the following:

(1) Supporting Youth Through Organizational Design. One promising approach is co-locating youth program staff at the One-Stop center or designating staff to coordinate outreach and services for youth at One-Stop centers. Even when staff are not co-located, cross-training of youth program
and One-Stop staff can be extremely helpful. At a minimum, youth program staff should participate in tours of One-Stop centers and One-Stop staff should visit youth programs.

(2) Marketing and Outreach Efforts to Recruit Youth. There are many strategies to encourage youth to use the One-Stop system. These include: establishing linkages with schools, community-based organizations, and faith-based organizations; conducting outreach efforts that target out-of-school youth; conducting special tours of the One-Stop centers for youth; and establishing linkages with School-to-Work systems.

(3) Customizing One-Stop Center Facilities and Self-Service Resources for Youth. Some One-Stop centers maintain information about youth activities and services, have separate resource rooms and/or have resources customized for youth customers. In addition, there are ways to help make facilities more "youth-friendly" and inviting to young people. Some local areas have established separate satellite centers targeted for youth or innovative satellite centers at places where youth spend time, such as secondary schools, libraries, parks and recreational facilities, and shopping centers.

(4) Linking to Existing One-Stop Services. In order to provide the ten required youth program elements under the WIA, local areas may benefit from some of the activities and services that are already available through other funding sources at One-Stop centers. For example, some One-Stops provide vocational and GED training. In terms of supportive services, One-Stops may have referral databases for childcare providers or services such as family planning.

Please contact the Bureau of Workforce Services (614) 644-7078 or E-Mail WIAQNA@odfs.state.oh.us with any questions.

V. Reference

Workforce Investment Act Section 122 (c) (5)

20 CFR 663.530

Rescissions: None

Distribution: WIA Guidance Letter Expiration: Continuing

Attachment A

Click here to view WIA'S Performance Measures For Youth at a Glance. (Not archived)

Attachment B

Click here to view Key Definitions for WIA Youth Performance Measures. (Not archived)

Youth Flowchart/Pictures of Performance

Pictures of Performance (WIA Youth Measures). (Not archived)
November 27, 2001

To: Local Elected Officials and Workforce Development Agencies
From: Tom Hayes, Director
Ohio Department of Job and Family Services

Subject: Procedures for Processing Unemployment Compensation Claims

I. Purpose
To clarify the procedures used for processing unemployment compensation (UC) claims.

II. Effective Date
Immediately

III. Guidance Statement
Processing of UC claims will only take place in Call Centers and ODJFS Local Offices. UC claims will not be processed in a One Stop.

IV. Technical Assistance
If a customer visits a One Stop and has questions about filing a UC claim, advise the customer to file their claim by phone by calling toll free at 1-877-644-6562, and provide the customer with a listing of current ODJFS Local Offices (attached). If a customer chooses to file their claim in person, refer them to the list of locations. If a customer requests information regarding his/her current unemployment claim, advise them to contact their "assigned" ODJFS Local Office. Note: when a claim is filed, the claimant chooses his/her "assigned" office of record.

Booklets that provide general UC claims information are available for you to give to the public. An initial supply of 50 booklets will be mailed to each One Stop location under separate cover. We strongly encourage you to maintain only a small supply of this stock item at this time. Booklets are in the process of being updated and reprinted. In addition, you will receive a small supply of business cards that provide information regarding the toll free phone number. These cards can also be provided to the customer. You will also receive a fact sheet with the most frequently asked questions regarding Unemployment Compensation. Information to reorder the booklets, business cards, and the fact sheet will be included in the initial supply.

Questions regarding this procedure may be referred to your Account Manager or WIA One Stop Coordinator.

V. Reference
The UC program is established under Federal and State law. It was created as a means to alleviate personal hardship due to involuntary job loss and to stabilize the economy by maintaining the purchasing power of unemployed workers. Unemployment compensation provides benefits to workers who lose their jobs through no fault of their own. UC claims in Ohio are processed through Call Centers and ODJFS Local Offices.

Rescissions: None
Distribution: WIA Guidance Letter
Expiration Date: Continuing

Attachment: Listing of ODJFS Local Offices
Local Office Directory - Current as of 9/04/01
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<td>Akron</td>
<td>(330) 643-3703</td>
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<td>Akron TRC</td>
<td>(330) 643-1140</td>
<td>Donna Radilovic</td>
<td>Doris Smith</td>
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<tr>
<td>Ashtabula</td>
<td>(440) 992-2132</td>
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<td>201 W. Erie Avenue</td>
<td>(440) 244-4030</td>
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<td>Lorain, OH 44052-1402</td>
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<td></td>
<td>Mansfield</td>
<td>88 W. Third Street</td>
<td>(419) 524-4511</td>
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<td>Mansfield, OH 44902-1215</td>
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<tr>
<td>Marietta</td>
<td>217 Third Street</td>
<td>(740) 374-7167</td>
<td>Bill McCoy</td>
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<td>Marietta, OH 45750-3002</td>
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<td>Tim Zdrole</td>
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<tr>
<td>Marion</td>
<td>347 N. Main Street</td>
<td>(740) 382-1115</td>
<td>Bert Shannon</td>
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<td>Marion, OH 43302-2356</td>
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<td>David Stuckert</td>
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<tr>
<td>Marysville</td>
<td>232 N. Main Street</td>
<td>(937) 644-9195</td>
<td>Karen Jordan</td>
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<td>Marysville, OH 43040-1185</td>
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<td>Union County</td>
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<tr>
<td>Medina</td>
<td>3721 Pearl Road</td>
<td>(330) 723-5303</td>
<td>Carol Mack</td>
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<td>Medina, OH 44250</td>
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<td>Charles Hall</td>
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<tr>
<td>Mt. Vernon</td>
<td>945 Coshocton Road</td>
<td>(740) 397-7717</td>
<td>Anna Ronk</td>
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<td>Mt. Vernon, OH 43050-1907</td>
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<td>Diane Malcuit</td>
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<td>Knox County</td>
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<tr>
<td>New Philadelphia</td>
<td>407 Fourth St., NW</td>
<td>(330) 339-6677</td>
<td>Amie Reid</td>
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<td>New Philadelphia, OH 44663-1921</td>
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<td>Carol Anderson</td>
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<td>Newark</td>
<td>144 W. Main Street</td>
<td>(740) 345-3402</td>
<td>Charlie Howard</td>
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<td>Newark, OH 43058-0670</td>
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<td>PIC</td>
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<tr>
<td>Norwalk</td>
<td>101 Plank Rd., Suite 24</td>
<td>(419) 668-1631</td>
<td>Pete Cantu</td>
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<td>Norwalk, OH 44857-1187</td>
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<td>Elaine Mahl</td>
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<td>(440) 352-6106</td>
<td>Johnnie Wooten</td>
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<td>Wanda Maze</td>
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<td>Laverne Dismukes</td>
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<td>Lake County</td>
<td>Painesville, OH 44077-3938</td>
<td>(440) 888-6900</td>
<td>Dan Koncos</td>
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<td>Barbara Hill, Brenda Gant</td>
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<td>Parma</td>
<td>Parma, OH 44130-1497</td>
<td>(440) 354-7771</td>
<td>Jacquie Leach</td>
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<td>Cuyahoga County</td>
<td>5739 Chevrolet Blvd.</td>
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<td>Suzette Rhea</td>
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<td>Kerry Coughlin</td>
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<td>St. Clairsville</td>
<td>Ohio Valley Mall (Units 923 and 925)</td>
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<td>St. Mary's, Ohio 45885</td>
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<td>Salem, OH 44460</td>
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<td>Sandusky</td>
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<td>(419) 625-5732</td>
<td>Ron Nopper</td>
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<td>Nancy Kenne</td>
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| Sandusky | 165 Jackson St.  
Erie County | Sandusky, OH 44870-0930 | (937) 492-6136 | Patty Cagle | Mary Aiken |
| Sidney   | 1529 Fair Road  
Shelby County | Sidney, OH 45365-2406 | (937) 325-7326 | Gary Turner | Valerie Jones, Ervin Crawford |
| Springfield | Southern Village Shopping Ctr.  
Clark County | 1615 Selma Rd.  
Springfield, OH 45505  
| (740) 283-4165 | Keith Garner | Richelle Jeter |
| Tiffin   | 900 E. County Road 20  
Seneca County | Tiffin, OH 44883-0370 | (419) 447-6812 | Dennis Brown | Jim Sparks |
| Steubenville | 127 S. Fourth Street  
Jefferson County | Steubenville, OH 43952-2140 | (419) 245-2956 | Delores Mays-Thomas | Joe Nowak  
Bobbie Richey, TWL  
James Garbers |
| Toledo Downtown | 1810-1814 Madison Avenue  
Lucas County | Toledo, OH 43624-1439 | (419) 865-7248 | James O'Shea | Noah Taylor CSPDS  
Michael Doyle |
| Toledo SW | 5454 Airport Hwy.  
Lucas County | Toledo, OH 43615-7302 | (419) 241-2678 | Delouris Whaley |  |
| Toledo TRC | 1810-1814 Madison Ave  
Lucas County | Toledo, Oh 43624-0954 | (937) 399-2715 | Guz Guzman, TWL | Sherris Arnold, TWL Supervisor |
| Warren   | 684 N. Park Avenue  
Lucas County | Warren, OH 44885-0930 | (330) 399-2715 | Guz Guzman, TWL | Sherris Arnold, TWL Supervisor |
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<td>Washington CH 7 Fayette Center</td>
<td>(740) 335-4830</td>
<td>Ramona Blain</td>
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<td>Waverly 415 E. Emmitt Avenue</td>
<td>(740) 947-7754</td>
<td>Richard Mowery</td>
<td>Ruth Mostettler</td>
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<td>Waverly, OH 45690-1334 Pike County</td>
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<td>Wooster 221 Beall Avenue</td>
<td>(330) 262-7735</td>
<td>Jim Selnick, PIC</td>
<td>Randall Britton</td>
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<td>Wooster, OH 44691-3674 Wayne County</td>
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<td>Xenia Zaire Plaza</td>
<td>(937) 376-2134</td>
<td>Greg Kambitsch</td>
<td>Warkoneta Tucker</td>
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<td>Youngstown 2026 South Avenue</td>
<td>(330) 744-5201</td>
<td>Paul Putarek, PIC</td>
<td>Gus Guzman Stella Craft</td>
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<td>Youngstown, OH 44502-2246 Mahoning County</td>
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<td>Zanesville 711 E. Main Street</td>
<td>(740) 452-5491</td>
<td>Samuel McNair</td>
<td>Patrick Hoffer</td>
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<td>Zanesville, OH 43701-3731 Muskingum County</td>
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To: Local Elected Officials and Workforce Development Agencies
From: Tom Hayes, Director
Ohio Department of Job and Family Services
Subject: Guidance on providing information to employers and employees notified of business closings and layoffs.

I. Purpose

This letter provides guidance to local elected officials and Workforce Development Agencies (WDAs) on layoff requirements, available programs, best practices and contact information. The guidance enables response to employer and employee requests regarding federal/state programs and requirements. These programs and requirements include the Worker Adjustment and Retraining Notice (WARN), Unemployment Compensation (UC), Trade Adjustment Assistance (TAA), North American Free Trade Agreement (NAFTA), Ohio Department of Development's Ohio Industrial Training Program (OITP), United States Department Of Labor (USDOL) National Emergency Grants (NEG) or other targeted dislocated worker programs. Local areas should coordinate WIA dislocated worker services with these programs.

Workforce development agencies (WDAs) learn about business closings and employee layoffs in many ways. These ways may include telephone calls, media reports or official WARN notices. Many times the employer and employees are unsure how to contact agencies designated to address these situations.

II. Effective Date

Immediately

III. Guidance Statement

Local areas must establish a process to address calls from employers or employees requesting information about these programs. This process will insure that both employers and employees contact the appropriate ODJFS sections. This process also supports employer compliance with federal and state legislation. The following technical assistance is offered to help workforce development agencies serve their local employer and employee community. You may wish to make this information available to staff.

IV. Technical Assistance Practice

The Workforce Investment Act (WIA) encourages early intervention in these closing or layoff events. This guidance does not mean the local areas cannot begin providing WIA services. Employer and employee referral to ODJFS sections specified below must be an integral part of this process.

Some local areas have established a process. These local areas have designated a local or regional "Rapid Response Coordinator" who responds to business closings and employee layoffs. Predominantly, this coordinator serves as the primary contact to the employer, employees, community groups and ODJFS sections. This best practice eliminates confusion for the employer and employee. The practice also streamlines communication within the workforce development system. This coordinator already serves as a referral source to connect employers to local and state programs and requirements.

Local areas may want to use a similar process or create a more customized approach. Whatever the approach, the process needs to insure clear direction to the employer and employee community.
Companies and impacted workers may suffer additional losses without referral to the appropriate ODJFS sections.

**Coordination with other State and Federal Programs**

Local areas need to be aware of programs to assist employers and dislocated employees. Employer and employee groups may be required/eligible for company or industry specific targeted programs or requirements.

- **Worker Adjustment and Retraining Notification (WARN)**

  If an employer is conducting a "mass layoff" (separating 50 or more employees), the employer may be required by law to file WARN. The WARN Act language can be found under the Reference section of this letter. For more information on WARN, please contact the Rapid Response Unit at (614) 466-3817.

- **Unemployment Compensation Delivery**

  Whenever an employer separates 50 or more individuals within a seven-day period due to lack of work, the employer is required to furnish notice to Ohio Department of Job and Family Services. This notice includes the dates of separation and the approximate number of individuals being separated at least three days before the layoff occurs. The UC Technical Services Section of ODJFS is responsible for the processing of mass layoffs. In most cases, the employer submits a letter or verbally notifies to either the UC Technical Services Unit or the local ODJFS office. This notification starts a legal process for efficient distribution and collection of UC applications. This process speeds employee registration for UC benefits. For more information, please contact the UC Technical Services Unit at (614) 466-4568.

- **Trade Adjustment Assistance (TAA), North American Free Trade Agreement (NAFTA)**

  These programs are available to employees who loose their jobs as a result of imports. To be eligible for services, individuals must be dislocated from a company, which has been certified by the USDOL as being impacted by foreign imports. The program may offer placement assistance, training and income support. For more information, please contact the TAA/NAFTA Section at (614) 644-2706.

- **Ohio Department of Development's Ohio Industrial Training Program (OITP)**

  OITP funds have been awarded to assist companies and employees impacted in the steel industry. This program provides financial assistance and technical resources for customized training involving employees of new and expanding Ohio businesses. The community benefits through job creation and retention; increased productivity; improved labor/management relations and a highly skilled labor pool. The funding may be used to cover the cost of up to 50% funding for the cost of instruction and instructional materials. Additional benefits include between 25-50% reimbursement for special needs, including train-the trainer, curriculum development and assessment. The program emphasis is on manufacturing. This program creates or retains jobs and must have significant training and capital investment. For more information, please contact OITP at (614) 466-4155.

- **National Emergency Grants**

  The USDOL also awards National Emergency Grants (NEG) to specific populations (i.e. coal miners, etc.). These NEG grants also offer long-term income support, training and placement assistance. These grants may or may not be operated through the workforce development agencies. The application for these funds must be submitted through the ODJFS Bureau of WIA. These applications must meet both USDOL and state requirements. For further information, please review Workforce Investment Act Guidance Letter 3-2001.

V. **Reference**

**WARN Notice**

The **Worker Adjustment and Retraining Notification Act (WARN) of 1988 (United States Public Law 100-379)** requires certain employers to give at least 60 days notice of layoffs or plant/facility
WARN provides protection to employees, their families and communities by requiring employers to provide notification 60 calendar days in advance of plant closings and layoffs. Advance notice provides employees and their families some transition time to adjust to the prospective loss of employment, to seek and obtain alternative jobs and, if necessary, to enter skill training or retraining that will allow these employees to successfully compete in the job market. WARN also provides for notice to State dislocated employee units so that dislocated employee assistance can be promptly provided.

Who is covered?

In general, employers are covered by the Worker Adjustment and Retraining Notification Act (WARN or the Act) if they have 100 or more employees, not counting employees who have worked less than 6 months in the last 12 months and not counting employees who work an average of less than 20 hours a week. Regular federal, state and local government entities that provide public services are not covered. Employees entitled to notice under WARN include hourly and salaried employees, as well as managerial and supervisory employees.

Basic Provisions/Requirements

A covered plant closing occurs when a facility or operating unit is shutdown for more than 6 months, or when 50 or more employees lose their jobs during any 30-day period at the single site of employment. A covered mass layoff occurs when a layoff of 6 months or longer affects 500 or more employees, or 33 percent or more of the employer's workforce when the layoffs affect between 50 and 499 employees. The number of affected employees is the total number laid off during a 30-day, or in some cases a 90-day period.

WARN does not apply to the closing of temporary facilities or the completion of an activity when the employees were hired only for the duration of that activity. WARN also provides for less than 60 days notice when the layoffs were the result of the closing of a faltering company, unforeseeable business circumstances, or a natural disaster.

Enforcement of WARN requirements is through the United States district courts. Employees, or their representatives, and units of local government may bring individual or class action suits. The Court may allow reasonable attorney's fees as part of any final judgement. Since the Department does not have administrative or enforcement authority under WARN, it cannot provide specific advice or guidance with respect to individual situations. WARN is in addition to, and does not preempt any other federal, state or local law, or any employer/employee agreement, which requires other notification or benefit.

Mass Layoff - Ohio Revised Code Section 4141.28 (C)

"Whenever an employer separates 50 or more individuals within a seven-day period due to lack of work, the employer is required to furnish notice to Ohio Department of Job and Family Services. This notice includes the dates of separation and the approximate number of individuals being separated at least three days before the layoff occurs."

Rescissions: None

Distribution: WIA Guidance Letter

Expiration Date: Continuing
I. Purpose
To provide local elected officials and workforce development agencies information about a DOL Waiver from Section 122 (c) (5) of WIA and Section 663.530 of the Regulations extending the length of time of initial eligibility of training providers.

II. Effective Date
Immediately

III. Guidance Statement
Both the Workforce Investment Act (WIA) and the House Bill (H.B.) 470 require the State, Local Workforce Investment Boards and Local Workforce Policy Boards to establish a performance-based certification system for training providers. The certification procedure will result in a State list of training providers who are eligible to give training services to customers.

The Federal Law requires, after a set period of time of initial eligibility, training providers must be determined subsequently eligible. Ohio's current policy for the time period of initial eligibility (WIA Policy Letter 8A-2000) is eighteen months.

The U.S. Department of Labor issued a waiver of the determination of the subsequent eligibility requirement to the State of Ohio extending the date until January 1, 2004. The State will not be requesting the Local Workforce Investment/Policy Boards to determine subsequent eligibility for training providers until further notice. Since the State is not determining subsequent eligibility, we will not be removing providers from the Eligible Training Provider List for Individual Training Accounts (ITAs) for this reason.

However, all eligible training providers will be required to collect, track, and report the program and cost information. Waiver approval does not mean that every program/provider is guaranteed retention for the waiver period. Local Workforce Investment/Policy Boards may want to review the performance of a provider to determine retention and may exclude them from the Eligible Training Provider List. This verifiable program information may include the federally required performance information or other appropriate types of performance information as established by the Local Board. If the Local Board requests additional information that imposes extraordinary costs, the Local Board shall provide access to cost effective methods of collection or provide additional resources. The intent of the waiver is to extend the time in order to allow both the Local Board and the State to develop reporting systems. This will allow the Local Board to make their subsequent eligibility decisions in the future.

When a training program fails to meet established local program and cost requirements, a local board may choose to remove that program from the state Eligible Training Provider List for Individual Training Accounts (ITAs). A local board can only remove a training program that they have previously approved and recommended to the State. To request removal of a training program, please send a letter signed by the board chair with the name and address of the training institution and the name of the program that you wish to be removed. This letter should be directed to the following address:

Mr. John B. Weber
As soon as we receive your request, 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 *http://www.ohioworkforce.org/wiai/ita_appeal_process2.html*

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 WIA ITA has covered the cost of the training.

Once training providers are removed from the state provider list, they will be required to wait for a period of 12 months before they can be considered for re-certification. This would provide the local board with a representative sampling of data from which to make a decision for the provider's re-certification.

**IV. Technical Assistance**

On March 12, 2002, the State of Ohio applied to the U. S. Department of Labor for a waiver of federal deadlines to re-certify training providers. This waiver request was recently approved. The result of the waiver is that Initial Eligibility for eligible training providers is extended until January 1, 2004. However, if the new re-certification process is completed before the deadline, Ohio may terminate the waiver before January 1, 2004.

This provision should provide more opportunities for eligible programs to work with WIA customers. Many programs have not been able to enroll enough WIA 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.

Please contact the Bureau of Workforce Services (614) 644-7078 or E-Mail WIAQNA@odjfs.state.oh.us with any questions.

**V. Reference**

Workforce Investment Act Section 122 (c) (5)

Section 663.530 of the Regulations

Rescissions: None

Distribution: WIA Guidance Letter

Expiration: Continuing

*NOTE: The hardcopy erroneously list the URL as: http://www.ohioworkforce.org/wiai_appeal_process2.html, however the electronic version has been revised to reflect the correct URL.*
I. **Purpose**

To provide local elected officials additional clarification and guidance on national emergency grant applications.

II. **Effective Date**

Immediately

III. **Guidance Statement**

Local areas may apply for National Emergency Grants at any time during the year. Local areas submit national emergency applications to the Bureau of WIA, Program Assistance Section. WIA staff reviews the application, works with the local area to make any necessary changes and submits the application to DOL. National Emergency applications may be submitted by any agency selected by the Local Board and chief elected official(s) to operate the proposed project.

When a local area applies for a National Emergency Grant, the attached form must be completed and submitted with the National Emergency application. The form certifies that the entity(s) submitting the application has developed the application in conjunction with and has the approval of the local board(s) and chief elected officials(s) to submit the application. In a multi-county area, the county where the plant is located usually takes the lead role in preparing and submitting the application.

IV. **Technical Assistance**

National Emergency Grants are used to address the needs of dislocated workers involved in large closings and lay-offs when there are not sufficient local and state WIA funds to provide services to the dislocated workers. Local areas may apply for National Emergency Grants to serve workers dislocated due to defense downsizing, industrial downsizing, mine and energy related and emergency clean-up programs necessitated by natural disasters. The State formally applies to the Department of Labor (DOL) for National Emergency Grants but subcontract administration and operation to local program operators.

V. **Reference**

The Workforce Investment Act (WIA), 20 CFR Section 173, page 1035 describes the National Emergency application process.

The WIA Regulations, 20 CFR Section 671.130, page 49460 and 49461 explains the requirements for submitting National Emergency Grant applications. The requirements are:

- The State has received a notification of a mass layoff or a closure as a result of a WARN notice, a general announcement or some other means determined by the Governor to be sufficient to respond;
- Rapid response assistance has been initiated;
- A determination has been made, in collaboration with the local board(s) and chief elected official(s), that State and local formula dislocated worker funds are inadequate to provide the level of services needed by the workers being laid off;
Note: Applications for National Emergency Grants for natural disasters may not be submitted until FEMA has declared that the affected area is eligible for disaster-related public assistance.

Distribution: WIA Guidance Letter
Expiration Date: Continuing

Attachment:
Click here to view the Authorization to Submit National Emergency Grant Application
I. **Purpose**

To provide local elected officials additional clarification and guidance on national emergency grant applications.

II. **Effective Date**

Immediately

III. **Guidance Statement**

Local areas may apply for National Emergency Grants at any time during the year. Local areas submit national emergency applications to the Bureau of WIA, Program Assistance Section. WIA staff reviews the application, works with the local area to make any necessary changes and submits the application to DOL. National Emergency applications may be submitted by any agency selected by the Local Board and chief elected official(s) to operate the proposed project.

When a local area applies for a National Emergency Grant, the attached form must be completed and submitted with the National Emergency application. The form certifies that the entity(s) submitting the application has developed the application in conjunction with and has the approval of the local board(s) and chief elected official(s) to submit the application. In a multi-county area, the county where the plant is located usually takes the lead role in preparing and submitting the application.

IV. **Technical Assistance**

National Emergency Grants are used to address the needs of dislocated workers involved in large closings and lay-offs when there are not sufficient local and state WIA funds to provide services to the dislocated workers. Local areas may apply for National Emergency Grants to serve workers dislocated due to defense downsizing, industrial downsizing, mine and energy related and emergency clean-up programs necessitated by natural disasters. The State formally applies to the Department of Labor (DOL) for National Emergency Grants but subcontract administration and operation to local program operators.

V. **Reference**

The Workforce Investment Act (WIA), 20 CFR Section 173, page 1035 describes the National Emergency application process.

The WIA Regulations, 20 CFR Section 671.130, page 49460 and 49461 explains the requirements for submitting National Emergency Grant applications. The requirements are:

- The State has received a notification of a mass layoff or a closure as a result of a WARN notice, a general announcement or some other means determined by the Governor to be sufficient to respond;
- Rapid response assistance has been initiated;
A determination has been made, in collaboration with the local board(s) and chief selected official(s), that State and local formula dislocated worker funds are inadequate to provide the level of services needed by the workers being laid off;

Note: Applications for National Emergency Grants for natural disasters may not be submitted until FEMA has declared that the affected area is eligible for disaster-related public assistance.

Rescissions: None

Distribution: WIA Guidance Letter

Expiration Date: Continuing

Attachment: Authorization to Submit National Emergency Grant Application
To: Local Elected Officials and Workforce Development Agencies
From: Thomas J. Hayes, Director
Ohio Department of Job and Family Services
Subject: Clarifying Procedures for One-Stop Partner Access to Ohio Job Net (OJN)

I. **Purpose**
   To provide local elected officials updated procedural information regarding requesting access to the Ohio Job Net (OJN) system.

II. **Effective Date**
   Immediately

III. **Requesting Access to Ohio Job Net (OJN)**
   Process clarification
   1. Send a request for access and an Attachment 2 form to the Office of Workforce Development (OWD), attention:
      Jim Adams
      145 S. Front St
      Columbus, OH 43215
      e-mail: adamsj04@odjfs.state.oh.us
      FAX (614) 728-5938
   2. OWD will send Attachment 2 to Rich Gordon to determine if security requirements are in place for this request.
   3. OWD will send Attachment 2 to MIS to determine feasibility of connectivity, including Internet browser version.
   4. Within 5 working days, MIS will contact requestor to set a date for a "site prep" visit to determine feasibility.
   5. MIS will produce a feasibility report and forward it to OWD.
   6. OWD will make a connection decision based upon the information in the MIS report and will notify the requestor of that decision.
   7. In the event of a positive decision, the requestor and the agency will create and sign an Ohio Job Net Agreement describing the agreement with DOL policies, the security and confidentiality requirements for access, the acquisition of MIS equipment, and the monitoring procedures to be in place.
   8. MIS will undertake the actual connectivity process.
   9. OWD will undertake the training process for the requestor's designated staff.
   10. Actual requestor access to OJN commences at the completion of training.

IV. **Technical Assistance**
As stated previously in the Guidance Statement, ODJFS will provide technical assistance regarding access and use of Ohio Job Net and on sharing job orders. Again, due to the sensitive time frame for accomplishing the pilots, they will receive scheduling priority and other areas and sub areas will be scheduled on a first come, first served basis.

V. Reference


Rescissions: None

Distribution: WIA Guidance Letter

Expiration Date: Continuing

Attachment: Ohio Job Net Security Procedures

Attachment:
Click here to view the Ohio Job Net Security Procedures
To: Local Elected Officials and Workforce Development Agencies
From: Thomas J. Hayes, Director
Ohio Department of Job and Family Services
Subject: One-Stop Partner Access to Ohio Job Net (OJN) and Job Order Sharing

I. **Purpose**

To provide local elected officials and workforce development agencies information about how One-Stop partners can access Ohio Job Net and how job orders can be shared among One-Stop partners.

II. **Effective Date**

July 1, 2002

III. **Guidance Statement**

The Ohio Department of Job and Family Services (ODJFS) will provide One-Stop partners access to Ohio Job Net and will share job orders with One-Stop partners. In addition, the One-Stop Operator in each Workforce Investment Area or sub-area of the Ohio Option Area must develop a policy on how all job orders are shared among One-Stop partners. Quality service to employers and job seekers should be the top priority in making all decisions.

Ohio Job Net (OJN) will support two core functions needed by virtually all One-Stop customers: job development and job placement services. OJN is currently a limited product and should be viewed as a temporary system. ODJFS will initially be working primarily with pilots in implementing this access.

There are two main methods of access to OJN data: one is OJN Online; the other is the Unisys mainframe. A comparison of Ohio Job Net functions available through OJN Online and through the mainframe version is presented in Attachment 1.

**OJN Online (Internet Access)**

OJN Online is currently available for information about ODJFS programs and services, listing of job orders, and job seeker registration. OJN Online allows users to enter a registration that is loaded to the mainframe overnight. OJN Online allows employers to enter job orders - either for matching or for display only - that are uploaded to the mainframe overnight. The user may also view existing job orders that are downloaded onto OJN Online overnight. These functions are not accomplished in real time - the user enters data that is loaded and displayed the next day.

To be available on OJN Online, a job order must be identified as "partial" or "open" display, depending on the employer's preference. Partial display orders do not include the employer's contact information. Open display orders do contain employer contact information. Open display orders permit the user to contact the employer directly. For referral to partial display orders, the user must contact authorized One-Stop staff. Orders identified at the employer's request as "staff only" display are not available on OJN Online. Also, job orders that are in initial processing by staff (status "O" orders) are not available on the Internet. See "Job Order Processing" later in this document.

Approximately 4,000 job orders are available on OJN Online at any given time. The OJN Online web site may be accessed at *http://www.state.oh.us/odjfs/ojn/job_net.asp*.

Internet access to a full range of labor market information is also currently available. Labor market Information can be reached through the ODJFS website or at *http://www.lmi.state.oh.us*.

**One-Stop Partners' Access to Mainframe Version**
One-Stop Partner staff that have locally assigned labor exchange responsibilities may be provided access to the OJN mainframe system. To arrange access to the OJN mainframe system, the requesting authority will submit the Security Procedures form displayed in Attachment 2. This form lists the names, Social Security numbers, and Titles of One-Stop staff for whom access is requested. In addition, a signed Security and Confidentiality form (7078) must be on file for every user. This form may be retrieved on the ODJFS web site at http://www.state.oh.us/scripts/odjfs/forms/pdf/07078.pdf. Once these forms are received, ODJFS will determine if mainframe access is permitted by law and warranted. If so, ODJFS will assign a user name and introductory password which will then enable the user to access the full range of OJN functions associated with field activity. OJN mainframe is accessed through the ODJFS network using an Intra-net address at https://jobnet.obes.state.oh.us/apps/esprd/Default.asp. Requests for forms may be submitted via the web address http://www.ohioworkforce.org/contact_us.html.

The mainframe version of Ohio Job Net operates in real time. Users enter a registration, and it is matched to existing job orders immediately and the results are displayed to the user. Job orders may be entered and a match pool of qualified candidates created immediately.

One-Stop partners shall use the following procedures to request access to the mainframe version of Ohio Job Net:

*Any One-Stop partner or service provider that has not previously done so must sign a confidentiality agreement with ODJFS permitting them to access confidential job seeker and employer information. This agreement is available by calling Rich Gordon at 614-995-5627. The partner must submit a list of staff with the authority to have access to Ohio Job Net using the form in Attachment 2.

*Each partner's staff will participate in training on the use of Ohio Job Net. ODJFS will provide such training in the Workforce Investment Area or sub-area. Priority will be given to pilot areas and then to others on a first come, first served basis. Requests for training may be submitted via www.ohioworkforce.org under the Labor Exchange button.

*The MOU for each partner must include: 1) Agreement that the partner will adhere to applicable Labor Exchange and federal policies (These can be viewed at www.ohioworkforce.org under the Labor Exchange button.); 2) roles and responsibilities for purchase, maintenance, and security of OJN hardware and software; and 3) monitoring procedures to ensure adherence to the applicable policies and OAC 4141-43-01 and OAC 4141-43-02.

ODJFS will monitor adherence to the policies and conditions through the annual One-Stop on-site monitoring process.

OJN Online Costs

For workstations connected to the ODJFS network, the locality may choose to obtain Internet access through the state at no additional cost (the state acts as its own Internet service provider).

The locality will be responsible for any communication charges and the cost of any other Internet Service Providers. ODJFS will maintain the Ohio Job Net web page content and data.

Mainframe Version Access Costs

Access to the mainframe version of Ohio Job Net requires that the user have a workstation with the appropriate hardware and software for OJN access purchased through ODJFS and have a connection with the ODJFS network. Costs of the equipment, software and communications installations may be paid from any appropriate local source including the local one-stop funds.

In addition to one-time costs for equipment, software and communications, the locality will be responsible for the following continuing costs:

1. Monthly communication charges, to be paid by the locality to the Ohio Department of Administrative Services or common carrier. Charges depend on the type of communications line. Note: During the transition period, in some locations where the co-location allows the local
One-Stop office and the ODJFS office to use the same communication line to the state network, overall communication costs may be shared and thus reduced from their current levels.

2. Equipment maintenance costs. Equipment maintenance was initially covered by warranties for equipment provided by the state. After warranties expire, maintenance costs are to be paid by the locality to an appropriate vendor. Localities may provide their own maintenance if they have the capability to do so.

3. Workstations provided through ODJFS and connected to the ODJFS network will be supported by the MIS Help Desk. Equipment and software not purchased through ODJFS will not be connected to the network and will not be supported by MIS.

4. Access delays may occur due to unforeseen state government resource restrictions.

Job Orders taken by ODJFS Staff

All job orders taken by ODJFS staff start in "O" status and are attached to the county or area where the job order is taken. ODJFS staff or One-Stop partners with mainframe OJN access in this county/area can run the match pool on all "O" status job orders. When "O" status job orders are matched to applicants, the match pool is displayed in OJN in order of their priority of referral according to veteran status, unemployment claim status, and length of time since referral to any job order.

Normally, after seven calendar days, "O" status job orders change to "A" status. At this point, the job orders are displayed on-line, anyone from any area can do a match, and referrals can be made regardless of match pool priority of referral.

Decision points for One-Stop Operators and One-Stop Partners

Local One-Stops have the authority to determine:

- how to structure which One-Stop partner staff have access to "O" status job orders (by county, by sub-area, or by Workforce Investment Area), and
- how to provide access to job orders taken by ODJFS staff to partners that do not have access to the Internet or OJN on the mainframe.

By making informed decisions on the items above, One-Stop systems have flexibility to work within OJN’s parameters and address local concerns about which job orders are accessible, by whom, when, and how the process can work smoothly for job seekers, employers, and staff.

Job Orders taken by One-Stop Partners other than ODJFS

The One-Stop Operator must develop a policy on how all job orders are shared with all One-Stop partners. Partners are encouraged to enter all job orders in OJN either directly through the mainframe version or through procedures developed with staff that do have access to the mainframe version. Other means of sharing job orders are also available, such as faxing, phoning, e-mailing, mailing, posting, etc.

IV. Technical Assistance

As stated previously in the Guidance Statement, ODJFS will provide technical assistance regarding access and use of Ohio Job Net and on sharing job orders. Again, due to the sensitive timeframe for accomplishing the pilots, they will receive scheduling priority and other areas and sub-areas will be scheduled on a first-come, first served basis. Requests for training may be submitted via www.ohioworkforce.org under the Labor Exchange button.

V. Reference

Ohio Job Net (OJN) is the statewide job matching system that uses a skill profile to match job seekers to job openings supplied by Ohio employers. It is a mainframe-based system that houses thousands of job orders and tens of thousands of job seekers. OJN users enter new registrations into the system where they are matched to existing job orders and to future orders as those orders are entered into the
system. Users may also update or change registration information for a job seeker and then run a match with the updated profile. Other functions in OJN include making referrals to job openings, retrieving labor market information, generating reports, and performing administrative functions.

**Priority Order of Referral**

A job order match produces a pool of candidates that have met the qualifications listed by the employer. This pool of qualified candidates is displayed in OJN in order of their priority of referral. Under current Labor Exchange priority standards, veterans are displayed first in the match pool; then, non-veterans. Within each group, a second priority is unemployment claim status - those with an active claim are given first priority. Finally, qualified candidates with the longest time since referral to any job order are given highest priority. All users of OJN must follow the match pool order in processing a job order - that is, they must make referral decisions starting at the top of the match pool and working downward in exact order.

The Workforce Investment Act, 20 CFR, Section 121 requires the establishment of One-Stop delivery systems that include certain specific programs and partners. Programs under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) are a required One-Stop partner. Section 134 of WIA requires the provision of core services that include, among other things, job search and placement assistance, provision of employment statistics information including job vacancy listings in labor market areas and job skills necessary to obtain the jobs.

Ohio Administrative Code (OAC) Rules 4141-43-01 and 4141-43-02 authorize the director of ODJFS to disclose employment and training information to one-stop partners and sets forth conditions under which such information may be disclosed and incorporates safeguards for the confidentiality and security of the information.

Policies related to ES Job Applicant and Job Order Processing may be referenced at www.ohioworkforce.org under the Labor Exchange button.

Rescissions: None

Distribution: WIA Guidance Letter

Expiration: Continuing

**Attachments:**

Click here to view the Ohio Job Net Functions by Type of Access

Click here to view the Ohio Job Net Security Procedures

* The hard copy contains a link to http://www.state.oh.us/odjfs/online which has been permanently moved to http://www.state.oh.us/odjfs/ojn/job_net.asp. The electronic version has been updated to reflect this change.
WIA Policy Letters
I. Purpose

To provide a general overview of the purpose and requirements of National Emergency Grants and the process to apply through the Department of Job and Family Services (ODJFS), Rapid Response Unit.

II. Effective Date

Immediately

III. Background

A. NEGs

NEGs are discretionary grants, targeting eligible dislocated workers, intended to temporarily expand and complement resources and service capacity at the state and local levels by providing supplemental funding to ensure an effective response to specific, significant, and unanticipated worker dislocation events or natural disasters. NEG funds provide workforce development, employment services, and other adjustment assistance to dislocated workers and other eligible individuals as authorized by the Workforce Investment Act (WIA), Title I, Section 173, 20 CFR part 671, and Section 203 of the Trade Adjustment Assistance (TAA) program.

NEGs are available in response to significant events that create a sudden need for assistance that exceeds the on-going operations of the formula-funded dislocated worker program, including discretionary resources reserved at the state level. When significant dislocation events arise from the effects of economic globalization, business fluctuations, and unexpected events, an application for an NEG may be submitted to DOL through ODJFS. Some of the dislocation events considered by DOL are: single company layoff, multi company layoffs, and industry-wide layoffs.

B. General Overview of NEG Types

WIA final rules, 2004 Federal Register, Vol. 69, establishes several categories of NEGs available to states and/or local workforce investment boards, each addressing specific dislocation event conditions and guidelines unique to each type of grant.

DOL TEGL No. 14-08 and TEN No. 38-09, introduce new stimulus-funded NEGs that further enhance available resources to states and local WIBs that reflect current conditions that relate to statewide economic events in local communities, specific initiatives, and potential dislocated worker formula funding shortages.

It should be noted that new types of NEGs not discussed in this guidance may be announced by DOL in the future. As has occurred in the past, some new grants may be limited to state applicants only, whereas others may include solicitation to local WIBs. ODJFS will notify local WIBs as new initiatives and opportunities become available.

While numerous types of NEGs are available, requirements and conditions vary between them. In some instances, the differences are significant including variances to the eligible target group, limitations on the array of allowable services under the grant, and application conditions that are unique to the grant.
Historically, NEG awards received by ODJFS have fallen under the categories:

- **Regular grants** - encompass plant closures, mass layoffs, and multiple layoffs in a single community.

- **Disaster grants** - include all natural and manmade disaster events certified by FEMA as eligible for public assistance. Emergency funding may be requested for disaster projects when submitted within 15 days of FEMA public assistance declaration.

- **Trade-WIA Dual Enrollment Grants** - provide funding to ensure that a full range of services are available to trade-impacted individuals eligible under the Trade Adjustment Assistance program provisions of the Trade Act. Once a worker has been determined eligible for trade assistance, NEG funds shall be used for wrap-around services not allowable under Trade, such as supportive services.

### C. Scope of NEG Services

With the exception of disaster grants, the allowable array of services may include intensive, training, and supportive services, as authorized under the grant. NEGs may not be used to provide rapid response services - including transition centers, labor management committees, peer-to-peer support, worker orientation sessions, and outreach - or core services to impacted workers. It is expected that local funds (or statewide rapid response funds) are used to support these activities.

Disaster grants provide temporary employment and supportive services to eligible workers to assist with clean-up activities. A temporary job will constitute employment, and all wages earned on that job during a week in which unemployment benefits are claimed, will be considered deductible income. These wages must be reported during the weeks they are earned, and may result in a deduction in the weekly amount of unemployment benefits otherwise payable for that week, up to the full weekly benefit amount.

DOL may negotiate and fund NEG projects under other terms where it can be clearly demonstrated that such adjustments will achieve a greater positive benefit for the workers and/or the communities being assisted.

### D. NEG Participant Eligibility

Participants eligible for NEG services differ by NEG type. The most common categories of eligible individuals include:

- Dislocated workers as defined in WIA section 101(9)

- For Disaster projects:
  - Individuals temporarily or permanently laid off as a consequence of disaster event(s) eligible for public assistance through a FEMA declaration
  - Individuals who are long-term unemployed as defined by the state
  - Certain civilian employees of military installations, Department of Defense contractors, members of the Armed Forces, and other specific populations may qualify for NEG services as described in Workforce Investment Act, Final Rules, 2004 Federal Register, Vol. 69

### IV. Process to Determine Availability of Additional Funds

The State is responsible for submitting all NEG applications on behalf of one or more local WIBs. Therefore, local WIBs should contact ODJFS if funds are not available to serve impacted workers. At that time, ODJFS will assess all available resources and in coordination with the local WIB, determine how best to support the workers with statewide discretionary or rapid response funds, rather than an NEG. This is largely due to the federal grant requirements that include a state/local expenditure rate and/or cash disbursement rate that demonstrate a funding shortage.
If it is determined that an NEG is the best potential resource, local WIBs must be able to provide specific and detailed information to support the application request. The State will provide further instructions and technical assistance as needed in order to meet the application requirements.

Requests for an NEG or emergency funds to address a dislocation event should be directed to:
Ohio Department of Job and Family Services, Office of Workforce Development. E-mail the request to: RAPDRESP@JFS.OHIO.GOV with "NEG/Emergency Funds" in the subject line.

A. Preparation for the NEG Application

Once it has been determined that an NEG application is required, ODJFS will advise the local area how to proceed. NEG applications can be submitted at any time during the program year and must be developed by or in conjunction with the local WIB(s) and chief elected official(s) of the local area(s) in which the proposed project is to operate.

Local areas will need to provide detailed information to support the NEG application.

The NEG application may include:

1) A detailed description of the need for an NEG identifying the workforce area(s) seeking NEG funds and the type of NEG being requested as described in Section III. B. above.

2) A description of services provided to the target population currently or prior to an NEG request, including rapid response services (e.g., surveys collected, meetings with employers, worker information sessions, etc.) previously or currently being provided. If early intervention through rapid response has not been possible, the circumstances that prevented early intervention must be documented.

Note: When identifying layoff events to cover with NEG services, applicants may include future layoffs that have been announced as well as previous events up to 120 days preceding the application date.

3) A description or explanation of the assessment process for participants to be enrolled in the requested NEG including assessment(s) completed during rapid response service delivery and types of additional assessment techniques to be utilized to identify services needed by the targeted participants.

4) A description of outreach strategies for potential participants not currently enrolled in WIA programs. (e.g., rapid response, public service announcements, newspaper, etc.)

5) A detailed description of the services to be provided via the NEG.

6) If applicable to NEG type, a description of plans to co-enroll NEG participants into other programs to ensure a full array of wrap-around services.

7) A description of local partnership initiatives that may contribute to the success of the project. WIA mandates an integrated delivery of NEG services. Local areas submitting a request for an NEG should take advantage of the pre-layoff eligibility of dislocated workers to plan and design a program to support the employment and wage replacement strategies to return dislocated workers to employment (i.e., plan as soon as an individual layoff notice is received or 180 days prior to a planned closure).

8) Reasonableness of Proposed Costs - Demonstrate that the project has been designed and will operate in accordance with the federal requirements and the state and local policies that apply to formula-funded dislocated worker programs. If the policies are different, a full justification in terms of the target group and reemployment barriers must be included in the explanation of the difference between the proposed costs and the state average participant cost.
9). List of entities that will serve as project operator(s) and fiscal agent(s) for implementation of the NEG, including staff contact information.

10). Verification of event data into the Rapid Response Event Data System at http://www.ohiored.gov/. Any subsequent lay-off events added to an existing NEG via modification must also be documented in the OhioRED system.

11). Acknowledgement that the state's designated tracking system for WIA services will be used to identify eligible NEG participants and services provided.

B. Application Process

When a request is submitted to ODJFS, the Office of Workforce Development (OWD) will review the information with an emphasis on, but not limited to:

- WIA dislocated worker formula fund expenditures
- Rapid response fund expenditures
- Statewide (discretionary) fund expenditures
- Each local area's progress towards attaining WIA performance standards and expenditure rate.

ODJFS will review the submitted information and additional documents requested and use this information to complete and submit the NEG application.

C. Award Notification

If DOL issues a grant to the state, the award amount will likely be an incremental share of the requested amount. Successful expenditure of at least 70% of the initial award will allow the state to request additional funding up to the threshold approved by DOL. If the project operator does not expend the initial allocation, funds may be taken away and reallocated to the other project operators.

The amount awarded to the state will be distributed to participating workforce areas based on the budgets submitted. Grant specific cost line codes, guidance and operating instructions will be provided at that time.

D. Incremental Funding

Upon approval by DOL, each area will receive a commitment of funding for planning purposes as well as an allocation amount up to the threshold, which may be less than the commitment. Local areas must expend 70% or more of the current allocation before requesting additional funds up to their total commitment.

Upon expenditure of 70% of the current allocation, the area may submit to ODJFS documentation of total expenditures, an estimate of additional funding needs to the end of the grant period, and an explanation of how the additional funds will be spent. ODJFS will review the information in order to determine the increased allocation amount. As participating areas request additional funding, the commitments of funding for other workforce areas may need to be revised in order to maximize utilization of all approved NEG funds for the approved project.

V. NEG Implementation

The following activities must be implemented by all local areas in receipt of NEG allocations:

A. Participant Enrollment

NEGs are intended to provide time-limited funding assistance to a state or local area. Since workers will be eligible for services (upon receipt of layoff notice or company announcement) when an application is submitted, all projects are expected to enroll/register all participants within six months of a grant award. If additional participants need to be enrolled in the NEG beyond the six month limitation,
the area must contact ODJFS in order to request approval to enroll participants beyond the enrollment deadline. This will require a modification of the NEG and approval by DOL.

B. Policy Review

Local areas are permitted to implement NEG services based on existing policies, or may institute policies specific to the NEG population to better meet the unique needs of the participants while also maximizing the usage of available NEG funds. However, when an NEG is operating across a region, the participating local WIA areas are required to coordinate their policy decisions and/or to establish regional policies for the highest possible level of consistency in service delivery in a manner that ensures the requirements of the NEG grant are met. The following criteria, at a minimum, should be taken into consideration during this review process:

- **Sequence of Services**: Does the current local policy permit NEG participants to move from core to intensive to training services as quickly and flexibly as possible based on their unique skill sets and readiness for training?
- **Self Sufficiency**: Is the local definition of self sufficiency appropriate to the income levels of the NEG participants? (Note: local areas are permitted to define self sufficiency for dislocated workers as a percentage of their layoff wage)
- **Individual Training Accounts (ITA)**: Are the length and maximum costs of training, allowable degrees and certifications, and other ITA provisions appropriate for the skill and education level of the NEG-eligible participants?
- **Supportive Services**: Are the benefit amounts and types of supportive services sufficient to meet the NEG participants' needs while maximizing the expenditure of the NEG award before the end of the grant period?
- **NRPs**: Is sufficient financial assistance available to NEG participants so they can successfully complete their training programs?

C. Participant Tracking

Project operator(s) will ensure that all eligible participants who receive NEG-funded services are properly entered and identified as NEG participants in the state-provided tracking system (client and reporting). All services funded with NEG dollars must also be identified as NEG services in the tracking system. Entry of NEG participants and services may require staff to sign into the tracking system using a Special Grant Office code rather than the usual local area program office code. Alternative tracking methods may also be used depending on the nature of the NEG. The procedures for tracking NEG participants and services will be communicated by ODJFS when the grant is awarded.

Participants enrolled solely in the NEG will not count in the local area's performance measures, but those co-enrolled in both NEG and local formula funded services will be included in local performance measures.

D. Fiscal Reporting

The designated fiscal agent(s) for the NEG will receive a list of fiscal codes with their relative definitions for reporting allowable costs to the NEG grant through the County Finance Information System (CFIS). Accurate and timely reporting is crucial as this information is used to help ODJFS administer the grant and to request additional funding increments from DOL. Proper reporting includes: obligations (resources on order) and accruals (good and services received but expenses not yet paid).

In addition, fiscal agents must adhere to ODJFS fiscal rules as codified in Ohio Administrative Code Rules 5101:9-7-04 WIA Area Financing and Cash Management; 5101:9-7-04.1 WIA Area Quarterly Reconciliation; and 5101:9-7-04.2 WIA Area Annual and Grant Closeout.

Fiscal agents are cautioned that the use of NEG - expenditure code for "other," should be kept to a minimum. Fiscal agents should use this code only after consultation with the ODJFS Rapid Response...
Unit. In many cases, the cost being classified as "other" can be properly classified to a different allowable expenditure line.

E. Supplemental Reports

ODJFS is required to submit a quarterly report to DOL within 45 days from the end of each calendar quarter. Information related to participant counts and expenditures will be gathered from the data entered locally into the participant and fiscal tracking systems as described in sections C and D above. In addition, project operator(s) may be required to submit an NEG bi-weekly, monthly, and/or quarterly report to supplement the data. If supplemental reporting is required, the project operator(s) will receive a report form, instructions, and deadlines for submission from ODJFS. All supplemental reports must be completed and submitted by the specified deadline dates.

F. Project Operating Plan

Within 90 days of receipt of the NEG award, ODJFS must assemble a project operating plan describing the NEG implementation in detail to be submitted for DOL approval. If needed, local areas in receipt of NEG funds will assist ODJFS in preparing the plan.

G. Meetings and Training Sessions

Successful implementation of NEG services requires periodic meetings to coordinate services and share information. Also, training and technical assistance will be provided as needed. All local areas receiving NEG allocations are required to send appropriate staff to participate in meetings and trainings.

H. Modifications

Project operators will notify ODJFS when modifications to the grant may be necessary, and will assist in the modification process. Circumstances that require requesting a grant modification include:

- To request an increase in the area’s commitment of funding in order to continue providing services
- To include additional layoff events occurring within the scope of the approved award. Such events must be entered in the Rapid Response Event Data System at http://www.ohiored.gov (Note: Serving additional layoff events may require a new NEG depending on the situation.)
- To change the project performance period
- To add, remove, or revise project operator information
- To reflect variances that result in more than a 10% increase in cost per participant
- To report changes to the organization’s approved indirect cost rate
- To alter the approved amount for supportive services, NRPs or administration of NRPs
- To adjust project performance goals

VI. Compliance

Local areas, project operators, and subrecipients of NEG funds must adhere to all federal, state and county rules, laws and regulations and other limitations or provisions identified by ODJFS. Refer to OMB Circulars A-87 and A-122 for fiscal provisions.

VII. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VIII. References
Workforce Investment Act (WIA), Section 173
Workforce Investment Act Final Rules, 20 CFR Part 652, Section § 671.130
Workforce Investment Act Final Rules, 2004 Federal Register, Vol. 69
Department of Labor Training and Employment Guidance Letter 10-02
Department of Labor Training and Employment Guidance Letter 16-03
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Workforce Investment Act Policy Letter No. 14-04

December 22, 2014

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Dislocated Worker Eligibility

I. Purpose

The purpose of this policy is to communicate guidance and parameters when determining eligibility requirements of individuals for WIA-funded dislocated worker employment and training programs.

II. Effective Date

Immediately

III. Background

The Workforce Investment Act of 1998 requires states to assist local workforce investment areas with the implementation of employment and training activities to dislocated workers. This policy will combine existing dislocated worker eligibility-related policies and guidance letters into one comprehensive policy. In addition, this policy establishes statewide definitions for terms in the determination of dislocated worker eligibility.

The WIA 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 WIA-funded program does not entitle a dislocated worker to receive services beyond the core level. 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 following:

- Suitability for intensive and training services (refer to Workforce Investment Act Policy Letter (WIAPL) No. 08-12.3); and
- Self-sufficiency.

IV. Definitions

Attachment to workforce: An individual who, at the time of application for WIA services, worked at the same company or in the same occupation for 15 out of the last 26 weeks.

Disability: Any person who has a physical, sensory, or mental impairment, which substantially limits one or more major life activities and has record of such impairment or is regarded as having such impairment.

Displaced homemaker: An individual who has been providing unpaid services to family members in the home and who:

- Has been dependent on the income of another family member, but is no longer supported by that income; and
- Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Eligible for or has exhausted unemployment insurance: An individual who has been determined to be eligible for benefit payments under one or more State or Federal unemployment compensation programs whether or not he or she has exhausted his/her benefit rights. An individual need not actually receive benefits to be eligible.
Farmer, ranch worker or fisherman: An individual who is self-employed or employed by another, on a farm, ranch, or boat, which produces agricultural or food products with annual sales of $1,000 or more, or who receives at least 50 percent of their family or individual income from agricultural or food production.

General announcement: A communication by an employer stating intent to close a business within 180 days.

Interim employment (also known as stop-gap employment): Employment that has been accepted for the purpose of income maintenance prior to, and/or during, participation in intensive or training services with the intention of ending such employment at the completion of the intensive 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 customary work 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.

Laid-off or layoff: A separation due to the lack of work or other factor(s) not related to the behavior of the employee.

Long-term connection to occupation: The investment of at least 12 months of prior full-time or 24 months of part-time employment in an individual's occupation to obtain education or skill training. Months need not be consecutive.

Military Spouse: an individual who is married to an active duty service member including National Guard or Reserve personnel on active duty. The surviving spouse of an active duty service member who lost his/her life while on active duty service in Afghanistan, Iraq, or other combat-related areas is considered to be a military spouse.

Natural disaster: Events that may include a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mud-slide, snowstorm, ice storm, drought, fire, explosion, or other catastrophe.

Notice of termination from employment: A written notice from an employer concerning the layoff or termination of an employee. Such written notice of layoff or termination may consist of:

- A final letter from an employer laying off or terminating the employee; or
- A public announcement by an employer about an upcoming lay-off or termination affecting groups of employees, provided that the announcement makes clear that the applicant is a member of that group.

Occupation: An individual’s usual or principal work, business, profession, or trade used as a means of earning a living.

Permanent closure: The permanent shutdown of a plant, facility or enterprise.

Plant, facility or enterprise: A distinct unit of business or industry; for example the closure of a division of a corporation, the entire facility at a specific site or location, or the closure of a functional unit, such as a warehouse.

Seasonal workers: Individuals who work in cyclical, intermittent or seasonal industries. Workers are predictably laid off or terminated for periods of each year, and may or may not expect to be rehired by the same employer. Industries employing seasonal workers include agriculture, construction, and landscaping.

Self-employed: Persons who work for profit or fees in their own business, profession, trade, or farm.

Substantial layoff: Any reduction in force that is not the result of a total plant/branch/office closing, but still results in an employment loss at a single site of employment during any sixty (60) day period for:

1. At least 25 percent of employees, or
2. At least 50 employees.

Temporary worker: Individuals who are hired with the expectation that their job will end at a certain point.

Termination of employment: Separation from employment due to reasons other than discharge for cause, voluntary departure or retirement; OR individuals who accept early or forced retirement as part of a reduction in workforce; OR an individual who has been dismissed but is still eligible for unemployment compensation.

Underemployment: An individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement. Also includes individuals who fall below the dislocated worker self-sufficiency threshold, as defined by the local WIB.

Unemployed individual: An individual who is without a job, who wants work, and who is available for work. The determination of whether an individual is without a job is made in accordance with the criteria used by the Bureau of Labor Statistics in defining individuals as unemployed.

Unemployed as a result of general economic conditions or natural disaster: Business lost due to one of the following reasons:

- The closure or substantial lay-off of a primary supplier or customer affecting the self-employed applicant's products or services;
- Less demand for the occupation or product within the community;
- A decline in profits significant enough to lead to closure, documented by most recent tax return or other company documents showing negative gains/losses statement; or
- Natural disaster, as defined by State or Federal declaration.

Unlikely to return to previous industry or occupation: An individual who is laid off without a recall date or if the recall date has passed falls into one of the following categories:

1. The number of jobs in the applicant's previous industry/occupation is declining based on Labor Market Information (LMI) data;
2. The projected annual increase in employment growth within the local area based on LMI or O*Net is fewer than 100 jobs in the previous industry (including replacements) or the projected annual increase in growth openings is fewer than 30 jobs in the previous occupation;
3. The applicant is dislocated from a job not found on the most recent local or state list of demand occupations (if applicable);
4. 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;
5. Evidence, preferably from several sources including OhioMeansJobs.com, professional journals, etc., of few openings in the previous industry or occupation; or
6. The applicant is unable to perform the duties of the previous job due to age, ability, or disability.

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.

V. Statutory Eligibility Requirements for Dislocated Workers

Individuals wishing to receive employment and training services funded through the dislocated worker program 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 WIAPL No. 10-10 for details, including the list of exceptions to this requirement).

In addition to the requirements listed above, an individual must also fall into one or more of the following dislocated worker eligibility categories as outlined in section 101(9)(A-D) of WIA:

**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 other than training services described in WIA section 134(d)(4)(A), intensive services described in WIA section 134(d)(3), 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, a rancher, or a fisherman) but is unemployed as a result of natural disasters; or general economic conditions in the community where the individual resides.

**Category D: Displaced Homemaker**

- Is a displaced homemaker.

**VI. Special Eligibility Conditions**

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. Unemployment Compensation Reemployment Services (UCRS)**

The UCRS system is an early intervention approach for providing dislocated workers with reemployment services to expedite their return to productive employment. The Ohio Job Insurance (OJI) system selects claimants who have no return to work date, are not job attached, have received a first UC payment, and were previously employed in a declining industry for participation in the UCRS program. These selected claimants are considered to be unlikely to return to their previous occupations or industries and are considered dislocated workers under **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 the "Program Data" tab on "Basic Intake" from the Ohio Workforce Case Management System (OWCMS) 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 the following conditions are met:

- An ODJFS Office of Unemployment Compensation hearing officer has issued a determination that a lockout exists; and
- The locked-out workers are prevented from working for a period of 120 days as a result of that lockout.

The 120-day duration starts on either the date of layoff or the date of lockout, whichever is earlier. This date is the point at which the locked-out workers are considered to be unemployed for WIA dislocated worker eligibility purposes.

The listing of ODJFS Unemployment Compensation lockouts can be found at: http://jfs.ohio.gov/owd/WorkforceProf/policy_info.stm.

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 the following conditions are met:

- The employer has offered a buyout or early retirement or forced an early retirement as a means to reduce its workforce by providing a financial incentive for long-term (and therefore better paid) workers to leave their employment; and
- 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
- Is 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. Veterans and Military Spouses

Veterans are considered dislocated workers under Category A: Terminated or Laid Off, or Received a Notice of Termination or Layoff From Employment, when the following conditions are met:

- The veteran has been discharged under honorable circumstances; and
- Is unlikely to return to his or her industry or occupation.

Military spouses are considered dislocated workers under Category A: Terminated or Laid Off, or Received a Notice of Termination or Layoff From Employment, when one of the following conditions are met:

- Is married to an active duty service member and:
  - The spouse is unable to continue employment due to the service member's permanent change of military stations; or
  - The spouse loses employment as a result of the service member's discharge from the military.
- Is the spouse of a deceased veteran.
Military spouses are considered to meet the definition of terminated or laid-off from employment through no fault of their own. The spouse must also satisfy the "unlikely to return to a previous industry or occupation" dislocated worker criteria.

However, in many cases, the circumstances in which military spouses are required to leave a job/occupation as a result of the military member's transfer do not position the spouse to return immediately to his/her previous occupation or industry, particularly at the same level for the following reasons:

- Spouses are generally not resuming employment with the same employer;
- Even if the spouse resumes employment with the same employer, the employment is in a new location, and occupations/jobs will generally not be the same structurally or organizationally as in the prior location;
- When military spouses do get jobs in their new locations, it is likely, as new employees, they will start at lower levels of seniority than the levels of their positions in their previous locations;
- There is frequently a gap in employment as spouses make the move and search for new employment, which may lessen their likelihood of returning to the same level of occupation or type of job.

Based upon the totality of these circumstances, it would be reasonable for local areas to conclude that in many cases, military spouses impacted by a service member's duty reassignment or discharge will meet the "unlikely to return to previous industry or occupation" criterion and may be served as a dislocated worker.

Military spouses may also meet the definition of "displaced homemaker" under Category D: Displaced Homemaker.

VII. **Determination of Self-Sufficiency**

For employed dislocated workers to move from core services to intensive services, they must be in need of such services to obtain or retain employment that allows for self-sufficiency. The local areas must determine criteria for self-sufficiency. At a minimum, self-sufficiency may mean employment that pays at least the lower living standard income as defined in WIA section 101(24). Self-sufficiency for dislocated workers may also be defined by the local WIB in relation to a percentage of the layoff wage.

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 self-sufficiency.

Determination of self-sufficiency status requires a two-step assessment of the worker's employment:

1. Determine if the employment is "interim employment."
2. If the employment is not "interim," determine if the wage is at least the lower living standard income or if the hourly wage is at least the area's defined percentage of the wage at dislocation.

**Interim Employment**

Typically, employment is considered to be 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 self-sufficiency (e.g., working through a temporary agency). The determination about whether or not a dislocated worker's employment since dislocation is interim employment must be made on a case by case basis and take into consideration a dislocated worker's personal, family, financial, and employment situation.

The local WIB's self-sufficiency criteria for dislocated workers do not apply when a worker is employed on an "interim" or "stop gap" basis following dislocation. Therefore, a dislocated worker who is in
interim employment following dislocation is not considered to be self-sufficient even if the hourly wage exceeds the local area's criteria for self-sufficiency or the area defined percentage of the layoff wage.

If a dislocated worker has interim employment, this participant is considered to be unemployed at participation and information should be entered into the Ohio Workforce Case Management System (OWCMS) as such.

Wage Standard for Non-Interim Employment

Employed dislocated workers whose wages are over the locally determined self-sufficiency level, or the lower living standard income for a family size of one, or at least the area defined percentage of the layoff wage are considered to be "self-sufficient," unless the employment is considered to be "interim employment." Dislocated workers who are determined to be "self-sufficient" may receive core services only.

VIII. Reporting and Monitoring

As recipients of WIA dislocated worker funds, the Ohio Department of Job and Family Services (ODJFS), Office of Workforce Development and the local workforce investment 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 WIA participants, their activities, and their performance must be entered into OWCMS accurately and timely. OWCMS may be used to assist in the determination of eligibility. However, OWCMS cannot be used as verification of dislocated worker eligibility. WIAPL No. 13-01, Source Documentation for WIA Eligibility, lists the type of acceptable documentation to verify eligibility for the WIA dislocated worker program.

At the local level, the area must conduct oversight of the implementation of the WIA dislocated worker program to ensure that participants enrolled in the dislocated worker program are eligible for the program and that eligibility has been properly documented.

Through the state's monitoring system, program monitors will review the area's implementation of the dislocated worker program, 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.

IX. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

X. Reference


USDOL, Training and Employment Guidance Letter No. TEGL 22-04, Change 1, Serving Military Spouses as Dislocated Workers under the Workforce Investment Act Dislocated Worker Formula Grant, (September 28, 2007).


Ohio Rev. Code 4141.29(D)(2)(ii).


ODJFS, Workforce Investment Act Policy Letter No. 08-12.3, Adult and Dislocated Worker Suitability Requirements for Intensive and Training Services in Workforce Investment Act (WIA) Programs, (May 27, 2011).

Rescissions

ODJFS, Workforce Investment Act Transmittal Letter No. 24, Worker Profiling and ReEmployment Services (WPRS), ReEmployment Eligibility and Assessment (REA), and Workforce Investment Act (WIA) Eligibility for Dislocated Workers, (November 27, 2006).

Workforce Investment Act Policy Letter No. 14-03.1

December 19, 2014

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Disaster National Emergency Grants

I. Purpose

To provide the requirements of Disaster National Emergency Grants (D-NEGs) and to assist the local areas in the development of local policies when implementing disaster grants.

II. Effective Date

Immediately

III. Background

Disaster National Emergency Grants are discretionary grants intended to temporarily expand and complement resources and service capacity at the state and local levels. D-NEGs provide supplemental funding to ensure an effective response to specific, significant and unanticipated natural disasters that have been declared eligible for public assistance by the Federal Emergency Management Agency (FEMA).

Disaster grants provide temporary employment and supportive services to eligible dislocated workers and long term unemployed individuals to assist with clean-up activities. Disaster grants help provide food, shelter and related humanitarian services, and perform demolition, cleaning, repair, renovation and construction of damage or destroyed public structures/facilities and lands located within a designated disaster area.

IV. Requirements

With the approval from FEMA's Public Assistance Declaration, the following D-NEG activities occur within the given timelines:

- The Ohio Department of Job and Family Services (ODJFS) submits the Emergency application to U.S. Department of Labor (USDOL) within fifteen (15) calendar days of the FEMA declaration;
- USDOL acts upon state’s request within thirty (30) calendar days of receiving the application;
- Funds are awarded;
- D-NEG services and clean-up work begin;
- ODJFS submits a fully documented application to USDOL within sixty (60) calendar days of the grant award; and
- After the approval from USDOL of the full application and if requested in the Special Terms and Conditions stated within the approval letter, within sixty (60) calendar days ODJFS must submit a Disaster Project Operating Plan (POP) to USDOL.

A. Application Process

Following the FEMA declaration that a disaster is eligible for public assistance, ODJFS has fifteen (15) calendar days to submit the FEMA declaration along with the initial application to the USDOL, Region 5 Employment and Training Administration (ETA), Representative. The initial application should only address the temporary job creation component.
Local areas within the disaster area will be invited to apply for a D-NEG. ODJFS may require a brief emergency application from local areas after the disaster declaration, followed by a more detailed application after the state's emergency request is approved. ODJFS will provide application templates and deadline dates, as well as provide technical assistance to areas on filling out the applications and estimating their needs. Local areas who submit valid and complete applications within the deadlines will be included in the state's application to the federal level.

Within sixty (60) calendar days of the grant award, ODJFS must submit a fully documented application to USDOL.

B. Award Notification

USDOL will issue a denial or grant award letter, also known as a Notice of Obligation (NOO), to ODJFS. The award letter will give the total fund availability, the special terms and conditions that must be met to use the funding, and the requirements for submission of a plan and/or modification requests. Upon receiving approval of federal funding, participating local areas will receive an allocation notice and any related guidance specific to this D-NEG.

Disaster projects are funded incrementally. A maximum funding level will be approved, but a lesser amount will be initially disbursed. Note: The maximum approved "up to" amount is NOT a commitment.

Requirements for additional funding increments will be specified in the NOO. Funding will be based on achieving a level of project implementation where a justifiable projection of additional funds are needed to complete the project can be developed. Traditionally, this is measured by having all planned participants enrolled or assessed; knowing the full amount of the training and supportive service obligations; having all proposed project staff on-board; and having three to four months of operating expenditure information available.

C. Disaster Project Operating Plan (POP)

ODJFS must submit a POP describing the implementation in detail within sixty (60) calendar days of the full application's approval letter to USDOL. The POP should be a cumulative document that includes plans from all local areas approved for the grant under the FEMA declaration including the following elements:

- Description of the coordination between FEMA and the grantee;
- Updated information on all community planning activities;
- Status of the participant recruitment activities;
- Copies of signed agreements with each proposed Project Operator/ Local Area Representative;
- A completed Planning Form (ETA 9103);
- A staff planning form that describes proposed staffing by job title, fulltime equivalent staff to be assigned, salary and benefit rates for each staff position;
- Worksite Plans detailing all approved worksites;
- Specific jobs to be performed and wage levels for each;
- Employer of Record for the workers;
- Identification of special equipment required to perform work and source of funding for the equipment;
- Description of the responsibilities for paying wages and the controls for ensuring participant time limits are complied with;
- Description of policies governing supportive services to participants; and
- Description of the monitoring responsibilities and procedures that will be followed by the grantee.

The POP will be one source of information to be reviewed by USDOL staff in determining future needs for the project. The existence and completeness of the operating plan will be a pre-condition for the
release of additional funding increments. It is the responsibility of ODJFS to take appropriate action to ensure the POP is followed through to the conclusion of each disaster grant in a timely manner.

Local areas in receipt of D-NEG funds will assist ODJFS in preparing the project operation plan.

D. Modifications

ODJFS will be required to submit request(s), also known as Modification(s), for additional or the balance of needed funds, as supported by enrollment and expenditures. Project operators will notify ODJFS when modifications to the grant may be necessary, and will assist in the modification process. Circumstances that require requesting a grant modification include:

- Providing workforce development services to participants who cannot return to work once the temporary jobs component of a disaster grant is completed;
- Requesting an increase in the area’s commitment of funding to continue providing services;
- Changing the project performance period;
- Adding, removing, or revising project operator information;
- Reflecting variances that result in more than a ten (10) percent increase in cost per participant;
- Reporting changes to the organization’s approved indirect cost rate;
- Altering the approved amount for supportive services; and
- Adjusting project performance goals.

V. Disaster NEG Implementation

The following activities must be implemented by all local areas in receipt of D-NEG allocations.

A. Participant Enrollment

Eligible D-NEG participants include those who are:

- Temporarily or permanently laid off as a result of disaster event(s) and eligible for public assistance through FEMA declaration;
- Dislocated workers as defined in WIA section 101(9);
- Long-term unemployed as defined by the state.

The initial purpose of D-NEGs is temporary job creation to provide clean-up, restoration and humanitarian assistance to communities that have been affected by a disaster event. Temporary disaster jobs are limited to public and private non-profit agencies.

An individual participant on a disaster project may be employed for a maximum duration of six (6) months (1,040 hours). The period of employment may extend beyond six (6) calendar months if, for example, the participants are employed part-time or must be off work for a period of time. The maximum level of wages paid to a participant is $12,000.00, excluding the cost of fringe benefits. Priority must be given to individuals affected by the disaster event followed by dislocated workers and the long-term unemployed. The temporary job will constitute employment, and all wages earned on the job during the week in which unemployment benefits are claimed, will be considered deductible income. These wages must be reported during the weeks they are earned, and may result in a deduction in the weekly benefit amount of unemployment benefits otherwise payable for that week, up to the full weekly benefit amount.

B. Other Considerations for D-NEGs

Suitability

Given the physical demands associated with the work performed under most D-NEG projects, local areas must assess applicants and participants to ensure that they are able to safely perform the duties. Local areas are encouraged to perform narcotic screenings and physical examinations on applicants for D-NEG positions, the costs of which may be charged to the grant. Position descriptions for each job...
classification explaining the nature of the working conditions and the physical requirements (e.g., ability to bend and stoop, lift over fifty (50) pounds, etc.) must be developed and provided to applicants for D-NEG employment.

Workplace Safety

Local areas must provide D-NEG participants with a work environment free from recognized hazards that are causing or are likely to cause death or serious physical harm. Initial and on-going safety instruction must be provided to participants on relevant topics such as the Occupational Safety and Health Administration (OSHA), First Aid, chainsaw operation, etc. The OSHA workplace compliance poster (see http://www.osha.gov/Publications/osha3165.pdf) must be posted and visible to all employees.

Public sector project operators are strongly encouraged to work with the Public Employee Risk Reduction Program (PERRP) on receiving safety trainings, compliance assistance visits, site-specific evaluations, etc. All D-NEG project operators must implement policies, procedures, controls, and standards as necessary to ensure compliance with OSHA standards relevant to their operation such as personal protective equipment, rigging operations, logging operations, use of Material Safety Data Sheets, working with flammable and combustible liquids, etc.

ODJFS strongly encourages all D-NEG project operators to schedule a Compliance Assistance Visit from the Bureau of Workers Compensation (BWC) every six (6) months during D-NEG operations. This is an opportunity for BWC to make recommendations without penalty and to provide training on compliance measures. Non-compliance with OSHA Standards has the potential to result in violations and costly fines for both public and private sector employers.

Equipment and Supplies

Areas must receive prior approval before leasing or purchasing any equipment item (i.e., any tangible item that costs over $5,000 per unit with a useful life of over one year.) The request for prior approval must include a list of the equipment purchases or leases; estimated cost; method of procurement; comparison between lease cost and purchase cost; reasons supporting the decision to lease or purchase; the purpose or need for the equipment; availability of similar equipment from the state/local emergency management agency or from the area or county in which it will be utilized; and intended manner of disposition at the end of the project. Equipment items should be included in the area's initial application for D-NEG funds and/or identified to ODJFS whenever new items are to be acquired.

The cost and types of supply items should also be projected in the application, although prior approval is not required for purchase. At the end of the project, areas must provide a list of all residual equipment and supply items and explain how the items will be disposed of.

C. Policy Review

Local areas are permitted to implement disaster grant services based on existing policies, or may institute policies specific to the disaster projects population to better meet the unique needs of the participants while maximizing the usage of available funds. However, when a disaster grant is operated across a region, the participating local WIA areas are required to coordinate their policy decisions and/or establish regional policies for the highest possible level of consistency in service delivery in a manner that ensures the requirements of the disaster grant are met.

D. Participant Tracking

Project operator(s) must ensure that all eligible participants who receive Disaster NEG-funded services are properly entered into the state-provided tracking system (client and reporting), Ohio Workforce Case Management System (OWCMS). Entry of D-NEG participants and services may require staff to sign into OWCMS using a Special Grant Office rather than the usual local area program office.

Alternative tracking methods may also be used depending on the nature of the D-NEG. The procedures for tracking D-NEG participants and services will be communicated by ODJFS when the
grant is awarded and must be followed. Local areas are required to maintain accurate and current case management notes within OWCMS and alternative tracking method, as appropriate.

Participants enrolled solely in the D-NEGs will not count in the local area’s performance measures, but those co-enrolled in both D-NEG and local WIA formula-funded services will be included in local performance measures.

E. Fiscal Reporting

The designated fiscal agent(s) for the D-NEG will receive a list of fiscal codes with their relative definitions for reporting allowable costs to the D-NEG through the County Finance Information System (CFIS). Accurate and timely reporting is crucial as this information is used to help ODJFS administer the grant and to request additional funding increments from USDOL.

Proper reporting includes: obligations (resources on order) and accruals (good and services received but expenses not yet paid). Documentation is required for all expenditures charged to the grant. This includes timekeeping information (e.g., time clock, sign-in sheet, employee submission of hours worked, or other verifiable method of recordation) and other administrative charges (e.g., building space, computers, etc.).

Fiscal agents must adhere to ODJFS fiscal rules as codified in rules 5101:9-7-04, WIA Local Area Financing and Cash Management, and 5101:9-7-04.1, WIA Local Area Quarterly Reconciliation of the Ohio Administrative Code (OAC).

Fiscal agents are cautioned that the use of D-NEG expenditure code for "other," should be kept to a minimum. Fiscal agents can only use this code after consultation with the ODJFS Grants unit. In many cases, the costs being classified as "other" can be properly classified to a different allowable expenditure line.

F. Supplemental Reports

ODJFS is required to submit bi-weekly reports for the first three (3) months of each grant. In addition, ODJFS is required to submit a quarterly report to USDOL within forty-five (45) days from the end of each calendar quarter. Information related to participant counts and expenditures will be gathered from the data entered into the participant and fiscal tracking systems as described in sections C and D of this policy.

Project operator(s) are required to submit a D-NEG bi-weekly report to ODJFS for the first three months, and a monthly report thereafter, to supplement the data. The project operator(s) will receive a report form, instructions, and deadlines for submission from ODJFS. All supplemental reports must be completed and submitted by the specified deadline dates.

G. Meetings and Training Sessions

Successful implementation of D-NEG services requires meetings to coordinate services and share information. Also, training and technical assistance will be provided as needed. All local areas receiving D-NEG allocations are required to send appropriate staff to participate in meetings and trainings.

VI. Compliance

Local areas, project operators, and subrecipients of D-NEG funds must adhere to all federal, state and county rules, laws and regulations and other limitations or provisions identified by ODJFS. Refer to the Office of Management and Budget (OMB) Circular A-87 and A-122 for fiscal provisions.

To ensure compliance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA) and to protect valuable habitats and endangered species, all disaster projects where participants will be entering or impacting natural areas must ensure that activities are not negatively affecting endangered species or their habitats. NEPA and ESA require D-NEG projects to either affirm to Fish and Wildlife Services (FWS) that there are no endangered species or habitats
Within the project area(s), or to consult with FWS to mitigate negative impacts where there are endangered species or protected habitats before beginning any work in those areas.

VII. **Worksites**

Each local area will maintain a list of worksites where Disaster NEG-funded activities have occurred or are expected to occur before the grant ends. Areas should work with the emergency management agency, elected officials, county engineer, or other officials in the affected locales to identify potential worksites. This list must be updated as worksite activities are completed or new worksites are identified, and must be made available upon request. Worksites must meet D-NEG requirements, such as being on public property. If the participants must cross private property in order to gain access to the worksite, the area must secure a right-of-access agreement with the landowner(s) of the private property.

VIII. **Monitoring**

Local areas must develop their own monitoring policies outlining the procedures, frequency and manner in which disaster grants will be monitored and how staff will resolve any findings of non-compliance.

At a minimum, staff or monitors should review the following on a monthly basis:

- Documentation of information received directly from participants;
- Ensured use of required safety protective gear;
- Employer payroll records;
- Participant file documentation (e.g. eligibility, intake);
- Program fiscal records, including timekeeping information and administrative charges;
- Reporting documents;
- Observations of workplace safety;
- Assessment of environmental hazards;
- Participant reporting in OWCMS; and
- Fiscal reporting in CFIS.

Through the state's monitoring system, program and fiscal monitors will review the area's implementation of D-NEGs 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.

VIII. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: NEG@JFS.OHIO.GOV.

IX. **References**


29 CFR §§ 97.32-97.33.

29 CFR § 97.40(a).

Training and Employment Guidance Letter No. 16-03, Change 1, National Emergency Grant (NEG) Policy Guidance - Assistance for Returning Members of the National Guard and Military Reserves (August 18, 2004).


Training and Employment Guidance Letter No. 16-03, Change 3, National Emergency Grant (NEG) Policy Guidance - Use of NEG Funds to Support Disaster Relief Employment and Training Assistance for Individuals Impacted by Hurricane Katrina (October 14, 2005).


OAC 5101:9-7-04 (December 2, 2011).

OAC 5101:9-7-04.1 (October 12, 2012).


Rescission

Workforce Investment Act Policy Letter No. 14-03

September 11, 2014

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Disaster National Emergency Grants

I. Purpose

To provide the requirements of Disaster National Emergency Grants (D-NEGs) and to assist the local areas in the development of local policies when implementing disaster grants.

II. Effective Date

Immediately

III. Background

Disaster National Emergency Grants are discretionary grants intended to temporarily expand and complement resources and service capacity at the state and local levels. D-NEGs provide supplemental funding to ensure an effective response to specific, significant and unanticipated natural disasters that have been declared eligible for public assistance by the Federal Emergency Management Agency (FEMA).

Disaster grants provide temporary employment and supportive services to eligible dislocated workers and long term unemployed individuals to assist with clean-up activities. Disaster grants help provide food, shelter and related humanitarian services, and perform demolition, cleaning, repair, renovation and construction of damage or destroyed public structures/facilities and lands located within a designated disaster area.

IV. Requirements

With the approval from FEMA's Public Assistance Declaration, the following D-NEG activities occur within the given timelines:

- The Ohio Department of Job and Family Services (ODJFS) submits the Emergency application to U.S. Department of Labor (USDOL) within fifteen (15) calendar days of the FEMA declaration;
- USDOL acts upon state's request within thirty (30) calendar days of receiving the application;
- Funds are awarded;
- D-NEG services and clean-up work begin;
- ODJFS submits a fully documented application to USDOL within sixty (60) calendar days of the grant award; and
- After the approval from USDOL of the full application and if requested in the Special Terms and Conditions stated within the approval letter, within sixty (60) calendar days ODJFS must submit a Disaster Project Operating Plan (POP) to USDOL.

A. Application Process

Following the FEMA declaration that a disaster is eligible for public assistance, ODJFS has fifteen (15) calendar days to submit the FEMA declaration along with the initial application to the USDOL, Region 5 Employment and Training Administration (ETA), Representative. The initial application should only address the temporary job creation component.
Local areas within the disaster area will be invited to apply for a D-NEG. ODJFS may require a brief emergency application from local areas after the disaster declaration, followed by a more detailed application after the state’s emergency request is approved. ODJFS will provide application templates and deadline dates, as well as provide technical assistance to areas on filling out the applications and estimating their needs. Local areas who submit valid and complete applications within the deadlines will be included in the state’s application to the federal level.

Within sixty (60) calendar days of the grant award, ODJFS must submit a fully documented application to USDOL.

B. Award Notification

USDOL will issue a denial or grant award letter, also known as a Notice of Obligation (NOO), to ODJFS. The award letter will give the total fund availability, the special terms and conditions that must be met to use the funding, and the requirements for submission of a plan and/or modification requests. Upon receiving approval of federal funding, participating local areas will receive an allocation notice and any related guidance specific to this D-NEG.

Disaster projects are funded incrementally. A maximum funding level will be approved, but a lesser amount will be initially disbursed. *Note: The maximum approved "up to" amount is NOT a commitment.*

Requirements for additional funding increments will be specified in the NOO. Funding will be based on achieving a level of project implementation where a justifiable projection of additional funds are needed to complete the project can be developed. Traditionally, this is measured by having all planned participants enrolled or assessed; knowing the full amount of the training and supportive service obligations; having all proposed project staff on-board; and having three to four months of operating expenditure information available.

C. Disaster Project Operating Plan (POP)

ODJFS must submit a POP describing the implementation in detail within sixty (60) calendar days of the full application's approval letter to USDOL. The POP should be a cumulative document that includes plans from all local areas approved for the grant under the FEMA declaration including the following elements:

- Description of the coordination between FEMA and the grantee;
- Updated information on all community planning activities;
- Status of the participant recruitment activities;
- Copies of signed agreements with each proposed Project Operator/Local Area Representative;
- A completed Planning Form (ETA 9103);
- A staff planning form that describes proposed staffing by job title, fulltime equivalent staff to be assigned, salary and benefit rates for each staff position;
- Worksite Plans detailing all approved worksites;
- Specific jobs to be performed and wage levels for each;
- Employer of Record for the workers;
- Identification of special equipment required to perform work and source of funding for the equipment;
- Description of the responsibilities for paying wages and the controls for ensuring participant time limits are complied with;
- Description of policies governing supportive services to participants; and
- Description of the monitoring responsibilities and procedures that will be followed by the grantee.

The POP will be one source of information to be reviewed by USDOL staff in determining future needs for the project. The existence and completeness of the operating plan will be a pre-condition for the
release of additional funding increments. It is the responsibility of ODJFS to take appropriate action to ensure the POP is followed through to the conclusion of each disaster grant in a timely manner.

Local areas in receipt of D-NEG funds will assist ODJFS in preparing the project operation plan.

D. Modifications

ODJFS will be required to submit request(s), also known as Modification(s), for additional or the balance of needed funds, as supported by enrollment and expenditures. Project operators will notify ODJFS when modifications to the grant may be necessary, and will assist in the modification process. Circumstances that require requesting a grant modification include:

- Requesting an increase in the area's commitment of funding to continue providing services;
- Changing the project performance period;
- Adding, removing, or revising project operator information;
- Reflecting variances that result in more than a ten (10) percent increase in cost per participant;
- Reporting changes to the organization's approved indirect cost rate;
- Altering the approved amount for supportive services; and
- Adjusting project performance goals.

V. Disaster NEG Implementation

The following activities must be implemented by all local areas in receipt of D-NEG allocations.

A. Participant Enrollment

Eligible D-NEG participants include those who are:

- Temporarily or permanently laid off as a result of disaster event(s) and eligible for public assistance through FEMA declaration;
- Dislocated workers as defined in WIA section 101(9);
- Long-term unemployed as defined by the state.

The initial purpose of D-NEGs is temporary job creation to provide clean-up, restoration and humanitarian assistance to communities that have been affected by a disaster event. Temporary disaster jobs are limited to public and private non-profit agencies.

An individual participant on a disaster project may be employed for a maximum duration of six (6) months (1,040 hours). The period of employment may extend beyond six (6) calendar months if, for example, the participants are employed part-time or must be off work for a period of time. The maximum level of wages paid to a participant is $12,000.00, excluding the cost of fringe benefits. Priority must be given to individuals affected by the disaster event followed by dislocated workers and the long-term unemployed. The temporary job will constitute employment, and all wages earned on the job during the week in which unemployment benefits are claimed, will be considered deductible income. These wages must be reported during the weeks they are earned, and may result in a deduction in the weekly benefit amount of unemployment benefits otherwise payable for that week, up to the full weekly benefit amount.

B. Other Considerations for D-NEGs

Suitability

Given the physical demands associated with the work performed under most D-NEG projects, local areas must assess applicants and participants to ensure that they are able to safely perform the duties. Local areas are encouraged to perform narcotic screenings and physical examinations on applicants for D-NEG positions, the costs of which may be charged to the grant. Position descriptions for each job classification explaining the nature of the working conditions and the physical requirements (e.g., ability
to bend and stoop, lift over fifty (50) pounds, etc.) must be developed and provided to applicants for D-NEG employment.

**Workplace Safety**

Local areas must provide D-NEG participants with a work environment free from recognized hazards that are causing or are likely to cause death or serious physical harm. Initial and on-going safety instruction must be provided to participants on relevant topics such as the Occupational Safety and Health Administration (OSHA), First Aid, chainsaw operation, etc. The OSHA workplace compliance poster (see http://www.osha.gov/Publications/osha3165.pdf) must be posted and visible to all employees.

Public sector project operators are strongly encouraged to work with the Public Employee Risk Reduction Program (PERRP) on receiving safety trainings, compliance assistance visits, site-specific evaluations, etc. All D-NEG project operators must implement policies, procedures, controls, and standards as necessary to ensure compliance with OSHA standards relevant to their operation such as personal protective equipment, rigging operations, logging operations, use of Material Safety Data Sheets, working with flammable and combustible liquids, etc.

ODJFS strongly encourages all D-NEG project operators to schedule a Compliance Assistance Visit from the Bureau of Workers Compensation (BWC) every six (6) months during D-NEG operations. This is an opportunity for BWC to make recommendations without penalty and to provide training on compliance measures. Non-compliance with OSHA Standards has the potential to result in violations and costly fines for both public and private sector employers.

**Equipment and Supplies**

Areas must receive prior approval before leasing or purchasing any equipment item (i.e., any tangible item that costs over $5,000 per unit with a useful life of over one year.) The request for prior approval must include a list of the equipment purchases or leases; estimated cost; method of procurement; comparison between lease cost and purchase cost; reasons supporting the decision to lease or purchase; the purpose or need for the equipment; availability of similar equipment from the state/local emergency management agency or from the area or county in which it will be utilized; and intended manner of disposition at the end of the project. Equipment items should be included in the area's initial application for D-NEG funds and/or identified to ODJFS whenever new items are to be acquired.

The cost and types of supply items should also be projected in the application, although prior approval is not required for purchase. At the end of the project, areas must provide a list of all residual equipment and supply items and explain how the items will be disposed of.

**C. Policy Review**

Local areas are permitted to implement disaster grant services based on existing policies, or may institute policies specific to the disaster projects population to better meet the unique needs of the participants while maximizing the usage of available funds. However, when a disaster grant is operated across a region, the participating local WIA areas are required to coordinate their policy decisions and/or establish regional policies for the highest possible level of consistency in service delivery in a manner that ensures the requirements of the disaster grant are met.

**D. Participant Tracking**

Project operator(s) must ensure that all eligible participants who receive Disaster NEG-funded services are properly entered into the state-provided tracking system (client and reporting), Ohio Workforce Case Management System (OWCMS). Entry of D-NEG participants and services may require staff to sign into OWCMS using a Special Grant Office rather than the usual local area program office.

Alternative tracking methods may also be used depending on the nature of the D-NEG. The procedures for tracking D-NEG participants and services will be communicated by ODJFS when the
grant is awarded and must be followed. Local areas are required to maintain accurate and current case management notes within OWCMS and alternative tracking method, as appropriate.

Participants enrolled solely in the D-NEGs will not count in the local area’s performance measures, but those co-enrolled in both D-NEG and local WIA formula-funded services will be included in local performance measures.

E. Fiscal Reporting

The designated fiscal agent(s) for the D-NEG will receive a list of fiscal codes with their relative definitions for reporting allowable costs to the D-NEG through the County Finance Information System (CFIS). Accurate and timely reporting is crucial as this information is used to help ODJFS administer the grant and to request additional funding increments from USDOL.

Proper reporting includes: obligations (resources on order) and accruals (good and services received but expenses not yet paid). Documentation is required for all expenditures charged to the grant. This includes timekeeping information (e.g., time clock, sign-in sheet, employee submission of hours worked, or other verifiable method of recordation) and other administrative charges (e.g., building space, computers, etc.).

Fiscal agents must adhere to ODJFS fiscal rules as codified in rules 5101:9-7-04, WIA Local Area Financing and Cash Management, and 5101:9-7-04.1, WIA Local Area Quarterly Reconciliation of the Ohio Administrative Code (OAC).

Fiscal agents are cautioned that the use of D-NEG expenditure code for "other," should be kept to a minimum. Fiscal agents can only use this code after consultation with the ODJFS Grants unit. In many cases, the costs being classified as "other" can be properly classified to a different allowable expenditure line.

F. Supplemental Reports

ODJFS is required to submit bi-weekly reports for the first three (3) months of each grant. In addition, ODJFS is required to submit a quarterly report to USDOL within forty-five (45) days from the end of each calendar quarter. Information related to participant counts and expenditures will be gathered from the data entered into the participant and fiscal tracking systems as described in sections C and D of this policy.

Project operator(s) are required to submit a D-NEG bi-weekly report to ODJFS for the first three months, and a monthly report thereafter, to supplement the data. The project operator(s) will receive a report form, instructions, and deadlines for submission from ODJFS. All supplemental reports must be completed and submitted by the specified deadline dates.

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Successful implementation of D-NEG services requires meetings to coordinate services and share information. Also, training and technical assistance will be provided as needed. All local areas receiving D-NEG allocations are required to send appropriate staff to participate in meetings and trainings.

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Local areas, project operators, and subrecipients of D-NEG funds must adhere to all federal, state and county rules, laws and regulations and other limitations or provisions identified by ODJFS. Refer to the Office of Management and Budget (OMB) Circular A-87 and A-122 for fiscal provisions.

To ensure compliance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA) and to protect valuable habitats and endangered species, all disaster projects where participants will be entering or impacting natural areas must ensure that activities are not negatively affecting endangered species or their habitats. NEPA and ESA require D-NEG projects to either affirm to Fish and Wildlife Services (FWS) that there are no endangered species or habitats
within the project area(s), or to consult with FWS to mitigate negative impacts where there are endangered species or protected habitats before beginning any work in those areas.

VII. **Worksites**

Each local area will maintain a list of worksites where Disaster NEG-funded activities have occurred or are expected to occur before the grant ends. Areas should work with the emergency management agency, elected officials, county engineer, or other officials in the affected locales to identify potential worksites. This list must be updated as worksite activities are completed or new worksites are identified, and must be made available upon request. Worksites must meet D-NEG requirements, such as being on public property. If the participants must cross private property in order to gain access to the worksite, the area must secure a right-of-access agreement with the landowner(s) of the private property.

VIII. **Monitoring**

Local areas must develop their own monitoring policies outlining the procedures, frequency and manner in which disaster grants will be monitored and how staff will resolve any findings of non-compliance.

At a minimum, staff or monitors should review the following on a monthly basis:

- Documentation of information received directly from participants;
- Ensured use of required safety protective gear;
- Employer payroll records;
- Participant file documentation (e.g. eligibility, intake);
- Program fiscal records, including timekeeping information and administrative charges;
- Reporting documents;
- Observations of workplace safety;
- Assessment of environmental hazards;
- Participant reporting in OWCMS; and
- Fiscal reporting in CFIS.

Through the state's monitoring system, program and fiscal monitors will review the area's implementation of D-NEGs 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.

VIII. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: NEG@JFS.OHIO.GOV.

IX. **References**


29 CFR §§ 97.32-97.33.

29 CFR § 97.40 (a).

Training and Employment Guidance Letter No. 16-03, Change 1, National Emergency Grant (NEG) Policy Guidance - Assistance for Returning Members of the National Guard and Military Reserves (August 18, 2004).


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OAC 5101:9-7-04 (December 2, 2011).

OAC 5101:9-7-04.1 (October 12, 2012).

Workforce Investment Act Policy Letter No. 14-02.1

February 20, 2015

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Dislocated Worker Funding for Special Projects and Initiatives

I. Purpose

Ohio is committed to the implementation of programs and the delivery of services that support the reemployment of Ohio’s dislocated workers. The purpose of this policy is to outline program requirements when funding is being used to engage in special projects and initiatives for dislocated workers.

II. Effective Date

July 1, 2014 - June 30, 2015

III. Background

WIA regulations emphasize the importance of recapturing talent, keeping a skilled workforce engaged in the existing regional economy or industry, and retraining a proven workforce to meet a region’s changing economic needs. The local WIBs have the unique opportunity to implement proactive programs, thereby saving jobs and helping their communities grow and prosper. When used to its fullest potential, these special projects and initiatives provide significant value to the business community, allowing the workforce investment system to play a pivotal role in the regional economy and fulfilling the promise of a robust and proactive workforce system.

IV. Special Projects and Initiatives

The Ohio Department of Job and Family Services (ODJFS) sets aside dislocated worker program funding every program year for the purpose of allowing local areas the opportunity to implement special projects or initiatives. These funds may be used to provide direct services to dislocated workers and employers as well as support innovative approaches to generate improvements in the local area service delivery.

Special projects and initiatives should achieve one of the following within the workforce system:

1. Reemploy Ohio’s dislocated workers;
2. Increase efficiency in the delivery of quality services targeting long-term unemployed dislocated workers, including veterans;
3. Reduce the number of weeks dislocated workers receive Unemployment Compensation (UC) benefits; or
4. Coordinate with local employers to deliver training opportunities for dislocated workers to meet specific job driven outcomes.

V. Reporting Requirements

Depending upon the project or initiative, the local area may be required to enter participant information into Ohio Workforce Case Management System (OWCMS) under Special Grants. By reporting information into OWCMS, the local area may report outcomes as a result of implementation of the project or initiative.

VI. Funding for Special Projects and Initiatives
Funding for special projects and initiatives is intended to enhance the local Dislocated Worker formula-funded program. If local areas determine that funding is needed to implement special projects and initiatives, the local area WIBs must apply using the Application for Dislocated Worker Assistance Funds - Special Projects and Initiatives. All applications must be signed by the WIB director and submitted by the local area. The local area must submit the application to OWDGRANTS@jfs.ohio.gov with a copy being sent to the local area's fiscal agent. A sub-area (e.g., county) cannot individually submit an application, however the local area may submit on their behalf if that sub-area meets the eligibility requirements.

To be considered for special projects and initiatives funding, the local area must meet the following criteria:

Local area is in compliance with Workforce Investment Act Policy Letter (WIAPL) Number 13-04, Mandate Use of OhioMeansJobs.com for Job Placement and Referral Activities in Ohio:

- Local area does not fail the same Common Measure performance outcome outlined in WIAPL No. 10-01.2 for two years in a row;
- The proposed project or initiative and related expenditures are allowable under WIA and all applicable federal and state laws, including 20 CFR Part 663; and
- The sum of Dislocated Worker (DW) and related expenditures must exceed the current quarter's target spending total as computed using the formulas below. The total DW and related expenditures includes the sum of cumulative accrued expenditures to date reported against all of the following allocations:
  - Current and prior year formula DW program allocations;
  - Current and prior year formula administrative allocations including Adult, DW, and Youth Admin allocations; and
  - Rapid Response special funding initiative grant issued during State Fiscal Year (SFY) 14 and reported as Sub-Project PROJECT03 expenditures in the County Finance Information System (CFIS) system during SFY14

The sum of expenditures listed above must exceed the target spending total for the quarter during which the application for Special Projects and Initiatives is submitted. The target spending total is computed using the following formulas:

**Quarter 1 Target Spending Total for July - September applications:**

\[ \text{Prior Year DW Allocations} \times [70\%] \]

**Quarter 2 Target Spending Total for October - December applications:**

\[ \text{Prior Year DW Allocations} \times [70\%] + \text{Current Year PY DW Allocation} \times [17.5\%] \]

**Quarter 3 Target Spending Total for January - March applications:**

\[ \text{Prior Year DW Allocations} \times [70\%] + \text{Current Year DW Allocations} \times [35\%] \]

**Quarter 4 Target Spending Total for April - June applications:**

\[ \text{Prior Year DW Allocations} \times [70\%] + \text{Current Year DW Allocations} \times [52.5\%] \]

Example: If an area receives $1 million in DW allocations per year, and the area is applying for special projects and initiatives funding in February, the area's sum total of DW and related expenditures must exceed $1,050,000. [$1 million prior year DW allocation] \times [70\%] + [$1 million current year] \times [35\%] = $700,000 + $350,000 = $1,050,000.
The attached chart calculates the quarterly target DW spending total by area for the current program year.

The Office of Workforce Development Grants Unit will review the application, and if approved, the Office of Fiscal Monitoring Services, Bureau of County Finance will issue an allocation letter through its online accounting portal.

Upon receipt of funds for the approved application, local WIBs must ensure that impacted workers are not turned away from services based upon residency.

### VII. Waiver of Expenditure Requirements

Local areas with Dislocated Worker and related expenditures below the target spending total in the application quarter may submit a request to waive the expenditure requirements to qualify for Special Projects and Initiatives funding regardless of spending levels.

Areas may also request a waiver to receive funding for one sub-area (i.e., county) within the area in cases where that sub-area's DW and related expenditures exceed the target DW spending total calculated based upon that sub-area's DW allocations.

The waiver request form is attached to the application for Special Projects and Initiatives funding. Within its waiver request, an area must explain how the area will meet the expectation to expend at least 70% of its DW funds and all Special Projects and Initiatives funds being requested by the end of the current fiscal year. If the waiver request is for one sub-area within the area, the area must explain why available formula Dislocated Worker funds are not being shifted to the particular sub-area requesting additional funding.

ODJFS will approve or deny waiver requests on a case-by-case basis according to the justification provided and issue Special Projects and Initiatives funding regardless of expenditure rate if appropriate.

Areas that are granted a waiver of the expenditure requirements must agree to the following conditions:

1. The area agrees to expend all carry-in (i.e., second year) Dislocated Worker funds and at least 70 percent of new (i.e., first year) Dislocated Worker funds by June 30th of the program year in which the waiver was granted.

2. If the area does not achieve the spending requirements in the prior sentence, the area fiscal agent (unless otherwise instructed by ODJFS) must recode the Special Projects and Initiatives expenditures that are allowable as formula expenditures against local formula Dislocated Worker funds until the above spending levels are achieved, or until no costs allowable under formula funds are remaining as charges against the Special Projects and Initiatives allocation.

3. The area fiscal agent will adjust cash draws as necessary to ensure ODJFS can de-obligate the Special Projects and Initiative funds that were not spent and/or have been re-coded to formula funds in accordance with the prior sentence.

4. If the area fails to re-code costs and adjust draws as described above prior to the end of the 90-day liquidation period following the end of the fiscal year, the area will be ineligible for Special Projects and Initiatives funding in the following year.

### VIII. Monitoring

Local area monitoring must include an evaluation of the effectiveness of the area's implementation of the special project and initiative. This includes oversight to ensure the local area has provided identified services in accordance with the approved application in a timely and efficient manner.

Through the state's monitoring system, program and fiscal monitors will review the area's implementation of activities during the annual onsite monitoring review for compliance with local
procedures, funding application, as well as federal laws and regulations. Any issues will be handled through the state’s resolution process.

IX. **Technical Assistance**

The Office of Workforce Development Grants Unit will provide support, guidance, training, and technical assistance to local areas in the provision of special projects and initiatives and will provide financial resources to the local areas.

For additional information, questions may be sent to the ODJFS, Office of Workforce Development: OWDGRANTS@jfs.ohio.gov.

X. **References**


WIAPL 14-02.1 ATTACHMENT: Program Year 2014 Dislocated Worker (DW) Allocations and Target Spending Total by Quarter

Rescissions

Workforce Investment Act Policy Letter No. 14-02

August 12, 2014

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Dislocated Worker Funding for Special Projects and Initiatives

I. Purpose

Ohio is committed to the implementation of programs and the delivery of services that support the reemployment of Ohio's dislocated workers. The purpose of this policy is to outline program requirements when funding is being used to engage in special projects and initiatives for dislocated workers.

II. Effective Date

July 1, 2014

III. Background

WIA regulations emphasize the importance of recapturing talent, keeping a skilled workforce engaged in the existing regional economy or industry, and retraining a proven workforce to meet a region's changing economic needs. The local WIBs have the unique opportunity to implement proactive programs, thereby saving jobs and helping their communities grow and prosper. When used to its fullest potential, these special projects and initiatives provide significant value to the business community, allowing the workforce investment system to play a pivotal role in the regional economy and fulfilling the promise of a robust and proactive workforce system.

IV. Special Projects and Initiatives

The Ohio Department of Job and Family Services (ODJFS) sets aside dislocated worker program funding every program year for the purpose of allowing local areas the opportunity to implement special projects or initiatives. These funds may be used to provide direct services to dislocated workers and employers as well as to support innovative approaches to generate improvements in local area service delivery.

Special projects and initiatives should achieve one or more of the following within the workforce system:

1. Reemploy Ohio's dislocated workers;
2. Increase efficiency in the delivery of quality services targeting long-term unemployed dislocated workers, including veterans;
3. Reduce the number of weeks dislocated workers receive Unemployment Compensation (UC) benefits; or
4. Coordinate with local employers to deliver training opportunities for dislocated workers to meet specific job driven outcomes.

V. Reporting Requirements

Depending upon the project or initiative, the local area may be required to enter participant information into Ohio Workforce Case Management System (OWCMS) under Special Grants. By reporting information into OWCMS, the local area may report the outcomes that result from implementation of the project or initiative.
VI. Funding for Special Projects and Initiatives

If local areas determine that funding is needed to implement special projects and initiatives, the local area WIBs must apply using the Application for Dislocated Worker Assistance Funds - Special Projects and Initiatives. Funding for special projects and initiatives is intended to enhance the local Dislocated Worker formula-funded program.

To be considered for special projects and initiatives funding, the local area must meet the following criteria:

- Local area is in compliance with Workforce Investment Act Policy Letter (WIAPL) Number 13-04, Mandate Use of OhioMeansJobs.com for Job Placement and Referral Activities in Ohio;
- Dislocated Worker funding expenditure rate as of most recent calendar quarter meets or exceeds spending levels required in Workforce Investment Act Transmittal Letter (WIATL) Number 26, WIA Funds Rescission Policy;
- Local area does not fail the same Common Measure performance outcome outlined in WIAPL No. 10-01.2 for two years in a row; and
- The proposed project or initiative and related expenditures are allowable under WIA and all applicable federal and state laws, including 20 CFR Part 663.

The Office of Workforce Development Grants Unit will review the application and, if approved, the Office of Fiscal Monitoring Services, Bureau of County Finance will issue an allocation letter through its online accounting portal.

Upon receipt of funds for the approved application, local WIBs must ensure that impacted workers are not turned away from services based upon residency.

VII. Monitoring

Local area monitoring must include an evaluation of the effectiveness of the area's implementation of the special project or initiative. This includes oversight to ensure the local area has provided identified services in accordance with the approved application in a timely and efficient manner.

Through the state's monitoring system, program and fiscal monitors will review the area's implementation of activities during the annual onsite monitoring review for compliance with local procedures, the funding application, and federal laws and regulations. Any issues will be handled through the state's resolution process.

VIII. Technical Assistance

The Office of Workforce Development Grants Unit will provide support, guidance, training, and technical assistance to local areas in the provision of special projects and initiatives and will provide financial resources to the local areas.

For additional information, questions may be sent to the ODJFS Office of Workforce Development: WIAQNA@jfs.ohio.gov.

IX. References

Workforce Investment Act of 1998, Public Law 105-220
WIAPL No. 10-01.2
WIAPL No. 13-04
WIATL No. 26
Workforce Development Glossary Matrix
Workforce Investment Act Policy Letter No. 14-01

August 20, 2014

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Rapid Response Program Requirements - Layoff Aversion

I. Purpose

Ohio is committed to providing workforce solutions throughout the business cycle to all of its customers and can do so when delivery of rapid response (RR) incorporates the following: employer layoff and closure events and layoff aversion. The purpose of this policy is to outline RR program requirements when funding is being used to support layoff aversion activities.

II. Effective Date

July 1, 2014

III. Background

The Workforce Investment Act (WIA) RR program is designed to be proactive by providing layoff aversion services. Layoff aversion is one of the required early intervention services that the local area RR service delivery system must make available. It is an ongoing effort, not a one-time event, and should be conducted as local businesses and economies are contracting and expanding. Training and Employment Notice (TEN) 9-12 states that layoff aversion saves jobs, increases economic productivity, decreases negative impacts of unemployment, and ensures more resources are available to provide comprehensive services to those individuals with greater needs. This concept is critical in creating and sustaining high-performing RR systems. RR benefits employers by helping them prepare for and manage economic transition and related workforce challenges. Ohio's RR program is committed to the development of Ohio's workforce by investing resources in the continual development of employee skills.

The Ohio Department of Job and Family Services (ODJFS), Office of Workforce Development (OWD) is the agency responsible for the administration of WIA and RR programs. The OWD RR Unit will oversee Ohio's RR program to ensure compliance with federal and state requirements. Detailed operation descriptions and procedural guidelines are found in the Ohio Rapid Response Procedures Manual. This manual is updated as needed to reflect any necessary changes in implementation of the program. Copies are available online at http://www.ohiored.gov/misc/RRProcedureManual.pdf.

IV. Definitions

Back-up local area rapid response coordinator: An individual serving back-up to the local area rapid response coordinator on the RR team.

Early intervention services: Customized services provided in a rapid and efficient manner and delivered prior to or after the layoff date.

Layoff aversion: 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.

Local area rapid response coordinator (LC): An individual representing the local WIB, workforce investment area, and OhioMeansJobs Centers on the RR team.

ODJFS regional rapid response coordinator (RC): An ODJFS staff member assigned to a specific area of Ohio representing ODJFS and leading the activities of the local RR team.
Ohio Rapid Event Data (OhioRED): An information tracking system that records all employer event information and data on the delivery of RR services.

Ohio Workforce Case Management System (OWCMS): A system used by workforce professionals to gather and report program data and information for the following programs: WIA, Wagner-Peyser, Veteran, Apprenticeship, Migrant and Seasonal Farmworker, Foreign Labor Certification, and Trade.

Rapid response incumbent worker training (IWT): Training provided to an employed worker who is at risk of layoff and needs additional skills to avoid impending layoff.

Rapid response (RR) team: Individuals from state and local workforce entities that respond collectively to layoffs and closures that occur in their area and to assist in providing RR services to employers and affected workers.

V. Layoff Aversion Strategies

The U.S. Department of Labor (USDOL) Employment and Training Administration considers a layoff averted when:

- A worker's job is saved with an existing employer that is at risk of downsizing or closing;
- A worker at risk of dislocation transitions to a different job with the same employer; or
- A worker at risk of dislocation transitions to a new job with a different employer and experiences no or a minimal period of unemployment.

The RC coordinates with community partners, including the local workforce area and economic development, to identify at-risk companies and develop a customized plan to address each company's unique set of circumstances. Layoff aversion 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 employees.

Therefore, the benefits of layoff aversion include retaining jobs in the economy and critical industries in the region, promoting new industry-sector growth strategies and new jobs in the economy, and providing improved coordination between partners. These strategies include, but are not limited to:

- Pre-feasibility studies: an assessment of the possibility to continue operation of the employer and under what conditions, the likelihood of the employer not closing or reopening, and the possibility that the closing can be averted;
- Employee buyouts;
- Succession planning;
- Establishing early warning networks: a network of local partners, including but not limited to, economic development, chambers of commerce, and employment services, who assist in identifying employers at risk of closing or layoffs;
- Economic trend monitoring: an analysis of industry trends, such as whether a particular industry is growing, stable, or declining, within a region;
- Asset mapping: the identification of resources in the community that may provide assistance to an employer in need;
- Rapid response incumbent worker training (IWT): IWT is a business service designed to develop a highly skilled workforce, which will result in increased employer financial viability, stability, competitiveness, and productivity. To avert the risk of a closing, IWT can be developed with an employer to maintain its competitive status, incorporate new technology, or prevent job loss.

Employers may benefit from the following types of training for incumbent workers:

- Skills upgrade training;
Customized training; 
Occupational skills training.

Detailed descriptions of allowable costs for IWTs as well as the listing of qualifying criteria for employers to participate in IWTs are found in the Ohio Rapid Response Procedures Manual.

Based upon a thorough assessment, it may be determined that an employer could be better served through a program not funded by RR. Therefore, it is important to gather sufficient information and work with the RC and OWD RR Unit to determine the appropriate mix of services to meet the employers’ needs.

VI. Requirements

A. Identification, Roles and Expectations of the Rapid Response Team for Layoff Aversion Activities

The local WIBs have the unique opportunity to implement proactive programs, thereby saving jobs and helping their communities grow and prosper. Each workforce area must have a RR team consisting of the following partners and fulfilling the following roles when coordinating layoff aversion activities:

1. **RC**: The RC will:
   a. Lead team members to effectively deliver services to employers throughout the business cycle (normal expansion and contractions of economic cycle);
   b. Direct team members in the development of an operations protocol;
   c. Identify the opportunity to conduct layoff aversion activities to the local WIB;
   d. Determine the layoff aversion strategy that best fits the opportunity;
   e. Develop project plan and proposed funding needed;
   f. Guide teams through employer and worker assessments in use of IWT for layoff aversion; and
   g. Review the RR funding application prior to submission to ODJFS Rapid Response Unit and recommend revisions as necessary.

2. **LC**: The LC will coordinate and facilitate the following activities:
   a. Guiding the team through the funding application process, including applying for funds and submitting the form to RC for review;
   b. Assisting in the implementation of the layoff aversion activity; and
   c. Capturing the data associated with layoff aversion.

3. **Back-up LC**: The back-up LC will serve as a backup representative participating on the RR team to ensure responsibilities are fulfilled whenever the assigned LC is unable to fulfill duties.

The RC and the LC are in the best position to identify potential layoff situations and may establish additional indicators for identifying employers at risk of layoff.

B. Reporting Requirements

**Incumbent Worker Training**

Local WIBs are required to report IWT activities via the mini-incumbent worker registration in the OWCMS. The reporting of outcomes is also required.
Each layoff aversion strategy must be entered into OhioRED, creating a rapid response identification (RRID) number for the employer, which will be used with every mini-incumbent worker registration when recorded in OWCMS. Detailed descriptions of required data elements, the type of provided training, and the worker outcomes are found in the Ohio Rapid Response Procedures Manual.

Local WIBs may choose to collect more information if necessary to conduct successful IWT programs. Local WIBs choosing to collect and document data elements over and beyond the requirements must ensure that every IWT program is compliant with reporting requirements. Given the sensitive nature of a layoff aversion activity for an employer, the local WIBs should be cognizant of what confidential information is gathered beyond the requirements of this policy.

C. Funding for Rapid Response Layoff Aversion Strategies

Rapid response emergency assistance funds (RREAF) are available to local areas allowing flexibility in serving potentially affected workers and at-risk employers. RREAF are intended to supplement the local Dislocated Worker formula-funded program, not act as a replacement for these funds.

If the local RR team determines that RR funds are needed to conduct layoff aversion strategies, the local area WIBs must apply using the Application for Rapid Response Emergency Assistance Funds-Layoff Aversion, which is attached to this policy and is maintained on the ODJFS OWD website. The OWD Rapid Response Unit will review and approve the application.

Upon receipt of RR funds for approved layoff aversion strategies, local WIBs must ensure that impacted workers are not turned away from services based upon residency.

Depending on the RR funded layoff aversion strategy, the local area may be required to enter participant information into OWCMS under Special Grants. By reporting information into OWCMS, the local area may report outcomes.

VII. Monitoring

Local area monitoring must include an evaluation of the effectiveness of the area's implementation of layoff aversion activities. This must include an assessment of collaboration among RR teams and members, the efficiency of service delivery to employers and affected workers, timeliness and completeness of data entry into OhioRED and/or OWCMS, and use of funds in consideration of the funding application and federal and state laws and local procedures.

Through the state's monitoring system, program and fiscal monitors will review the area's implementation of RR activities during the annual onsite monitoring review for compliance with local procedures, funding application, as well as federal laws and regulations. Any issues will be handled through the state's resolution process.

VIII. Technical Assistance

The OWD Rapid Response Unit will identify best 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 unit will provide support, guidance, training, and technical assistance to local teams; review, manage, and report out on data deriving from local activity; and provide financial resources to the local RR teams and stakeholders. Ongoing technical assistance to local WIBs and OhioMeansJobs Centers is available through the OWD Rapid Response Unit.

For additional information, questions may be sent to the OWD Rapid Response Unit: RAPDRESP@jfs.ohio.gov.

IX. References

Ohio Rapid Response Procedures Manual

Workforce Investment Act of 1998, Public Law 105-220
TEN No. 9-12
TEGL No. 30-09
130th General Assembly, Substitute H.B. 37
The Middle Class Tax Relief and Job Creation Act of 2012
WIAPL No. 09-09.5
To: Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and OhioMeansJobs Center Operators  
From: Cynthia C. Dungey, Director  
Subject: Use of Individual Training Accounts (ITA)  

I. Purpose
The purpose of this policy is to identify the parameters for development of a local area ITA policy and to standardize the delivery of ITAs so local areas consistently provide training opportunities to participants leading to employment in an in-demand occupation.

II. Effective Date
Immediately

III. Background
Program training services are defined in the Federal Regulations as one or more courses or classes, or a structured regimen that upon successful completion, leads to:

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

To be eligible for training services, participants must meet eligibility requirements for intensive services; have received at least one intensive service; and be unable to obtain or retain employment that leads to self-sufficiency through such services. Furthermore, the local area must determine whether or not participants are suitable for training services. Determination of suitability should be done by completion of an assessment, which may include, among other things, a combination of standardized tests, interviews, inventory of participants’ interests, skills assessment, career exploration, and available labor market information. Eligibility information, combined with assessment information, help determine the need for training assistance. Workforce Investment Act (WIA) Policy Letter No. 08-12.3 provides further direction for determining suitability for training services.

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 WIA participant to purchase a program of training services from eligible providers selected in consultation with the case manager. Additionally, the cost of training, time commitment of the participant, fees and books, tuition, and other associated costs should be considered when conducting a cost benefit analysis for the ITA.

IV. Requirements
To ensure training is in high demand occupations, and there is consistent service throughout OhioMeansJobs Centers, this policy must be adhered to by Ohio's local Workforce Investment Areas.

A. Development of a Local ITA Policy
Each local area is required to develop an ITA policy that includes, but is not limited to, the following criteria:

- Maximum duration of an ITA;  
- Maximum funding for training financed through ITAs;  
- Allowable costs to complete training financed through ITAs;
• Other locally defined considerations.

There may be instances where dislocated workers from multiple workforce investment areas are impacted from one business downsizing or one dislocation event. Local areas are encouraged to work with contiguous workforce investment areas to develop consistent eligibility requirements and delivery of services for ITAs. Consistency between contiguous areas is particularly crucial if the ITAs are funded through the rapid response program as a result of a mass lay-off or plant closing.

**Maximum Duration of an ITA**

The duration of an ITA is determined by a participant’s course of study. Realistic and attainable training plans must be considered. Generally, training is either short-term or long-term. Short-term training is training which is completed in 12 months or less. Short-term training is the preferred method since the goal is to attain employment quickly. Long-term training is training whose length does not exceed 24 months. Four-year degree programs may be funded when the customer can document that he or she is in the last two years of the program (e.g., remaining hours are equal to or less than 50 percent of the total credit hours required for the degree) and is in an in-demand occupation.

There may be instances where a participant is unable to complete the training program within the time frame outlined in the ITA. These circumstances include, but are not limited to:

• Military service or leave time;
• Lack of availability of classes;
• Cancellations of classes;
• Unforeseen illness (of the participant or an immediate family member of the participant).

For the purposes of this policy, immediate family members include the participant’s parents (including step-parents), spouse, domestic partner, and children (including step-children or children who the participant has been awarded custody of through a court).

**Maximum Funding for Training**

When local areas determine the maximum amount for an ITA, the cost must be determined by the average cost of training for specific in-demand occupations within the local area as well as the following criteria:

• The training investment should be in line with the future wages earned by the participant;
• Factors, such as the cost of training, fees and books, tuition, and other associated costs, should be considered.

**Allowable ITA Costs**

ITA expenditures are costs required by the training institution to complete the training. ITA costs required to complete the training may include, but are not limited to:

• Tuition and fees;
• Books;
• Tools;
• Uniforms;
• Tests;
• Medical immunizations/tests.

ITA costs do not include any supportive services' costs related to the ITA (e.g. transportation or child care). Costs must be reasonable and necessary pursuant to 29 CFR, part 97.22 and must represent a sound investment of public funds.

**Other Considerations for Inclusion in Local ITA Policies**
Training services must be provided in a manner which maximizes informed consumer choice in selecting an eligible provider. When participants and local areas select an eligible training provider, they should consider providers who are eligible for financial aid to ensure best utilization of WIA funds.

In relation to training, it is the intent that WIA funding is the payer of last resort. A comprehensive assessment of the cost of the ITA, which involves accessing other grants or funding, including Federal Pell Grants, Trade Adjustment Assistance (TAA), and scholarships, must be conducted to ensure best utilization of WIA funds. The local area should utilize all financial aid resources available to minimize any out-of-pocket expense to the participant. The local ITA policy should not be so limited that a participant cannot be served because the training in an in-demand occupation exceeds the maximum ITA funding limit.

Local areas may implement evaluation and performance requirements for those training providers and programs, which the local area has approved to be on the statewide Eligible Training Provider (ETP) list. Areas may want to review the performance of a provider to determine whether or not the training provider meets established local program and cost requirements. If a training provider does not meet the performance requirements, local areas may choose not to use the provider. Criteria to be considered for evaluation may include, but is not limited to, graduation rates, placement rates, and wage rates of the graduates from the institution.

**B. In-Demand Occupations**

To receive an ITA, a participant must select a training program that is directly linked to employment that is in high demand.

**State In-Demand Occupations (85 Percent)**

"In-demand" occupations were chosen using various industry- and occupation-focused measures. These measures include: projected openings; projected growth; select JobsOhio industry cluster occupations; and historic job posting data. The list of in-demand occupations will be validated or further enhanced using business data from the online Workforce Information Exchange job forecasts on a monthly basis.

Each program year, at least 85 percent of new ITA enrollments for the local area must be in an "in-demand" occupation as defined by the state of Ohio. Participants, who have a current program year training service start date and whose ITA will carry into the next program year, will not be counted in the next program year’s percentage.

The link below provides access to in-demand occupation data:

http://jfs.ohio.gov/owd/OMJResources/In-DemandOccupations.stm.

**Local Area In-Demand Occupations (15 Percent)**

The remaining 15 percent of ITA enrollments for the local area may be for occupations defined as in-demand within the local area. Some examples of local area in-demand occupations (15 percent) may include, but are not limited to:

- An occupation in a geographic area in which the participant is willing to work or relocate;
- Employment associated with regional industry sector or career pathway consortium for workforce development;
- A written guarantee of a bona fide job upon completion of training.

Appropriate documentation must be maintained in the case files. Ohio Department of Job and Family Services will review adherence to this policy and the federal law during comprehensive monitoring visits.

**C. Waiver Request**

Waivers may be requested to exceed the 15 percent enrollment requirement. Waivers will be approved on a case by case basis. The waiver template must be completed providing the appropriate justification
for the waiver and be submitted to WIAQNA@JFS.OHIO.GOV. The subject of the email should read, "ITA Waiver Request".

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652
Workforce Investment Act Final Rules, 20 CFR Part 663, Subparts D & E
USDOL TEGL 17-05, et al.
20 U.S.C. 1087
WIA Transmittal Letter No. 23
WIA Policy Letter No. 10-03.1
WIA Policy Letter No. 08-12.3
I. **Purpose**
To ensure all individuals have access to services and stay engaged in the workforce system during limited funds status.

II. **Effective Date**
Immediately

III. **Background**
Section 134(d)(4)(E) of the Workforce Investment Act states that in the event funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b) are limited, priority shall be directed to recipients of public assistance and other low-income individuals for intensive services and training services.

Due to the continued reduction in federal funding allocations, WIA funding for adult services is generally limited. However, the limitation of funds should not adversely affect individuals needing services. Local workforce investment areas provide universal, core services that keep all individuals engaged in the workforce system and connect individuals to employment. These universal, core services prevent local areas from turning away individuals during times of limited funds status.

IV. **Requirements**

Plan for Limited Funds Status

The Ohio Department of Job and Family Services (ODJFS) must approve all local workforce investment areas' criteria for determining priority of service. Local workforce investment 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. ODJFS will provide a template for the plan; however, the plan shall include the following elements:

- Criteria for determining limited funds status
- Criteria for priority of service and serving the eligible adult population, with due consideration for Veterans' Priority of Service*
- Process for establishing and maintaining waiting lists for services
- Process for maintaining access to universal, core services for all individuals including the types of services individuals will receive while local areas are in limited funds status

* As with existing policy at the federal level through the Jobs for Veterans Act, with all things being equal, veterans receive priority over non-veterans for access to any and all program services.

Plans for limited funds status must be submitted to ODJFS no later than six months after release of this policy, and contain signatures from the local Workforce Investment Board (WIB) Chair and Director.
Plans must be submitted to: WIAQNA@JFS.OHIO.GOV. "Plan for Limited Funds Status" should be in the subject line of the email. The Office of Workforce Development will review the plans and provide a determination within 30 business days of receipt of the submission.

Approved local plans for limited funds 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.

Once local plans for limited funds status are approved, local areas must develop local policies for limited funds status and priority of service that align with the approved plans.

**Declaration of Limited Funds Status**

Once local areas are in limited funds status, they must notify ODJFS' Office of Workforce Development that limited funds status is in effect. Declaration of limited funds status must be submitted to: WIAQNA@JFS.OHIO.GOV. "Declaration of Limited Funds Status" should be in the subject line of the email.

Local workforce investment areas must administer consistent processes when documenting limited funds status and applying priority of services to individuals. This policy and all procedures and processes contained within will be subject to regular monitoring by ODJFS.

V. **Technical Assistance**

For additional information, you may send your questions to: WIAQNA@JFS.OHIO.GOV.

VI. **Reference**

Section 134(d)(4)(E)

Final Rule 20 CFR Part 652; Part 660 et. al.

20 CFR Part 663 Subparts A, B, and F

Jobs for Veterans Act - Public Law 107-288

Rescission: WIAGL 2-2000
Workforce Investment Act Policy Letter No. 13-05
January 9, 2014

To: Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and Ohio Means Jobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Work Experience for Youth

I. **Purpose**
   This communication provides guidance on paid and unpaid work experience for the youth program under Title I of the Workforce Investment Act (WIA). WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. **Effective Date**
   Immediately

III. **Background**
    Under the Workforce Investment Act of 1998, paid and unpaid work experience is an allowable activity and one of the ten (10) youth program elements required to be competitively procured when selecting a youth service provider for this activity.

    The U. S. Department of Labor granted Ohio a waiver to allow a Local Workforce Investment Board (WIB) to decide whether to competitively procure paid and unpaid work experience or assign the administrative entity the responsibility for internally implementing this youth program element. Refer to WIAPL No. 09-06.2 regarding this waiver.

IV. **Requirements**
    Work experience is one of the ten (10) required program elements that must be made available to all registered youth and should be offered throughout the program year. Work experience may be competitively procured or assigned to the administrative entity to perform the tasks for implementing this youth program element.

    Work experience is a planned, structured learning activity that takes place in a workplace setting for a limited period of time. Youth are able to gain exposure to the world of work and its requirements. Work experience may be paid or unpaid. Work experience must be clearly distinguishable from public service employment.

    The primary intent of the work experience element is to provide youth participants with opportunities for career exploration and skill development to gain work readiness skills in preparation for employment. Youth should acquire personal attributes, knowledge, and skills needed to obtain a job and advance in employment. Although a business, public agency or non-profit (hereafter collectively referred to as "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.

    The use of work experience situations must be based on the assessment and service strategy identified in the Individual Service Strategy (ISS).

    Work experience may include, but is not limited to:

    - Instruction in employability skills or generic workplace skills such as those identified by the Secretary's Commission on Achieving Necessary Skills (SCANS);
    - Exposure to various aspects of an industry;
• Mastering progressively more complex tasks;
• Internship and job shadowing;
• The integration of basic academic skills into work activities;
• Supported work, work adjustment, and other transition activities;
• Entrepreneurship;
• Service learning;
• Paid and unpaid community service; and
• Other elements designed to achieve the goals of work experience.

Work experience may be conducted in the private-for profit, private non-profit and public sectors. Work experience may be combined with classroom instruction relating to a particular position, occupation, industry or basic skills and abilities to successfully compete in the local labor market.

Job shadowing may be provided to participants as a work experience activity. Job shadowing is a short-term unpaid activity, which introduces a participant to the workplace and provides exposure to occupational areas of interest. A participant experiences the work environment to increase career awareness, observe models of behavior on the job through examples, and receives help in making career decisions. Job shadowing can reinforce the link between classroom learning and work requirements. Job shadowing is limited and allows youth to observe only.

A. Trainee vs. Employee

Work experience may be paid or unpaid. It is expected that work experience will be paid in most cases and the federal Fair Labor Standards Act (FLSA) will apply in any situation where an employer/employee relationship exists.

WIA participants are subject to the requirements of the FLSA to the extent that the activities performed in the work experience constitute employment. A local grant recipient shall ensure that the administrative entity makes a determination regarding whether work experience is a training situation or an employment situation. The administrative entity should establish a process for making determinations.

According to the Wage and Hour Division of the U.S. Department of Labor, Employment Standards Administration, if all of the following six (6) items exist, the work experience can be considered a training situation. The WIA participant is not an employee of the work experience provider if:

1. The training, even though it includes actual operation of the facilities of the work experience provider is essentially a training experience similar to a vocational school;
2. The participant is primarily the beneficiary of the experience;
3. Regular employees are not displaced and the experience is closely supervised/observed;
4. The work experience provider that hosts the experience derives no immediate or significant advantage (and may even be adversely impacted);
5. The participant is not guaranteed a job at the conclusion of the experience; and,
6. There is mutual understanding between the participant and the host agency that the participant is not entitled to wages for this time because the activity is essentially a training experience.

If all of the factors listed above are met, then the participant is a "trainee," an employment relationship does not exist under the FLSA, and the FLSA's minimum wage and overtime provisions do not apply to the participant. Because the FLSA's definition of "employee" is broad, the excluded category of "trainee" is necessarily quite narrow. In general, the more a training program is centered around a
classroom or academy as opposed to the work experience provider's actual operations, the more likely the activity is training.

The more the training is providing the participants with skills that can be used in multiple employment settings, as opposed to skills particular to one work experience provider's operations, the more likely the participant is a trainee. On the other hand, if the youth participants are engaged in the primary operations of the work experience provider and are performing productive work (for example, filing, performing other clerical work, or assisting customers), then receiving some benefits in the form of a new skill or improved work habits is unlikely to make the participant a trainee, given the benefits received by the work experience provider.

If the worksite uses the youth participants as substitutes for regular full time or part time employees, it is more likely that the participants are employees as opposed to trainees. Also, if the work experience provider would have needed to hire additional employees or require overtime had the participants not performed the work, then the participants are likely employees. Conversely, if the employer is providing job shadowing opportunities where the participant learns certain functions under the close and constant supervision of regular employees, but performs no or minimal work, this type of activity is more likely to be a bona fide training program. However, if the participant receives the same level of supervision as employees, this would suggest an employment, rather than training, relationship.

If the work experience provider is relying on the participant to perform real work, i.e., to be productive, then the situation should be recognized as an employer-employee relationship. In this situation, the site employer is the employer of record. Participants must receive no less than the applicable state or federal minimum wages, related benefits are required and payroll taxes should be deducted. The employer of record will be responsible for paying all taxes and providing similar benefits as are available to other employees.

The WIA administrative entity or youth service provider has the option of being the employer of record for the youth participant. The administrative entity or service provider as employer of record is responsible for paying the participant and negotiating with the host site the activities that will be performed by the participant. The work experience may occur at the administrative entity or service provider location or the participant may be referred to a host site to receive the work experience. The host site is the location where work experience tasks will occur.

B. Unpaid Work Experience

Unpaid work experience is an activity exposing participants to the working environment, and an individual does not expect payment for tasks performed. An employer and employee relationship must not exist, which means that all six conditions listed above must be met. The use of unpaid work experience should be limited.

For unpaid work experience, WIA funds may be used for incentives and/or a stipend for youth. Incentives and stipends encouraging successful completion are beneficial to youth.

Unpaid work experience participants may receive remuneration in cash or non-cash incentives. An incentive is remuneration to participants for successful participation and achievement of expected outcomes as defined in the Individual Service Strategy (ISS). The incentive should equate to an achievement, and should be tied to training and education, a work readiness skill attainment and/or an occupation skill attainment goal identified in the Individual Service Strategy.

Incentives for youth may include plaques, a certificate, gift certificates, recognition ceremonies for participants, caps and gowns, class pictures, class rings, school supplies and/or calculators, or a check.

WIA, Title I is silent on using the term "stipend." A stipend is a fixed and regular small payment such as an allowance. Reasonable stipends are allowable expenditures for unpaid work experience for youth when the provision of stipend is included in the participant's Individual Service Strategy. A youth may receive a stipend for an entire day if at least 51 percent of the youth's time is spent in unpaid work
experience. For example, if a youth spends five hours per day in unpaid work experience and three hours in GED, the participant may receive a stipend for the day.

The incentives or stipends are determined by the WIB and funded by the WIA administrative entity. Stipends should be reasonable and allocable and issued through a uniform payment system. Such incentives or stipends are not considered income for WIA eligibility purposes, are not required to meet minimum wage requirements, are not to be dispersed as payroll, and income tax is not to be withheld.

C. Summer Employment Opportunities (SEO)

The Summer Employment Opportunities component is one of the ten (10) required program elements that must be made available to all youth. A summer employment opportunities activity is not intended to be a stand-alone program and must be tied to an objective in the individual service strategy.

Summer youth employment involves work experience as the primary strategy and must provide direct linkages to academic and occupational learning. Summer employment may provide other activities and strategies as appropriate to meet the needs and goals of the youth. Twelve months of follow-up services must be provided to youth in the summer employment opportunities activity.

D. Local Workforce Investment Board Policy

The WIB is responsible for creating and directing policy and a service delivery strategy to the administrative entity for administering both paid and unpaid work experience. We recommend that work experience be paid. In developing policy, the needs, circumstances and characteristics of the youth population should be taken into consideration. At a minimum, the WIB’s policy should cover the following:

- **The goal of the work experience** - Work experience designed to aid participants in a structured environment, learning good work habits with the focus on career exploration.

- **Duration of work experience** - The duration of paid and unpaid work experience should be stated in the policy. A minimum and a maximum limitation must be set on the number of hours that may be assigned for any single work experience.

- **Incentives / stipends** - Incentives and stipends should be appropriate and in support of the activity. The policy should define appropriate incentives and stipends along with a minimum and maximum limitation on the type and/or dollar amount.

- **Monitoring** - The policy must describe the frequency of monitoring and staff responsible for monitoring, and include a monitoring guide, form or checklist.

The WIB must ensure that the administrative entity and or provider have a written agreement to ensure compliance with WIA and applicable regulations. The agreement, including a minor wage agreement, is a written document that details terms and conditions of paid and unpaid work experience and the expectations of the parties to the agreement. The written agreement is between the participant, the site employer or host site, and the administrative entity and or provider.

The written agreement, which may be called a worksite agreement, job site agreement, or host site agreement should 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 worksite or host site entity, the participant and the administrative entity and or provider should all be given a copy of the agreement. The agreement must be available for audit and monitoring purposes.

E. Health and Safety Standards

The local areas must apply the same health and safety standards otherwise applicable to working conditions of employees to working conditions of participants in programs and activities under Title I of WIA.
The state workers’ compensation law may or may not apply to a participant in work experience depending on the work experience arrangements and employer’s benefits. If the state workers’ compensation law does not apply to a participant in work experience, the administrative entity must secure insurance coverage for injuries suffered by the participant in work experience.

F. Child Labor Laws

An administrative entity must ensure compliance with child labor laws. The employer must comply with all applicable federal laws and with state child labor laws if the participant is less than 18 years of age. The Fair Labor Standards 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.) 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 during the months that school is in session also require a work permit. Minors who are under 16 also must have an Age and Schooling Certificate (work permit).

G. Documentation to be Maintained

Documentation of the work experience must be maintained in the participant’s file. Local policy and procedures should specify what documentation will be kept in the participant’s file, which should include, at a minimum, the following items:

- An objective assessment and Individual Service Strategy (ISS) 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 worksite or host site and the local workforce investment board, 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.

To ensure effective and efficient record keeping practices, local procedures should specify where certain documents will be placed in the file.

H. Appropriate Employers

The WIB should seek employers that are committed to helping participants receive the experience and training that is required for employment beyond the work experience period. You should use employers that are willing to work closely with program staff. Employers should be flexible in working with youth who have issues that may be barriers to employment.

Attention must be given to ensure that work experience arrangements do not unfavorably impact 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.

A selection criteria may be established to ensure that one employer is not favored at the expense of another employer. Although not required, the employer selection criteria could include using a request for proposal or a modified bid process which would also make the community at large aware of opportunities.
The WIB may encounter employers reluctant to assume responsibility for youth as employees. If an employer/employee relationship does exist, the local WIA administrative entity or youth provider may deem it advisable to be the employer of record and refer youth participants to host sites so they may receive experience.

I. Monitoring

The WIB is responsible for ensuring oversight of the program. The administrative entity must periodically monitor the participant and the worksite or a host site to ensure that goals are being met and adherence to this guidance and WIA law and regulations.

V. Technical Assistance

For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References


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.R.C. § 4109

Recissions

WIATL 18
To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Mandate Use of OhioMeansJobs.com for Job Placement and Referral Activities in Ohio

I. Purpose

This policy describes the labor exchange system utilized in Ohio to help Ohioans the ability to locate employment throughout the state and to aid employers in finding qualified employees with a mandated system all labor exchange, including job placement and referral activities.

II. Effective Date

Feb. 1, 2014

III. 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 placement activities and resume posting for job seekers. The system assists employers with their talent acquisition needs statewide and nationally. The system also supports job seekers with job matching capability as well as information about career choices, job fairs, and training opportunities.

IV. Requirements

Legislation signed by Governor Kasich on June 27, 2013, requires that OhioMeansJobs.com be utilized for labor exchange activities, which include job placement activities and resume posting for job seekers. The Ohio Department of Job and Family Services (ODJFS) provides labor exchange activities and services for job seekers and employers. Staff from the ODJFS programs and partners under contract with ODJFS, who receive ODJFS funding are required to utilize OhioMeansJobs.com for labor exchange activities for the state of Ohio. Labor exchange activities for the purposes of this policy are the posting of resumes and jobs and searching for resumes and jobs. Any placement activity must continue to be recorded in Ohio’s Workforce Case Management System (OWCMS). State partners who may be impacted by this policy include, but may not be limited to, those providing Wagner-Peyser and veteran’s services, and those working in local workforce investment areas, OhioMeansJobs Centers, county departments of job and family services, county children’s services agencies and county child support enforcement agencies.

A. OhioMeansJobs Center Operators and Staff and ODJFS Program Staff

As with existing policy at the federal level through the Jobs for Veterans Act, with all things being equal, veterans receive priority over non-veterans for access to any and all program services.

All staff who provide staff-assisted services for job seekers and employers must have access to the labor exchange functions in OhioMeansJobs.com. Staff performing the job order taking functions must be trained and knowledgeable in the use of the OhioMeansJobs.com system.

OhioMeansJobs Center staff providing labor exchange and business services will advise employers on the best methods when using the labor exchange system to maximize their efforts.
in hiring qualified applicants. It is critical that staff ensure job orders meet federal and state laws and requirements since this is a publicly funded labor exchange system.

OhioMeansJobs Center staff 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, labor market information, and employment and training opportunities by one or more of the following methods:

1. Viewing online information available on the Internet;
2. Registering directly over the Internet using the Internet-based job matching system at http://www.ohiomeansjobs.com or its successor website;
3. Calling or visiting any OhioMeansJobs Center in Ohio; or
4. Through any other means approved by the local Workforce Investment Board in consultation with OhioMeansJobs Center and labor exchange staff located in its local workforce investment area.

V. Considerations
Opportunities may be available to use alternative labor exchange systems to coordinate with OhioMeansJobs.com. If an alternate labor exchange system will be utilized, the terms of this policy must be adhered to as well as interfacing all required data to OhioMeansJobs.com or the state of Ohio.

A waiver may be an option to continue to use a locally owned labor exchange system. Waivers will be approved on a case by case basis. When considering a waiver, local areas need to take into consideration how resources to fund your local system could adversely affect services to participants. Local areas can request the waiver template and submit waiver requests to ohiomeansjobs@jfs.ohio.gov. The subject of the email should read, "OMJ Waiver".

VI. Technical Assistance
For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VII. References
Sub. HB 1
Rescissions: None
I. **Purpose**
To mandate the use of the OhioMeansJobs brand by local Workforce Investment Areas (WIA) on all outreach opportunities.

II. **Effective Date**
Sept. 26, 2013

III. **Background**
OhioMeansJobs is recognized as the integrated point of entry to Ohio’s workforce system. Under legislation of Ohio’s 130th General Assembly, within six months of the effective date of this policy, every local area must name its One-Stop system as OhioMeansJobs (name of county) County.

The outcome of the statewide workforce branding efforts will position Ohio's system to become more effective in advancing job placement and talent development. Rebranding the One-Stop system with the OhioMeansJobs name will make it easier for individuals and businesses to find employment services. A single common name also will reassure individuals and businesses that they will receive the same high-quality services from any OhioMeansJobs location.

IV. **Requirements**
OhioMeansJobs will serve as the official brand for Ohio's One-Stop system. One-Stop centers will now be referred to as OhioMeansJobs Centers.

To fulfill the mandated requirements, local areas must name their One-Stop systems and individual centers as OhioMeansJobs (name of county) County. The three municipal corporations that qualified under automatic designation under the Workforce Investment Act of 1998, 112 Stat. 936, section 116 (a) (2), may include the name of the city as part of their One-Stop system names. Those names would be OhioMeansJobs (name of city) (name of county) County.

Local areas also are required to utilize the OhioMeansJobs brand on all outreach opportunities including, but not limited to, phone systems, websites, social media, screen savers, signage, stationery, business cards, brochures, and posters. The OhioMeansJobs brand and the new One-Stop Center name will replace existing names and brands.

The One-Stop center name change and branding of all outreach materials must occur within six months of the effective date of this policy. Current supplies may be used up to the branding deadline. All printed materials, forms, and reports that will be distributed to the public must be branded utilizing the new brand guidelines.

The OhioMeansJobs Brand Guidelines provides guidance on the design of outreach materials. The OhioMeansJobs brand must be prominently displayed on all outreach materials, banners, and signage. All characteristics of the brand, as specified in the guide, must be followed and may not be altered.

A. **Funding for Branding**
To assist local areas with the transition to the OhioMeansJobs brand, ODJFS will issue an allocation of statewide funds to each local area for branding. Statewide branding funds allocated
to implement the OhioMeansJobs brand must be used for the following outreach materials and activities:

- Signage;
- Website;
- Social Networking;
- Business Cards;
- Phone Messaging System.

Statewide branding funds may be used for branded outreach activities including radio ads after the materials and activities mentioned above have been secured.

B. **Brand Guidelines**

Local areas must use the new OhioMeansJobs Brand Guidelines, which can be accessed at OhioMeansJobs.com. The scrolling marquee on the employer or the job seeker page will contain a link to the guide. The mandated brand must be incorporated immediately with complete branding implemented within six months of the effective date of this policy. Local areas are required to adhere to all aspects of the guide. Any deviations or substitutions from the instructions mentioned in the guide will be considered as unacceptable usage of the OhioMeansJobs brand.

Before signage is finalized and produced, local areas are required to notify the Office of Workforce Development and forward the final proof to omj-help-desk@jfs.ohio.gov to receive approval on the final design. Emails submitted for approval should state, "Requesting OMJ Signage Approval" in the subject line.

Local Workforce Investment Boards and OhioMeansJobs Centers are not permitted to authorize other entities to use the OhioMeansJobs brand. Approval to use the OhioMeansJobs brand and logo must be obtained from ODJFS’ Office of Workforce Development by sending a written request to omj-help-desk@jfs.ohio.gov.

All OhioMeansJobs Centers will have a branded web address. The web address will be consistent for all OhioMeansJobs 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. www.OhioMeansJobs.com/Countyname). It is highly recommended that the current web address is maintained for at least one year.

Each page on the Centers' websites that have a unique center name/logo must reflect the branded name and adhere to the brand guidelines. All previous names and logos must be removed from the headers, footers, and all subsequent pages of the existing website within six months of the effective date of this policy.

The OhioMeansJobs brand is copyrighted and trademarked to protect it from abuse. The wrongful use of any aspects of the OhioMeansJobs brand as specified in both this policy and the OhioMeansJobs Brand Guidelines may constitute an 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 Workforce Investment Act or Wagner-Peyser funds.

V. **Considerations**

Local Workforce Investment Areas may choose to implement a transitional branding strategy. Transitional branding is the temporary use of the current names of their One-Stop systems and centers as a secondary brand to the OhioMeansJobs brand. Transitional brands may be used for one year from the effective date of this policy.
Any allocated funds provided to local areas, which are designated for outreach, may be used toward the OhioMeansJobs branding initiative. However, funds designated for branding may only be used for transitional branding if the current name, the secondary brand, is a temporary fixture and can be removed after one year.

In addition, the local areas may use any other funds set aside or designated to update brochures, upgrade and/or modify signage, order/reorder brochures, restock current outreach materials, create and display information about job fairs, etc. Local areas are expected to utilize allowable funds for expenditures that are reasonable and necessary or budgeted line items towards expenditures modifying and/or upgrading their outreach materials to convey the branding message.

USDOL Training and Employment Guidance Letter No. 36-11, Announcement of American Job Center Network, June 14, 2012 announced the American Job Center Network as a unifying name and brand that identifies virtual and in-person publically funded workforce development services as part of a single network. At this time, the use of this brand is not part of Ohio's branding.

VI. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VII. References

USDOL Training and Employment Guidance Letter No. 36-11, Announcement of American Job Center Network, June 14, 2012

OhioMeansJobs Brand Guidelines

Rescissions:

WIAPL 10-05 Ohio Means Jobs Unified Branding
Workforce Investment Act Policy Letter No. 13-02.1

December 17, 2014

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: 2013 Dislocated Worker Training (DWT) National Emergency Grant (NEG)

I. Purpose

To outline the policy parameters and provide direction to local areas for providing classroom and on-the-job training to participants under the 2013 DWT NEG.

II. Effective Date

July 1, 2013, through June 30, 2015

III. Background

The DWT NEG is a two-year, statewide grant providing classroom training and on-the-job training (OJT) to Ohio’s dislocated workers.

As part of the NEG request, the United States Department of Labor (USDOL) approved a sliding scale for employer reimbursement based on employer size. However, the state is not mandating the use of the sliding scale and local areas can continue using the standard 50 percent wage reimbursement rate if they choose to do so. Alternatively, local areas are encouraged to revise existing local OJT policy to utilize the optional sliding scale or develop new OJT policy to implement the sliding scale under certain specific situations. Possible situations that could warrant the use of the sliding scale may include:

- For individuals facing significant barriers to employment;
- For small and mid-sized businesses that would qualify for a higher reimbursement rate;
- Local areas with higher than average unemployment rate;
- For small and mid-sized businesses offering an exceptional level of training;
- For small and mid-sized businesses providing benefits and a higher wage rate;
- In case of small and mid-sized businesses using expensive tools or equipment to provide training;
- For small and mid-sized businesses providing significant workplace safety precautions and safety training; and/or
- The availability of OJT funding in the local area.

IV. Requirements

A. Funding/Expenditures

ODJFS will allocate DWT NEG funds to local workforce investment areas to cover allowable costs of training for eligible NEG participants. The DWT NEG funds will pay for classroom and On-the-Job Training (OJT). Between 25 and 60 percent of the funding allocated to the local area is encouraged to be spent on OJT.

The DWT NEG also allows for training-related costs, which are activities related to the arrangement, approval, and monitoring of classroom training or OJT for eligible NEG participants including preparing Individual Training Account (ITA) paperwork and writing OJT plans. However, the DWT NEG cannot pay for core, intensive and supportive services, including needs-related payments and case management. Local areas will need to co-enroll NEG participants in their local WIA formula program or
B. Participant Eligibility

Each DWT NEG participant must document some connection to Ohio by meeting one of the following criteria:

1. Lives within Ohio; or

2. If applicable, the OJT placement is at a business establishment in Ohio.

Eligibility under the DWT-funded training is limited to dislocated workers (as defined in WIA section 101(9)) with a priority of service on the long-term unemployed and those who have been profiled as likely to exhaust UI benefits. For the purposes of the DWT NEG, ODJFS' definition of long-term unemployed will be those individuals who have been unemployed for a minimum of 27 weeks. The period of long-term unemployment does not need to be consecutive. Dislocated workers are permitted to secure interim employment and, when that employment ends, rejoin the period of unemployment at the point they left off.

Veterans are also given priority of service for training. As clarified in TEGL No. 22-04, returning service members would generally be eligible dislocated workers under the DWT NEG.

Participants who began services under the local WIA program may be enrolled into the DWT NEG if otherwise eligible and costs of services provided during the effective dates of NEG funding may be charged to the NEG to preserve local formula funding.

Trade participants: Participants who are eligible for training funds under TAA (trade adjustment assistance) are not eligible to receive funding under the DWT NEG.

If a participant is already enrolled in classroom training and subsequently becomes eligible for funding through TAA, then the remaining costs of the training must be funded by TAA at the next payment point.

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

1. If the NEG-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 the NEG until completion;

2. If the NEG-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 the NEG until completion;

3. If the NEG-funded OJT uses the same wage reimbursement rate and payment point as the Trade program OJT, the local area must make arrangements for the remainder of the OJT to be funded by TAA beginning at the next payment point. Local areas must
coordinate with Trade staff to develop a plan for transitioning participants from one
funding stream to another without negatively affecting the employer.

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

C. Classroom Training

Classroom training will be short-term training (no longer than nine months) or completion of long-term
training if training is completed within nine months. Training must result in an industry-recognized
credential in high-demand occupations. Local areas will issue Individual Training Accounts (ITA) in the
same manner as used for the WIA program to fund the classroom training under this NEG.

DWT NEG funds cannot be used for mileage, lodging or per diems; those are considered supportive
services, which are unallowable with DWT NEG funds.

ITA costs required to complete the training may include:

- Tuition and fees
- Books
- Tools
- Uniforms
- Tests
- Medical immunizations/tests
- License fees related to the training

The maximum amount for an ITA does not include any supportive services' costs related to the ITA
(e.g. transportation or child care). Costs must be reasonable and necessary pursuant to 29 CFR, part
97.22 and must represent a sound investment of public funds. The local area should utilize all DWT
NEG funds available to minimize any out-of-pocket expense to the participant.

Local workforce investment areas will use their local ITA policies for any other policy provisions related
to classroom training not specified in this policy, such as local training caps and definition of high-
demand occupations.

D. On-the-Job Training

Employer Eligibility

Eligible employers include only those in the private-for-profit and non-profit sectors; public sector
employers are not considered eligible employers under the DWT NEG (i.e. not a governmental agency,
unit or department). In addition, OJT positions cannot be developed with the following types of
employers: casinos and gaming establishments, swimming pools, aquariums, zoos, and golf courses.
OJT positions may not be developed that will or may result in worker displacement (see 20 CFR Sec.
667.270); with companies that have relocated all or part of their business within the previous 120 days
where the relocation action has resulted in the loss of employment of any employee at the original
location; or with businesses who have been convicted of violating federal laws and regulations.

The employer providing the OJT and/or the OJT worksite does not have to be located within Ohio's
borders. Unless prohibited by the local area's OJT policy, an area may negotiate OJT agreements and
issue NEG funding to employers outside Ohio's borders.

Private placement agencies cannot receive OJT funding under the NEG. The DWT NEG is intended to
benefit dislocated workers by utilizing employers who are:

1. Willing to train participants who are in need of upgrading their skills; and
2. Willing to permanently hire trainees at the end of the training period.
OJT contracts should be written with the employers who are actually employing participants and assuming the costs and benefits of the OJT. For these reasons, OJT contracts should not be written with employment brokers such as hiring agencies, temporary placement agencies or other third party entities. The DWT NEG also prohibits OJT agreements with employers who train a participant employed by a third party staffing agency.

**Employer Reimbursement**

**Wage cap:** Under the DWT NEG, the employer reimbursement for OJT is capped so as not to exceed the state's average hourly wage rate, up to a maximum of $8,000 per participant. The participant's wage rate will at least equal the state's current minimum wage rate and can exceed the state's average wage rate ($20.52 per hour); however, the reimbursement to employers is capped at the state's average wage rate. Thus, although employers may pay participants over $20.52 per hour, OJT wages to be reimbursed cannot exceed $20.52 per hour.

For instance, a participant in Ohio may enter OJT as an insurance cost estimator at an hourly wage of $28.50 (above the wage cap). Since the average hourly wage for Ohio is $20.52, the employer may only be reimbursed at some percentage of this wage cap determined by the employer's size for areas using the sliding scale. However, the employer must compensate the participant at the same rate as other workers performing the same job with similar levels of training, experience, and skills.

**Reimbursement rate/ Sliding Scale:** The USDOL sliding scale uses the following considerations to determine reimbursement rate:

- Up to 90 percent for employers with 50 or fewer employees;
- Up to 75 percent for employers with 51-250 employees; and
- For employers with more than 250 employees, the existing 50 percent reimbursement rate will continue to apply.

Employer size is based on the size of the company's local operation where the OJT placements will be made, and not on the total nationwide employment. For further information on employer size, reference the OJT Procedures Manual.

**Payment points:** Local areas can develop their own procedure regarding when to reimburse training costs so long as the reimbursement does not exceed 50 percent of wages or the higher rate based on the sliding scale if appropriate. Local areas also have discretion in determining if they wish to withhold employer reimbursement for 30, 60 or 90 days to ensure retention after the end of training. However, local areas must ensure that this information is reflected in their local policy, the OJT agreement and OJT plan.

**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. Local areas can develop their own invoice forms and are not mandated to follow state templates.

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.

At the end of the OJT period, local areas must document "ending capability" for each skill to be learned on the OJT plan.

**Duration**

The OJT duration under the NEG is limited to six (6) months (1,040 hours), with all money required to be spent by June 30, 2015. Co-enrollment is not allowed to expand the training duration beyond the six-month period. No provision exists to offer additional training time to participants with significant barriers. If there is a break in employment, the duration of the OJT plan can extend beyond the allowed six-month period but cannot exceed the 1,040 hours or the June 30, 2015, end date.

**OJT Forms**
The following forms must be completed. For more information, refer to the OJT Procedures Manual.

- Employer Information Form
- OJT Agreement
- OJT Plan

**Monitoring**

Local areas are encouraged to develop their own monitoring policies to outline the procedures, frequency and manner in which OJTs will be monitored and how staff persons/monitors will resolve any findings of non-compliance.

At a minimum, monitors should:

- Document information received directly from the OJT participants;
- Obtain the trainee supervisor's perspective about the training progress;
- Review the employer payroll records.

The key monitoring issues include verifying and documenting:

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

**E. Reporting**

All participants served under the NEG will be counted in statewide performance and must be entered in Ohio’s Workforce Case Management System (OWCMS) WIA, Special Grants. Participants may be co-enrolled in local formula-funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

**Reporting of Participants Not Hired By the Employer Who Provided OJT:** Local areas are required to follow up with employers to determine the employment outcome of participants. Upon completion or early termination of the NEG-funded OJT, local areas must identify and report all participants who were not hired by the employer that provided the training. Further, they must also identify if the participant was placed in OJT-related employment (i.e. unsubsidized employment within an industry or occupation in which the individual uses a substantial portion of the skills acquired in the OJT, but where hiring by the employer that provided the OJT did not occur.)

For all NEG-funded OJT participants not hired by the employer that provided OJT, the local area must e-mail the participant's name to NEG@jfs.ohio.gov and also identify whether the participant was placed in OJT-related employment within thirty (30) days of OJT completion.

**V. Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

**VI. References**

USDOL waiver letter dated Dec. 10, 2012


WIA PL 10-08.1: WIA Policy Letter 10-08: On-the-Job Training (OJT) Comprehensive Policy

OWD OJT Website: http://jfs.ohio.gov/owd/WorkforceProf/OJT.stm
OJT Guidance Manual: http://jfs.ohio.gov/owd/WorkforceProf/OJT.stm
USDOL TEN 38-12: Dislocated Worker Training National Emergency Grants
USDOL's OJT Toolkit: https://ojttoolkit.workforce3one.org/

Rescission

Workforce Investment Act Policy Letter No. 13-02

October 8, 2013

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and OhioMeansJobs Center Operators

From: Michael B. Colbert, Director

Subject: 2013 Dislocated Worker Training (DWT) National Emergency Grant (NEG)

I. Purpose

To outline the policy parameters and provide direction to local areas for providing classroom and on-the-job training to participants under the 2013 DWT NEG.

II. Effective Date

July 1, 2013, through June 30, 2015

III. Background

The DWT NEG is a two-year, statewide grant providing classroom training and on-the-job training (OJT) to Ohio’s dislocated workers.

As part of the NEG request, the United States Department of Labor (USDOL) approved a sliding scale for employer reimbursement based on employer size. However, the state is not mandating the use of the sliding scale and local areas can continue using the standard 50 percent wage reimbursement rate if they choose to do so. Alternatively, local areas are encouraged to revise existing local OJT policy to utilize the optional sliding scale or develop new OJT policy to implement the sliding scale under certain specific situations. Possible situations that could warrant the use of the sliding scale may include:

- For individuals facing significant barriers to employment;
- For small and mid-sized businesses that would qualify for a higher reimbursement rate;
- Local areas with higher than average unemployment rate;
- For small and mid-sized businesses offering an exceptional level of training;
- For small and mid-sized businesses providing benefits and a higher wage rate;
- In case of small and mid-sized businesses using expensive tools or equipment to provide training;
- For small and mid-sized businesses providing significant workplace safety precautions and safety training; and/or
- The availability of OJT funding in the local area.

IV. Requirements

A. Funding/Expenditures

ODJFS will allocate DWT NEG funds to local workforce investment areas to cover allowable costs of training for eligible NEG participants. The DWT NEG funds will pay for classroom and On-the-Job Training (OJT). Between 25 and 60 percent of the funding allocated to the local area must be spent on OJT.

The DWT NEG also allows for training-related costs, which are activities related to the arrangement, approval, and monitoring of classroom training or OJT for eligible NEG participants including preparing Individual Training Account (ITA) paperwork and writing OJT plans. However, the DWT NEG cannot pay for core, intensive and supportive services, including needs-related payments and case
management. Local areas will need to co-enroll NEG participants in their local WIA formula program or to leverage other funding in order to provide the full array of WIA services to eligible DWT NEG participants.

Local areas may also charge local administrative costs as defined in 20 CFR 667.220 to the NEG. Local administrative costs cannot exceed 8 percent of the total NEG allocation issued to the area.

Funds will be distributed among the local Workforce Investment Areas according to a ratio of total unemployed individuals and Workforce Investment Act Dislocated Worker participants enrolled in training in each county within the area. ODJFS will issue the funds incrementally to each area for a period of 12 months. Due to NEG rules and regulations, allocations can and will be de-obligated based upon monthly expenditure reports. If local areas have not spent or obligated 50 percent of their initial, first-year allocation by Dec. 31, 2013, they may be subject to redistribution of their unallocated commitment.

B. Participant Eligibility

Each DWT NEG participant must document some connection to Ohio by meeting one of the following criteria:

1. Lives within Ohio; or
2. If applicable, the OJT placement is at a business establishment in Ohio.

Eligibility under the DWT-funded training is limited to dislocated workers (as defined in WIA section 101(9)) with a priority of service on the long-term unemployed and those who have been profiled as likely to exhaust UI benefits. For the purposes of the DWT NEG, ODJFS’ definition of long-term unemployed will be those individuals who have been unemployed for a minimum of 27 weeks.

The period of long-term unemployment does not need to be consecutive. Dislocated workers are permitted to secure interim employment and, when that employment ends, to rejoin the period of long-term unemployed at the point they left off.

Veterans are also given priority of service for training. As clarified in TEGL No. 22-04, returning service members would generally be eligible dislocated workers under the DWT NEG.

Participants who began services under the local WIA program may be enrolled into the DWT NEG if otherwise eligible and costs of services provided during the effective dates of NEG funding may be charged to the NEG to preserve local formula funding.

Trade participants: Participants who are eligible for training funds under TAA (trade adjustment assistance) are not eligible to receive funding under the DWT NEG.

If a participant is already enrolled in classroom training and subsequently becomes eligible for funding through TAA, then the remaining costs of the training must be funded by TAA at the next payment point.

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

1. If the NEG-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 the NEG until completion;
2. If the NEG-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 the NEG until completion;
3. If the NEG-funded OJT uses the same wage reimbursement rate and payment point as the Trade program OJT, the local area must make arrangements for the remainder of the
OJT to be funded by TAA beginning at the next payment point. Local areas must coordinate with Trade staff to develop a plan for transitioning participants from one funding stream to another without negatively affecting the employer.

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

C. Classroom Training

Classroom training will be short-term training (no longer than nine months) or completion of long-term training if training is completed within nine months. Training must result in an industry-recognized credential in high-demand occupations. Local areas will issue Individual Training Accounts (ITA) in the same manner as used for the WIA program to fund the classroom training under this NEG.

DWT NEG funds cannot be used for mileage, lodging or per diems; those are considered supportive services, which are unallowable with DWT NEG funds.

ITA costs required to complete the training may include:

- Tuition and fees
- Books
- Tools
- Uniforms
- Tests
- Medical immunizations/tests
- License fees related to the training

The maximum amount for an ITA does not include any supportive services' costs related to the ITA (e.g. transportation or child care). Costs must be reasonable and necessary pursuant to 29 CFR, part 97.22 and must represent a sound investment of public funds. The local area should utilize all DWT NEG funds available to minimize any out-of-pocket expense to the participant.

Local workforce investment areas will use their local ITA policies for any other policy provisions related to classroom training not specified in this policy, such as local training caps and definition of high-demand occupations.

D. On-the-Job Training

Employer Eligibility

Eligible employers include only those in the private-for-profit and non-profit sectors; public sector employers are not considered eligible employers under the DWT NEG (i.e. not a governmental agency, unit or department). In addition, OJT positions cannot be developed with the following types of employers: casinos and gaming establishments, swimming pools, aquariums, zoos, and golf courses. OJT positions may not be developed that will or may result in worker displacement (see 20 CFR Sec. 667.270); with companies that have relocated all or part of their business within the previous 120 days where the relocation action has resulted in the loss of employment of any employee at the original location; or with businesses who have been convicted of violating federal laws and regulations.

The employer providing the OJT and/or the OJT worksite does not have to be located within Ohio’s borders. Unless prohibited by the local area’s OJT policy, an area may negotiate OJT agreements and issue NEG funding to employers outside Ohio’s borders.

Private placement agencies cannot receive OJT funding under the NEG. The DWT NEG is intended to benefit dislocated workers by utilizing employers who are:
1. Willing to train participants who are in need of upgrading their skills; and
2. Willing to permanently hire trainees at the end of the training period.

OJT contracts should be written with the employers who are actually employing participants and assuming the costs and benefits of the OJT. For these reasons, OJT contracts should not be written with employment brokers such as hiring agencies, temporary placement agencies or other third party entities. The DWT NEG also prohibits OJT agreements with employers who train a participant employed by a third party staffing agency.

Employer Reimbursement

Wage cap: Under the DWT NEG, the employer reimbursement for OJT is capped so as not to exceed the state's average hourly wage rate, up to a maximum of $8,000 per participant. The participant's wage rate will at least equal the state's current minimum wage rate and can exceed the state's average wage rate ($20.52 per hour); however, the reimbursement to employers is capped at the state's average wage rate. Thus, although employers may pay participants over $20.52 per hour, OJT wages to be reimbursed cannot exceed $20.52 per hour.

For instance, a participant in Ohio may enter OJT as an insurance cost estimator at an hourly wage of $28.50 (above the wage cap). Since the average hourly wage for Ohio is $20.52, the employer may only be reimbursed at some percentage of this wage cap determined by the employer's size for areas using the sliding scale. However, the employer must compensate the participant at the same rate as other workers performing the same job with similar levels of training, experience, and skills.

Reimbursement rate/ Sliding Scale: The USDOL sliding scale uses the following considerations to determine reimbursement rate:

- Up to 90 percent for employers with 50 or fewer employees;
- Up to 75 percent for employers with 51-250 employees; and
- For employers with more than 250 employees, the existing 50 percent reimbursement rate will continue to apply.

Employer size is based on the size of the company's local operation where the OJT placements will be made, and not on the total nationwide employment. For further information on employer size, reference the OJT Procedures Manual.

Payment points: Local areas can develop their own procedure regarding when to reimburse training costs so long as the reimbursement does not exceed 50 percent of wages or the higher rate based on the sliding scale if appropriate. Local areas also have discretion in determining if they wish to withhold employer reimbursement for 30, 60 or 90 days to ensure retention after the end of training. However, local areas must ensure that this information is reflected in their local policy, the OJT agreement and OJT plan.

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. Local areas can develop their own invoice forms and are not mandated to follow state templates.

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.

At the end of the OJT period, local areas must document "ending capability" for each skill to be learned on the OJT plan.

Duration

The OJT duration under the NEG is limited to six (6) months (1,040 hours), with all money required to be spent by June 30, 2015. Co-enrollment is not allowed to expand the training duration beyond the
six-month period. No provision exists to offer additional training time to participants with significant barriers. If there is a break in employment, the duration of the OJT plan can extend beyond the allowed six-month period but cannot exceed the 1,040 hours or the June 30, 2015, end date.

OJT Forms
The following forms must be completed. For more information, refer to the OJT Procedures Manual.

- Employer Information Form
- OJT Agreement
- OJT Plan

Monitoring
Local areas are encouraged to develop their own monitoring policies to outline the procedures, frequency and manner in which OJTs will be monitored and how staff persons/monitors will resolve any findings of non-compliance.

At a minimum, monitors should:

- Document information received directly from the OJT participants;
- Obtain the trainee supervisor's perspective about the training progress;
- 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;
- Other applicable OJT rules and requirements were followed.

E. Reporting
All participants served under the NEG will be counted in statewide performance and must be entered in Ohio's Workforce Case Management System (OWCMS) WIA, Special Grants. Participants may be co-enrolled in local formula-funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

Reporting of Participants Not Hired By the Employer Who Provided OJT: Local areas are required to follow up with employers to determine the employment outcome of participants. Upon completion or early termination of the NEG-funded OJT, local areas must identify and report all participants who were not hired by the employer that provided the training. Further, they must also identify if the participant was placed in OJT-related employment (i.e. unsubsidized employment within an industry or occupation in which the individual uses a substantial portion of the skills acquired in the OJT, but where hiring by the employer that provided the OJT did not occur.)

For all NEG-funded OJT participants not hired by the employer that provided OJT, the local area must e-mail the participant's name to NEG@jfs.ohio.gov and also identify whether the participant was placed in OJT-related employment within thirty (30) days of OJT completion.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
USDOL waiver letter dated Dec. 10, 2012

Workforce Investment Act Final Rules, 20 CFR Part 652, Section § 663.700-710, 667.20, and 667.268

WIAPL 10-08.1: WIA Policy Letter 10-08: On-the-Job Training (OJT) Comprehensive Policy

OWD OJT Website: http://jfs.ohio.gov/owd/WorkforceProf/OJT.stm

OJT Guidance Manual: http://jfs.ohio.gov/owd/WorkforceProf/OJT.stm

USDOL TEN 38-12: Dislocated Worker Training National Emergency Grants

USDOL's OJT Toolkit: https://ojttoolkit.workforce3one.org/
I. **Purpose**

To communicate policy changes around documentation requirements to establish WIA eligibility. In an effort to streamline the requirements for documenting eligibility, the existing guidance is being revised to align with U.S. Department of Labor (USDOL) Training and Employment Guidance Letter (TEGL) 28-11 allowing source documentation to be determined by the level of service.

II. **Effective Date**

Immediately

III. **Background**

WIA and 20 CFR Part 652 establish general and specific program eligibility criteria. In TEGL 28-11, USDOL established specific expectations for acceptable source documentation for WIA adult, dislocated worker, and youth participants.

As recipients of WIA Title IB Adult, Youth, and Dislocated Workers funds, the Ohio Department of Job and Family Services (ODJFS), Office of Workforce Development (OWD) and the local workforce investment areas are required to maintain and report accurate program and financial information. This policy lists the types of acceptable documentation to verify eligibility for the WIA adult, dislocated worker, and youth programs.

IV. **Requirements**

Local areas must verify (i.e. confirm) eligibility requirements through an examination of documents. Documentation requirements to support WIA adult and dislocated worker eligibility are tied to the level of services provided to the participant. While documentation is minimal for adults and dislocated workers who are enrolled in registered core services, the documentation requirements increase for participants to receive intensive services.

For WIA youth program participants, the eligibility documentation requirements do not vary between types of services.

See Attachment A for the specific types of source documents that may be used to verify participant eligibility for each level of service.

Electronic records: Documentation can be stored electronically; however, the document requirements remain unchanged and the documents must be available to monitors/auditors for monitoring purposes.

**Types of source documentation**

For documentation of eligibility for adult, dislocated worker and youth programs, there are multiple forms of acceptable source documentation. In many cases, a copy of a source document listed in Attachment A will be used to verify eligibility of a participant. Below are additional methods local areas may use if, according to Attachment A, the method is permissible for the particular eligibility criteria or data element being verified.

Telephone or Electronic Communication: In instances where telephone or electronic communication is acceptable and used by a local area, the case file must contain the name of the agency representative,
the date of the conversation, and the result of the eligibility verification. Local areas should have standardized forms 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. See Attachment B for a sample telephone verification form.

Self-Attestation: Self-attestation occurs when a participant states his or her status for a particular 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;
b) Signing and dating a form attesting to this self-identification.

The form and signature can be on paper or in the state management information system, with an online signature. Local areas should use a standardized form for self-attestation. See Attachments C and D for sample self-attestation forms.

Case Notes: Case notes refer to either paper or electronic statements by the case manager that identifies, at a minimum, the following:

a) A participant's status for a specific eligibility criteria;
b) The date on which the information was obtained;
c) The case manager who obtained the information.

Cross-Match: A cross-match requires WIA 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 in a non-WIA database is not sufficient evidence to document WIA eligibility. Detailed supporting evidence may include the date of eligibility determination, date of participation, and services rendered.

State Management Information System (MIS): State MIS refers to specific, detailed information that is stored in Ohio's Workforce Case Management System and supports eligibility criteria. An indicator such as a checkmark or date on a computer screen is not an acceptable source document.

Retention of records:
Per rule 5101:9-9-21 of the Ohio Administrative Code, ODJFS and local workforce investment 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.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. Reference
O.A.C. § 5101:9-9-21
Attachment A, Allowable Source Documentation for WIA Program Eligibility
Attachment B, WIA Telephone Eligibility Verification (JFS 13188)
Attachment C, Self-Attestation (JFS 13186)
Attachment D, Citizenship Status / Authorization to Work Self-Attestation (JFS 13187)
Rescissions:
WIATL 27
Workforce Investment Guidance Letter 6-2000
I. **Purpose**

To outline policy regarding requirements for Selective Service System (hereafter "Selective Service") registration as mandated by the Workforce Investment Act (WIA) and the Military Selective Service Act (MSSA) for:

- Male participants born on or after January 1, 1960 age 18 through 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 Worker programs.

II. **Effective Date**

Immediately

III. **Background**

The Workforce Investment Act (WIA) Section 189 requires all participants receiving assistance or benefit under WIA to comply with Selective Service registration requirements under the 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 years of age, to register for Selective Service at www.sss.gov.

IV. **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 are who are ages 18 through 25 years of age to register with Selective Service. WIA requires that males must register with Selective Service to participate in services and activities funded by WIA. See Section A for the exceptions to Selective Service registration.

A. **Exemptions to 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 26th birthday.
3. Continually confined to a residence, hospital or institution.
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 failed 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 or older: Once males reach the age of 26, it's 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: If he enters the US as a permanent resident after he has already passed his 26th birthday is not required to register because he is over the age limit.


10. Students in Officer Procurement Programs at Military Institutes.

Special Categories

1. **Disabled men, or men with medical conditions:** Neither the Military Selective Service Act 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 home-bound and unable to function outside the home, with or without physical assistance; or is in such a 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.

2. **Individuals who have had a sex change:** Individuals who are born female and have a sex change are not required to register. U.S. citizens or immigrants who are born male and have a sex change are still required to register. In the event of a resumption of the draft, males who have had a sex change can file a claim for an exemption from military service if they receive an order to report for examination or induction.

3. **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.

B. **Determining eligibility for customers who failed to register**

- **Males ages of 18 through 25:**
  An individual who is of age (i.e. ages of 18 through 25) but not registered with Selective Service must be directed to register at www.sss.gov prior to enrollment in WIA.

- **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:

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

Males age 26 and older, born on or after January 1, 1960 who have not registered with Selective Service, are considered "ineligible" to participate in WIA services. The burden of proof then falls on the individual to provide a statement or evidence as to why he failed to register with Selective Service.
Local areas should have written procedures in place for circumstances when the individual is too old to register and evidence of registration is not found. If after evaluating the evidence provided by the customer, the local area staff determines that the failure to register was not knowing and willful and he is otherwise eligible for WIA, services may be granted. However, if the determination is that the individual's failure to register was knowing and willful, WIA services will be denied. Individuals denied services should be advised of the available grievance procedures under WIA. Decisions by the local area regarding selective service registration determinations are subject to WIA grievance 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 WIA. It is important to remember that WIA prohibits participation of an alien without legal status from INS, even if there is a determination that there is evidence to show the customer did not knowingly and willfully fail to register with Selective Service.

C. How to register for Selective Service

Register Online
Of-age males may register online with Selective Service: www.sss.gov

At the Post Office
Selective Service "mail-back" registration forms are available at any U.S. Post office. Of-age males can complete the 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 Financial Aid (FAFSA) form. By checking box #22 of the FAFSA form the Department of Education will furnish the registration 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.

V. Recording/Documentation
Local areas need to 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 Selective Service number is required to be reported, as appropriate in Ohio's workforce case management system by the assigned data entry personnel.

VI. Technical Assistance
For additional information, you may send your questions to: WIAQNA@JFS.OHIO.GOV.

VI. Reference
Section 189 (h) of WIA
20 CFR Section 670.420 of WIA Regulations
Section 3 of the Military Selective Service Act (50 U.S.C. App. 453)
Selective Service Web site: www.sss.gov
Rescission
I. **Purpose**

To outline the reporting requirements for One-Stop universal customers.

II. **Effective Date**

Immediately

III. **Background**

The United States Department of Labor (DOL) Training and Employment Guidance Letter 17-05 and federal reporting instructions include the requirements for all states to report One-Stop universal customers receiving self-directed services and workforce information services (non-registered core services).

The reporting of universal customers is essential for three reasons:

- The number of universal customers served in the One-Stops are a direct reflection of value of Ohio's workforce investment system;
- Reporting is a federal requirement effective February 2006; and
- The data is submitted to DOL on a quarterly basis by the state.

Failure to report One-Stop customers on a timely basis results in an under-representation of the number of individuals served when reports are generated from Ohio's Workforce System (formerly known as SCOTI).

Due to these requirements, enhancements were made to the Ohio Workforce System to facilitate the reporting elements. In addition, a pilot program was successfully completed that enabled an upload of universal customer data elements into the Ohio Workforce System from another reporting system.

IV. **Requirements**

Local areas must report required data elements of One-Stop universal customers who are ages 18 and over. One-Stop customers are included in this requirement if the services, staff, facility, or activity was funded in whole or in part by WIA and/or Wagner-Peyser funds.

The Mini-Registration enables users to record the new data elements to satisfy the federal requirements. Both self-directed and workforce information services are recorded in Mini-Registration. All local areas currently utilizing the Mini-Registration for tracking universal customers meet the reporting requirements. However, the state recognizes that some local areas have incorporated other reporting systems for this target group, and that these systems meet local area needs for generating One-Stop related reports.

For those areas not utilizing the Mini-Registration, a reporting process has been developed to enable local areas to report their data collected for universal customers from their local area non-state reporting systems. With the Mini-Registration and the reporting program in place, the state is prepared
to report One-Stop universal customer data from all local areas through quarterly and annual federal reports to DOL. The upload submission should contain data from the current time period and data from previous time period(s) that have not been previously submitted, not to exceed 12 months from the basic initial intake date of any seeker submitted.

Local areas must ensure that:

- The current flat file format is not used since it will not be accepted after June 30, 2011.
- As of June 30, 2011, uploads must be in an XML format.
- Uploads must be done on a weekly basis at a minimum. More frequent uploads are encouraged.

V. Technical Assistance

The state will work with areas utilizing alternate methods to track universal customers, to assist in the preparation for the upload process.

To obtain data upload access to the Ohio Workforce System as well as the XML file specification go to: Click here for upload access and click on 'Upload to Ohio Workforce System.'

All datasets uploaded to the States Workforce Development database are confined to the States workforce system. The State will not download data to outside local area systems to keep them in sync with the Workforce Development database.

For additional information or technical assistance, send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

WIA Rule 5101:9-30-04 (A)(B)

USDOL Training Employment Guidance Letter 17-05, February 17, 2006

Workforce Investment Act of 1998, Public Law 105-220

WIA Final Rules, 20 CFR, Chapter V, Part 652.3

Rescission

WIATL 38
Workforce Investment Act Policy Letter No. 10-08.2

March 6, 2014

To: Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: On-the-Job Training (OJT) Comprehensive Policy

I. Purpose

To outline the policy and to provide direction to local areas providing OJT to participants with formula funds.

II. Effective Date

July 1, 2012 through June 30, 2017

III. Background

Through OJT activities provided under the Workforce Investment Act (WIA), 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 the local area 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 state requested a waiver extension to permit an increase in employer reimbursement through a sliding scale based on the size of the employer. The United States Department of Labor (USDOL) approved this waiver extension on December 2012, for the new Program Year (PY) 2012. The implementation of the sliding scale is at the discretion of the local areas. An extension of this waiver has been granted through June 30, 2017.

IV. Requirements

"On-the-job training" means training by an employer to an employee who is an eligible WIA 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, 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

Although the state has a waiver, OJT will be promoted at a 50% reimbursement rate with utilization of the sliding scale on a case-by-case basis, as determined by the local areas. Alternatively, local areas are encouraged to revise existing local OJT policy to utilize the optional sliding scale or develop new OJT policy to implement the sliding scale under certain specific situations. Possible situations that could warrant the use of the sliding scale waiver may include:

- For individuals facing significant barriers to employment;
- For small and mid-sized businesses that would qualify for a higher reimbursement rate;
- Local areas with higher than average unemployment rate;
- For small and mid-sized businesses offering an exceptional level of training;
- For small and mid-sized businesses providing benefits and a higher wage rate;
- For small and mid-sized businesses using expensive tools or equipment to provide training;
- For small and mid-sized businesses providing significant workplace safety precautions and safety training; and/or
- The availability of OJT funding in the local area.

Local areas are not restricted by the above considerations and they are encouraged to develop criteria for such other situations that would render use of the sliding scale waiver meaningful.

Required Components of OJT

A. Participant Eligibility

WIA-funded OJT is available for eligible WIA youth, unemployed and under-employed adult and dislocated workers, including employees of an employer. Employed workers may be eligible for WIA-funded OJTs when the employee is not earning a self-sufficient wage as determined by the local area. 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, the local area 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 individual employment plan (IEP). The results of this assessment will be used, in part, to determine the appropriateness of and suitability for the OJT.

WIA youth aged 14-21 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.

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 Ohio Department of Job and Family Services (ODJFS) OJT Procedures Manual for the different situations in which OJT-related conflict of interest may arise.

B. Employer Eligibility

OJT is provided under an agreement with an employer in the public, private non-profit, or private for-profit sector to WIA 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.

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.

Private placement agencies: A private placement agency is an eligible employer for WIA-funded OJTs, and local areas are encouraged to determine policy on OJTs with private placement agencies (e.g. OJTs in scenarios of "temp," "temp to hire" or continued long-term employment).

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 WIB 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, OJTs may be available at the new location only after the business has conducted work at the new location 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 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 WIA 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 WIA subsidized participant to offset the lost productivity, it is considered displacement.
C. **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 WIA staff at the local area 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 local areas;
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.

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 WIA 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 assure that documentation related to the statements captured by the local area is available upon request for monitoring purposes.

Local areas 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.

D. **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.

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

E. 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 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 the Occupational Information Network (O*NET) and specific vocational preparation (SVP), 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.

F. Employer Reimbursement

Sliding scale waiver: The USDOL sliding scale uses the following considerations to determine reimbursement rate, based upon employer size:

- Up to 90% for employers with 50 or fewer employees;
- Up to 75% for employers with 51-250 employees; and
- For employers with more than 250 employees, the existing 50% reimbursement rate will continue to apply.

Employer size is based on the size of the company's local operation where the OJT placements will be made, and not on the total nationwide employment. For instance, a hotel chain that employs thousands nationwide, but only 40 at its company in the targeted region, may be eligible for reimbursement up to 90%, when reimbursement is determined based on size. In determining the geographic boundaries that define the employer's local operation, local areas should use their best judgment based on analysis of each employer's size and structure.

Head count: The following guidelines should be applied while determining head count at a local operation:
1. Include all full time and part time workers and temporary and permanent workers at the work site including all managers and front line workers;
2. Include any individuals employed by a staffing agency who are subject to the day to day control of the host employer;
3. Do not use "Full Time Equivalents" (FTEs). Every worker counts as "1";
4. Include individuals employed within the same local operation;
5. Do not include individuals employed by and subject to the day to day control of other employers or independent contractors;
6. The "head count" is a snapshot. Use the best, good faith estimate given by the employer on the day when the OJT employer information form is completed.

Local areas should use reasonable judgment in determining head count, along with being consistent and documenting their methodologies. The determination for head count is applied while completing the employer information form and need not be updated unless the employer requests or until the OJT agreement expires. Thus, if a small employer becomes a large employer in the midst of the OJT agreement period, the employer reimbursement rate will remain unchanged until the agreement expires.

Payment points: Local areas can develop their own procedure regarding payment points so long as the reimbursement does not exceed 50% of wages or the higher rate based on the sliding scale, if appropriate. Local areas also have discretion in determining if they wish to withhold reimbursement for 30, 60 or 90 days to ensure retention after the end of training. The state does not mandate or prohibit OJT holdback tied to employment or retention. However, local areas must ensure that this information is reflected in the local policy, the OJT agreement and the OJT training plan.

During the WIA-funded OJT, participants might also become eligible for other funding streams, such as TAA, that would preclude their receiving continued funding under the OJT. In such an instance, local areas must develop a plan regarding payment points and transitioning participants from one program to another without negatively affecting the employer or the participant.

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.

G. Co-ordination with Trade

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

If a participant is already enrolled in a WIA-funded OJT and subsequently becomes eligible for funding through TAA, the local area 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:

1. If the WIA-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;
2. If the WIA-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;
3. If the WIA-funded OJT uses the same wage reimbursement rate and payment point as the Trade program OJT, the local area must make arrangements for the remainder of the OJT to be funded by TAA beginning at the next payment point. Local areas must 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 WIA-funded OJT or transition to TAA funding, it is required that the participant be co-enrolled in both the WIA-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.

H. Exceptions to OJT

There are times when an OJT participant or work conditions may justify an exception to the original training plan. Local areas should outline how exceptions will be addressed in their local policies. Possible exceptions to OJT may 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 learned all the requisite OJT-related skills.

I. Monitoring

Local areas are encouraged to develop their own monitoring policies to outline the procedures, frequency and manner in which OJTs will be monitored and how staff persons/monitors will resolve any findings of non-compliance.

At a minimum, monitors should:

- Document information received directly from the OJT participants;
- Obtain the trainee supervisor’s perspective about the training progress; and
- Review the employer payroll records.

The key monitoring issues include verifying and documenting that:

- There was a 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.

J. Reporting

All participants must be eligible, enrolled in WIA and entered in Ohio's Workforce Case Management System (OWCMS). Participants may also be co-enrolled in other state-funded WIA programs.

K. OJT Forms

The following forms must be completed and retained for monitoring purposes. For more information, refer to the ODJFS OJT Procedures Manual.

- Employer information form
- Training agreement
Local areas may use the state templates or create their own forms so long as they include all the required elements contained within the templates provided in the ODJFS OJT Procedures Manual.

V. **Technical Assistance**

The corresponding ODJFS OJT Procedures Manual is a reference guide for local areas providing OJTs and a resource for forms, templates and information on procedural activities. For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. **References**


ODJFS OJT Procedures Manual

Rescission

WIAPL 10-08.1 On-the-Job Training (OJT) Comprehensive Policy
Workforce Investment Act Policy Letter No. 10-08.1

August 23, 2011

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Christiane Schmenk, Director

Michael B. Colbert, Director

Subject: On-the-Job Training (OJT) Comprehensive Policy

I. Purpose

To outline the policy and to provide direction to local areas providing OJT to participants with formula funds.

II. Effective Date

July 1, 2011 through June 30, 2012

III. Background

Through OJT activities provided under WIA, 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 the local area 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.

In April 2011, the state requested a waiver extension to permit an increase in employer reimbursement through a sliding scale based on the size of the employer. The United States Department of Labor (USDOL) approved this waiver extension on June 7, 2011 for the new Program Year (PY) 2011. The implementation of the sliding scale is at the discretion of the local areas. An extension of this waiver has been granted through June 30, 2012.

IV. Requirements

"On-the-job training" means training by an employer to an employee who is an eligible WIA 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, 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**

Although the state has a waiver authority, the OJT will be promoted at a 50% reimbursement rate with utilization of the sliding scale on a case-by-case basis, as determined by the local areas. Alternatively, local areas are encouraged to revise existing local OJT policy to utilize the optional sliding scale or develop new OJT policy to implement the sliding scale under certain specific situations. Possible situations that could warrant the use of the sliding scale waiver may include:

- For individuals facing significant barriers to employment;
- For small and mid-sized businesses that would qualify for a higher reimbursement rate;
- Local areas with higher than average unemployment rate;
- For small and mid-sized businesses offering an exceptional level of training;
- For small and mid-sized businesses providing benefits and a higher wage rate;
- In case of small and mid-sized businesses using expensive tools or equipment to provide training;
- For small and mid-sized businesses providing significant workplace safety precautions and safety training; and/or
- The availability of OJT funding in the local area.

Local areas are not restricted by the above considerations and they are encouraged to develop criteria for such other situations that would render use of the sliding scale waiver meaningful.

In addition to the WIA-funded OJT, the state is also providing an OJT NEG funded with ARRA money (WIAPL 10-06). Unlike the WIA-funded OJT, the OJT NEG is time-limited and participant eligibility is restricted to dislocated workers facing prolonged unemployment. The considerations also vary for employer eligibility, funding allocation and reporting requirements.

**Required Components of OJT**

**A. Participant Eligibility**

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

WIA youth aged 14-21 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.

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Note: refer to the ODJFS OJT Procedures Manual for the different situations in which OJT-related conflict of interest may arise.

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- 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.

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

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- **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, OJTs 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.

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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 WIA staff at the local area is expected to contact the employer's union representative if the job is under bargaining unit authority.

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Sliding scale waiver:
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5. Do not include individuals employed by and subject to the day to day control of other employers or independent contractors;
6. The "head count" is a snapshot. Use the best, good faith estimate given by the employer on the day when the OJT employer information form is completed.

Local areas should use reasonable judgment in determining head count, along with being consistent and documenting their methodologies. The determination for head count is applied while completing the employer information form and need not be updated unless the employer requests or until the OJT agreement expires. Thus, if a small employer becomes a large employer in the midst of the OJT agreement period, the employer reimbursement rate will remain unchanged until the agreement expires.

Payment points: Local areas can develop their own procedure regarding payment points so long as the reimbursement does not exceed 50% of wages or the higher rate based on the sliding scale, if appropriate. Local areas also have discretion in determining if they wish to withhold reimbursement for 30, 60 or 90 days to ensure retention after the end of training. The state does not mandate or prohibit OJT holdback tied to employment or retention. However, local areas must ensure that this information is reflected in the local policy, the OJT agreement and the OJT training plan.

During the WIA-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 such an instance, local areas must develop a plan regarding payment points and transitioning participants from one program to another without negatively affecting the employer or the participant.

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.

G. Co-ordination with Trade (TAA program)

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

If a participant is already enrolled in a WIA-funded OJT and subsequently becomes eligible for funding through TAA, the local area 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:

1. If the WIA-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;
2. If the WIA-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;
3. If the WIA-funded OJT uses the same wage reimbursement rate and payment point as the Trade program OJT, the local area must make arrangements for the remainder of the OJT to be funded by TAA beginning at the next payment point. Local areas must 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 WIA-funded OJT or transition to TAA funding, it is required that the participant be co-enrolled in both the WIA-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.

H. Exceptions to OJT

There are times when an OJT participant or work conditions may justify an exception to the original training plan. Local areas should outline how exceptions will be addressed in their local policies. Possible exceptions to OJT may 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.

I. Monitoring

Local areas are encouraged to develop their own monitoring policies to outline the procedures, frequency and manner in which OJTs will be monitored and how staff persons/monitors will resolve any findings of non-compliance.

At a minimum, monitors should:

- Document information received directly from the OJT participants;
- Obtain 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.

J. Reporting
All participants must be eligible, enrolled in WIA and entered in Ohio's Workforce Case Management System (SCOTI). Participants may also be co-enrolled in other statewide funded WIA programs.

K. OJT Forms
The following forms must be completed and retained for monitoring purposes. For more information, refer to the ODJFS OJT Procedures Manual.

• Employer information form
• Training agreement
• Training plan
• Invoice
• Exception Request Form (if applicable)

Local areas may use the state templates or create their own forms so long as they include all the required elements contained within the templates provided in the ODJFS OJT Procedures Manual.

V. Technical Assistance
The corresponding ODJFS OJT Procedures Manual is a reference guide for local areas providing OJTs and a resource for forms, templates and information on procedural activities.

For additional information, please send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV

VI. Reference
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Workforce Investment Act Final Rules, 20 CFR Part 652, Section § 663.700 and 667.268
ODJFS OJT Procedures Manual
TEGL 04-10
WIAPL 08-18 (Project HIRE)
WIAPL 08-06.1 (NEG Wilmington)
WIAPL 10-06 (OJT NEG policy)
USDOL waiver extension letter, June 7, 2011
Rescission
WIAPL 09-10
WIAPL 10-08
I. **Purpose**

   To outline the policy and to provide direction to local areas providing OJT to participants with formula funds.

II. **Effective Date**

   Immediately (throughout waiver authorization period)

III. **Background**

   Through OJT activities provided under WIA, 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 the local area 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.

   In April 2010, the state requested a new waiver to permit an increase in employer reimbursement through a sliding scale based on the size of the employer. The United States Department of Labor (USDOL) approved this waiver on June 30, 2010 for the new Program Year (PY) 2010, and it expires, unless extended, on June 30, 2011. The implementation of the sliding scale is at the discretion of the local areas.

IV. **Requirements**

   "On-the-job training" means training by an employer to an employee who is an eligible WIA 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, 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**

Although the state has a waiver authority, the OJT will be promoted at a 50% reimbursement rate with utilization of the sliding scale on a case-by-case basis, as determined by the local areas. Alternatively, local areas are encouraged to revise existing local OJT policy to utilize the optional sliding scale or develop new OJT policy to implement the sliding scale under certain specific situations. Possible situations that could warrant the use of the sliding scale waiver may include:

- For individuals facing significant barriers to employment;
- For small and mid-sized businesses that would qualify for a higher reimbursement rate;
- Local areas with higher than average unemployment rate;
- For small and mid-sized businesses offering an exceptional level of training;
- For small and mid-sized businesses providing benefits and a higher wage rate;
- In case of small and mid-sized businesses using expensive tools or equipment to provide training;
- For small and mid-sized businesses providing significant workplace safety precautions and safety training; and/or
- The availability of OJT funding in the local area.

Local areas are not restricted by the above considerations and they are encouraged to develop criteria for such other situations that would render use of the sliding scale waiver meaningful.

In addition to the WIA-funded OJT, the state is also providing an OJT NEG funded with ARRA money (WIAPL 10-06). Unlike the WIA-funded OJT, the OJT NEG is time-limited and participant eligibility is restricted to dislocated workers facing prolonged unemployment. The considerations also vary for employer eligibility, funding allocation and reporting requirements.

**Required Components of OJT**

A. **Participant Eligibility**

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

WIA youth aged 14-21 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.
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.

B. Employer Eligibility

OJT is provided under an agreement with an employer in the public, private non-profit, or private for-profit sector to WIA 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.

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.

Private placement agencies: A private placement agency is an eligible employer for WIA-funded OJTs, and local areas are encouraged to determine policy on OJTs with private placement agencies (e.g. OJTs in scenarios of "temp," "temp to hire" or continued long-term employment).

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 WIB 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, OJTs 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 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 WIA 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 WIA subsidized participant to offset the lost productivity, it is considered displacement.

C. 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 WIA staff at the local area 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 local areas;
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.

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 WIA 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 assure that documentation related to the statements captured by the local area is available upon request for monitoring purposes.

Local areas 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.

D. 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.

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

E. 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 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).
F. Employer Reimbursement

Sliding scale waiver:
The USDOL sliding scale uses the following considerations to determine reimbursement rate, based upon employer size:

- up to 90% for employers with 50 or fewer employees;
- up to 75% for employers with 51-250 employees; and
- For employers with more than 250 employees, the existing 50% reimbursement rate will continue to apply.

**Employer size** is based on the size of the company's local operation where the OJT placements will be made, and not on the total nationwide employment. For instance, a hotel chain that employs thousands nationwide, but only 40 at its company in the targeted region, may be eligible for reimbursement up to 90%, when reimbursement is determined based on size. In determining the geographic boundaries that define the employer's local operation, local areas should use their best judgment based on analysis of each employer's size and structure.

**Head count:** The following guidelines should be applied while determining head count at a local operation:

1. Include all full time and part time workers and temporary and permanent workers at the work site including all managers and front line workers;
2. Include any individuals employed by a staffing agency who are subject to the day to day control of the host employer;
3. Do not use "Full Time Equivalents" (FTEs). Every worker counts as "1";
4. Include individuals employed within the same local operation;
5. Do not include individuals employed by and subject to the day to day control of other employers or independent contractors;
6. The "head count" is a snapshot. Use the best, good faith estimate given by the employer on the day when the OJT employer information form is completed.

Local areas should use reasonable judgment in determining head count, along with being consistent and documenting their methodologies. The determination for head count is applied while completing the employer information form and need not be updated unless the employer requests or until the OJT agreement expires. Thus, if a small employer becomes a large employer in the midst of the OJT agreement period, the employer reimbursement rate will remain unchanged until the agreement expires.

**Payment points:** Local areas can develop their own procedure regarding payment points so long as the reimbursement does not exceed 50% of wages or the higher rate based on the sliding scale, if appropriate. Local areas also have discretion in determining if they wish to withhold reimbursement for 30, 60 or 90 days to ensure retention after the end of training. The state does not mandate or prohibit OJT holdback tied to employment or retention. However, local areas must ensure that this information is reflected in the local policy, the OJT agreement and the OJT training plan.

During the WIA-funded OJT, OJT participants might also become eligible for other funding streams, such as TAA, that would preclude their receiving continuing funding under the OJT. In such an instance, local areas must develop a plan regarding payment points and transitioning participants from one program to another without negatively affecting the employer or the participant.

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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.

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If a participant is already enrolled in a WIA-funded OJT and subsequently becomes eligible for funding through TAA, the local area 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:

1. If the WIA-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;

2. If the WIA-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;

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Regardless of whether participants remain in the WIA-funded OJT or transition to TAA funding, it is required that the participant be co-enrolled in both the WIA-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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There are times when an OJT participant or work conditions may justify an exception to the original training plan. Local areas should outline how exceptions will be addressed in their local policies. Possible exceptions to OJT may include:

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- 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.

I. Monitoring

Local areas are encouraged to develop their own monitoring policies to outline the procedures, frequency and manner in which OJTs will be monitored and how staff persons/monitors will resolve any findings of non-compliance.

At a minimum, monitors should:

- Document information received directly from the OJT participants;
• Obtain 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.

J. Reporting

All participants must be eligible, enrolled in WIA and entered in Ohio’s Workforce Case Management System (SCOTI). Participants may also be co-enrolled in other statewide funded WIA programs.

K. OJT Forms

The following forms must be completed and retained for monitoring purposes. For more information, refer to the ODJFS OJT Procedures Manual.

• Employer information form
• Training agreement
• Training plan
• Invoice
• Exception Request Form (if applicable)

Local areas may use the state templates or create their own forms so long as they include all the required elements contained within the templates provided in the ODJFS OJT Procedures Manual.

V. Technical Assistance

The corresponding ODJFS OJT Procedures Manual is a reference guide for local areas providing OJTs and a resource for forms, templates and information on procedural activities.

For additional information, please send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV

VI. Reference

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WIAPL 10-06 (OJT NEG policy)
Rescission
WIAPL 09-10
Workforce Investment Act Policy Letter No. 10-07.3

March 9, 2015

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, OhioMeansJobs Center Operators, and Department of Labor (DOL) Funded Partner Programs (Wagner-Peyser, Trade Adjustment Assistance, Senior Community Service Employment Program, Indian and Native American Programs, Migrant and Seasonal Farmworkers, Workforce Innovation in Regional Economic Development Grants, and National Emergency Grants)

From: Cynthia C. Dungey, Director

Subject: Priority of Service for Veterans and Eligible Spouses

I. **Purpose**

The purpose of this policy is to outline requirements of the local WIBs and OhioMeansJobs Centers for implementation of priority of service to veterans and eligible spouses for all DOL funded training programs.

II. **Effective Date**

Immediately

III. **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 persons 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.

IV. **Definitions**

The following are definitions of terms used throughout this policy:

**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 intensive services and facilitates placements to meet the employment needs of veterans.

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

a. The spouse of any person who died of a service-connected disability.

b. 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:

   - Missing in action;
   - Captured in the line of duty by a hostile force;
Eligible Veteran (for Jobs for Veterans State Grant (JVSG) Program): A person who:

- Served on active duty for a period of more than 180 days and was discharged (or) released with other than a dishonorable discharge;
- Was discharged or released from active duty because of a service-connected disability;
- Is a member of a reserve component under an order to active duty pursuant to section 12301 (a), (d), or (g), 12302 or 12304 of U.S.C. Title 10, 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.

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. A parent;
   b. A spouse;
   c. A child;
   d. A step-family member; and
   e. An extended family member; or
2. Lives with, but is not a member of the family of the veteran.

Homeless Individual (McKinney Act (P.L. 100-77, section 103(2)(1), 101 sat. 485 (1987)): An individual who:

1. Lacks a fixed, regular, adequate nighttime residence; and
2. Has a primary nighttime residence that is:
   a. A supervised, publicly or privately owned shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
   b. An institution that provides temporary residence for individuals intended to be institutionalized; or
   c. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Local Veterans’ Employment Representative (LVER): A representative who:

- Conducts outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and
- Facilitates employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

Low-Income Individual (Section 101(25)(B) of WIA): For the purposes of this policy, the term "low income individual" means an individual who received income, or is a member of a family that received
a total family income, for the six (6)-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments described in subparagraph (A), and old-age and survivors insurance benefits under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of:

(i) The poverty line, for an equivalent period; or

(ii) 70 percent of the lower living standard income level, for an equivalent period.

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

Offender (Section 101(27) of WIA): An individual who:

- Is or has been subject to any stage of the criminal justice process, for whom services under WIA may be beneficial; or
- 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:

- Disabilities rated at 30 percent or higher; or
- Disabilities rated at 10 to 20 percent, if the individual has a serious employment disability; or
- A veteran who was discharged or released from active duty because of a service-connected disability.

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.

V. Requirements

Priority of service means that covered persons are given priority over non-covered persons for the receipt of employment, training, and placement services funded in whole or in part by DOL, including Wagner-Peyser, Trade Adjustment Assistance (TAA), Workforce Investment Act, Senior Community Service Employment Program, Indian and Native American Programs, Migrant and Seasonal Farmworkers, Workforce Innovation in Regional Economic Development Competitive Grants, and National Emergency Grants. All DOL funded grant recipients must implement and comply with locally developed priority of service policies. All program operators are required to ensure that priority of service is applied to all subrecipients of DOL funds.

A. Development of a Local Priority of Service Policy

Each local area is required to develop a priority of service policy that includes, but is not limited to, the following criteria:
• How the local area will ensure veterans and eligible spouses are notified of their entitlement to priority of service, the full array of employment, training, and placement services available, and applicable eligibility requirements for programs and services.
• How the local area will assist individuals in identifying themselves as veterans or eligible spouses at the point of entry to the system or priority.
• How the local area will monitor the area's implementation of priority of service, including how monitoring is a shared responsibility between the Ohio Department of Job and Family Services (ODJFS) veterans' program managers, local area, and OhioMeansJobs Center's operator.

Physical copies of the local Priority of Service policy shall be maintained at all service delivery points, including the OhioMeansJobs Center, and to the extent practicable, must be posted in a way that makes it possible for members of the general public easy access to them. Furthermore, OhioMeansJobs Center staff must be trained on the implementation of priority of services for veterans and eligible spouses.

Notification of Priority of Service
Within the local priority of service policy, areas must develop and implement processes to notify covered persons who physically access the OhioMeansJobs Centers or who access the program through the internet with timely and useful information on priority of service. This is accomplished in a number of ways:
• Awareness through posters and handouts strategically placed at the OhioMeansJobs Centers to alert covered persons of their priority of service rights.
• Notification of priority of service rights should be addressed on the local area's and/or the OhioMeansJobs Center's websites or other portals by which job seekers remotely access resources, including self-service resources.
• Orientations, both in-person or electronically (including local websites) must include a reference to priority of service rights.
• Assurances that labor exchange activities and services, including posting of and searching for resumes and jobs and job matching are completed in OhioMeansJobs.com per WIAPL No. 13-04 and are given priority of service.
• Descriptions of how partner program staff within the OhioMeansJobs Centers and at other service delivery points are made aware of priority of service requirements. This must be accomplished at both the state and local levels through partner meetings, trainings, and other types of communication such as information sheet or desk aid, self-service kiosks, and information bulletin boards.

It should be noted that a clause pertaining to priority of service is included in the OhioMeansJobs Center's 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.

Identifying Veterans and Eligible Spouses
The local area must enable veterans and eligible spouses to identify themselves at the point of entry to the system or program. Point of entry may include reception through an OhioMeansJobs Center, as part of an application process for a specific program, or through any other method by which veterans and eligible spouses express an interest in receiving services, either in-person or virtually. The area's local policy must include processes 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.
Monitoring Implementation of Priority of Services

The implementation of priority of service impacts most services at the OhioMeansJobs Centers. As such, it is the responsibility of multiple programs to ensure that veterans and eligible spouses are aware of the benefits of priority of services; that veterans and eligible spouses are identified at the point of program entry; and that priority of service is applied throughout their respective service delivery systems. At the local level, the ODJFS veterans’ program managers, local areas, and OhioMeansJobs Centers' operators will coordinate and share monitoring responsibilities. These monitoring responsibilities include a review of the implementation of internal policies and procedures and how these procedures result in compliance with the priority of service requirements. As such, the local priority of service policy must outline how this shared responsibility will be coordinated and administered.

B. Applying Priority of Service

The OhioMeansJobs Centers are to apply the priority of service definition to all covered persons who access the workforce system through the OhioMeansJobs Centers. A covered person is entitled to priority of services under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program. Priority of service gives veterans and eligible spouses 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:

- A veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person; or
- If the service or resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

Determination of Veteran Status

The local area must have a policy outlining the procedure whereby veterans and eligible spouses are identified at the point of entry. During the initial intake processes with a customer, staff shall further explore the covered person's veteran status (e.g., number of days served and discharge status) and assess whether or not the covered person has a significant barrier to employment using the veteran intake form. A covered person is determined to have a significant barrier to employment if he or she attests to meeting one or more of the following criteria:

- A special disabled or disabled veteran (or has a disability claim pending with the Department of Veterans Affairs (VA);
- A homeless individual;
- A recently-separated service member who has been unemployed for 27 or more weeks in the previous 12 months;
- An offender who is currently incarcerated or has been released from incarceration;
- An individual who lacks a high school diploma or equivalent certificate; or
- A low income individual.

If the covered person has at least one significant barrier to employment and meets the definition of eligible veteran or eligible spouse for the Jobs for Veterans State Grant (JVSG) program, the OhioMeansJobs Center staff shall refer this individual to the JVSG program.

OhioMeansJobs Center staff shall also refer an eligible veteran age 18 to 24 years to the JVSG program as this population of veterans has experienced a higher rate of unemployment than other veterans as well as nonveterans of the same age. These eligible veterans may need and benefit from the intensive services provided by a DVOP specialist.

The Veterans’ Employment and Training Service has also identified the following three categories of transitioning service members as eligible to receive JVSG services and a referral shall be made:
• Transitioning service members who are age 18 to 24 years old.
• Transitioning service members who have been identified as in need of intensive services because they were assessed as not meeting career readiness standards as documented on the DD-2958, Service Member Career Readiness Standards/Individual Transition Plan.
• Active duty service members being involuntarily separated through a service reduction-in-force.

Additionally, members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units or the spouses or other family caregivers of such wounded, ill, or injured members are to be referred to the JVSG program.

If the covered person, transitioning services member, or wounded, ill, or injured member of the Armed Forces (or spouse or family caregiver of such) does not meet the criteria for the JVSG program as outlined above, then the individual may still be provided core, intensive, and/or training services through Wagner-Peyser or WIA funded programs, based upon eligibility and suitability.

Referral to the Jobs for Veterans State Grant (JVSG) Program

If the individual meets the definition of eligible veteran for the JVSG program or is an eligible spouse, has at least one significant barrier to employment, or is aged 18 to 24 years, the OhioMeansJobs Center staff shall refer this covered person to the JVSG program. A covered person should also be referred to the JVSG program if the covered person is later, after further assessment, determined by OhioMeansJobs Center staff to have a significant barrier to employment.

Furthermore, transitioning service members who are 18 to 24 years old or who have been identified as needing intensive services on the DD-2958, or active duty service members being involuntarily separated through a service reduction-in-force will be referred to the JVSG program. Referrals to the JVSG program will also be made for those members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units or the spouses or other family caregivers of such wounded, ill, or injured members.

Within the JVSG program, the DVOP specialist will provide intensive services to mitigate significant barriers to employment and transition these individuals into the civilian workforce. The DVOP specialist also coordinates with the LVER to match covered persons with job opportunities.

JVSG participants later found to be dishonorably discharged from the military, must be referred back to the OhioMeansJobs Center for further Wagner-Peyser employment services and/or WIA staff-assisted core, intensive and/or training services. These individuals do not qualify for priority of service.

Local areas must establish effective linkages with the State JVSG program staff, for two-way referrals of individuals for services.

Documenting Veteran Status

It is not necessary for OhioMeansJobs Center staff to require verification of the status of a covered person at the point of entry, unless the individual who self-identifies as a veteran or eligible spouse:

• Is to immediately undergo eligibility determination and be registered or enrolled in a program; and
• Is registering or enrolling in a program for which the applicable federal program rules require verification of veteran or eligible spouse status at that time.
Even in those instances in which eligibility determination and enrollment occur at the point of entry, a covered person must be enrolled, be provided immediate priority, and be permitted to follow-up subsequently with any required verification of his or her status as a covered person.

For programs or services that cannot rely on self-attestation, verification of veteran status (e.g., DD-214, cross match with veterans’ data, or letter from Veteran Administration) must be provided prior to the provision of intensive services or the commitment to training services.

For a referral to the JVSG program, documentation of the significant barrier to service is preferred. However, customers may qualify through self-attestation. A self-attestation checklist identifying the significant barriers may be added as part of the intake or assessment process. Any written questionnaire used for identifying a significant barrier must make clear that the information requested is intended for use solely in connection with efforts to give priority to persons with disabilities. If written questionnaires are not used, this information must be made clear orally. The OhioMeansJobs staff seeking the information must state clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide the information will not subject the applicant or participant to any adverse treatment, and that it will be used only in accordance with law.

Priority of Service for Programs

The application of priority of service varies by program depending on the eligibility requirements of the particular program. Qualified job training programs fall into two basic categories:

- **Universal access programs**: For workforce programs that operate or deliver services to the public as a whole without targeting specific groups, veterans and eligible spouses must receive priority of service over all other program participants (e.g., core services delivered through the OhioMeansJobs Centers under Wagner-Peyser and WIA programs).

- **Programs with Eligibility Criteria**: Eligibility criteria identify basic conditions that each and every participant in a specific program is required to meet. Veterans and eligible spouses must first meet any and all of the statutory eligibility criteria in order to be considered eligible for: a) enrollment in the program; b) receipt of priority for enrollment in the program; and c) priority of receipt of services.

When a program has statutory eligibility requirements, priority means that covered persons take precedence, with all other qualifying eligibility requirements being equal, over non-covered persons in obtaining services and program enrollment.

**Programs with Statutory Priorities**

In addition to eligibility criteria that all participants are required to meet, some programs also have priorities that establish a rank order to be observed in enrolling or serving participants.

Due to the continued reduction in federal funding allocations, WIA funding for adult services is generally limited. When the local area declares limited funds status, priority for WIA adult-funded intensive and training services is given to low-income individuals and for recipients of public assistance. When determining if a veteran or eligible spouse is a "low income individual" for eligibility purposes, any amounts received as military pay or allowances by any person who served active duty, and certain other specified benefits must be disregarded. A low income veteran or eligible spouse takes precedence, with all other qualifying requirements being equal, over a low income non-covered person in obtaining intensive and training 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, if there is a waiting list, the veterans or eligible spouses receive access to the service instead of or before the non-covered person on the waiting list.

**Programs with Discretionary Priorities**
The local area may not apply additional arbitrary or discretionary conditions or requirements above the program's statutory 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 are served first).

**Priority of Service for Programs Administered by State Merit Staff**

For DOL funded employment and training programs administered by state merit staff (i.e., TAA, REA, UCRS), eligibility for priority of service should be determined at the initiation of services or upon referral of services, whichever occurs first.

**VI. Data Collection**

Training and Employment Guidance Letter (TEGL) No. 10-09 provides direction regarding the collection of data for serving veterans and eligible spouses and the implementation of priority of service. The local areas must ensure that all appropriate information regarding identified veterans or eligible spouses has been entered in Ohio Workforce Case Management System (OWCMS).

**VII. Monitoring**

At the local level, the area's priority of service policy must contain criteria for local monitoring of the implementation of priority of service to ensure that covered persons are made aware of and afforded priority of service.

Through the state's monitoring system, program monitors will review the area's implementation of priority of service during the annual onsite monitoring review for compliance with the local policy as well as federal laws and regulations. Any compliance issues will be handled through the state's findings resolution process.

**VIII. Technical Assistance**

Requests for additional information or questions regarding this policy may be directed to the Office of Workforce Development by e-mailing: WIAQNA@JFS.ohio.gov.

**IX. References**


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


Consolidated Appropriations Act, 2014, Pub. L. 113-76, Division H, Title I.

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).

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 Veterans' Program Letter No. 08-14, Designation for Additional Populations Eligible for Services from Disabled Veterans' Outreach Program (DVOP) Specialists: Transitioning Service Members in need of Intensive Services; and Wounded, Ill, or Injured Service Members Receiving Treatment at Military Treatment Facilities or Warrior Transition Units (MTFs - WTUs); and the Spouses and Family Caregivers of such Wounded, Ill or Injured Service Members, (September 26, 2014).

USDOL, Training and Employment Notice No. 10-14, American Job Center (AJC) Participation in Capstone Activities and Other Outreach to Transitioning Service Members, (September 29, 2014).

USDOL, Training and Employment Guidance Letter No. 19-13, Change 1, Expansion and Clarification of Definition of Significant Barriers to Employment and Determining Eligibility for the Disabled Veterans' Outreach Program (DVOP), (February 11, 2015).

USDOL, Veterans' Program Letter No. 03-14, Change 1, Expansion and Clarification of Definition of Significant Barriers to Employment for Determining Eligibility for the Disabled Veterans' Outreach Program (DVOP), (February 11, 2015).


Rescission

Workforce Investment Act Policy Letter No. 10-07.2

November 19, 2014

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, OhioMeansJobs Center Operators, and Department of Labor (DOL) Funded Partner Programs (Wagner-Peyser, Trade Adjustment Assistance, Senior Community Service Employment Program, Indian and Native American Programs, Migrant and Seasonal Farmworkers, Workforce Innovation in Regional Economic Development Grants, and National Emergency Grants)

From: Cynthia C. Dungey, Director

Subject: Priority of Service for Veterans and Eligible Spouses

I. Purpose

The purpose of this policy is to outline requirements of the local WIBs and OhioMeansJobs Centers for implementation of priority of service to veterans and eligible spouses for all DOL funded training programs.

II. Effective Date

Immediately

III. 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 persons 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.

IV. Definitions

The following are definitions of terms used throughout this policy:

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 intensive services and facilitates placements to meet the employment needs of veterans.

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

a. The spouse of any person who died of a service-connected disability.

b. 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:
   • Missing in action;
   • Captured in the line of duty by a hostile force;
• Forcibly detained or interned in the line of duty by a foreign government or power for a total of more than 90 days; or
• The spouse of any person who has a total (100%) disability permanent in nature resulting from a service connected 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:
• Served on active duty for a period of more than 180 days and was discharged (or) released with other than a dishonorable discharge;
• Was discharged or released from active duty because of a service-connected disability; or
• Is a member of a reserve component under an order to active duty pursuant to section 12301 (a), (d), or (g), 12302 or 12304 of U.S.C. Title 10, 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.

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. A parent;
   b. A spouse;
   c. A child;
   d. A step-family member; and
   e. An extended family member; or
2. Lives with, but is not a member of the family of the veteran.

Homeless Individual (McKinney Act (P.L. 100-77, section 103(2)(1), 101 sat. 485 (1987)): An individual who:
1. Lacks a fixed, regular, adequate nighttime residence; and
2. Has a primary nighttime residence that is:
   a. A supervised, publicly or privately owned shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
   b. An institution that provides temporary residence for individuals intended to be institutionalized; or
   c. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Local Veterans’ Employment Representative (LVER): A representative who:
• Conducts outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and
• Facilitates employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

Low-Income Individual (Section 101(25)(B) of WIA): For the purposes of this policy, the term "low income individual" means an individual who received income, or is a member of a family that received
a total family income, for the six (6)-month period prior to application for the program involved
(exclusive of unemployment compensation, child support payments described in subparagraph (A),
and old-age and survivors insurance benefits under section 202 of the Social Security Act (42 U.S.C.
402)) that, in relation to family size, does not exceed the higher of:

(i) The poverty line, for an equivalent period; or
(ii) 70 percent of the lower living standard income level, for an equivalent period.

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

Offender (Section 101(27) of WIA): An individual who:

• Is or has been subject to any stage of the criminal justice process, for whom services
under WIA may be beneficial; or
• 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:

• Disabilities rated at 30 percent or higher; or
• Disabilities rated at 10 to 20 percent, if the individual has a serious employment disability;
or
• A veteran who was discharged or released from active duty because of a service-
connected disability.

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.

V. Requirements

Priority of service means that covered persons are given priority over non-covered persons for the
receipt of employment, training, and placement services funded in whole or in part by DOL, including
Wagner-Peyser, Trade Adjustment Assistance (TAA), Workforce Investment Act, Senior Community
Service Employment Program, Indian and Native American Programs, Migrant and Seasonal
Farmworkers, Workforce Innovation in Regional Economic Development Competitive Grants, and
National Emergency Grants. All DOL funded grant recipients must implement and comply with locally
developed priority of service policies. All program operators are required to ensure that priority of
service is applied to all subrecipients of DOL funds.

A. Development of a Local Priority of Service Policy

Each local area is required to develop a priority of service policy that includes, but is not limited to, the following criteria:
• How the local area will ensure veterans and eligible spouses are notified of their entitlement to priority of service, the full array of employment, training, and placement services available, and applicable eligibility requirements for programs and services.
• How the local area will assist individuals in identifying themselves as veterans or eligible spouses at the point of entry to the system or priority.
• How the local area will monitor the area's implementation of priority of service, including how monitoring is a shared responsibility between the Ohio Department of Job and Family Services (ODJFS) veterans' program managers, local area, and OhioMeansJobs Center's operator.

Physical copies of the local Priority of Service policy shall be maintained at all service delivery points, including the OhioMeansJobs Center, and to the extent practicable, must be posted in a way that makes it possible for members of the general public easy access to them. Furthermore, OhioMeansJobs Center staff must be trained on the implementation of priority of services for veterans and eligible spouses.

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Within the local priority of service policy, areas must develop and implement processes to notify covered persons who physically access the OhioMeansJobs Centers or who access the program through the internet with timely and useful information on priority of service. This is accomplished in a number of ways:
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• Notification of priority of service rights should be addressed on the local area's and/or the OhioMeansJobs Center's websites or other portals by which job seekers remotely access resources, including self-service resources.
• Orientations, both in-person or electronically (including local websites) must include a reference to priority of service rights.
• Assurances that labor exchange activities and services, including posting of and searching for resumes and jobs and job matching are completed in OhioMeansJobs.com per WIAPL No. 13-04 and are given priority of service.
• Descriptions of how partner program staff within the OhioMeansJobs Centers and at other service delivery points are made aware of priority of service requirements. This must be accomplished at both the state and local levels through partner meetings, trainings, and other types of communication such as information sheet or desk aid, self-service kiosks, and information bulletin boards.

It should be noted that a clause pertaining to priority of service is included in the OhioMeansJobs Center's 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.

Identifying Veterans and Eligible Spouses

The local area must enable veterans and eligible spouses to identify themselves at the point of entry to the system or program. Point of entry may include reception through an OhioMeansJobs Center, as part of an application process for a specific program, or through any other method by which veterans and eligible spouses express an interest in receiving services, either in-person or virtually. The area's local policy must include processes 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.
Monitoring Implementation of Priority of Services

The implementation of priority of service impacts most services at the OhioMeansJobs Centers. As such, it is the responsibility of multiple programs to ensure that veterans and eligible spouses are aware of the benefits of priority of services; that veterans and eligible spouses are identified at the point of program entry; and that priority of service is applied throughout their respective service delivery systems. At the local level, the ODJFS veterans' program managers, local areas, and OhioMeansJobs Centers' operators will coordinate and share monitoring responsibilities. These monitoring responsibilities include a review of the implementation of internal policies and procedures and how these procedures result in compliance with the priority of service requirements. As such, the local priority of service policy must outline how this shared responsibility will be coordinated and administered.

B. Applying Priority of Service

The OhioMeansJobs Centers are to apply the priority of service definition to all covered persons who access the workforce system through the OhioMeansJobs Centers. A covered person is entitled to priority of services under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program. Priority of service gives veterans and eligible spouses 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:

- A veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person; or
- If the service or resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

Determination of Veteran Status

The local area must have a policy outlining the procedure whereby veterans and eligible spouses are identified at the point of entry. During the initial intake processes with a customer, staff shall further explore the covered person's veteran status (e.g., number of days served and discharge status) and assess whether or not the covered person has a significant barrier to employment using the veteran intake form. A covered person is determined to have a significant barrier to employment if he or she attests to meeting one or more of the following criteria:

- A special disabled or disabled veteran;
- A homeless individual;
- A recently-separated service member who, within the last three (3) years and who at any point in the previous 12 months, has been unemployed for 27 or more consecutive weeks;
- An offender who has been released from incarceration within the last 12 months;
- An individual who lacks a high school diploma or equivalent certificate; or
- A low income individual.

If the covered person has at least one significant barrier to employment and meets the definition of eligible veteran or eligible spouse for the Jobs for Veterans State Grant (JVSG) program, the OhioMeansJobs Center staff shall refer this individual to the JVSG program.

OhioMeansJobs Center staff shall also refer an eligible veteran age 18 to 24 years to the JVSG program as this population of veterans has experienced a higher rate of unemployment than other veterans as well as nonveterans of the same age. These eligible veterans may need and benefit from the intensive services provided by a DVOP specialist.

The Veterans' Employment and Training Service has also identified the following three categories of transitioning service members as eligible to receive JVSG services and a referral shall be made:
• Transitioning service members who are age 18 to 24 years old.
• Transitioning service members who have been identified as in need of intensive services because they were assessed as not meeting career readiness standards as documented on the DD-2958, Service Member Career Readiness Standards/Individual Transition Plan.
• Active duty service members being involuntarily separated through a service reduction-in-force.

Additionally, members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units or the spouses or other family caregivers of such wounded, ill, or injured members are to be referred to the JVSG program.

If the covered person, transitioning services member, or wounded, ill, or injured member of the Armed Forces (or spouse or family caregiver of such) does not meet the criteria for the JVSG program as outlined above, then the individual may still be provided core, intensive, and/or training services through Wagner-Peyser or WIA funded programs, based upon eligibility and suitability.

Referral to the Jobs for Veterans State Grant (JVSG) Program

If the individual meets the definition of eligible veteran for the JVSG program or is an eligible spouse, has at least one significant barrier to employment, or is aged 18 to 24 years, the OhioMeansJobs Center staff shall refer this covered person to the JVSG program. A covered person should also be referred to the JVSG program if the covered person is later, after further assessment, determined by OhioMeansJobs Center staff to have a significant barrier to employment.

Furthermore, transitioning service members who are 18 to 24 years old or who have been identified as needing intensive services on the DD-2958, or active duty service members being involuntarily separated through a service reduction-in-force will be referred to the JVSG program. Referrals to the JVSG program will also be made for those members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units or the spouses or other family caregivers of such wounded, ill, or injured members.

Within the JVSG program, the DVOP specialist will provide intensive services to mitigate significant barriers to employment and transition these individuals into the civilian workforce. The DVOP specialist also coordinates with the LVER to match covered persons with job opportunities.

JVSG participants later found to be dishonorably discharged from the military, must be referred back to the OhioMeansJobs Center for further Wagner-Peyser employment services and/or WIA staff-assisted core, intensive and/or training services. These individuals do not qualify for priority of service.

Local areas must establish effective linkages with the State JVSG program staff, for two-way referrals of individuals for services.

Documenting Veteran Status

It is not necessary for OhioMeansJobs Center staff to require verification of the status of a covered person at the point of entry, unless the individual who self-identifies as a veteran or eligible spouse:

• Is to immediately undergo eligibility determination and be registered or enrolled in a program; and
• Is registering or enrolling in a program for which the applicable federal program rules require verification of veteran or eligible spouse status at that time.
Even in those instances in which eligibility determination and enrollment occur at the point of entry, a covered person must be enrolled, be provided immediate priority, and be permitted to follow-up subsequently with any required verification of his or her status as a covered person.

For programs or services that cannot rely on self-attestation, verification of veteran status (e.g., DD-214, cross match with veterans’ data, or letter from Veteran Administration) must be provided prior to the provision of intensive services or the commitment to training services.

For a referral to the JVSG program, documentation of the significant barrier to service is preferred. However, customers may qualify through self-attestation. A self-attestation checklist identifying the significant barriers may be added as part of the intake or assessment process. Any written questionnaire used for identifying a significant barrier must make clear that the information requested is intended for use solely in connection with efforts to give priority to persons with disabilities. If written questionnaires are not used, this information must be made clear orally. The OhioMeansJobs staff seeking the information must state clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide the information will not subject the applicant or participant to any adverse treatment, and that it will be used only in accordance with law.

Priority of Service for Programs

The application of priority of service varies by program depending on the eligibility requirements of the particular program. Qualified job training programs fall into two basic categories:

- Universal access programs: For workforce programs that operate or deliver services to the public as a whole without targeting specific groups, veterans and eligible spouses must receive priority of service over all other program participants (e.g., core services delivered through the OhioMeansJobs Centers under Wagner-Peyser and WIA programs).
- Programs with Eligibility Criteria: Eligibility criteria identify basic conditions that each and every participant in a specific program is required to meet. Veterans and eligible spouses must first meet any and all of the statutory eligibility criteria in order to be considered eligible for: a) enrollment in the program; b) receipt of priority for enrollment in the program; and c) priority of receipt of services.

When a program has statutory eligibility requirements, priority means that covered persons take precedence, with all other qualifying eligibility requirements being equal, over non-covered persons in obtaining services and program enrollment.

Programs with Statutory Priorities

In addition to eligibility criteria that all participants are required to meet, some programs also have priorities that establish a rank order to be observed in enrolling or serving participants.

Due to the continued reduction in federal funding allocations, WIA funding for adult services is generally limited. When the local area declares limited funds status, priority for WIA adult-funded intensive and training services is given to low-income individuals and for recipients of public assistance. When determining if a veteran or eligible spouse is a "low income individual" for eligibility purposes, any amounts received as military pay or allowances by any person who served active duty, and certain other specified benefits must be disregarded. A low income veteran or eligible spouse takes precedence, with all other qualifying requirements being equal, over a low income non-covered person in obtaining intensive and training 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, if there is a waiting list, the veterans or eligible spouses receive access to the service instead of or before the non-covered person on the waiting list.

Programs with Discretionary Priorities
The local area may not apply additional arbitrary or discretionary conditions or requirements above the program's statutory 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 are served first).

**Priority of Service for Programs Administered by State Merit Staff**

For DOL funded employment and training programs administered by state merit staff (i.e., TAA, REA, UCRS), eligibility for priority of service should be determined at the initiation of services or upon referral of services, whichever occurs first.

**VI. Data Collection**

Training and Employment Guidance Letter (TEGL) No. 10-09 provides direction regarding the collection of data for serving veterans and eligible spouses and the implementation of priority of service. The local areas must ensure that all appropriate information regarding identified veterans or eligible spouses has been entered in Ohio Workforce Case Management System (OWCMS).

**VII. Monitoring**

At the local level, the area's priority of service policy must contain criteria for local monitoring of the implementation of priority of service to ensure that covered persons are made aware of and afforded priority of service.

Through the state's monitoring system, program monitors will review the area's implementation of priority of service during the annual onsite monitoring review for compliance with the local policy as well as federal laws and regulations. Any compliance issues will be handled through the state's findings resolution process.

**VIII. Technical Assistance**

Requests for additional information or questions regarding this policy may be directed to the Office of Workforce Development by e-mailing: WIAQNA@JFS.OHIO.GOV.

**IX. References**

- Priority of Service for Covered Persons; Final Rules, 73 FR 78142 - 78144 (December 19, 2008).
- Consolidated Appropriations Act, 2014, Pub. L. 113-76, Division H, Title I.
- 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, Training and Employment Notice No. 10-14, American Job Center (AJC) Participation in Capstone Activities and Other Outreach to Transitioning Service Members, (September 29, 2014).
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 Veterans' Program Letter No. 08-14, Designation for Additional Populations Eligible for Services from Disabled Veterans' Outreach Program (DVOP) Specialists: Transitioning Service Members in need of Intensive Services; and Wounded, Ill, or Injured Service Members Receiving Treatment at Military Treatment Facilities or Warrior Transition Units (MTFs - WTUs); and the Spouses and Family Caregivers of such Wounded, Ill or Injured Service Members, (September 26, 2014).


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).


Rescission

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, OhioMeansJobs Center Operators, and Department of Labor (DOL) Funded Partner Programs (Wagner- Peyser, Trade Adjustment Assistance, Senior Community Service Employment Program, Indian and Native American Programs, Migrant and Seasonal Farmworkers, Workforce Innovation in Regional Economic Development Grants, and National Emergency Grants)

From: Cynthia C. Dungey, Director

Subject: Priority of Service for Veterans and Eligible Spouses

I. **Purpose**

The purpose of this policy is to outline requirements of the local WIBs and OhioMeansJobs Centers for implementation of priority of service to veterans and eligible spouses for all DOL funded training programs.

II. **Effective Date**

Immediately

III. **Background**

On November 7, 2002, the Jobs for Veterans Act (JVA), Pub.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 persons 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.

IV. **Definitions**

The following are definitions of terms used throughout this policy:

**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 intensive services and facilitates placements to meet the employment needs of veterans.

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

a. The spouse of any person who died of a service-connected disability.

b. 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:
   - Missing in action;
   - Captured in the line of duty by a hostile force;
   - Forcibly detained or interned in the line of duty by a foreign government or power for a total of more than 90 days; or
• The spouse of any person who has a total (100%) disability permanent in nature resulting from a service-connected 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:
- Served on active duty for a period of more than 180 days and was discharged (or released with other than a dishonorable discharge);
- Was discharged or released from active duty because of a service-connected disability;
- Is a member of a reserve component under an order to active duty pursuant to section 12301 (a), (d), or (g), 12302 or 12304 of U.S.C. Title 10, 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 a dishonorable discharge.

1. Lacks a fixed, regular, adequate nighttime residence; and
2. Has a primary nighttime residence that is:
   a. A supervised, publicly or privately owned shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
   b. An institution that provides temporary residence for individuals intended to be institutionalized; or
   c. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

**Local Veterans’ Employment Representative (LVER):** A representative who:
- Conducts outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and
- Facilitates employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

**Low-Income Individual (Section 101(25)(B) of WIA):** For the purposes of this policy, the term "low income individual" means an individual who received an income, or is a member of a family that received a total family income, for the six (6)- month period prior to application for the program involved (exclusive of unemployment compensation, child support payments described in subparagraph (A), and old-age and survivors insurance benefits under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of:
   (i) The poverty line, for an equivalent period; or
   (ii) 70 percent of the lower living standard income level, for an equivalent period.

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

**Offender (Section 101(27) of WIA):** An individual who:
- Is or has been subject to any stage of the criminal justice process, for whom services under WIA may be beneficial; or
- 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:
- Disabilities rated at 30 percent or higher; or
- Disabilities rated at 10 to 20 percent, if the individual has a serious employment disability; or
- A veteran who was discharged or released from active duty because of a service-connected disability.

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.

V. Requirements

Priority of service means that covered persons are given priority over non-covered persons for the receipt of employment, training, and placement services funded in whole or in part by DOL, including Wagner-Peyser, Trade Adjustment Assistance (TAA), Workforce Investment Act, Senior Community Service Employment Program, Indian and Native American Programs, Migrant and Seasonal Farmworkers, Workforce Innovation in Regional Economic Development Competitive Grants, and National Emergency Grants. All DOL funded grant recipients must implement and comply with locally developed priority of service policies. All program operators are required to ensure that priority of service is applied to all subrecipients of DOL funds.

A. Development of a Local Priority of Service Policy

Each local area is required to develop a priority of service policy that includes, but is not limited to, the following criteria:
- How the local area will ensure veterans and eligible spouses are notified of their entitlement to priority of service, the full array of employment, training, and placement services available, and applicable eligibility requirements for programs and services.
- How the local area will assist individuals in identifying themselves as veterans or eligible spouses at the point of entry to the system or at the time they are determined to be eligible for priority of service.
- How the local area will monitor the area's implementation of priority of service, including how monitoring is a shared responsibility between the Ohio Department of Job and Family Services (ODJFS) veterans' program managers, local area, and OhioMeansJobs Center's operator.

Physical copies of the local Priority of Service policy shall be maintained at all service delivery points, including the OhioMeansJobs Center, and to the extent practicable, must be posted in a way that makes it possible for members of the general public easy access to them. Furthermore, OhioMeansJobs Center staff must be trained on the implementation of priority of services for veterans and eligible spouses.

Notification of Priority of Service
Within the local priority of service policy, areas must develop and implement processes to notify covered persons who physically access the OhioMeansJobs Centers or who access the program through the internet with timely and useful information on priority of service. This is accomplished in a number of ways:

- Awareness through posters and handouts strategically placed at the OhioMeansJobs Centers to alert covered persons of their priority of service rights.
- Notification of priority of service rights should be provided on the local area's and/or the OhioMeansJobs Center's websites or other portals by which job seekers remotely access resources, including self-service resources.
- Orientations, both in-person or electronically (including local websites) must include a reference to priority of service rights.
- Assurances that labor exchange activities and services, including posting of and searching for resumes and jobs and job matching are completed in OhioMeansJobs.com per WIAPL No. 13-04 and are given priority of service.
- Descriptions of how partner program staff within the OhioMeansJobs Centers and at other service delivery points are made aware of priority of service requirements. This must be accomplished at both the state and local levels through partner meetings, trainings, and other types of communication such as information sheet or desk aid, self-service kiosks, and information bulletin boards.

It should be noted that a clause pertaining to priority of service is included in the OhioMeansJobs Center's 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.

Identifying Veterans and Eligible Spouses

The local area must enable veterans and eligible spouses to identify themselves at the point of entry to the system or program. Point of entry may include reception through an OhioMeansJobs Center, as part of an application process for a specific program, or through any other method by which veterans and eligible spouses express an interest in receiving services, either in-person or virtually. The area's local policy must include processes 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.

Monitoring Implementation of Priority of Services

The implementation of priority of service impacts most services at the OhioMeansJobs Centers. As such, it is the responsibility of multiple programs to ensure that veterans and eligible spouses are aware of the benefits of priority of services; that veterans and eligible spouses are identified at the point of program entry; and that priority of service is applied throughout their respective service delivery systems. At the local level, the ODJFS veterans' program managers, local areas, and OhioMeansJobs Center operators will coordinate and share monitoring responsibilities. These monitoring responsibilities include a review of the implementation of internal policies and procedures and how these procedures result in compliance with the priority of service requirements. As such, the local priority of service policy must outline how this shared responsibility will be coordinated and administered.

B. Applying Priority of Service

The OhioMeansJobs Centers are to apply the priority of service definition to all covered persons who access the workforce system through the OhioMeansJobs Centers. A covered person is entitled to priority of services under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program. Priority of service gives veterans and eligible spouses 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:

- A veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person; or
- If the service or resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

Determination of Veteran Status

The local area must have a policy outlining the procedure whereby veterans and eligible spouses are identified at the point of entry. During the initial intake processes with a customer, staff shall further explore the covered person's veteran status (e.g., number of days served and discharge status) and assess whether or not the covered person has a significant barrier to employment using the "Veteran Intake Form." A covered person is determined to have a significant barrier to employment if he or she attests to meeting one or more of the following criteria:

- A special disabled or disabled veteran;
- A homeless individual;
- A recently-separated service member who, within the last three (3) years and who at any point in the previous 12 months, has been unemployed for 27 or more consecutive weeks;
- An offender who has been released from incarceration within the last 12 months;
- An individual who lacks a high school diploma or equivalent certificate; or
- A low income individual.

If the covered person has at least one significant barrier to employment and meets the definition of eligible veteran or eligible spouse for the Jobs for Veterans State Grant (JVSG) program, the OhioMeansJobs Center staff shall refer this individual to the JVSG program. Furthermore, OhioMeansJobs Center staff shall also refer an eligible veteran age 18 to 24 years to the JVSG program as this population of veterans has experienced a higher rate of unemployment than other veterans as well as nonveterans of the same age. These eligible veterans may need and benefit from the intensive services provided by a DVOP specialist.

If the covered person does not have any significant barriers, does not meet the definition of eligible veteran or eligible spouse per the JVSG program, and/or is not aged 18 to 24 years, he or she may be provided core, intensive, and/or training services through Wagner-Peyser or WIA funded programs, based upon eligibility and suitability.

Referral to the Jobs for Veterans State Grant (JVSG) Program

If the individual meets the definition of eligible veteran for the JVSG program or is an eligible spouse, has at least one significant barrier to employment, and/or is aged 18 to 24 years, the OhioMeansJobs Center staff shall refer this covered person to the DVOP specialist within the JVSG program. A covered person should also be referred to the DVOP specialist if the covered person is later, after further assessment, determined by OhioMeansJobs Center staff to have a significant barrier to employment. The DVOP specialist will provide intensive services to mitigate the veteran's or eligible spouse's significant barriers to employment and transition these individuals into the civilian workforce. The DVOP specialist also coordinates with the LVER to match covered persons with job opportunities.

JVSG participants later found to be dishonorably discharged from the military, must be referred back to the OhioMeansJobs Center for further Wagner-Peyser employment services and/or WIA staff-assisted core, intensive and/or training services. These individuals do not qualify for priority of service.
Local areas must establish effective linkages with the State JVSG program staff, for two-way referrals of individuals for services.

**Documenting Veteran Status**

It is not necessary for OhioMeansJobs Center staff to require verification of the status of a covered person at the point of entry, unless the individual who self-identifies as a veteran or eligible spouse:

- Is to immediately undergo an eligibility determination and be registered or enrolled in a program; and
- Is registering or enrolling in a program for which the applicable federal program rules require verification of veteran or eligible spouse status at that time.

Even in those instances in which eligibility determination and enrollment occur at the point of entry, a covered person must be enrolled, be provided immediate priority, and be permitted to follow-up subsequently with any required verification of his or her status as a covered person.

For programs or services that cannot rely on self-attestation, verification of veteran status (e.g., DD-214, cross match with veterans' data, or letter from Veteran Administration) must be provided prior to the provision of intensive services or the commitment to training services.

For a referral to the JVSG program, documentation of the significant barrier to service is preferred. However, customers may qualify through self-attestation. A self-attestation checklist identifying the significant barriers may be added as part of the intake or assessment process.

Any written questionnaire used for identifying a significant barrier must make clear that the information requested is intended for use solely in connection with efforts to give priority to persons with disabilities. If written questionnaires are not used, this information must be made clear orally. The OhioMeansJobs staff seeking the information must state clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide the information will not subject the applicant or participant to any adverse treatment, and that it will be used only in accordance with law.

**Priority of Service for Programs**

The application of priority of service varies by program depending on the eligibility requirements of the particular program. Qualified job training programs fall into two basic categories:

- Universal access programs: For workforce programs that operate or deliver services to the public as a whole without targeting specific groups, veterans and eligible spouses must receive priority of service over all other program participants (e.g., core services delivered through the OhioMeansJobs Centers under Wagner-Peyser and WIA programs).

- Programs with Eligibility Criteria: Eligibility criteria identify basic conditions that each and every participant in a specific program is required to meet. Veterans and eligible spouses must first meet any and all of the statutory eligibility criteria in order to be considered eligible for: a) enrollment in the program; b) receipt of priority for enrollment in the program; and c) priority of receipt of services.

When a program has statutory eligibility requirements, priority means that covered persons who meet qualifying eligibility requirements, take precedence over non-covered persons who meet those same statutory eligibility requirements in obtaining services and program enrollment.

**Programs with Statutory Priorities**

In addition to eligibility criteria that all participants are required to meet, some programs also have priorities that establish a rank order to be observed in enrolling or serving participants.

Due to the continued reduction in federal funding allocations, WIA funding for adult services is generally limited. When the local area declares limited funds status, priority for WIA adult-funded
intensive and training services is given to low-income individuals and for recipients of public assistance. When determining if a veteran or eligible spouse is a "low income individual" for eligibility purposes, any amounts received as military pay or allowances by any person who served active duty, and certain other specified benefits must be disregarded. A low income veteran or eligible spouse takes precedence, with all other qualifying requirements being equal, over a low income non-covered person in obtaining intensive and training 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, if there is a waiting list, the veterans or eligible spouses receive access to the service instead of or before the non-covered person on the waiting list.

Programs with Discretionary Priorities

The local area may not apply additional arbitrary or discretionary conditions or requirements above the program's statutory 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 are served first).

Priority of Service for Programs Administered by State Merit Staff

For DOL funded employment and training programs administered by state merit staff (i.e., TAA, REA, UCRS), eligibility for priority of service should be determined at the initiation of services or upon referral of services, whichever occurs first.

VI. Data Collection

Training and Employment Guidance Letter (TEGL) No. 10-09 provides direction regarding the collection of data for serving veterans and eligible spouses and the implementation of priority of service. The local areas must ensure that all appropriate information regarding identified veterans or eligible spouses has been entered into the Ohio Workforce Case Management System (OWCMS).

VII. Monitoring

At the local level, the area's priority of service policy must contain criteria for local monitoring of the implementation of priority of service to ensure that covered persons are made aware of and afforded priority of service.

Through the state's monitoring system, program monitors will review the area's implementation of priority of service during the annual onsite monitoring review for compliance with the local policy as well as federal laws and regulations. Any compliance issues will be handled through the state's findings resolution process.

VIII. Technical Assistance

Requests for additional information or questions regarding this policy may be directed to the Office of Workforce Development by e-mailing: WIAQNA@JFS.OHIO.GOV.

IX. References

The Jobs for Veterans Act (JVA) Pub. L. 107-288, section 2(a) codified at 38 USC 4215
Priority of Service for Covered Persons Final Rule, 20 CFR Part 1010, 73 Federal Register 78132 (December 19, 2008)
U.S.D.O.L. Veterans' Program Letter No. 07-09 (11/10/2009)
U.S.D.O.L. Veteran's Program Letter No. 03-14 (4/10/2014)
WIAPL No. 13-04
Rescission
WIAPL No. 10-07
Workforce Investment Act Policy Letter No. 10-07

March 3, 2011

To: WIA Local Workforce Boards (WIBs), Fiscal Agents, Administrative Entities, One-Stop Operators, DOL Funded Partner Programs (Wagner-Peyser, Trade Adjustment Assistance, Workforce Investment Act, Senior Community Service Employment Program, Indian and Native American Programs, Migrant and Seasonal Farmworkers, Workforce Innovation in Regional Economic Development Competitive Grants, and National Emergency Grants)

From: Mark D. Kvamme, Director
Michael B. Colbert, Director

Subject: Priority of Service for Veterans and Eligible Spouses (Covered Persons)

I. Purpose

To ensure that when local WIBs are 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.

II. Effective Date

Immediately

III. 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 persons in qualified job training programs. The DOL published Priority of Service regulations in the December 19, 2008 edition of the Federal Register and were effective as of January 19, 2009. These regulations are identified as 20 C.F.R. Part 1010, Priority of Service for Covered Persons; Final Rule. On November 10, 2009, DOL published Veterans' Program Letter No. 07-09 and Training and Employment Guidance Letter (TEGL) No. 10-09 to establish the implementation of Priority of Service to covered persons under all qualified job training programs funded in whole, or in part by DOL.

IV. Requirements

This policy applies to all employment and training programs, funded in whole or in part by DOL, including Wagner-Peyser, Trade Adjustment Assistance, Workforce Investment Act, Senior Community Service Employment Program, Indian and Native American Programs, Migrant and Seasonal Farmworkers, Workforce Innovation in Regional Economic Development Competitive Grants, and National Emergency Grants. 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 subrecipients of DOL funds. Local areas must 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.

Definitions

Priority of Service: Priority of Service means, with respect to any qualified job training program that a covered person shall be given priority over a non-covered person in obtaining all employment, training, and placement services provided under the program. When a program has statutory eligibility
requirements, priority means that covered persons take precedence, with all other qualifying eligibility
requirements being equal, over non-covered persons in obtaining services and program enrollment.

Covered Person:
- A veteran
- An eligible spouse

Non-covered Person: the term "non-covered person" means any individual who meets neither the
definition of "veteran," nor the definition of "eligible spouse."

Veteran: Any person who served on active duty in the armed forces with other than a "dishonorable"
discharge.

Eligible Spouse:
- Eligibility derived from a living veteran
  - Service member is missing in action, captured, or forcibly detained
  - Veteran has total service-connected disability, per Veterans Administration (VA) evaluation
- Eligibility derived from a deceased veteran
  - Veteran died of a service-connected disability
  - Veteran died while a total service-connected disability, per VA evaluation, was in existence

Eligibility

A. Covered Persons/Non-covered Persons

The One-stops are to 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 delivery
  points.

How job openings/matches and referrals are given Priority of Service must be specifically addressed in
local workforce investment area 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 both the state and 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.

B. Priority of Services/Low-Income Covered Persons/Non-covered Persons

Priority is given to low-income individuals and for 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 core 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.

A state or local grant recipient 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 core 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 (i.e., TAA, REA, UCRS), eligibility for Priority of Service should be determined at initiation of services or upon referral of services, whichever occurs first.

**Monitoring**

DOL will monitor the state's implementation of Priority of Service to ensure that covered persons are made aware of and afforded Priority of Service. At the local level the ODJFS veterans’ program managers, local areas, and program operators will share monitoring responsibilities. Local policies should 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.

- First, all qualified job training programs are required to 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.
Second, those qualified job training programs that served, at the national level, an average of 1,000 or more veterans per year during the three most recent years of a program operation are required to implement additional reporting requirements for "covered entrants."

This results in six programs being required to implement the additional reporting requirements:

1) Wagner-Peyser State Grants
2) Workforce Investment Act (WIA) - Adult
3) Workforce Investment Act (WIA) - Dislocated Worker
4) National Emergency Grant
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 additional information, e-mail your questions and concerns to the Office of Workforce Development: WIAQNA@jfs.ohio.gov

V. References

Workforce Investment Act of 1998, Public Law 105-220
The Jobs for Veterans Act (JVA), Public law (P.L.)107-288, section 2(a) codified at 38 U.S.C. 4215
U.S. D.O.L. Veterans' Program Letter No. 07-09 (11/10/09)
I. **Purpose**
To outline the policy parameters and provide direction to local areas for providing OJT to participants under the 2010 OJT NEG.

II. **Effective Date**
July 1, 2012 through September 30, 2012

III. **Background**
OJT activities are training services provided to eligible participants via an OJT agreement between the local area and the employer. Such an agreement, along with the associated participant training plans, specifies the duration of training as well as the skills and competencies to be acquired by the participant. Employers who provide OJT are reimbursed for their extraordinary costs of training the participant based on a percent of trainee wages during the training period. 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 OJT NEG is an effective and time efficient response to the present challenging labor market conditions. Through this grant, the state aims at matching dislocated workers experiencing prolonged unemployment with employers facing skill shortages to culminate in "jump starting" a hiring decision.

The OJT program under the NEG will be implemented on a statewide basis.

As part of the NEG request, the United States Department of Labor (USDOL) approved a sliding scale for employer reimbursement based on employer size. However, the state is not mandating the use of the sliding scale and local areas can continue using the standard 50% wage reimbursement rate if they choose to do so. Alternatively, local areas are encouraged to revise existing local OJT policy to utilize the optional sliding scale or develop new OJT policy to implement the sliding scale under certain specific situations. Possible situations that could warrant the use of the sliding scale may include:

- For individuals facing significant barriers to employment;
- For small and mid-sized businesses that would qualify for a higher reimbursement rate;
- Local areas with higher than average unemployment rate;
- For small and mid-sized businesses offering an exceptional level of training;
- For small and mid-sized businesses providing benefits and a higher wage rate;
- In case of small and mid-sized businesses using expensive tools or equipment to provide training;
- For small and mid-sized businesses providing significant workplace safety precautions and safety training; and/or
- The availability of OJT funding in the local area.
The OJT NEG will continue to be promoted at a 50% reimbursement rate with the utilization of the sliding scale on a case-by-case basis, as determined by the local areas.

IV. **OJT Definition**

WIA section 101(31) defines OJT as 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;
- Provides reimbursement to the employer of up to a percentage of the wage of the participant for the extraordinary costs of providing the training, and additional supervision related to the training; 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.

V. **Requirements**

A. **Participant Eligibility**

Before approving an OJT, the local area 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.

Each OJT NEG participant must document some connection to Ohio by meeting one of the following criteria:

1. Lives within Ohio; or
2. Lives within a reasonable commuting distance of the Ohio border and the OJT placement will be at a worksite in Ohio; or
3. The OJT placement will be at a worksite in Ohio and there is a reasonable expectation that the worker will be establishing permanent residence in Ohio.

Eligibility under the NEG-funded OJT is limited to dislocated workers (as defined in WIA section 101(9)) experiencing prolonged unemployment and who are laid off on/after January 1, 2008.

Prolonged unemployment refers to a period of joblessness beyond the state's average weeks of Unemployment Insurance (UI). The number of weeks is the important indicator, not the UI status. Therefore, an individual not covered by UI (ineligible or exhaustee) may still be identified as experiencing prolonged unemployment if s/he exceeds the specified duration. In Ohio, the average weeks of UI duration is 22.53 weeks or 158 days.

The period of prolonged unemployment does not need to be consecutive. Dislocated workers are permitted to secure interim employment and, when that employment ends, to rejoin the period of prolonged unemployment at the point they left off.

Interim employment is defined as employment that has been accepted for income maintenance prior to, and/or during, participation in intensive or training services with the intention of ending such employment at the completion of the intensive 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.
When determining whether a participant is prolonged unemployed, the time period that the participant is employed at the interim job should not be counted toward the 158 day span of joblessness.

For example, a dislocated worker remained jobless for 100 days following his dislocation date, and then accepted an interim job working five days per week for six weeks (i.e., 42 days total, including days off). The first day following the end of the interim employment would count as the dislocated worker’s 101st day of unemployment. After an additional 58 days with no job, the participant would reach the minimum requirement of 158 days of prolonged unemployment and qualify for the OJT NEG. In this example, a total of 200 days will have elapsed since the original dislocation date, with 42 days spent in interim employment and the required 158 days of prolonged unemployment.

Trade participants: Participants who are eligible for assistance under TAA (trade adjustment assistance) are not eligible to receive funding under the OJT NEG.

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

1. If the NEG-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 the NEG until completion;
2. If the NEG-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 the NEG until completion;
3. If the NEG-funded OJT uses the same wage reimbursement rate and payment point as the Trade program OJT, the local area must make arrangements for the remainder of the OJT to be funded by TAA beginning at the next payment point. Local areas must coordinate with Trade staff to develop a plan for transitioning participants from one funding stream to another without negatively affecting the employer.

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

Participants in other NEGs: Participants who are eligible for assistance under other existing NEGs in Ohio are not eligible to receive funding under the OJT NEG.

An OJT NEG Eligibility Checklist is available from ODJFS to ensure participants meet all of the above provisions. The checklist must be completed for every OJT NEG participant and maintained in the participant’s WIA case file.

OJT participants are not eligible to receive Needs Related Payments (NRPs). Further, OJT participants cannot be members of the immediate family of the employer or its Officers. Note: refer to the OJT procedures manual for the different situations in which OJT-related conflict of interest may arise.

B. Employer Eligibility

Eligible employers include only those in the private-for-profit and non-profit sectors; public sector employers are not considered eligible employers under the OJT NEG (i.e. not a governmenntal agency, unit or department). Further, casinos or other gambling establishments, zoos, swimming pools, aquariums, or golf courses are also considered ineligible for the OJT program under this grant.

The employer providing the OJT and/or the OJT worksite does not have to be located within Ohio’s borders. Unless prohibited by the local area’s OJT policy, an area may negotiate OJT agreements and issue OJT NEG funding to employers outside Ohio’s borders.

Private placement agencies cannot receive OJT funding under the NEG. The OJT NEG program is intended to benefit dislocated workers by utilizing employers who are:

1. Willing to train participants who are in need of upgrading their skills; and
2. Willing to permanently hire trainees at the end of the training period.

OJT contracts should be written with the employers who are actually employing participants and assuming the costs and benefits of the OJT. For these reasons, OJT contracts should not be written with employment brokers such as hiring agencies, temporary placement agencies or other third party entities. The OJT NEG also prohibits OJT agreements with employers who train a participant employed by a third party staffing agency.

Targeted employers are those included in the statewide targeted industries' list, regional Ohio Skills Bank designated industries and employers hiring local demand occupations. The statewide targeted industries include the following:

- Advanced Energy & Environmental Technologies
- Aerospace and Aviation
- Agriculture and Food Processing
- Bioscience and Bio-products
- Corporate and Professional Services
- Distribution and Logistics
- Instruments, Controls, and Electronics
- Motor Vehicle and Parts Manufacturing
- Polymers and Advanced Materials
- Banking and Insurance

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

- Failure to retain: The local WIB 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 local WIB must not enter into an agreement with an employer who has previously exhibited a pattern of failing to provide OJT participants with working conditions including compensation that is comparable to other workers in the same situation.
- Safe working conditions: The employer must comply with all applicable federal, state, local laws and regulations related to providing safe and clean 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 and caused dislocation at the original location, OJTs 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 OJT procedures manual for factors to be considered in determining whether relocation has occurred.
- Layoff: If the employer has laid off someone from a similar or "substantially equivalent" work, no OJT or other subsidized employment is permitted. If the overlap between the work (duties and job titles) is 80% or greater, the work is substantially equivalent. Note: refer to the OJT procedures manual for "layoff" definition.
- Worker displacement: Training positions covered may not have been created by the displacement of employed workers in the same or similar position, nor impair existing
contracts for services, nor result in the substitution of federal funds for other funds in connection with work that would otherwise be performed. This includes partial displacement such as reduction in the hours of non-overtime work, wages, or employment benefits.

C. Employer Information Form (Pre-award review)

Prior to the placement of an OJT participant, 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 continued employment to the OJT participant. The employer information form may be completed once rather than each time an OJT is approved. In case of a collective bargaining agreement, both the employer and union must provide concurrence before the OJT begins.

Employers must assure that documentation related to the statements made on the employer information form is available upon request for monitoring purposes.

Local areas may use the state's Employer Information Form template or develop their own form so long as they include all required elements as described in the OJT procedures manual.

D. OJT NEG Intermediaries

Local areas are encouraged to establish procedures to enable community-based organizations, labor unions, Chambers of Commerce, government agencies and other intermediaries to recruit and refer targeted workers and potential employers to participate in the OJT NEG. Intermediaries are a valuable community resource in ensuring the success of the OJT NEG initiative and may also play critical roles in providing supportive services for OJT participants, barrier removal services, and community outreach and awareness. An MOU between the local areas and the intermediary is recommended to define duties and responsibilities between the concerned parties.

E. Funding/Allocation

Local areas requesting OJT NEG funds are required to develop local OJT policy and/or ensure that their existing local policy conforms to the requirements outlined in this policy letter. The state will award funds to local areas on a first-come, first-served basis as a statewide initiative. Local areas are to email ODJFS with funding requests. Each local funding request shall not exceed the dollar amount required to cover the cost of the OJT agreement(s) on the request. ODJFS will review these requests and issue an allocation letter for the approved amount. The OJT NEG funds will be available for expenditure through September 30, 2012. Local areas will receive allocations as OJTs are developed, ensuring that grant funds are disbursed on a "real time" basis rather than projected service levels.

Core, intensive and supportive services are allowable services/costs under the OJT NEG. Areas may submit requests to cover these costs associated with the delivery of services to participants receiving OJT training, along with request for local admin funds, not to exceed 10% of OJT NEG expenses by the area.

F. Employer Reimbursement

Wage cap: Under the OJT NEG, the employer reimbursement is capped so as not to exceed the state's average hourly wage rate, up to a maximum of $8,000 per participant. The participant's wage rate will at least equal the state's current minimum wage rate and can exceed the state's average wage rate ($19.37 per hour); however, the reimbursement to employers is capped at the state's average wage rate. Thus, although employers may pay participants over $19.37 per hour, OJT wages to be reimbursed cannot exceed $19.37 per hour.

For instance, a participant in Ohio may enter OJT as an insurance cost estimator at an hourly wage of $28.50 (above the wage cap). Since the average hourly wage for Ohio is $19.37, the employer may only be reimbursed at some percentage of this wage cap determined by the employer's size for areas using the sliding scale. However, the employer must compensate the participant at the same rate as other workers performing the same job with similar levels of training, experience, and skills.
Reimbursement rate/Sliding Scale: The USDOL sliding scale uses the following considerations to determine reimbursement rate:

- Up to 90% for employers with 50 or fewer employees;
- Up to 75% for employers with 51-250 employees; and
- For employers with more than 250 employees, the existing 50% reimbursement rate will continue to apply.

Employer size is based on the size of the company's local operation where the OJT placements will be made, and not on the total nationwide employment. For instance, a hotel chain that employs thousands nationwide, but only 40 at its company in the targeted region, may be eligible for reimbursement up to 90%, when reimbursement is determined based on size. In determining the geographic boundaries that define the employer's local operation, local areas should use their best judgment based on analysis of each employer's size and structure.

The employee head count, in determining the OJT sliding scale, shall include workers at each worksite within an employer's local operation. In addition, the following guidelines should be applied while determining head count:

1. Include all full time and part time workers and temporary and permanent workers at the worksite including all managers and front line workers;
2. Include any individuals employed by a staffing agency who are subject to the day to day control of the host employer;
3. Do not use "FTE's." Every worker counts as "1;"
4. Include individuals employed within the same local operation;
5. Do not include individuals employed by and subject to the day to day control of other employers or independent contractors;
6. The "head count" is a snapshot. Use the best, good faith estimate given by the employer on the day when the OJT employer information form is completed.

Payment points: Local areas can develop their own procedure regarding when to reimburse training costs so long as the reimbursement does not exceed 50% of wages or the higher rate based on the sliding scale if appropriate. Local areas also have discretion in determining if they wish to withhold employer reimbursement for 30, 60 or 90 days to ensure retention after the end of training. However, local areas must ensure that this information is reflected in their local policy, the OJT agreement and OJT plan.

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. Local areas can develop their own invoice forms and are not mandated to follow state templates.

G. OJT Agreement

One OJT agreement - blanket agreement - will be written per employer through September 30, 2012, regardless of the number of participants trained or hired. Careful employer screening, through completion of the employer information form, will precede the OJT agreement. The OJT agreement, while establishing the reimbursement procedures, remains a non-financial agreement, and no money is obligated until the OJT plan is approved for an eligible participant.

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

H. OJT Plan
Local areas will work with the OJT employer to develop an OJT plan that includes the individual and employer attestation that s/he will meet all conditions set forth in the OJT agreement. For the OJT plan, local areas may utilize the template available in the OJT procedures manual or may create their own form that meets all required elements.

Unlike the OJT agreement, an OJT plan is required for each participant. The plan is expected to outline the planned training activities, the total amount of reimbursement obligation per participant, and provide instructions for making skill assessments and ensuring delivery of contracted services. 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.

At the end of the OJT period, local areas must document "ending capability" for each skill to be learned on the OJT plan.

I. Duration

The OJT duration under the NEG is limited to six (6) months (1,040 hours), with all money required to be spent by September 30, 2012. Co-enrollment is not allowed to expand the training duration beyond the 6 month period. No provision exists to offer additional training time to participants with significant barriers. If there is a break in employment, the duration of the OJT plan can extend beyond the allowed six month period but cannot exceed the 1,040 hours or the September 30, 2012 end date.

J. Monitoring

Local areas are encouraged to develop their own monitoring policies to outline the procedures, frequency and manner in which OJTs will be monitored and how staff persons/monitors will resolve any findings of non-compliance.

At a minimum, monitors should:

- Document information received directly from the OJT participants;
- Obtain 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.

K. Reporting

All OJT participants served under the NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula-funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.
Reporting of Participants Not Hired by the Employer Who Provided OJT: Local areas are required to follow up with employers to determine the employment outcome of participants. Upon completion or early termination of the NEG-funded OJT, local areas must identify and report all participants who were not hired by the employer that provided the training. Further, they must also identify if the participant was placed in OJT-related employment (i.e. unsubsidized employment within an industry or occupation in which the individual uses a substantial portion of the skills acquired in the OJT, but where hiring by the employer that provided the OJT did not occur.)

For all NEG-funded OJT participants not hired by the employer that provided OJT, the local area must e-mail the participant's name to NEG@odjfs.state.oh.us and also identify whether the participant was placed in OJT-related employment within thirty (30) days of OJT completion.

L. OJT Forms

The following forms must be completed. For more information, refer to the OJT procedures manual.

- OJT NEG Requirements Checklist
- Employer Information Form
- OJT Agreement
- OJT Plan

VI. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VII. Reference

USDOL waiver letter dated June 30, 2010
OJT NEG Program and Policy Q&A
Workforce Investment Act Final Rules, 20 CFR Part 652, Section § 663.700-710 and 667.268
OJT Procedures Manual
USDOL TEGL 04-10
WIAPL 08-18 (Project HIRE)
WIAPL 08-06.1 (NEG Wilmington)
USDOL's OJT NEG Toolkit: https://ojttoolkit.workforce3one.org/
Ohio's OJT NEG website: http://jfs.ohio.gov/owd/Initiatives/OJT-NEG.stm
Fiscal Rule 5101:9-31-66
Rescission
WIAPL 10-06
Workforce Investment Act Policy Letter No. 10-06

April 4, 2011

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: James A. Leftwich, Director
Michael B. Colbert, Director

Subject: On-the-job Training (OJT) National Emergency 2010 Grant

I. **Purpose**

To outline the policy parameters and provide direction to local areas for providing OJT to participants under the OJT National Emergency Grant (NEG) 2010 grant.

II. **Effective Date**

July 1, 2010 through June 30, 2012

III. **Background**

OJT activities are training services provided to eligible participants via an OJT agreement between the local area and the employer. Such an agreement, along with the associated participant training plans, specifies the duration of training as well as the skills and competencies to be acquired by the participant. Employers who provide OJT are reimbursed for their extraordinary costs of training the participant based on a percent of trainee wages during the training period. 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 ARRA-funded OJT NEG is an effective and time efficient response to the present challenging labor market conditions. Through this grant, the state aims at matching dislocated workers experiencing prolonged unemployment with employers facing skill shortages to culminate in "jump starting" a hiring decision.

The OJT program under the NEG will be implemented on a statewide basis.

As part of the NEG request, the United States Department of Labor (USDOL) approved a sliding scale for employer reimbursement based on employer size. However, the state is not mandating the use of the sliding scale and local areas can continue using the standard 50% wage reimbursement rate if they choose to do so. Alternatively, local areas are encouraged to revise existing local OJT policy to utilize the optional sliding scale or develop new OJT policy to implement the sliding scale under certain specific situations. Possible situations that could warrant the use of the sliding scale may include:

- For individuals facing significant barriers to employment;
- For small and mid-sized businesses that would qualify for a higher reimbursement rate;
- Local areas with higher than average unemployment rate;
- For small and mid-sized businesses offering an exceptional level of training;
- For small and mid-sized businesses providing benefits and a higher wage rate;
In case of small and mid-sized businesses using expensive tools or equipment to provide training;

For small and mid-sized businesses providing significant workplace safety precautions and safety training; and/or

The availability of OJT funding in the local area.

The OJT NEG will continue to be promoted at a 50% reimbursement rate with the utilization of the sliding scale on a case-by-case basis, as determined by the local areas.

IV. OJT Definition

WIA section 101(31) defines OJT as 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;
- Provides reimbursement to the employer of up to a percentage of the wage of the participant for the extraordinary costs of providing the training, and additional supervision related to the training; 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.

V. Requirements

A. Participant Eligibility

Before approving an OJT, the local area 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.

Each OJT NEG participant must document some connection to Ohio by meeting one of the following criteria:

1. Lives within Ohio; or
2. Lives within a reasonable commuting distance of the Ohio border and the OJT placement will be at a worksite in Ohio; or
3. The OJT placement will be at a worksite in Ohio and there is a reasonable expectation that the worker will be establishing permanent residence in Ohio.

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Prolonged unemployment refers to a period of joblessness beyond the state's average weeks of Unemployment Insurance (UI). The number of weeks is the important indicator, not the UI status. Therefore, an individual not covered by UI (ineligible or exhaustee) may still be identified as experiencing prolonged unemployment if s/he exceeds the specified duration. In Ohio, the average weeks of UI duration is 22.53 weeks or 158 days.

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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.

When determining whether a participant is prolonged unemployed, the time period that the participant is employed at the interim job should not be counted toward the 158 day span of joblessness.

For example, a dislocated worker remained jobless for 100 days following his dislocation date, and then accepted an interim job working five days per week for six weeks (i.e., 42 days total, including days off). The first day following the end of the interim employment would count as the dislocated worker’s 101st day of unemployment. After an additional 58 days with no job, the participant would reach the minimum requirement of 158 days of prolonged unemployment and qualify for the OJT NEG. In this example, a total of 200 days will have elapsed since the original dislocation date, with 42 days spent in interim employment and the required 158 days of prolonged unemployment.

Trade participants: Participants who are eligible for assistance under TAA (trade adjustment assistance) are not eligible to receive funding under the OJT NEG.

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

1. If the NEG-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 the NEG until completion;
2. If the NEG-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 the NEG until completion;
3. If the NEG-funded OJT uses the same wage reimbursement rate and payment point as the Trade program OJT, the local area must make arrangements for the remainder of the OJT to be funded by TAA beginning at the next payment point. Local areas must coordinate with Trade staff to develop a plan for transitioning participants from one funding stream to another without negatively affecting the employer.

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

Participants in other NEGs: Participants who are eligible for assistance under other existing NEGs in Ohio are not eligible to receive funding under the OJT NEG.

An OJT NEG Eligibility Checklist is available from ODJFS to ensure participants meet all of the above provisions. The checklist must be completed for every OJT NEG participant and maintained in the participant's WIA case file.

OJT participants are not eligible to receive Needs Related Payments (NRPs). Further, OJT participants cannot be members of the immediate family of the employer or its Officers. Note: refer to the OJT procedures manual for the different situations in which OJT-related conflict of interest may arise.

B. Employer Eligibility
Eligible employers include only those in the private-for-profit and non-profit sectors; public sector employers are not considered eligible employers under the OJT NEG (i.e. not a governmental agency, unit or department). Further, casinos or other gambling establishments, zoos, swimming pools, aquariums, or golf courses are also considered ineligible for the OJT program under this grant.

The employer providing the OJT and/or the OJT worksite does not have to be located within Ohio’s borders. Unless prohibited by the local area's OJT policy, an area may negotiate OJT agreements and issue OJT NEG funding to employers outside Ohio's borders.

Private placement agencies cannot receive OJT funding under the NEG. The OJT NEG program is intended to benefit dislocated workers by utilizing employers who are:

1) Willing to train participants who are in need of upgrading their skills; and

2) Willing to permanently hire trainees at the end of the training period.

OJT contracts should be written with the employers who are actually employing participants and assuming the costs and benefits of the OJT. For these reasons, OJT contracts should not be written with employment brokers such as hiring agencies, temporary placement agencies or other third party entities. The OJT NEG also prohibits OJT agreements with employers who train a participant employed by a third party staffing agency.

Targeted employers are those included in the statewide targeted industries' list, regional Ohio Skills Bank designated industries and employers hiring local demand occupations. The statewide targeted industries include the following:

- Advanced Energy & Environmental Technologies
- Aerospace and Aviation
- Agriculture and Food Processing
- Bioscience and Bio-products
- Corporate and Professional Services
- Distribution and Logistics
- Instruments, Controls, and Electronics
- Motor Vehicle and Parts Manufacturing
- Polymers and Advanced Materials
- Banking and Insurance

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

- Failure to retain: The local WIB 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 local WIB must not enter into an agreement with an employer who has previously exhibited a pattern of failing to provide OJT participants with working conditions including compensation that is comparable to other workers in the same situation.

- Safe working conditions: The employer must comply with all applicable federal, state, local laws and regulations related to providing safe and clean 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 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 OJT procedures manual
  for factors to be considered in determining whether relocation has occurred.

- Layoff: If the employer has laid off someone from a similar or "substantially
  equivalent" work, no OJT or other subsidized employment is permitted. If the
  overlap between the work (duties and job titles) is 80% or greater, the work is
  substantially equivalent. Note: refer to the OJT procedures manual for "layoff"
  definition.

- Worker displacement: Training positions covered may not have been created by
  the displacement of employed workers in the same or similar position, nor impair
  existing contracts for services, nor result in the substitution of federal funds for
  other funds in connection with work that would otherwise be performed. This
  includes partial displacement such as reduction in the hours of non-overtime work,
  wages, or employment benefits.

C. **Employer Information Form (Pre-award review)**

Prior to the placement of an OJT participant, 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 continued employment to the OJT participant. The employer
information form may be completed once rather than each time an OJT is approved. In case of a
collective bargaining agreement, both the employer and union must provide concurrence before
the OJT begins.

Employers must assure that documentation related to the statements made on the employer
information form is available upon request for monitoring purposes.

Local areas may use the state's Employer Information Form template or develop their own form
so long as they include all required elements as described in the OJT procedures manual.

D. **OJT NEG Intermediaries**

Local areas are encouraged to establish procedures to enable community-based organizations,
labor unions, Chambers of Commerce, government agencies and other intermediaries to recruit
and refer targeted workers and potential employers to participate in the OJT NEG.
Intermediaries are a valuable community resource in ensuring the success of the OJT NEG
initiative and may also play critical roles in providing supportive services for OJT participants,
barrier removal services, and community outreach and awareness. An MOU between the local
areas and the intermediary is recommended to define duties and responsibilities between the
concerned parties.

E. **Funding/Allocation**

Local areas requesting OJT NEG funds are required to develop local OJT policy and/or ensure
that their existing local policy conforms to the requirements outlined in this policy letter. The
state will award funds to local areas on a first-come, first-served basis as a statewide initiative.
Local areas are to email ODJFS with funding requests. Each local funding request shall not
exceed the dollar amount required to cover the cost of the OJT agreement(s) on the request.
ODJFS will review these requests and issue an allocation letter for the approved amount. The
OJT NEG funds will be available for expenditure through June 30, 2012. Local areas will receive
allocations as OJT are developed, ensuring that grant funds are disbursed on a "real time" basis rather than projected service levels.

Core, intensive and supportive services are not allowable services/costs under the OJT NEG; however, OJT participants can be provided these services from other funding sources.

F. Employer Reimbursement

Wage cap: Under the OJT NEG, the employer reimbursement is capped so as not to exceed the state’s average hourly wage rate, up to a maximum of $8,000 per participant. The participant’s wage rate will at least equal the state’s minimum wage rate ($7.30 per hour) and can exceed the state’s average wage rate ($19.37 per hour); however, the reimbursement to employers is capped at the state’s average wage rate. Thus, although employers may pay participants over $19.37 per hour, OJT wages to be reimbursed cannot exceed $19.37 per hour.

For instance, a participant in Ohio may enter OJT as an insurance cost estimator at an hourly wage of $28.50 (above the wage cap). Since the average hourly wage for Ohio is $19.37, the employer may only be reimbursed at some percentage of this wage cap determined by the employer's size for areas using the sliding scale. However, the employer must compensate the participant at the same rate as other workers performing the same job with similar levels of training, experience, and skills.

Reimbursement rate/ Sliding Scale: The USDOL sliding scale uses the following considerations to determine reimbursement rate:

- Up to 90% for employers with 50 or fewer employees;
- Up to 75% for employers with 51-250 employees; and
- For employers with more than 250 employees, the existing 50% reimbursement rate will continue to apply.

Employer size is based on the size of the company's local operation where the OJT placements will be made, and not on the total nationwide employment. For instance, a hotel chain that employs thousands nationwide, but only 40 at its company in the targeted region, may be eligible for reimbursement up to 90%, when reimbursement is determined based on size. In determining the geographic boundaries that define the employer's local operation, local areas should use their best judgment based on analysis of each employer's size and structure.

The employee head count, in determining the OJT sliding scale, shall include workers at each worksite within an employer's local operation. In addition, the following guidelines should be applied while determining head count:

1. Include all full time and part time workers and temporary and permanent workers at the work site including all managers and front line workers;
2. Include any individuals employed by a staffing agency who are subject to the day to day control of the host employer;
3. Do not use "FTE's." Every worker counts as "1;"
4. Include individuals employed within the same local operation;
5. Do not include individuals employed by and subject to the day to day control of other employers or independent contractors;
6. The "head count" is a snapshot. Use the best, good faith estimate given by the employer on the day when the OJT employer information form is completed.

Payment points: Local areas can develop their own procedure regarding when to reimburse training costs so long as the reimbursement does not exceed 50% of wages or the higher rate based on the sliding scale if appropriate. Local areas also have discretion in determining if they
wish to withhold employer reimbursement for 30, 60 or 90 days to ensure retention after the end of training. However, local areas must ensure that this information is reflected in their local policy, the OJT agreement and OJT plan.

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. Local areas can develop their own invoice forms and are not mandated to follow state templates.

G. OJT Agreement

One OJT agreement - blanket agreement - will be written per employer for a maximum period up to June 30, 2012, regardless of the number of participants trained or hired. Careful employer screening, through completion of the employer information form, will precede the OJT agreement. The OJT agreement, while establishing the reimbursement procedures, remains a non-financial agreement, and no money is obligated until the OJT plan is approved for an eligible participant.

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

H. OJT Plan

Local areas will work with the OJT employer to develop an OJT plan that includes the individual and employer attestation that s/he will meet all conditions set forth in the OJT agreement. For the OJT plan, local areas may utilize the template available in the OJT procedures manual or may create their own form that meets all required elements.

Unlike the OJT agreement, an OJT plan is required for each participant. The plan is expected to outline the planned training activities, the total amount of reimbursement obligation per participant, and provide instructions for making skill assessments and ensuring delivery of contracted services. 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.

At the end of the OJT period, local areas must document "ending capability" for each skill to be learned on the OJT plan.

I. Duration

The OJT duration under the NEG is limited to six (6) months (1,040 hours), with all money required to be spent by June 30, 2012. Co-enrollment is not allowed to expand the training duration beyond the 6 month period. No provision exists to offer additional training time to participants with significant barriers. If there is a break in employment, the duration of the OJT plan can extend beyond the allowed six month period but cannot exceed the 1,040 hours or the June 30, 2012 end date.

J. Monitoring
Local areas are encouraged to develop their own monitoring policies to outline the procedures, frequency and manner in which OJTs will be monitored and how staff persons/monitors will resolve any findings of non-compliance.

At a minimum, monitors should:

- Document information received directly from the OJT participants;
- Obtain 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.

K. Reporting

All OJT participants served under the NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula-funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

Reporting of Participants Not Hired By the Employer Who Provided OJT: Local areas are required to follow up with employers to determine the employment outcome of participants. Upon completion or early termination of the NEG-funded OJT, local areas must identify and report all participants who were not hired by the employer that provided the training. Further, they must also identify if the participant was placed in OJT-related employment (i.e. unsubsidized employment within an industry or occupation in which the individual uses a substantial portion of the skills acquired in the OJT, but where hiring by the employer that provided the OJT did not occur.)

For all NEG-funded OJT participants not hired by the employer that provided OJT, the local area must e-mail the participant's name to NEG@odjs.state.oh.us and also identify whether the participant was placed in OJT-related employment within thirty (30) days of OJT completion.

L. OJT Forms

The following forms must be completed. For more information, refer to the OJT procedures manual.

- OJT NEG Requirements Checklist
- Employer Information Form
- OJT Agreement
- OJT Plan

VI. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VII. Reference

USDOL waiver letter dated June 30, 2010
OJT NEG Program and Policy Q&A
Workforce Investment Act Final Rules, 20 CFR Part 652, Section § 663.700-710 and 667.268
OJT Procedures Manual
USDOL TEGL 04-10
WIAPL 08-18 (Project HIRE)
WIAPL 08-06.1 (NEG Wilmington)
USDOL's OJT NEG Toolkit: https://ojttoolkit.workforce3one.org/
Ohio's OJT NEG website: http://jfs.ohio.gov/owd/Initiatives/OJT-NEG.stm
Fiscal Rule 5101:9-31-66
Rescission
WIAPL 09-10
I. **Purpose**

To implement the use of the "Ohio Means Jobs" brand by local Workforce Investment Areas (WIA) on new outreach opportunities including, but not limited to, websites, screen savers, signage, brochures, and posters. This is expected to aid individuals receiving workforce services in identifying state and local workforce efforts as part of a coordinated system. The branding effort is tied into the state’s broader initiatives to brand and market Ohio Means Jobs as part of the state's workforce development strategy.

II. **Effective Date**

September 1, 2010

III. **Background**

Under the direction of the Governor, the State Workforce Policy Advisory Board ("Board") is to implement a statewide branding initiative to adopt a unified brand - Ohio Means Jobs - for the state's workforce system. Resolution No. 01-06-2010-02 --"Ohio Means Jobs Outreach Campaign"- was approved by the Board's Executive Committee on January 6, 2010. The resolution recommends that the Ohio Board of Regents, Ohio Department of Development, and Ohio Department of Job and Family Services work in collaboration to develop an outreach campaign promoting Ohio Means Jobs as the integrated point of entry to Ohio's workforce system. Incorporating a unified brand for the workforce system is designed to enhance the way state and local workforce agencies communicate to the general public and make the workforce system both more understandable and accessible. Ohio Means Jobs provides a tool to customers not familiar with the structure of Ohio's workforce system and/or a local or state workforce brand to find workforce services and resources easily by using a common name.

Ohio Means Jobs, an online job-matching tool, was created to help Ohio's job seekers access job openings and to connect Ohio's businesses with qualified and available workers. Ohio is the frontrunner among other states - it is the first state in the country to develop and adopt an online job portal through a public/private partnership and to provide it free of charge.

In summation, the Ohio Means Jobs branding initiative will integrate the local and state workforce development efforts, and create a more effective workforce system.

IV. **Requirements**

In order to fulfill the Board's recommendations, local areas are required to utilize the new "Ohio Means Jobs" brand on new outreach opportunities including, but not limited to, websites, screen savers, signage, brochures, and posters.

To create a strong branding campaign to strengthen and unify the image of Ohio's workforce system, the Board recommends that Ohio Means Jobs:

- Serve as the official umbrella brand for Ohio's workforce system while maintaining local One-Stop identity via co-branding;
- Function as a web-based informational gateway and support system for primary customers: employers, employees, and job seekers;
Market workforce services offered by Ohio state agencies and local partners; and
Showcase statewide workforce development success stories and examples of excellence.

Although the Ohio Means Jobs brand is the umbrella brand for Ohio's workforce development system, a local area may adopt the brand as their primary brand. Many state and local workforce development agencies have already initiated the branding effort by implementing the Ohio Means Jobs brand. The coordinated statewide branding effort is intended to create brand recognition - it will enable individuals and businesses to associate and link each workforce entity with the network of Ohio's workforce services. For instance, by employing the logo on new outreach materials, a local One-Stop center will communicate the message of being connected to the statewide workforce system.

Consistency is a key aspect of successful branding. This means making sure that all graphics and messages used in each branding dimension fit into the overarching umbrella concept. A consistent message also means coordinating and integrating state workforce agencies and local workforce leaders within the larger goal of branding. This will ensure that state workforce agencies and local workforce agencies will mutually reinforce each other's efforts.

The Ohio Means Jobs style guide was developed to provide the brand and website design guidelines for all users. The Ohio Means Jobs brand, in addition to the local areas' personal logo or identifier, must be prominently displayed on outreach materials, banners, and signage. All characteristics of the brand, as specified in the style guide, must be followed and may not be altered.

The local areas must incorporate the new style guide that can be accessed with the following hyperlink:
If unable to access the hyperlink, Ohio Means Jobs' website also provides a "Featured Links" button which when selected will direct the user to the "Workforce Professional" link containing the hyperlink to the style guide. Local areas are encouraged to continue to use their current outreach materials, but must incorporate the Ohio Means Jobs brand on their new outreach materials and any reproduced brochures and materials.

Considerations
Any allocated funds provided to local areas, which are designated for outreach, may be used toward the Ohio Means Jobs branding initiative. In addition, the local areas may also use any other funds set aside or designated to update brochures, upgrade and/or modify inside signage, order/reorder brochures, restock current outreach materials, or for electronic signage, job fair displays, etc. Local areas are expected to utilize allowable funds that are reasonable and necessary or budgeted line items towards expenditures modifying and/or upgrading their outreach materials to convey the unified branding message. Note that local areas are not required to discontinue using their current outreach materials. However, they are expected to incorporate the Ohio Means Jobs brand on all new and reproduced materials. Further, going forward, the new branding requirements will be incorporated in the Workforce Investment Board grant agreements.

Branding Style Guide Requirements
The Ohio Means Jobs style guide can be accessed at the following hyperlink:
Local areas are required to adhere to all aspects of the style guide. For instance, the color and/or font size and font type may not be altered on outreach materials. Further, the style guide also indicates specific requirements that must be met for the business card and stationery. Any deviations or substitutions from the instructions mentioned in the style guide will be considered as unacceptable usage of the Ohio Means Jobs brand.

Before initial use of the brand or once the branding has already been implemented, local areas are required to notify ODJFS through an email at ohiomeansjobs@jfs.ohio.gov. This will help track how and when the brand is being utilized.

Approved Branding Partners
Approved branding partners include local Workforce Investment Boards (WIBs) and One-Stop centers. If an agency or a partner of a WIB and/or a One-Stop center is not an approved branding partner, that agency or partner must contact ohiomeansjobs@jfs.ohio.gov to receive approval before using the Ohio Means Jobs brand. Local WIBs and One-Stop centers are not permitted to authorize the use of the Ohio Means Jobs brand by any third party. In the event that a third party wants to use the brand, the Ohio Means Jobs administrators must be notified at the email address provided above.

The Ohio Means Jobs brand will be copyrighted and trademarked to protect it from abuse. The wrongful use of any elements of the Ohio Means Jobs Brand Guidelines as specified in both this policy and the style guide may constitute an infringement of proprietary rights and may result in damages.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@jfs.ohio.gov.

VI. Reference

One Stop System Enhancement Program

Governor's Workforce Policy Advisory Board Resolution No. 01-06-2010-02: Ohio Means Jobs Outreach Campaign


Rescissions

None
Workforce Investment Act Policy Letter No. 10-04

September 3, 2010

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Poverty Income Guidelines and Lower Living Standard Income Level

I. Purpose

To notify local areas of the annually updated Poverty Income Guidelines and Lower Living Standard Income Level tables as mandated by the Ohio Administrative Code Rule 5101:9-30-03.

II. Effective Date

Immediately

III. Background

The poverty income guidelines and lower living standard income level are used for determining eligibility and low income for programs operated under the Workforce Investment Act. Low income is used to determine eligibility for youth services and to prioritize adult individual training accounts when funds are limited.

The Ohio Administrative Code Rule 5101:9-30-03 titled: Workforce Investment Act poverty income guidelines and lower living standard income level, describes the use and the enforcement of the poverty income guidelines and the lower living standard income level by programs under the Workforce Investment Act.

IV. Requirements

The poverty income guidelines and lower living standard income level are issued at separate time frames and by different federal agencies. The Department of Health and Human Services is responsible for the federal poverty income guidelines and historically releases new guidelines during the first quarter of the calendar year. The Secretary of Labor determines and historically releases the lower living standard income level for Title I of the Workforce Investment Act during the end second quarter of the calendar year. The poverty income guidelines and the lower living standard income level are revised annually by the Office of Workforce Development, Ohio Department of Job and Family Services (ODJFS).

The income tables are revised at the federal level. The tables, poverty income guidelines and lower living standard income level, will be updated in SCOTI for income-based eligibility determination. E-mail notifications will be sent to local WIBs and One-Stop operators when the income tables are updated.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development, WIAQNA@JFS.OHIO.GOV.

VI. Reference

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998
Ohio Administrative Code Rule 5101:9-30-03.

Rescission:

WIATL 11: Amended Rule regarding Poverty Income Guidelines and Lower Living Standard Income Level
Workforce Investment Act Policy Letter No. 10-03.2

March 11, 2014

To: Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Time Frame Extension for Subsequent Eligibility of Training Providers

I. **Purpose**

To provide policy to local areas on the waiver granted by the U.S. Department of Labor (USDOL) of the time limit on the period of initial eligibility of training providers in 20 CFR 663.530.

II. **Effective Date**

July 1, 2012 - June 30, 2017

III. **Background**

The Workforce Investment Act (WIA) requires that local areas 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. Federal law requires that after a set period of time of initial eligibility, training providers must be determined subsequently eligible.

On March 12, 2002, Ohio was granted a waiver of the time limit on the period of initial eligibility of training providers that was set forth in 20 CFR 663.530. The waiver also allows the State to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers. Since the initial approval, annual extensions have been granted for this waiver. An extension of this waiver has been granted through June 30, 2017.

IV. **Requirements**

All eligible training providers will be required to collect, track, and report the program and cost information. Waiver approval does not mean that every program/provider is guaranteed retention for the waiver period. Local areas may review the performance of a provider to determine retention and may exclude providers from the Eligible Training Provider List. This verifiable program information may include the federally required performance information or other appropriate types of performance information as established by the local board. If the local board requests additional information that imposes extraordinary costs, the local board shall provide access to cost effective methods of collection or provide additional resources. The intent of the waiver is to extend the time in order to allow both the local board and the State to develop reporting systems. This will allow the local board to make their subsequent eligibility decisions in the future.

When a training program fails to meet established local program and cost requirements, a local board may choose to remove that program from the state Eligible Training Provider List for Individual Training Accounts (ITAs). A local board can only remove a training program that they have previously approved and recommended to the State. To request removal of a training program, please send a letter signed by the board chair with the name and address of the training institution and the name of the program that you wish to be removed. This letter should be directed to the following address:

Ohio Department of Job and Family Services
Office of Workforce Development
Bureau of WIA
A representative from the Office of Workforce Development (OWD) will review the request. A notice will be sent to all local areas to advise that the program will be removed ninety (90) days from the date of the notice. Eligible Training Providers have the right to appeal the removal by sending their appeal to OMJ-HELP-DESK@JFS.OHIO.GOV with "ETP 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 WIA ITA has covered the cost of the training.

Once training providers are removed from the state provider list, the training providers will be required to wait for a period of 12 months before they can be considered for re-certification. This would provide the local board with a representative sampling of data from which to make a decision for the provider's re-certification.

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

V. **Technical Assistance**

For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. **References**


**Rescissions**

WIAPL 10-03.1 Waiver from Section 122 (c)(5) of WIA and Section 663.530 of the Regulations - Time Frame Extension for Subsequent Eligibility of Training Providers
Workforce Investment Act Policy Letter No. 10-03.1

August 23, 2011

To: WIA Local Workforce Investment Boards (WIBs), WIA Fiscal Agents, WIA Administrative Entities, and One-Stop Operators

From: Christiane Schmenk, Director
Michael B. Colbert, Director

Subject: Waiver from Section 122 (c)(5) of WIA and Section 663.530 of the Regulations - Time Frame Extension for Subsequent Eligibility of Training Providers

I. Purpose

To provide policy to local areas on the waiver granted by DOL of the time limit on the period of initial eligibility of training providers at 20 CFR 663.530 of the regulations.

II. Effective Date

July 1, 2011 - June 30, 2012

III. Background

The Workforce Investment Act (WIA) 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.

On March 12, 2002, Ohio was granted a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The waiver also allows the State to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers. Since the initial approval, annual extensions have been granted for this waiver.

In April 2011, Ohio submitted a waiver request to extend the previously approved waiver. On June 7, 2011, the United States Department of Labor (USDOL) approved this waiver request, effective July 1, 2011. An extension of this waiver has been granted through June 30, 2012.

IV. Requirements

All eligible training providers will be required to collect, track, and report the program and cost information. Waiver approval does not mean that every program/provider is guaranteed retention for the waiver period. Local areas may want to review the performance of a provider to determine retention and may exclude providers from the Eligible Training Provider List. This verifiable program information may include the federally required performance information or other appropriate types of performance information as established by the local board. If the local board requests additional information that imposes extraordinary costs, the local board shall provide access to cost effective methods of collection or provide additional resources. The intent of the waiver is to extend the time in order to allow both the local board and the State to develop reporting systems. This will allow the local board to make their subsequent eligibility decisions in the future.

When a training program fails to meet established local program and cost requirements, a local board may choose to remove that program from the state Eligible Training Provider List for Individual Training Accounts (ITAs). A local board can only remove a training program that they have previously approved and recommended to the State. To request removal of a training program, please send a letter signed...
by the board chair with the name and address of the training institution and the name of the program that you wish to be removed. This letter should be directed to the following address:

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

A representative from OWD will review the request. 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 WIAQNA@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 WIA ITA has covered the cost of the training.

Once training providers are removed from the state provider list, the training providers will be required to wait for a period of 12 months before they can be considered for re-certification. This would provide the local board with a representative sampling of data from which to make a decision for the provider's re-certification.

This provision should bring more opportunities for eligible programs to work with WIA customers. Many programs have not been able to enroll enough WIA 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.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development to: WIAQNA@jfs.ohio.gov.

VI. Reference

DOL waiver extension letter, June 7, 2011
DOL waiver approval letter, June 30, 2010
Workforce Investment Act Section 122 (c)(5) WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Section 663.530
Distribution: WIA Guidance Letter
Rescissions
WIATL 7 WIA Waiver from Section 122 (c)(5) of WIA and Section 663.530 of the Regulations -Time Frame Extension for Subsequent Eligibility of Training Providers
WIAPL 10-03
Workforce Investment Act Policy Letter No. 10-03

September 10, 2010

To: WIA Local Workforce Investment Boards (WIBs), WIA Fiscal Agents, WIA Administrative Entities, and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Waiver from Section 122 (c)(5) of WIA and Section 663.530 of the Regulations - Time Frame Extension for Subsequent Eligibility of Training Providers

I. **Purpose**

To provide policy to local areas on the waiver granted by DOL of the time limit on the period of initial eligibility of training providers at 20 CFR 663.530 of the regulations.

II. **Effective Date**

July 1, 2010, through June 30, 2011

III. **Background**

The Workforce Investment Act (WIA) 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.

On March 12, 2002, Ohio was granted a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The waiver also allows the State to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers. Since the initial approval, annual extensions have been granted for this waiver.

In May 2010, Ohio submitted a waiver request to extend the previously approved waiver. On June 30, 2010, the United States Department of Labor (USDOL) approved this waiver request, effective July 1, 2010.

IV. **Requirements**

All eligible training providers will be required to collect, track, and report the program and cost information. Waiver approval does not mean that every program/provider is guaranteed retention for the waiver period. Local areas may want to review the performance of a provider to determine retention and may exclude providers from the Eligible Training Provider List. This verifiable program information may include the federally required performance information or other appropriate types of performance information as established by the local board. If the local board requests additional information that imposes extraordinary costs, the local board shall provide access to cost effective methods of collection or provide additional resources. The intent of the waiver is to extend the time in order to allow both the local board and the State to develop reporting systems. This will allow the local board to make their subsequent eligibility decisions in the future.

When a training program fails to meet established local program and cost requirements, a local board may choose to remove that program from the state Eligible Training Provider List for Individual Training Accounts (ITAs). A local board can only remove a training program that they have previously approved and recommended to the State. To request removal of a training program, please send a letter signed...
by the board chair with the name and address of the training institution and the name of the program that you wish to be removed. This letter should be directed to the following address:

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

A representative from OWD will review the request. 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 WIAQNA@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 WIA ITA has covered the cost of the training.

Once training providers are removed from the state provider list, the training providers will be required to wait for a period of 12 months before they can be considered for re-certification. This would provide the local board with a representative sampling of data from which to make a decision for the provider's re-certification.

This provision should bring more opportunities for eligible programs to work with WIA customers. Many programs have not been able to enroll enough WIA 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.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development to: WIAQNA@jfs.ohio.gov.

VI. Reference

DOL waiver approval letter, June 30, 2010

Workforce Investment Act Section 122 (c)(5) WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Section 663.530

Distribution: WIA Guidance Letter

Rescissions

WIA Waiver from Section 122 (c)(5) of WIA and Section 663.530 of the Regulations -Time Frame Extension for Subsequent Eligibility of Training Providers WIATL 7
Workforce Investment Act Policy Letter No. 10-02.2

March 6, 2014

To: Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and Ohio Means Jobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Waiver on Individual Training Accounts (ITA) for Youth Participants

I. Purpose

This communication provides guidance on the waiver to use Individual Training Accounts (ITAs) for WIA older and out-of-school youth participants. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date

July 1, 2012 - June 30, 2017

III. Background

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 134 (d) (4) (G) requires the use of an ITA for training services for the adult and dislocated worker programs. Workforce Investment Act (WIA), 20 Code of Federal Regulations, Section 664.510 allows youth, who are 18 years of age and above, to use an ITA for training services if they are co-enrolled in the adult and/or dislocated worker programs.

The U.S. Department of Labor (DOL) granted Ohio a waiver extension allowing the use of ITAs for older and out-of-school youth participants without co-enrolling in the adult and or dislocated worker program for training services requiring an ITA. An extension of this waiver has been granted through June 30, 2017.

IV. Requirements

This waiver allows the administrative entity to use ITAs for older and out-of-school youth participants. Local areas can provide ITA to these categories of youth participants without co-enrolling them in the adult and/or dislocated worker program. Local areas must use their local youth formula allocations to provide ITAs to the eligible youth participants who are enrolled in the WIA youth program. This waiver applies statewide. A local WIB does not need to make a formal request to implement this waiver.

Administrative entities may utilize Ohio’s Eligible Training Provider (ETP) list when issuing ITAs under this waiver. The administrative entity must procure the occupational skills training youth program element for individuals not using an ITA.

Out-of-School Definition:

1. Enrolled in education leading to a certificate - in-school (See exception in number 3);
2. Not attending school leading to a certificate - out-of-school;
3. In post-secondary education & basic skills deficient - out-of-school
   a. Post-secondary education - A program at an accredited degree-granting institution that leads to an academic degree (e.g. A.A., A.S., B.A., B.S.).
   b. If in post-secondary education, they are not available for work; therefore cannot be considered unemployed or underemployed.


An ITA must be a part of a youth's Individual Service Strategy (ISS). The decision to use an ITA is based on an objective assessment. The participant must have the qualifications to succeed in an occupational skills training program and funding must be available. A determination must be made that occupational skill training is necessary and is for a demand occupation.

The administrative entity must ensure that youth have access to and select providers and programs from the State’s Eligible Training Provider (ETP) list.

All ITAs awarded to youth participants must be reported in the Ohio Workforce Case Management System (OWCMS). If a youth is receiving services through the ten youth program elements and an ITA, the youth performance measures apply. When you co-enroll a youth in both the ten youth elements and the adult and or dislocated programs, the performance measures apply as appropriate. The WIB should provide policy direction to the administrative entity staff to evaluate outcomes at least quarterly to determine any impact of the waiver.

V. Technical Assistance

For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References


Rescission

WIAPL 10-02.1 Waiver on Individual Training Accounts (ITA) for Youth Participants
Workforce Investment Act Policy Letter No. 10-02.1

August 23, 2011

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Christiane Schmenk, Director
       Michael B. Colbert, Director

Subject: Waiver on Individual Training Accounts (ITA) for Youth Participants

I. Purpose

This communication provides guidance on the waiver to use Individual Training Accounts (ITAs) for WIA older and out-of-school youth participants. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date

July 1, 2011 - June 30, 2012

III. Background

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 134 (d) (4) (G) requires the use of an ITA for training services for the adult and dislocated worker programs. WIA, 20 Code of Federal Regulations, Section 664.510 allows youth, who are 18 years of age and above, to use an ITA for training services if they are co-enrolled in the adult and/or dislocated worker programs. On June 7 2011, the U.S. Department of Labor (DOL) granted Ohio a waiver extension allowing the use of ITAs for older and out-of-school youth participants without co-enrolling in the adult and/or dislocated worker program for training services requiring an ITA. An extension of this waiver has been granted through June 30, 2012.

IV. Requirements

This waiver allows the administrative entity to use ITAs for older and out-of-school youth participants. Local areas can provide ITA to these categories of youth participants without co-enrolling them in the adult and/or dislocated worker program. Local areas must use their local youth formula allocations to provide ITAs to the eligible youth participants who are enrolled in the WIA youth program. This waiver applies statewide. A local WIB does not need to make a formal request to implement this waiver.

Administrative entities may utilize the Eligible Training Provider List (ETPL) when issuing ITAs under this waiver. The administrative entity must procure the occupational skills training youth program element for individuals not using an ITA.

Out-of-School Definition

1. Enrolled in education leading to a certificate - in-school
   (See exception in number 3)
2. Not attending school leading to a certificate - out-of-school
3. In post-secondary education & basic skills deficient - out-of-school
   A. Post-secondary education - A program at an accredited degree-granting institution that leads to an academic degree (e.g. A.A., A.S., B.A., B.S.).
   B. If in post-secondary education they are not available for work; therefore cannot be considered unemployed or underemployed.
An ITA must be a part of a youth's individual service strategy (ISS). The decision to use an ITA is based on an objective assessment. The participant must have the qualifications to succeed in an occupational skills training program and funding must be available. A determination must be made that occupational skill training is necessary and is for a demand occupation.

The administrative entity must ensure that youth have access to and select providers and programs from the State Eligible Training Provider list (ETP).

All ITAs awarded to youth participants must be reported in the Sharing Career Opportunities and Training Information (SCOTI) system. If a youth is receiving services through the ten youth program elements and an ITA, the youth performance measures apply. When you co-enroll a youth in both the ten youth elements and the adult and/or dislocated programs, the performance measures apply as appropriate. The WIB should provide policy direction to the administrative entity staff to evaluate outcomes at least quarterly to determine any impact of the waiver.

V. Technical Assistance

For additional information, you may send your questions to the Bureau WIA, WIAQNA@odjfs.ohio.gov

VI. References

Workforce Investment Act (WIA) 1998, Public Law 105-220, August 7, 1998,
Sections 101 (33) 123, 129 (c), 134 and 189 (i) (4) (B);
WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.340 661.420(c) and (e), 664.405 (4) and 664.510;
Training and Employment Guidance Letter (TEGL) 17-05, February 17, 2006
Waiver Request Plan, May 9, 2005; and U.S. DOL waiver approval letter, July 25, 2005
Waiver Request Plan, May 9, 2007; and USDOL waiver approval letter, Sept. 26, 2007
Waiver Request Plan, May 13, 2010; and USDOL waiver approval letter, June 30, 2010
USDOL waiver extension letter, June 7, 2011
Rescission
WIATL 19-A
WIAPL 10-02
Workforce Investment Act Policy Letter No. 10-02

September 16, 2010

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Waiver on Individual Training Account (ITA) for Youth Participants, ages 16-21

I. **Purpose**

This communication provides guidance on the waiver to use Individual Training Accounts (ITAs) for WIA youth participants who are ages 16-21. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. **Effective Date**

July 1, 2010 through June 30, 2011

III. **Background**

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 134 (d) (4) (G) requires the use of an ITA for training services for the adult and dislocated worker programs. WIA, 20 Code of Federal Regulations, Section 664.510 allows youth, who are 18 years of age and above, to use an ITA for training services if they are co-enrolled in the adult and/or dislocated worker programs.

On June 30 2010, the U.S. Department of Labor (DOL) granted Ohio a waiver extension allowing the use of ITAs for youth participants who are ages 16-21, and who are out-of-school, or in school and at risk, without co-enrolling in the adult and/or dislocated worker program for training services requiring an ITA.

IV. **Requirements**

This waiver allows the administrative entity to use ITAs for youth participants who are ages 16-21. Youth participants must be either out-of-school or "at risk" in school students to receive an ITA. Youth who are ages 14-15 are not eligible to receive ITAs.

Local areas can provide ITA to these categories of youth participants without co-enrolling them in the adult and/or dislocated worker program. Local areas must use their local youth formula allocations to provide ITAs to the eligible youth participants who are enrolled in the WIA youth program. This waiver applies statewide. A local Workforce Investment Board (WIB) does not need to make a formal request to implement this waiver.

Administrative entities may utilize the ETPL when issuing ITAs under this waiver. The administrative entity must procure the occupational skills training youth program element for individuals not using an ITA.

**Out-of-School Definition**

1. Enrolled in Education leading to a certificate - In-School
   (See exception in Number 3)

2. Not attending School leading to a certificate - Out-of-School

3. In post-secondary education & basic skills deficient - Out-of-School
   A. Post-Secondary Education - A program at an accredited degree-granting institution that leads to an academic degree (e.g. A.A., A.S., B.A., B.S.).
B. If in Post-Secondary education they are not available for work; therefore cannot be considered unemployed or underemployed.

An ITA must be a part of a youth's individual service strategy (ISS). The decision to use an ITA is based on an objective assessment. The participant must have the qualifications to succeed in an occupational skills training program and funding must be available. A determination must be made that occupational skill training is necessary and is for a demand occupation. Youth should be cautioned and encouraged not to use an ITA as an enticement to drop out of high school or terminate other academic programs.

The administrative entity must ensure that youth have access to and select providers and programs from the State Eligible Training Provider list (ETP).

All ITAs awarded to youth participants must be reported in the Sharing Career Opportunities and Training Information (SCOTI) system. If a youth is receiving services through the ten youth program elements and an ITA, the youth performance measures apply. When you co-enroll a youth in both the ten youth elements and the adult and/or dislocated programs, the performance measures apply as appropriate. The WIB should provide policy direction to the administrative entity staff to evaluate outcomes at least quarterly to determine any impact of the waiver.

V. Technical Assistance

For additional information, you may send your questions to the Bureau WIA, wiaqna@odjs.state.oh.us.

VI. References

Workforce Investment Act (WIA) 1998, Public Law 105-220, August 7, 1998, Sections 101 (33) 123, 129 (c), 134 and 189 (i) (4) (B);

WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.340 661.420(c) and (e), 664.405 (4) and 664.510;

Training and Employment Guidance Letter (TEGL) 17-05, February 17, 2006

Waiver Request Plan, May 9, 2005; and U.S. DOL waiver approval letter, July 25, 2005

Waiver Request Plan, May 9, 2007; and USDOL waiver approval letter, Sept. 26, 2007

Waiver Request Plan, May 13, 2010; and USDOL waiver approval letter, June 30, 2010

Rescission

WIATL 19-A
Workforce Investment Act Policy Letter No. 10-01.2

March 6, 2014

To: Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Common Measures Reporting

I. **Purpose**

To provide clarification regarding the waiver authority to replace the statutory performance measures with the Common Measures for reporting of performance.

II. **Effective Date**

July 1, 2012 - June 30, 2017

III. **Background**

WIA Section 136(b), 136(c) and the accompanying regulations in 20 CFR 666.100 and 666.300 establish seventeen performance measures that local areas and the State have to report to the US Department of Labor (USDOL). In addition, TEGL 17-05 introduced additional performance measures that local areas have to report. In April 2011, Ohio submitted a waiver extension request to allow the State to replace the statutory performance measures with the nine Common Measures that are identified in TEGL 17-05. On June 7, 2011, USDOL approved this waiver extension request. Under this waiver, Ohio has been able to simplify the reporting system by discontinuing the use of the seventeen statutory measures and to fully implement the nine performance criteria under the Common Measures. The State believes that this simplified performance reporting system has been crucial for the continued improvement of the service delivery system. An extension of this waiver has been granted through June 30, 2017.

On October 10, 2007, USDOL issued TEGL 9-07, which revised DOL's WIA incentive and sanctions policy. This new federal guidance explains that all states, even those that have received approvals to report only outcomes on the Common Measures, will be considered for incentives or sanctions. Therefore, beginning with PY 2007 the state of Ohio, as well as each local area, will be held accountable to the negotiated Common Measures standards.

This policy describes the Common Measures and sets an additional reporting requirement for the implementation of this waiver.

IV. **Requirements**

The state of Ohio and local Workforce Development Areas will be held accountable only to the Common Measures. Annual standards for the Common Measures will be negotiated between USDOL and the State, and between the State and local areas. The negotiation process is outlined in a separate communication.

The Common Measures are described below:

**ADULT/DISLOCATED WORKER MEASURES**

*Please note:* The Dislocated Worker program has the same Common Measures as the Adult program. The performance for the Adult and Dislocated Worker programs will be reported separately.

**Entered Employment**

*Of those who are not employed at the date of participation:*
The number of Adult/Dislocated Worker participants who are employed in the first quarter after the exit quarter divided by the number of Adult/Dislocated Worker participants who exit during the quarter.

Individuals who are employed at the date of participation are excluded from this measure. However, employed individuals who have received a notice of termination of employment, who have been notified that the facility will close, or individuals who are transitioning service members are considered unemployed, and are included in the performance measure. The employment status at participation is collected from the individual, not from wage records.

**Employment Retention**

*Of those who are employed in the first quarter after the exit quarter:*

The number of Adult/Dislocated Worker participants who are employed in both the second and third quarters after the exit quarter divided by the number of Adult/Dislocated Worker participants who exit during the quarter.

This measure includes only those individuals that are employed in the first quarter after the exit quarter, regardless of their employment status at participation. The employment in the first, second, and the third quarter does not have to be with the same employer.

**Average Earnings**

*Of those Adult/Dislocated Worker participants who are employed in the first, second, and third quarter after the exit quarter:*

Total earnings in the second quarter plus the total earnings in the third quarter after the exit quarter is divided by the number of Adult/Dislocated Worker participants who exit during the quarter.

Wage record will be the only data source for this measure. Individuals whose employment in either the first, second, or third quarter after exit was determined solely from supplemental sources, will be excluded from this measure.

**YOUTH MEASURES**

*Please note:* There is one set of Youth measures, the distinction between Older Youth and Younger Youth does not apply.

**Placement in Employment or Education**

*Of those who are not in post-secondary education or employment (including the military and apprenticeship) at the date of participation:*

The number of youth participants who are in employment (including the military and apprenticeship) or enrolled in post-secondary education and/or advanced training/occupational skills training in the first quarter after the exit quarter divided by the number of youth participants who exit during the quarter.

Employment and education status at the date of participation are based on information that is collected from the participant. Individuals who are in secondary school at exit will be included in this measure.

**Attainment of a Degree or Certificate**

*Of those enrolled in education (at the date of participation or at any point during the program):*

The number of youth participants who attain a diploma, GED, degree, or certificate by the end of the third quarter after the exit quarter divided by the number of youth participants who exit during the quarter.

The term, education, refers to participation in secondary school, post secondary school, adult education program, or other organized program of study that leads to a degree or a certificate. Individuals who are in secondary school at exit will be included in this measure. The term certificate under this measure is defined in TEGL 17-05. Work readiness types of certificates are not accepted under this measure.


Literacy and Numeracy Gains

Of those out-of-school youth who are basic skills deficient:

The number of youth participants who increase one or more educational functioning levels divided by the number of youth participants who have completed a year in the program (i.e., one year from the date of first youth program service) plus the number of youth participants who exit before completing a year in the youth program.

Only out-of-school youth who are basic skills deficient are included in this measure. In-school youth are excluded from this measure; however, the determination of school status is only made at the point of program participation. Out-of-school youth must be assessed in basic reading/writing, math, and language. It is allowable to use pre-tests that are administered up to six months prior to the first WIA youth service. Out-of-school youth who are not basic skills deficient based on the pre-test, are excluded from this measure. In order to count as a positive performance, the youth must have demonstrated in the post-test that she/he has advanced one or more educational functioning levels within one year from the date of the first youth program service. The measure will include out-of-school youth who were determined to be basic skill deficient, but were not given a post-test prior to exiting, or exited before completing one year in the youth program.

V. Additional Reporting Requirement

Local areas are still required to track and report in the Ohio Workforce Case Management System (OWCMS) credential/certificate outcomes for those WIA Adult and Dislocated Worker participants who receive training services. This reporting requirement will not be associated with a federal standard that local areas will have to meet. The term "credential/certificate" has the same meaning as in TEGL 17-05. Local areas will record credential/certificate attainments in OWCMS "Credential" field under the menu "Post Exit and Wages", "Q3 Post Exit" tab.

This requirement will not adversely affect participants who are in programs such as On-the-Job (OJT) or Customized Training as we are collecting the certificate rates for planning and informational purposes.

VI. Optional Reporting

With the issuance of this guidance, local areas will no longer be required to report data for the statutory performance measures listed below. However, OWCMS fields will remain available for use by local areas that wish to continue collecting data around these measures.

For Older Youth:

- Entered Employment
- Employment Retention
- Earnings Change
- Employment and Credential

For Younger Youth:

- Skill Attainment
- Diploma/Equivalent Attainment
- Retention

Employer and Participant Customer Satisfaction

VII. Technical Assistance

For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VIII. References


Rescissions

WIAPL 10-01.1 Common Measures Reporting
I. Purpose
To provide clarification regarding the waiver authority to replace the statutory performance measures with the Common Measures for reporting of performance.

II. Effective Date
July 1, 2011 - June 30, 2012

III. Background
WIA Section 136(b), 136(c) and the accompanying regulations in 20 CFR 666.100 and 666.300 establish seventeen performance measures that local areas and the State have to report to the US Department of Labor (USDOL). In addition, TEGL 17-05 introduced additional performance measures that local areas have to report. In April 2011, Ohio submitted a waiver extension request to allow the State to replace the statutory performance measures with the nine Common Measures that are identified in TEGL 17-05. On June 7, 2011, the USDOL approved this waiver extension request. Under this waiver, Ohio has been able to simplify the reporting system by discontinuing the use of the seventeen statutory measures and to fully implement the nine performance criteria under the Common Measures. The State believes that this simplified performance reporting system has been crucial for the continued improvement of the service delivery system. An extension of this waiver has been granted through June 30, 2012.

On October 10, 2007, USDOL issued TEGL 9-07, which revised DOL’s WIA incentive and sanctions policy. This new federal guidance explains that all states, even those that have received approvals to report only outcomes on the Common Measures, will be considered for incentives or sanctions. Therefore, beginning with PY 2007 the state of Ohio, as well as each local area, will be held accountable to the negotiated Common Measures standards.

This policy describes the Common Measures and sets an additional reporting requirement for the implementation of this waiver.

IV. Requirements
The state of Ohio and local Workforce Development Areas will be held accountable only to the Common Measures. Annual standards for the Common Measures will be negotiated between the USDOL and the State, and between the State and local areas. The negotiation process is outlined in a separate communication.

The Common Measures are described below:

ADULT/DISLOCATED WORKER MEASURES

Please note: The Dislocated Worker program has the same Common Measures as the Adult program. The performance for the Adult and Dislocated Worker programs will be reported separately.

- Entered Employment
  Of those who are not employed at the date of participation:
The number of Adult/Dislocated Worker participants who are employed in the first quarter after the exit quarter divided by the number of Adult/Dislocated Worker participants who exit during the quarter.

Individuals who are employed at the date of participation are excluded from this measure. However, employed individuals who have received a notice of termination of employment, who have been notified that the facility will close, or individuals who are transitioning service members are considered unemployed, and are included in the performance measure. The employment status at participation is collected from the individual, not from wage records.

• **Employment Retention**

  Of those who are employed in the first quarter after the exit quarter:

  The number of Adult/Dislocated Worker participants who are employed in both the second and third quarters after the exit quarter divided by the number of Adult/Dislocated Worker participants who exit during the quarter.

  This measure includes only those individuals that are employed in the first quarter after the exit quarter, regardless of their employment status at participation. The employment in the first, second, and the third quarter does not have to be with the same employer.

• **Average Earnings**

  Of those Adult/Dislocated Worker participants who are employed in the first, second, and third quarter after the exit quarter:

  Total earnings in the second plus the total earnings in the third quarter after the exit quarter divided by the number of Adult/Dislocated Worker participants who exit during the quarter.

  Wage record will be the only data source for this measure. Individuals whose employment in either the first, second, or third quarter after exit was determined solely from supplemental sources, will be excluded from this measure.

**YOUTH MEASURES**

Please note: There is one set of Youth measures, the distinction between Older Youth and Younger Youth does not apply.

• **Placement in Employment or Education**

  Of those who are not in post-secondary education or employment (including the military and apprenticeship) at the date of participation:

  The number of youth participants who are in employment (including the military and apprenticeship) or enrolled in post-secondary education and/or advanced training/occupational skills training in the first quarter after the exit quarter divided by the number of youth participants who exit during the quarter.

  Employment and education status at the date of participation are based on information that is collected from the participant. Individuals who are in secondary school at exit will be included in this measure.

• **Attainment of a Degree or Certificate**

  Of those enrolled in education (at the date of participation or at any point during the program):

  The number of youth participants who attain a diploma, GED, degree, or certificate by the end of the third quarter after the exit quarter divided by the number of youth participants who exit during the quarter.

  The term education refers to participation in secondary school, post secondary school, adult education program, or other organized program of study that leads to a degree or a certificate.
Individuals who are in secondary school at exit will be included in this measure. The term certificate under this measure is defined in TEGL 17-05. Work readiness types of certificates are not accepted under this measure.

- **Literacy and Numeracy Gains**

  Of those out-of-school youth who are basic skills deficient:

  The number of youth participants who increase one or more educational functioning levels divided by the number of youth participants who have completed a year in the program (i.e., one year from the date of first youth program service) plus the number of youth participants who exit before completing a year in the youth program.

  Only out-of-school youth who are basic skills deficient are included in this measure. In-school youth are excluded from this measure; however, the determination of school status is only made at the point of program participation. Out-of-school youth must be assessed in basic reading/writing, math, and language. It is allowable to use pre-tests that are administered up to six months prior to the first WIA youth service. Out-of-school youth who are not basic skills deficient based on the pre-test, are excluded from this measure. In order to count as a positive performance, the youth must have demonstrated in the post-test that she/he has advanced one or more educational functioning levels within one year from the date of the first youth program service. The measure will include out-of-school youth who were determined to be basic skill deficient, but were not given a post-test prior to exiting, or exited before completing one year in the youth program.

**Additional Reporting Requirement**

Local areas are still required to track and report in SCOTI credential/certificate outcomes for those WIA Adult and Dislocated Worker participants who receive training services. This reporting requirement will not be associated with a federal standard that local areas will have to meet. The term "credential/certificate" has the same meaning as in TEGL 17-05 (this definition is provided in attachment A). Local areas will record credential/certificate attainments in the SCOTI "Credential" field under the menu "Post Exit and Wages", "Q3 Post Exit" tab. Please see attachment B for illustration of this screen.

This requirement will not adversely affect participants who are in programs such as On-the-Job or Customized Training as we are collecting the certificate rates for planning and informational purposes.

**Optional Reporting**

With the issuance of this guidance, local areas will no longer be required to report data for the statutory performance measures listed below. However, SCOTI fields will remain available for use by local areas that wish to continue collecting data around these measures.

- For Older Youth:
  - Entered Employment
  - Employment Retention
  - Earnings Change
  - Employment and Credential

- For Younger Youth:
  - Skill Attainment
  - Diploma/Equivalent Attainment
  - Retention

- Employer and Participant Customer Satisfaction
V. **Technical Assistance**

For additional information, you may send your questions to the Bureau of Employer Services-WIA: WIAQNA@oddfs.state.oh.us

VI. **References**


U.S. Department of Labor, Waiver Approval Letter, November 5, 2007


Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Section 136(b) and 136(c)

Waiver Request Plan, May 13, 2010; and U.S. DOL waiver approval letter, June 30, 2010

USDOL waiver extension letter, June 7, 2011

**Rescissions**

WIATL 8 Youth Performance Measures

WIAGL 8 Youth Performance Measures

WIATL 37 Common Measures Reporting

WIAPL 10-01 Common Measures Reporting

WIAPL 10-01.1 - Attachment A

WIAPL 10-01.1 - Attachment B
Workforce Investment Act Policy Letter No. 10-01

August 30, 2010

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Common Measures Reporting

I. Purpose
To provide clarification regarding the waiver authority to replace the statutory performance measures with the Common Measures for reporting of performance.

II. Effective Date
July 1, 2010 - June 30, 2011

III. Background
WIA Section 136(b), 136(c) and the accompanying regulations in 20 CFR 666.100 and 666.300 establish seventeen performance measures that local areas and the State have to report to the US Department of Labor (USDOL). In addition, TEGL 17-05 introduced additional performance measures that local areas have to report. In May 2010, Ohio submitted a waiver extension request to allow the State to replace the statutory performance measures with the nine Common Measures that are identified in TEGL 17-05. On June 30, 2010, the USDOL approved this waiver request. Under this waiver, Ohio will be able to simplify the reporting system by discontinuing the use of the current seventeen statutory measures and to fully implement the nine performance criteria under the Common Measures. The State believes that this simplified performance reporting system is crucial for the continued improvement of the service delivery system. This waiver continues to be implemented for the reporting of the performance outcomes for Program Year 2010.

On October 10, 2007, USDOL issued TEGL 9-07, which revised DOL's WIA incentive and sanctions policy. This new federal guidance explains that all states, even those that have received approvals to report only outcomes on the Common Measures, will be considered for incentives or sanctions. Therefore, beginning with PY 2007 the state of Ohio, as well as each local area, will be held accountable to the negotiated Common Measures standards.

This policy describes the Common Measures and sets an additional reporting requirement for the implementation of this waiver.

IV. Requirements
The state of Ohio and local Workforce Development Areas will be held accountable only to the Common Measures. Annual standards for the Common Measures will be negotiated between the USDOL and the State, and between the State and local areas. The negotiation process is outlined in a separate communication.

The Common Measures are described below:

ADULT/DISLOCATED WORKER MEASURES

Please note: The Dislocated Worker program has the same Common Measures as the Adult program. The performance for the Adult and Dislocated Worker programs will be reported separately.

- Entered Employment
  Of those who are not employed at the date of participation:
The number of Adult/Dislocated Worker participants who are employed in the first quarter after the exit quarter divided by the number of Adult/Dislocated Worker participants who exit during the quarter.

Individuals who are employed at the date of participation are excluded from this measure. However, employed individuals who have received a notice of termination of employment, who have been notified that the facility will close, or individuals who are transitioning service members are considered unemployed, and are included in the performance measure. The employment status at participation is collected from the individual, not from wage records.

- Employment Retention
  Of those who are employed in the first quarter after the exit quarter:
  The number of Adult/Dislocated Worker participants who are employed in both the second and third quarters after the exit quarter divided by the number of Adult/Dislocated Worker participants who exit during the quarter.
  This measure includes only those individuals that are employed in the first quarter after the exit quarter, regardless of their employment status at participation. The employment in the first, second, and the third quarter does not have to be with the same employer.

- Average Earnings
  Of those Adult/Dislocated Worker participants who are employed in the first, second, and third quarter after the exit quarter:
  Total earnings in the second plus the total earnings in the third quarter after the exit quarter divided by the number of Adult/Dislocated Worker participants who exit during the quarter.
  Wage record will be the only data source for this measure. Individuals whose employment in either the first, second, or third quarter after exit was determined solely from supplemental sources, will be excluded from this measure.

YOUTH MEASURES

Please note: There is one set of Youth measures, the distinction between Older Youth and Younger Youth does not apply.

- Placement in Employment or Education
  Of those who are not in post-secondary education or employment (including the military and apprenticeship) at the date of participation:
  The number of youth participants who are in employment (including the military and apprenticeship) or enrolled in post-secondary education and/or advanced training/occupational skills training in the first quarter after the exit quarter divided by the number of youth participants who exit during the quarter.
  Employment and education status at the date of participation are based on information that is collected from the participant. Individuals who are in secondary school at exit will be included in this measure.

- Attainment of a Degree or Certificate
  Of those enrolled in education (at the date of participation or at any point during the program):
  The number of youth participants who attain a diploma, GED, degree, or certificate by the end of the third quarter after the exit quarter divided by the number of youth participants who exit during the quarter.
  The term education refers to participation in secondary school, post secondary school, adult education program, or other organized program of study that leads to a degree or a certificate.
Individuals who are in secondary school at exit will be included in this measure. The term certificate under this measure is defined in TEGL 17-05. Work readiness types of certificates are not accepted under this measure.

- **Literacy and Numeracy Gains**

  *Of those out-of-school youth who are basic skills deficient:*

  The number of youth participants who increase one or more educational functioning levels divided by the number of youth participants who have completed a year in the program (i.e., one year from the date of first youth program service) plus the number of youth participants who exit before completing a year in the youth program.

  Only out-of-school youth who are basic skills deficient are included in this measure. In-school youth are excluded from this measure, however, the determination of school status is only made at the point of program participation. Out-of-school youth must be assessed in basic reading/writing, math, and language. It is allowable to use pre-tests that are administered up to six months prior to the first WIA youth service. Out-of-school youth who are not basic skills deficient based on the pre-test, are excluded from this measure. In order to count as a positive performance, the youth must have demonstrated in the post-test that she/he has advanced one or more educational functioning levels within one year from the date of the first youth program service. The measure will include out-of-school youth who were determined to be basic skill deficient, but were not given a post-test prior to exiting, or exited before completing one year in the youth program.

**Additional Reporting Requirement**

Local areas are still required to track and report in SCOTI credential/certificate outcomes for those WIA Adult and Dislocated Worker participants who receive training services. This reporting requirement will not be associated with a federal standard that local areas will have to meet. The term "credential/certificate" has the same meaning as in TEGL 17-05 (this definition is provided in attachment A). Local areas will record credential/certificate attainments in the SCOTI "Credential" field under the menu "Post Exit and Wages", "Q3 Post Exit" tab. Please see attachment B for illustration of this screen.

This requirement will not adversely affect participants who are in programs such as On-the-Job or Customized Training as we are collecting the certificate rates for planning and informational purposes.

**Optional Reporting**

With the issuance of this guidance, local areas will no longer be required to report data for the statutory performance measures listed below. However, SCOTI fields will remain available for use by local areas that wish to continue collecting data around these measures.

- For Older Youth:
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- For Younger Youth:
  - Skill Attainment
  - Diploma/Equivalent Attainment
  - Retention

- Employer and Participant Customer Satisfaction
V. Technical Assistance
For additional information, you may send your questions to the Bureau of Employer Services-WIA: WIAQNA@odjfs.state.oh.us

VI. References


Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Section 136(b) and 136(c).

Waiver Request Plan, May 13, 2010; and U.S. DOL waiver approval letter, June 30, 2010

Rescissions
WIATL 8 Youth Performance Measures
WIAGL 8 Youth Performance Measures
WIATL 37 Common Measures Reporting
Workforce Investment Act Policy Letter No. 09-10

March 23, 2010

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Local On-the-Job Training (OJT) Requirements

I. Purpose
To outline the federal and state requirements for providing OJT to participants being served under the Workforce Investment Act (WIA) programs.

II. Effective Date
Immediately

III. Background
OJT activities provided under WIA support the development of a workforce with skills that meet the needs of employers and provide additional training options for workers and employers. The state wants to ensure Ohio workers and employers will receive consistent and efficient services from the One-Stop center network regardless of the worker’s county of residence or the local workforce investment area with which the worker is involved. OJT activities are provided to eligible participants via an OJT agreement between the One-Stop and the employer.

IV. Requirements
OJT is a training option for eligible WIA participants or eligible employees of an employer. OJT is available to youth, adults, and dislocated workers. This type of training is an option for individuals when formal skill training is either not desired, suitable, or not possible on a full-time basis or when suitable in combination with other formal training.

OJT is provided under an agreement with an employer in the public, private non-profit or private for-profit sector to WIA eligible employed workers when:

- The employee is not earning a self-sufficient wage as determined by the local area;
- The OJT relates to the introduction of new technologies, new production or new procedures, upgrading to new jobs that require additional skills, workplace literacy, and other appropriate purposes identified by the local board; and
- The limitations as defined in this policy letter, WIA, and the Federal Regulations.

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.

WIA section 101(31) defines OJT as 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;
- Provides reimbursement to the employer of up to 50% of the wage of the participant, for the extraordinary costs of providing the training, and additional supervision related to the training; 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.

A. OJT Considerations

1. Consideration of high turnover occupations should be avoided because high turnover occupations usually have high replacement rates. High replacement rates are determined as when a worker exits an occupation, not a particular job. High turnover occupations tend to have below average wages, difficult working conditions, and low training and education requirements. In certain situations, where the return on investment or potential earnings may warrant or the needs of a specific customer are reasonable, such opportunities may be the subject of negotiation.

2. Individuals who have a significant barrier to employment such as an American with Disabilities Act (ADA) defined disability may be considered for longer agreement duration, up to 50% additional hours when compared to typical length of a similar OJT, not to exceed a maximum of 1,560 hours.

3. 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.

4. When matching customers to OJT opportunities using local WIA formula funds, attention should be given to self-sufficiency based on family/household size. (See WIAPL 08-12.2)

5. Youth ages 14 to 21 qualify for OJT. However, such training may not be an appropriate activity for youth participants under age 18 whose employability plan is focused on completion of secondary education rather than employment. Case managers should be familiar with child labor laws when developing OJT agreements for youth.

B. Limitations

The duration of OJT agreements shall not exceed a 3 to 6 month period unless extenuating circumstances exist, in which case appropriate documentation is required. Only "straight time" wages for hours worked and paid to the OJT participant are reimbursable and shall not exceed 50% of paid hourly wages. Overtime premiums, holiday pay, benefits, and fringe benefits are not reimbursable.

The local WIB 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.

OJT participants may not assist, promote or deter union organizing, or engage in political activities during work hours. 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 participants are not permitted to work or train in buildings or surroundings under working conditions which are unsanitary, hazardous, or dangerous to the trainee's health or safety. The employer must comply with all applicable federal, state, and local laws and regulations.

Training positions covered may not have been created by the displacement of employed workers in the same or similar position, nor impair existing contracts for services, nor result in the substitution of federal funds for other funds in connection with work that would otherwise be performed. This includes partial displacement such as reduction in the hours of non-overtime work, wages, or employment benefits.

OJT participants are not eligible to receive Needs Related Payments (NRPs).

OJT participants can not be members of the immediate family of the employer or its Officers.

Funds provided to employers for OJT may not be used to employ the customer/trainee in a position involving political or sectarian activities.
C. OJT Pre-Award Review

Prior to the placement of an OJT participant, a pre-award review must be conducted to ensure that a business or part of a business has not displaced workers as the result of relocation from another location within the United States. If during the pre-award review it is determined that a business has relocated and caused dislocation at the original location, OJTs may be available at the new location after the business has been operational for 120 days.

The pre-award review must include the following information:

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 WIA assistance was sought in connection with past or impending job losses at other facilities;
4. Review of whether Worker Adjustment and Retraining Notification (WARN) notices relating to the employer have been filed; and
5. Consultation with labor organizations and others in the affected local areas.

6. Review and documentation of employer's compliance with all applicable business licensing, taxation and insurance requirements.

Employers must assure that documentation is available upon request for monitoring purposes.

The pre-award review must be maintained for monitoring purposes to ensure compliance with the requirements.

D. Required Components of an OJT

1. Pre-award review;
2. Collective bargaining concurrence, for applicable positions;
3. An OJT agreement with general assurances that outline both parties' responsibilities;
4. Job orders from the employer must be entered into SCOTI by selecting "job development";
5. Training outline with goals, gaps to be addressed or other learning objectives;
6. An objective process to determine the necessary duration of the agreement;
7. An assessment of candidates to determine skill gaps as they may relate to employer custom requirements/qualifications;
8. A locally defined monitoring process to ensure satisfactory progress of the participant; and
9. A payment process.

E. Employer Eligibility

Careful consideration should be given when selecting a participating employer. General business practice in terms of working conditions (safety and health), presence of health benefits, wage structure, turnover rates, adequate staff and equipment to carry out the training, and whether the employer is in compliance with federal, state and local laws are examples of potential business functions to research.

The employer is required to certify his/her intention to retain the trainee after the subsidized training period if the trainee accomplished the stated training goals outlined in the OJT agreement.
Individual trainee payroll tax records and receipts for services (if applicable) must be maintained and available for review for a minimum period of three years after the end of the training period.

F. **Reporting**
   All participants must be eligible and enrolled in WIA. Participants will be counted for local performance and must be entered in SCOTI WIA. Participants may also be co-enrolled in other statewide funded WIA programs. Participants co-enrolled in a statewide initiative will be counted in both statewide and local performance.

V. **Technical Assistance**
   For additional information, send your questions to the Ohio Department of Job and Family Services, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. **References**
   DOL waiver approval letter, November 12, 2009
   Office of Workforce Development, Waiver Request Plan, July 24, 2009
   Workforce Investment Act of 1998, Public Law 105-220
   Workforce Investment Act Final Rules, 20 CFR Part 652, Section § 663.700 and 667.268
   OAC Rule 5101:9-9-21 County Agency Records Retention, Access, and Destruction APMTL 342
**Workforce Investment Act Policy Letter No. 09-09.5**

May 14, 2014

To: Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Layoff Aversion Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority

I. **Purpose**

To provide guidance and additional clarification on the waiver authority to use up to 20% dislocated worker formula funds to train incumbent workers for layoff aversion purposes.

II. **Effective Date**

July 1, 2012 - June 30, 2017

III. **Background**

Waiver authority has allowed local WIBs to use up to 20% of local dislocated worker formula funds to provide IWT. The United States Department of Labor (USDOL) is requiring that all IWT conducted under this waiver must be for layoff aversion. Due to the success of local incumbent worker training programs in the past, the state is continuing to utilize the waiver authority.

IV. **Requirements**

Business closings, downsizings, and mass layoffs can occur for a variety of reasons in periods of both economic expansion and economic decline. Training incumbent workers to upgrade their skills can prevent worker dislocation and avoid a layoff. In conjunction with rapid response services provided by the state, layoff aversion can involve a range of strategies that may be used to prevent dislocations and business downsizing or closures.

Layoff aversion strategies for workers may include:

- Providing workers with training services to assist them with retaining their present jobs, or placement into new jobs, or
- Retraining workers with new technologies within the same company, when the company is at risk of closure or downsizing.

Appropriate data that includes a comprehensive business retention/layoff aversion plan must be available to verify the need for layoff aversion services for monitoring documentation purposes.

A. **IWT-General Guidelines**

IWT is a business service designed to develop a highly skilled workforce which will result in increased business financial viability, stability, competitiveness, and productivity. To avert the risk of closing, IWT can be developed with a business or business association to maintain their competitive status, incorporate new technology, or prevent downsizing.

Local WIBs shall establish criteria for identifying employers and any targeted industries and economic sectors, using resources such as Business Services Representatives (BSR), Chambers of Commerce or the local media. Further, local WIBs are required to develop IWT program policies and procedures in a manner that coordinates with the array of business services available through the Ohio Development Services Agency (DSA) and other state and local stakeholders. WIBs are not mandated to use this waiver.
Workers participating in IWT will benefit by enhancing existing skills, learning new skills, and earning employer or industry recognized credentials, in addition to retaining employment, maintaining their careers, and/or increasing their earnings potential. IWT will also allow the opportunity for backfilling vacated positions resulting from the promotion of newly trained workers.

Ohio employers, as well as employers in bordering states whose employees are Ohio residents, are eligible to participate in IWT programs under the waiver authority defined in this policy. A joint strategy should be developed between the WIBs, bordering states, and other stakeholders to explore the possibility of a jointly funded training package among appropriate state and local entities.

Even though IWT under this policy is considered to be a statewide activity, all IWT participants must be authorized to work in the United States. If applicable, male applicants must be registered for the Selective Service. Documentation may be satisfied by an employer statement that ensures all trainees meet this requirement and documentation must be made available to the WIB upon request.

Local WIBs are encouraged to develop innovative program design strategies to meet the needs of its local area workforce. If a WIB chooses to offer incumbent worker services, the WIB must set criteria to select employers and/or incumbent workers and define its local program requirements and application process.

Local WIBs have several options when determining how best to serve eligible employers. A WIB can arrange training using the traditional array of intensive and training services, customized training, skill upgrade training, occupational skills training (through the issuance of ITAs), or a combination of these training approaches. WIBs may also implement innovative training strategies that best meet the needs of the business community.

The Ohio Department of Job and Family Services (ODJFS) reserves the right to approve variances to this guidance on a case-by-case basis.

### Allowable Costs for Incumbent Worker Training Program

Allowable costs may include:

- Instructor / trainer salaries
- Curriculum development, textbooks, manuals, training software, materials and non-consumables
- Other necessary and reasonable costs directly related to training

### Unallowable Costs for Incumbent Worker Training Program

Unallowable costs include but are not limited to:

- Foreign travel,
- Purchase or lease of capital equipment,
- Encouragement or inducement of a business or part of a business to relocate from any location in the United States,
- Use of IWT funds to pay for a worker's training wages
- Use of IWT funds to train management employees in management skills such as Six Sigma and LEAN.

### B. Definitions

For the purpose of this waiver, the following definitions apply:

**Incumbent Worker**

An incumbent worker is an employed worker who is in need of additional skills in order to avoid layoff. Incumbent worker training would support further job retention and career development for improved economic self-sufficiency for employed workers, especially those most vulnerable to job loss, and increase the capability of the employing firm(s) to access and retain skilled workers.
Incumbent workers are also workers who the employers have determined require training in order to help:

- Workers maintain employment,
- Upgrade workers’ skills, and
- Maintain wages earned by employees

Layoff Aversion

Layoff aversion involves 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.

Types of Incumbent Worker Training

All training delivered under this waiver is restricted to skill attainment activities. The training should benefit workers by making them more qualified in their line of business and/or by providing them with skills for new products or processes. It is desired that the training results in credentials or industry recognizable skills that promote the worker's career and increase their overall employability.

Allowable types of training for incumbent workers:

- **Skills upgrade training**: Short-term training that enhances occupation-specific skills or basic skills that lead to a credential or a certificate.
- **Customized training**: See WIAPL 09-07.4 for details; minimum employer match of 10% required depending on number of employees. Reimbursements of trainee wages are disallowed.
- **Occupational skill training (ITAs)**: Training that leads to a credential or a certificate (subject to local policy established by local area boards).

C. Eligibility for Participating Businesses

Local IWT is one of many business services offered through local WIBs, DSA, and other stakeholders. Based upon a thorough assessment, it may be determined that a business could be better served through a program not funded under this activity. Therefore, it is important to gather sufficient information to determine the appropriate mix of services to meet the business’ needs.

There are also businesses that should not participate in this initiative due to past or current violations of local, state, or federal law; unfair labor practices; and other conditions identified during the course of conducting initial employer assessments and reviewing contract requirements, assurances, and certifications with the local WIB designee. Businesses that fail to meet any of the following six qualifying criteria are not eligible to receive funds for incumbent worker training:

1. Businesses must not be presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the State of Ohio.
2. Businesses shall not have any outstanding tax liability to the State of Ohio.*
3. Businesses must ensure that they are not on the most recent list established by the Ohio Secretary of State that would identify them as having more than one (1) unfair labor practice contempt of court finding.
4. Ohio businesses must have all of the approvals, licenses, or other qualifications needed to conduct business in the state and all must be current. Should this status change during
the course of the local IWT program activities and the business is disqualified from conducting business in Ohio, all training under the IWT program must cease.

5. Governmental entities, including the city, county and state, may not participate in the local IWT program. Health care providers that are operating as not-for-profit entities are the only allowable exceptions to this prohibition.

6. Businesses that have relocated to Ohio and have laid-off workers at their former location in the United States may not be considered for this program until they have been in operation at the new location for 120 days.

7. Businesses must not have any outstanding civil, criminal or administrative fines or penalties owed to or pending in the state of Ohio.

* WIBs will require the businesses to disclose any known outstanding tax liabilities with other states prior to entering into contract. The local WIB may consider existing out-of-state violations when determining eligibility to receive incumbent worker training funds.

D. Procurement of Training

WIBs have several options to determine how best to provide the training needed by a business as described below:

1. Local WIBs may enter into contracts with training providers registered in Ohio's Eligible Training Provider Online (ETPO) system without any additional procurement requirements. Utilization of the ETP list is for universally applicable off-the-shelf employer training and is not intended to include unique, specialized, or employer-specific training.

2. A business may be considered a "beneficiary" of this federal program and receive incumbent worker training assistance on a reimbursement basis. WIA subrecipients and vendors are not considered to be beneficiaries. In order for a business to utilize the beneficiary option, the following guidelines must be followed:
   a. Business beneficiaries may receive reimbursement for their actual training costs incurred under this program, on a reimbursement basis, subject to the limitations of section IV.A. of this policy.
   b. Local WIB approval of a training plan is required before reimbursement may be provided to a beneficiary. The development of training plans is the joint responsibility of the local WIB designee and the business.
   c. The training plan must identify the provider(s) of training, type of training, planned start and end dates, number of individuals to be trained, the projected cost of training, and any other information required by the WIB. All training costs must be allowable as defined under section IV.A. of this policy and follow the guidelines of this issuance. Training plans must be approved by the local WIB or a WIB designee prior to the start date of training. Beneficiaries must agree to provide all documentation required by the WIB in order to be reimbursed for the training.
   d. Training providers are not required to be enrolled in the ETPO system for the purpose of providing training under this policy. WIBs may assist business beneficiaries in identifying potential providers of training; selection of a training provider is not subject to state or federal procurement requirements.

3. For businesses not following the guidelines in section D.2 and that have training needs that cannot be provided by Ohio's eligible training providers, local WIBs will need to follow proper procurement procedures as identified in rules 5101:9-4-01 and 5101:9-4-07 of the Administrative Code, or local procurement policies if more restrictive.

E. Training Provider Considerations
The University System of Ohio (USO), community colleges, vocational schools, technical schools, licensed private institutions, and training providers on Ohio's statewide Eligible Training Provider (ETP) list should be used whenever possible. However, WIBs may enter into a contract for services, rather than using an ITA, if there are an insufficient number of eligible training providers on the ETP list to conduct the proposed training.

Training providers without satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience, accredited instructors, high job placement rates, and/or high training completion rates, should be avoided.

The training facility should provide an environment that supports learning and be within reasonable proximity to the trainees so the cost and time required for travel is minimized.

F. Program Authority and Fund Request Process

Local dislocated worker formula funds appropriated annually for the program year may be used to fund an incumbent worker training program.

A WIB may utilize the incumbent worker waiver at any time during the program year (July 1st - June 30th).

The State requests that the WIB Director or authorized representative send an email to WIAQNA@JFS.OHIO.GOV stating that the WIB is utilizing local dislocated worker funds for the purposes of implementing incumbent worker training programs. The email should also indicate what percentages of local funds are being targeted for this activity (not to exceed that which is allowable under this waiver authority).

G. Fiscal Reporting

Funds contracted to a subrecipient or vendor for an IWT program are reported as program costs.

The fiscal agent must track funds used for incumbent worker training by funding stream and by the year of appropriation.

The administrative cost limit remains in effect. No separate amount may be set aside for administration of the IWT program.

Fiscal agents will report incumbent worker expenditures using the incumbent worker code established by the Office of Fiscal and Monitoring Services. Coding exists for the dislocated worker program. The accrued expenditures charged to the incumbent worker code for the dislocated worker program must not exceed the amount authorized for the IWT program. ODJFS will monitor costs reported against the incumbent worker training program.

Funds that are not used for IWT program may be expended respectively on the Dislocated Worker program for program activities authorized by WIA.

H. Data Elements, Documentation and Program Reporting

Local WIBs are required to report IWT activities via the mini incumbent worker registration in the Ohio Workforce Case Management System (OWCMS). The reporting of outcomes is also required.

Each project must be categorized as Layoff Aversion when recorded in OWCMS. The type of training provided is also a required data element. Definitions for each training type are found in Section IV.B. of this issuance. They are as follows:

- Customized Training
- Occupational Skills Training (ITAs)
- Skill Upgrade Training

The following additional data elements are required for reporting:
Worker outcomes must be reported and selected from the following list (multiple selections may be made):

<table>
<thead>
<tr>
<th>Completed training program</th>
<th>Did not complete training program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received vocational skill certificate</td>
<td>Received other credential</td>
</tr>
<tr>
<td>Worker remained employed with same business after exit</td>
<td>Worker is employed by a different business after exit</td>
</tr>
<tr>
<td>Worker received wage increase</td>
<td>Worker received promotion</td>
</tr>
<tr>
<td>Worker received other positive outcome</td>
<td></td>
</tr>
</tbody>
</table>

The state has streamlined the reporting requirements to a minimal level that should not overburden employers but still allow for an assessment of the effectiveness of Ohio's IWT programs. Local WIBs may choose to collect more information if necessary to conduct successful IWT programs. Local WIBs choosing to collect and document data elements over and beyond the requirements must ensure that every IWT program is compliant with reporting requirements. Local policies should include local requirements in regards to data elements, documentation and reporting.

IWT programs will be reported in OWCMS with a minimal amount of data required. If local WIBs wish to co-enroll an IWT participant in the local dislocated worker program, a full registration is required in OWCMS which includes all of the data elements needed for WIA participants for performance. Co-enrolled participants must meet all eligibility requirements for the Adult, Youth, and/or Dislocated Worker programs.

Incumbent worker trainees participating in a program under this waiver are not subject to the local WIA Common Measures unless they are co-enrolled in a WIA Adult, Dislocated Worker, or Youth program. Under this waiver, co-enrollment is permissible and is a local decision.

V. Technical Assistance

For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References


O.A.C. 5101:9-4-07, Procurement and contract requirements. Effective 1/30/2012.


**Rescissions**

WIAPL 09-09.4 Layoff Aversion Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority
I. Purpose
To provide guidance and additional clarification on the waiver authority to use up to 10% of local area adult and 10% dislocated worker formula funds to train incumbent workers for layoff aversion purposes.

II. Effective Date
July 1, 2012 - June 30, 2017

III. Background
Waiver authority has allowed local WIBs to use up to 10% of local adult and 10% dislocated worker formula funds to provide IWT. The United States Department of Labor (USDOL) is requiring that all IWT conducted under this waiver must be for layoff aversion. Due to the success of local incumbent worker training programs in the past, the state is continuing to utilize the waiver authority. The 10% of local adult funds designated for IWT are restricted to serving low-income adults.

IV. Requirements
Business closings, downsizings, and mass layoffs can occur for a variety of reasons in periods of both economic expansion and economic decline. Training incumbent workers to upgrade their skills can prevent worker dislocation and avoid a layoff. In conjunction with rapid response services provided by the state, layoff aversion can involve a range of strategies that may be used to prevent dislocations and business downsizing or closures.

Layoff aversion strategies for workers may include:

- Providing workers with training services to assist them with retaining their present jobs, or placement into new jobs, or
- Retraining workers with new technologies within the same company, when the company is at risk of closure or downsizing.

Appropriate data that includes a comprehensive business retention/layoff aversion plan must be available to verify the need for layoff aversion services for monitoring documentation purposes.

A. IWT-General Guidelines
IWT is a business service designed to develop a highly skilled workforce which will result in increased business financial viability, stability, competitiveness, and productivity. To avert the risk of closing, IWT can be developed with a business or business association to maintain their competitive status, incorporate new technology, or prevent downsizing.

Local WIBs shall establish criteria for identifying employers and any targeted industries and economic sectors, using resources such as Business Services Representatives (BSR), Chambers of Commerce or the local media. Further, local WIBs are required to develop IWT program policies and procedures in a manner that coordinates with the array of business services available through the Ohio Development
Workers participating in IWT will benefit by enhancing existing skills, learning new skills, and earning employer or industry recognized credentials, in addition to retaining employment, maintaining their careers, and/or increasing their earnings potential. IWT will also allow the opportunity for backfilling vacated positions resulting from the promotion of newly trained workers.

Ohio employers, as well as employers in bordering states whose employees are Ohio residents, are eligible to participate in IWT programs under the waiver authority defined in this policy. A joint strategy should be developed between the WIBs, bordering states, and other stakeholders to explore the possibility of a jointly funded training package among appropriate state and local entities.

Even though IWT under this policy is considered to be a statewide activity, all 10% adult funds must be restricted to serve low-income adults. Local areas are required to follow the statutory definition of low-income as described in the Workforce Investment Act (WIA) Section 101. All IWT participants must be authorized to work in the United States. If applicable, male applicants must be registered for the Selective Service. Documentation may be satisfied by an employer statement that ensures all trainees meet this requirement and documentation must be made available to the WIB upon request.

Local WIBs are encouraged to develop innovative program design strategies to meet the needs of its local area workforce. If a WIB chooses to offer incumbent worker services, the WIB must set criteria to select employers and/or incumbent workers and define its local program requirements and application process.

Local WIBs have several options when determining how best to serve eligible employers. A WIB can arrange training using the traditional array of intensive and training services, customized training, skill upgrade training, occupational skills training (through the issuance of ITAs), or a combination of these training approaches. WIBs may also implement innovative training strategies that best meet the needs of the business community.

The Ohio Department of Job and Family Services (ODJFS) reserves the right to approve variances to this guidance on a case-by-case basis.

Allowable Costs for Incumbent Worker Training Program

Allowable costs may include:

- Instructor / trainer salaries
- Curriculum development, textbooks, manuals, training software, materials and non-consumables
- Other necessary and reasonable costs directly related to training

Unallowable Costs for Incumbent Worker Training Program

Unallowable costs include but are not limited to:

- Foreign travel,
- Purchase or lease of capital equipment,
- Encouragement or inducement of a business or part of a business to relocate from any location in the United States,
- Use of IWT funds to pay for a worker's training wages
- Use of IWT funds to train management employees in management skills such as Six Sigma and LEAN.

B. Definitions

For the purpose of this waiver, the following definitions apply:

Incumbent Worker
An incumbent worker is an employed worker who is in need of additional skills in order to avoid layoff. Incumbent worker training would support further job retention and career development for improved economic self-sufficiency for employed workers, especially those most vulnerable to job loss, and increase the capability of the employing firm(s) to access and retain skilled workers.

The employers have determined that their workforce requires training in order to help:

- Workers maintain employment,
- Upgrade workers' skills, and
- Maintain wages earned by employees

**Eligible Incumbent Workers**

Local areas are required to use the 10% adult funds to serve low-income adults. However, local areas are required to follow the statutory definition of low-income as described in WIA Section 101.

Local areas utilizing up to 10% of their dislocated workers funds for IWT are not subject to the low-income requirement.

**Layoff Aversion**

Layoff aversion involves 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.

**Types of Incumbent Worker Training**

All training delivered under this waiver is restricted to skill attainment activities. The training should benefit workers by making them more qualified in their line of business and/or by providing them with skills for new products or processes. It is desired that the training results in credentials or industry recognizable skills that promote the worker's career and increases the overall employability.

Allowable types of training for incumbent workers:

- **Skills upgrade training**: Short-term training that enhances occupation-specific skills or basic skills that lead to a credential/certificate. See TEGL 17-05.
- **Customized training**: See WIAPL 09-07.4 for details; minimum employer match of 10% required depending on number of employees. Reimbursements of trainee wages are disallowed.
- **Occupational skill training (ITAs)**: Training that leads to a credential or a certificate as defined in TEGL 17-05 (subject to local policy established by local area boards).

**C. Eligibility for Participating Businesses**

Local IWT is one of many business services offered through local WIBs, DSA, and other stakeholders. Based upon a thorough assessment, it may be determined that a business could be better served through a program not funded under this activity. Therefore, it is important to gather sufficient information to determine the appropriate mix of services to meet the business' needs.

There are also businesses that should not participate in this initiative due to past or current violations of local, state, or federal law; unfair labor practices; and other conditions identified during the course of conducting initial employer assessments and reviewing contract requirements, assurances, and certifications with the local WIB designee. Businesses that fail to meet any of the following six qualifying criteria are not eligible to receive funds for incumbent worker training:
1. Businesses must not be presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the State of Ohio.

2. Businesses shall not have any outstanding tax liability to the State of Ohio.*

3. Businesses must ensure that they are not on the most recent list established by the Ohio Secretary of State that would identify them as having more than one (1) unfair labor practice contempt of court finding.

4. Ohio businesses must have all of the approvals, licenses, or other qualifications needed to conduct business in the state and all must be current. Should this status change during the course of the local IWT program activities and the business is disqualified from conducting business in Ohio, all training under the IWT program must cease.

5. Governmental entities, including the city, county and state, may not participate in the local IWT program. Health care providers that are operating as not-for-profit entities are the only allowable exceptions to this prohibition.

6. Businesses that have relocated to Ohio and have laid-off workers at their former location in the United States may not be considered for this program until they have been in operation at the new location for 120 days.

7. Businesses must not have any outstanding civil, criminal or administrative fines or penalties owed to or pending in the state of Ohio.

* WIBs will require the businesses to disclose any known outstanding tax liabilities with other states prior to entering into contract. The local WIB may consider existing out-of-state violations when determining eligibility to receive incumbent worker training funds.

D. Procurement of Training

WIBs have several options to determine how best to provide the training needed by a business as described below:

1. Local WIBs may enter into contracts with training providers registered in Ohio's Eligible Training Provider Online (ETPO) system without any additional procurement requirements. Utilization of the ETP list is for universally applicable off-the-shelf employer training and is not intended to include unique, specialized, or employer-specific training.

2. A business may be considered a "beneficiary" of this federal program and receive incumbent worker training assistance on a reimbursement basis. WIA subrecipients and vendors are not considered to be beneficiaries. In order for a business to utilize the beneficiary option, the following guidelines must be followed:

   a. Business beneficiaries may receive reimbursement for their actual training costs incurred under this program, on a reimbursement basis, subject to the limitations of section IV.A. of this policy.

   b. Local WIB approval of a training plan is required before reimbursement may be provided to a beneficiary. The development of training plans is the joint responsibility of the local WIB designee and the business.

   c. The training plan must identify the provider(s) of training, type of training, planned start and end dates, number of individuals to be trained, the projected cost of training, and any other information required by the WIB. All training costs must be allowable as defined under section IV.A. of this policy and follow the guidelines of this issuance. Training plans must be approved by the local WIB or a WIB.
designee prior to the start date of training. Beneficiaries must agree to provide all documentation required by the WIB in order to be reimbursed for the training.

d. Training providers are not required to be enrolled in the ETPO system for the purpose of providing training under this policy. WIBs may assist business beneficiaries in identifying potential providers of training; selection of a training provider is not subject to state or federal procurement requirements.

3. For businesses not following the guidelines in section D.2 and that have training needs that cannot be provided by Ohio’s eligible training providers, local WIBs will need to follow proper procurement procedures as identified in the rules 5101:9-4-01 and 5101:9-4-07 of the Administrative Code, or local procurement policies if more restrictive.

E. Training Provider Considerations

The University System of Ohio (USO), community colleges, vocational schools, technical schools, licensed private institutions, and training providers on Ohio’s statewide Eligible Training Provider (ETP) list should be used whenever possible. However, WIBs may enter into a contract for services, rather than using an ITA, if there are an insufficient number of eligible training providers on the ETP list to conduct the proposed training.

Training providers without satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience, accredited instructors, high job placement rates, and or high training completion rates, should be avoided.

The training facility should provide an environment that supports learning and be within reasonable proximity to the trainees so the cost and time required for travel is minimized.

F. Program Authority and Fund Request Process

Local adult and dislocated worker formula funds appropriated annually for the program year may be used to fund an incumbent worker training program.

A WIB may utilize the incumbent worker waiver at any time during the program year (July 1st - June 30th).

The State requests that the WIB Director or authorized representative send an email to WIAQNA@JFS.OHIO.GOV stating that the WIB is utilizing local adult and or dislocated worker funds for the purposes of implementing incumbent worker training programs. The email should also indicate what percentages of local funds are being targeted for this activity (not to exceed that which is allowable under this waiver authority).

G. Fiscal Reporting

Funds contracted to a subrecipient or vendor for an IWT program are reported as program costs.

The fiscal agent must track funds used for incumbent worker training by funding stream and by the year of appropriation.

The administrative cost limit remains in effect. No separate amount may be set aside for administration of the IWT program.

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 the adult and dislocated worker programs. The accrued expenditures charged to the incumbent worker code for the adult and dislocated worker programs must not exceed the amount authorized for the IWT program. ODJFS will monitor costs reported against the incumbent worker training program.

Funds that are not used for IWT program may be expended respectively on the Adult and Dislocated Worker programs for program activities authorized by WIA.

H. Data Elements, Documentation and Program Reporting
Local WIBs are required to report IWT activities via the mini incumbent worker registration in the Ohio Workforce Case Management System (OWCMS). The reporting of outcomes is also required.

Each project must be categorized as Layoff Aversion when recorded in OWCMS. The type of training provided is also a required data element. Definitions for each training type are found in Section IV.B. of this issuance. They are as follows:

- Customized Training
- Occupation Skills Training (ITAs)
- Skill Upgrade Training

The following additional data elements are required for reporting:

<table>
<thead>
<tr>
<th>WIB Number</th>
<th>County</th>
<th>Business Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAICS Code</td>
<td>Worker Name</td>
<td>Date of Birth</td>
</tr>
<tr>
<td>Worker SSN (optional)</td>
<td>Training Start Date</td>
<td>Planned End Date</td>
</tr>
<tr>
<td>Planned Training Hours</td>
<td>Actual End Date</td>
<td>Actual Training Hours</td>
</tr>
</tbody>
</table>

Worker outcomes must be reported and selected from the following list (multiple selections may be made):

<table>
<thead>
<tr>
<th>Completed training program</th>
<th>Did not complete training program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received vocational skill certificate</td>
<td>Received other credential</td>
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<tr>
<td>Worker remained employed with same business after exit</td>
<td>Worker is employed by a different business after exit</td>
</tr>
<tr>
<td>Worker received wage increase</td>
<td>Worker received promotion</td>
</tr>
<tr>
<td>Worker received other positive outcome</td>
<td></td>
</tr>
</tbody>
</table>

The state has streamlined the reporting requirements to a minimal level that should not overburden employers but still allow for an assessment of the effectiveness of Ohio’s IWT programs. Local WIBs may choose to collect more information if necessary to conduct successful IWT programs. Local WIBs choosing to collect and document data elements over and beyond the requirements must ensure that every IWT program is compliant with reporting requirements. Local policies should include local requirements in regards to data elements, documentation and reporting.

IWT programs will be reported in OWCMS with a minimal amount of data required. If local WIBs wish to co-enroll an IWT participant in the local adult or dislocated worker program, a full registration is required in OWCMS which includes all of the data elements needed for WIA participants for performance. Co-enrolled participants must meet all eligibility requirements for Adult, Youth and/or Dislocated Worker programs.

Incumbent worker trainees participating in a program under this waiver are not subject to the local WIA Common Measures unless they are co-enrolled in a WIA Adult, Dislocated Worker, or Youth program. Under this waiver, co-enrollment is permissible and is a local decision.

V. Technical Assistance

For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.
VI. References


O.A.C. 5101:9-4-07, Procurement and contract requirements. Effective 1/30/2012.


Rescissions

WIAPL 09-09.3 Layoff Aversion Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority
Workforce Investment Act Policy Letter No. 09-09.3
August 23, 2011

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Christiane Schmenk, Director
       Michael B. Colbert, Director

Subject: Layoff Aversion Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority

I. Purpose
To provide guidance and additional clarification on the waiver authority to use up to 10% of local area adult and 10% dislocated worker formula funds to train incumbent workers for layoff aversion purposes.

II. Effective Date
July 1, 2011 - June 30, 2012

III. Background
Waiver authority has allowed local WIBs to use up to 10% of local adult and 10% dislocated worker formula funds to provide IWT. The United States Department of Labor (USDOL) is requiring that all IWT conducted under this waiver must be for layoff aversion. Due to the success of local incumbent worker training programs in the past, the state is continuing to utilize the waiver authority. The 10% of local adult funds designated for IWT are restricted to serving low-income adults.

IV. Requirements
Business closings, downsizings, and mass layoffs can occur for a variety of reasons in periods of both economic expansion and economic decline. Training incumbent workers to upgrade their skills can prevent worker dislocation and avoid a layoff. In conjunction with rapid response services provided by the state, layoff aversion can involve a range of strategies that may be used to prevent dislocations and business downsizing or closures.

Layoff aversion strategies for workers may include:

• providing workers with training services to assist them with retaining their present jobs, or placement into new jobs, or

• retraining workers with new technologies within the same company, when the company is at risk of closure or downsizing.

Appropriate data that includes a comprehensive business retention/layoff aversion plan must be available to verify the need for layoff aversion services for monitoring documentation purposes.

A. IWT-General Guidelines
IWT is a business service designed to develop a highly skilled workforce which will result in increased business financial viability, stability, competitiveness, and productivity. To avert the risk of closing, IWT can be developed with a business or business association to maintain their competitive status, incorporate new technology, or prevent downsizing.

Local WIBs shall establish criteria for identifying employers and any targeted industries and economic sectors, using resources such as Business Services Representatives (BSR),
Chambers of Commerce or the local media. Further, local WIBs are required to develop IWT program policies and procedures in a manner that coordinates with the array of business services available through the Ohio Department of Development (ODOD) and other state and local stakeholders. WIBs are not mandated to use this waiver.

Workers participating in IWT will benefit by enhancing existing skills, learning new skills, earning employer or industry recognized credentials, in addition to retaining employment, maintaining their careers, and/or increasing their earnings potential. IWT will also allow the opportunity for backfilling vacated positions resulting from the promotion of newly trained workers.

Ohio employers, as well as employers in bordering states whose employees are Ohio residents, are eligible to participate in IWT programs under the waiver authority defined in this policy. A joint strategy should be developed between the WIBs, bordering states, and other stakeholders to explore the possibility of a jointly funded training package among appropriate state and local entities.

Even though IWT under this policy is considered to be a statewide activity, all 10% adult funds must be restricted to serve low-income adults. Local areas are required to follow the statutory definition of low-income as described in WIA Section 101. All IWT participants must be authorized to work in the United States. If applicable, male applicants must be registered for the Selective Service. Documentation may be satisfied by an employer statement that ensures all trainees meet this requirement and documentation must be made available to the WIB upon request.

Local WIBs are encouraged to develop innovative program design strategies to meet the needs of its local area workforce. If a WIB chooses to offer incumbent worker services, the WIB must set criteria to select employers and/or incumbent workers and define its local program requirements and application process.

Local WIBs have several options when determining how best to serve eligible employers. A WIB can arrange training using the traditional array of intensive and training services, customized training, skill upgrade training, occupational skills training (through the issuance of ITAs), or a combination of these training approaches. WIBs may also implement innovative training strategies that best meet the needs of the business community.

Ohio Department of Job and Family Services reserves the right to approve variances to this guidance on a case-by-case basis.

**Allowable Costs for Incumbent Worker Training Program**

Allowable costs may include:

- instructor / trainer salaries
- curriculum development, textbooks, manuals, training software, materials and non-consumables
- other necessary and reasonable costs directly related to training

**Unallowable Costs for Incumbent Worker Training Program**

Unallowable costs include but are not limited to:

- foreign travel,
- purchase or lease of capital equipment,
- encouragement or inducement of a business or part of a business to relocate from any location in the United States,
- use of IWT funds to pay for a worker's training wages
• use of IWT funds to train management employees in management skills such as Six Sigma and LEAN.

B. Definitions

For the purpose of this waiver, the following definitions apply:

**Incumbent Worker**

An incumbent worker is an employed worker who is in need of additional skills in order to avoid layoff. Incumbent worker training would support further job retention and career development for improved economic self-sufficiency for employed workers, especially those most vulnerable to job loss, and increase the capability of the employing firm(s) to access and retain skilled workers.

The employers have determined that their workforce requires training in order to help:

• workers maintain employment,
• upgrade workers' skills, and
• maintain wages earned by employees

**Eligible Incumbent Workers**

Local areas are required to use the 10% adult funds to serve low-income adults. However, local areas are required to follow the statutory definition of low-income as described in WIA Section 101.

Local areas utilizing up to 10% of their dislocated workers funds for IWT are not subject to the low-income requirement.

**Layoff Aversion**

Layoff aversion involves 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.

**Types of Incumbent Worker Training**

All training delivered under this waiver is restricted to skill attainment activities. The training should benefit workers by making them more qualified in their line of business and/or by providing them with skills for new products or processes. It is desired that the training results in credentials or industry recognizable skills that promote the worker’s career and increases the overall employability.

Allowable types of training for incumbent workers:

• **Skills upgrade training**: short-term training that enhances occupation-specific skills or basic skills that lead to a credential/certificate. See TEGL 17-05.

• **Customized training**: see WIAPL 09-07.3 for details; minimum employer match of 10% required depending on number of employees. **Reimbursements of trainee wages are disallowed**.

• **Occupational skill training (ITAs)**: training that leads to a credential or a certificate as defined in TEGL 17-05 (subject to local policy established by local area boards).
C. **Eligibility for Participating Businesses**

Local IWT is one of many business services offered through local WIBs, ODOD, and other stakeholders. Based upon a thorough assessment, it may be determined that a business could be better served through a program not funded under this activity. Therefore, it is important to gather sufficient information to determine the appropriate mix of services to meet the business' needs.

There are also businesses that should not participate in this initiative due to past or current violations of local, state, or federal law; unfair labor practices; and other conditions identified during the course of conducting initial employer assessments and reviewing contract requirements, assurances, and certifications with the local WIB designee. Businesses that fail to meet any of the following six qualifying criteria are not eligible to receive funds for incumbent worker training:

1. Businesses must not be presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the State of Ohio.
2. Businesses shall not have any outstanding tax liability to the State of Ohio.*
3. Businesses must ensure that they are not on the most recent list established by the Ohio Secretary of State that would identify them as having more than one (1) unfair labor practice contempt of court finding.
4. Ohio businesses must have all of the approvals, licenses, or other qualifications needed to conduct business in the state and all must be current. Should this status change during the course of the local IWT program activities and the business is disqualified from conducting business in Ohio, all training under the IWT program must cease.
5. Governmental entities, including the city, county and state, may not participate in the local IWT program. Health care providers that are operating as not-for-profit entities are the only allowable exceptions to this prohibition.
6. Businesses that have relocated to Ohio and have laid-off workers at their former location in the United States may not be considered for this program until they have been in operation at the new location for 120 days.
7. Businesses must not have any outstanding civil, criminal or administrative fines or penalties owed to or pending in the state of Ohio.

* WIBs will require the businesses to disclose any known outstanding tax liabilities with other states prior to entering into contract. The local WIB may consider existing out-of-state violations when determining eligibility to receive incumbent worker training funds.

D. **Procurement of Training**

WIBs have several options to determine how best to provide the training needed by a business as described below:

1. Local WIBs may enter into contracts with training providers registered in Ohio's Eligible Training Provider Online (ETPO) system without any additional procurement requirements. Utilization of the ETP list is for universally applicable off-the-shelf employer training and is not intended to include unique, specialized, or employer-specific training.
2. A business may be considered a "beneficiary" of this federal program and receive incumbent worker training assistance on a reimbursement basis. WIA subrecipients and vendors are not considered to be beneficiaries. In order for a business to utilize the beneficiary option, the following guidelines must be followed:
a. Business beneficiaries may receive reimbursement for their actual training costs incurred under this program, on a reimbursement basis, subject to the limitations of section IV.A. of this policy.

b. Local WIB approval of a training plan is required before reimbursement may be provided to a beneficiary. The development of training plans is the joint responsibility of the local WIB designee and the business.

c. The training plan must identify the provider(s) of training, type of training, planned start/end dates, number of individuals to be trained, the projected cost of training, and any other information required by the WIB. All training costs must be allowable as defined under section IV.A. of this policy and follow the guidelines of this issuance. Training plans must be approved by the local WIB or a WIB designee prior to the start date of training. Beneficiaries must agree to provide all documentation required by the WIB in order to be reimbursed for the training.

d. Training providers are not required to be enrolled in the ETPO system for the purpose of providing training under this policy. WIBs may assist business beneficiaries in identifying potential providers of training; selection of a training provider is not subject to state or federal procurement requirements.

3. For businesses not following the guidelines in section D.2 and that have training needs that cannot be provided by Ohio's eligible training providers, local WIBs will need to follow proper procurement procedures as identified in the Ohio Administrative Code: Rule 5101:9-4-01 (Acquisition Standards Definitions) and Rule 5101:9-4-07 (Procurement Requirements), or local procurement policies if more restrictive.

E. Training Provider Considerations

The University System of Ohio (USO), community colleges, vocational schools, technical schools, licensed private institutions, and training providers on Ohio's statewide WIA Eligible Training Provider (ETP) list should be used whenever possible. However, WIBs may enter into a contract for services, rather than using an ITA, if there are an insufficient number of eligible training providers on the ETP list to conduct the proposed training.

Training providers without satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience, accredited instructors, high job placement rates, and/or high training completion rates, should be avoided.

The training facility should provide an environment that supports learning and be within reasonable proximity to the trainees so the cost and time required for travel is minimized.

F. Program Authority and Fund Request Process

Local adult and dislocated worker formula funds appropriated annually for the program year may be used to fund an incumbent worker training program.

A WIB may utilize the incumbent worker waiver at any time during the program year (July 1st - June 30th).

The State requests that the WIB Director or authorized representative send an e-mail to WIAQNA@JFS.OHIO.GOV stating that the WIB is utilizing local adult and/or dislocated worker funds for the purposes of implementing incumbent worker training programs. The e-mail should also indicate what percentages of local funds are being targeted for this activity (not to exceed that which is allowable under this waiver authority).

G. Fiscal Reporting

Funds contracted to a subrecipient or vendor for an incumbent worker training program are reported as program costs.
The fiscal agent must track funds used for incumbent worker training by funding stream and by the year of appropriation.

The administrative cost limit remains in effect. No separate amount may be set-aside for administration of the incumbent worker training program.

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 the adult and dislocated worker programs. The accrued expenditures charged to the incumbent worker code for the adult and dislocated worker programs must not exceed the amount authorized for the incumbent worker training program. ODJFS will monitor costs reported against the incumbent worker training program.

Funds that are not used for the incumbent worker training program may be expended respectively on the adult and dislocated worker programs for program activities authorized by WIA.

H. Data Elements, Documentation and Program Reporting

Local WIBs are required to report IWT activities via the mini-incumbent worker registration in the Sharing Career Opportunities and Training Information (SCOTI). The reporting of outcomes is also required.

Each project must be categorized as Layoff Aversion when recorded in SCOTI. The type of training provided is also a required data element. Definitions for each training type are found in Section IV.B. of this issuance. They are as follows:

- Customized Training
- Occupation Skills Training (ITAs)
- Skill Upgrade Training

The following additional data elements are required for reporting:

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<tr>
<th>WIB Number</th>
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<th>Business Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAICS Code</td>
<td>Worker Name</td>
<td>Date of Birth</td>
</tr>
<tr>
<td>Worker SSN (optional)</td>
<td>Training Start Date</td>
<td>Planned End Date</td>
</tr>
<tr>
<td>Planned Training Hours</td>
<td>Actual End Date</td>
<td>Actual Training Hours</td>
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Worker outcomes must be reported and selected from the following list (multiple selections may be made):

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</tr>
<tr>
<td>Worker remained employed with same business after exit</td>
<td>Worker is employed by a different business after exit</td>
</tr>
<tr>
<td>Worker received wage increase</td>
<td>Worker received promotion</td>
</tr>
<tr>
<td>Worker received other positive outcome</td>
<td></td>
</tr>
</tbody>
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The state has streamlined the reporting requirements to a minimal level that should not overburden employers but still allow for an assessment of the effectiveness of Ohio’s IWT programs. Local WIBs may choose to collect more information if necessary to conduct successful IWT programs. Local WIBs choosing to collect and document data elements over and beyond the requirements must ensure that every IWT program is compliant with reporting requirements. Local policies should include local requirements in regards to data elements, documentation and reporting.

IWT programs will be reported in Sharing Career Opportunities and Information (SCOTI) with a minimal amount of data required. If local WIBs wish to co-enroll an IWT participant in the local adult or dislocated worker program, a full registration is required in SCOTI which includes all of the data elements needed for WIA participants for performance. Co-enrolled participants must meet all eligibility requirements for Adult, Youth and/or Dislocated Worker programs.

Incumbent worker trainees participating in a program under this waiver are not subject to the local WIA Common Measures unless they are co-enrolled in a WIA Adult, Dislocated Worker, or Youth program. Under this waiver, co-enrollment is permissible and is a local decision.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development, WIAQNA@JFS.OHIO.GOV.

VI. Reference
DOL waiver extension approval letter, June 7, 2011
DOL waiver approval letter, June 30, 2010
DOL Training and Employment Guidance Letter (TEGL) 26-09, May 12, 2010
DOL Training and Employment Guidance Letter (TEGL) 30-09, June 08, 2010
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DOL Training and Employment Guidance Letter (TEGL) 14-00, Change 3, August 24, 2009
Federal Register 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.400, 661.420(c) and (e), 663.245, 663.145, 665.220, 667.220, 667.262, 663.715, and 667.264
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Rescissions
WIAPL 09-09.2: Layoff Aversion Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority
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WIAPL No. 09-09: Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority
Workforce Investment Act Policy Letter No. 09-09.2

April 13, 2011

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: James A. Leftwich, Director
Michael B. Colbert, Director

Subject: Layoff Aversion Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority

I. **Purpose**

To provide guidance and additional clarification on the waiver authority to use up to 10% of local area adult and 10% dislocated worker formula funds to train incumbent workers for layoff aversion purposes.

II. **Effective Date**

July 1, 2010 - June 30, 2011

III. **Background**

Waiver authority has allowed local WIBs to use up to 10% of local adult and 10% dislocated worker formula funds to provide IWT. The United States Department of Labor (USDOL) is requiring that all IWT conducted under this waiver must be for layoff aversion. Due to the success of local incumbent worker training programs in the past, the state is continuing to utilize the waiver authority. The 10% of local adult funds designated for IWT are restricted to serving low-income adults.

IV. **Requirements**

Business closings, downsizings, and mass layoffs can occur for a variety of reasons in periods of both economic expansion and economic decline. Training incumbent workers to upgrade their skills can prevent worker dislocation and avoid a layoff. In conjunction with rapid response services provided by the state, layoff aversion can involve a range of strategies that may be used to prevent dislocations and business downsizing or closures.

Layoff aversion strategies for workers may include:

- providing workers with training services to assist them with retaining their present jobs, or placement into new jobs, or
- retraining workers with new technologies within the same company, when the company is at risk of closure or downsizing.

Appropriate data that includes a comprehensive business retention/layoff aversion plan must be available to verify the need for layoff aversion services for monitoring documentation purposes.

A. **IWT-General Guidelines**

IWT is a business service designed to develop a highly skilled workforce which will result in increased business financial viability, stability, competitiveness, and productivity. To avert the risk of closing, IWT can be developed with a business or business association to maintain their competitive status, incorporate new technology, or prevent downsizing.

Local WIBs shall establish criteria for identifying employers and any targeted industries and economic sectors, using resources such as Business Services Representatives (BSR),
Chambers of Commerce or the local media. Further, local WIBs are required to develop IWT program policies and procedures in a manner that coordinates with the array of business services available through the Ohio Department of Development (ODOD) and other state and local stakeholders. WIBs are not mandated to use this waiver.

Workers participating in IWT will benefit by enhancing existing skills, learning new skills, earning employer or industry recognized credentials, in addition to retaining employment, maintaining their careers, and/or increasing their earnings potential. IWT will also allow the opportunity for backfilling vacated positions resulting from the promotion of newly trained workers.

Ohio employers, as well as employers in bordering states whose employees are Ohio residents, are eligible to participate in IWT programs under the waiver authority defined in this policy. A joint strategy should be developed between the WIBs, bordering states, and other stakeholders to explore the possibility of a jointly funded training package among appropriate state and local entities.

Even though IWT under this policy is considered to be a statewide activity, all 10% adult funds must be restricted to serve low-income adults. Local areas are required to follow the statutory definition of low-income as described in WIA Section 101. All IWT participants must be authorized to work in the United States. If applicable, male applicants must be registered for the Selective Service. Documentation may be satisfied by an employer statement that ensures all trainees meet this requirement and documentation must be made available to the WIB upon request.

Local WIBs are encouraged to develop innovative program design strategies to meet the needs of its local area workforce. If a WIB chooses to offer incumbent worker services, the WIB must set criteria to select employers and/or incumbent workers and define its local program requirements and application process.

Local WIBs have several options when determining how best to serve eligible employers. A WIB can arrange training using the traditional array of intensive and training services, customized training, skill upgrade training, occupational skills training (through the issuance of ITAs), or a combination of these training approaches. WIBs may also implement innovative training strategies that best meet the needs of the business community.

Ohio Department of Job and Family Services reserves the right to approve variances to this guidance on a case-by-case basis.

**Allowable Costs for Incumbent Worker Training Program**

Allowable costs may include:

- instructor / trainer salaries
- curriculum development, textbooks, manuals, training software, materials and non-consumables
- other necessary and reasonable costs directly related to training

**Unallowable Costs for Incumbent Worker Training Program**

Unallowable costs include but are not limited to:

- foreign travel,
- purchase or lease of capital equipment,
- encouragement or inducement of a business or part of a business to relocate from any location in the United States,
- use of IWT funds to pay for a worker's training wages
B. **Definitions**

For the purpose of this waiver, the following definitions apply:

**Incumbent Worker**

An incumbent worker is an employed worker who is in need of additional skills in order to avoid layoff. Incumbent worker training would support further job retention and career development for improved economic self-sufficiency for employed workers, especially those most vulnerable to job loss, and increase the capability of the employing firm(s) to access and retain skilled workers.

The employers have determined that their workforce requires training in order to help:

- workers maintain employment,
- upgrade workers' skills, and
- maintain wages earned by employees

**Eligible Incumbent Workers**

Local areas are required to use the 10% adult funds to serve low-income adults. However, local areas are required to follow the statutory definition of low-income as described in WIA Section 101.

Local areas utilizing up to 10% of their dislocated workers funds for IWT are not subject to the low-income requirement.

**Layoff Aversion**

Layoff aversion involves 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.

**Types of Incumbent Worker Training**

All training delivered under this waiver is restricted to skill attainment activities. The training should benefit workers by making them more qualified in their line of business and/or by providing them with skills for new products or processes. It is desired that the training results in credentials or industry recognizable skills that promote the worker’s career and increases the overall employability.

Allowable types of training for incumbent workers:

- **Skills upgrade training**: short-term training that enhances occupation-specific skills or basic skills that lead to a credential/certificate. See TEGL 17-05.
- **Customized training**: see WIAPL 09-07 for details; minimum employer match of 10% required depending on number of employees. **Reimbursements of trainee wages are disallowed.**
- **Occupational skill training (ITAs)**: training that leads to a credential or a certificate as defined in TEGL 17-05 (subject to local policy established by local area boards).
C. Eligibility for Participating Businesses

Local IWT is one of many business services offered through local WIBs, ODOD, and other stakeholders. Based upon a thorough assessment, it may be determined that a business could be better served through a program not funded under this activity. Therefore, it is important to gather sufficient information to determine the appropriate mix of services to meet the business' needs.

There are also businesses that should not participate in this initiative due to past or current violations of local, state, or federal law; unfair labor practices; and other conditions identified during the course of conducting initial employer assessments and reviewing contract requirements, assurances, and certifications with the local WIB designee. Businesses that fail to meet any of the following six qualifying criteria are not eligible to receive funds for incumbent worker training:

1. Businesses must not be presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the State of Ohio.

2. Businesses shall not have any outstanding tax liability to the State of Ohio.*

3. Businesses must ensure that they are not on the most recent list established by the Ohio Secretary of State that would identify them as having more than one (1) unfair labor practice contempt of court finding.

4. Ohio businesses must have all of the approvals, licenses, or other qualifications needed to conduct business in the state and all must be current. Should this status change during the course of the local IWT program activities and the business is disqualified from conducting business in Ohio, all training under the IWT program must cease.

5. Governmental entities, including the city, county and state, may not participate in the local IWT program. Health care providers that are operating as not-for-profit entities are the only allowable exceptions to this prohibition.

6. Businesses that have relocated to Ohio and have laid-off workers at their former location in the United States may not be considered for this program until they have been in operation at the new location for 120 days.

7. Businesses must not have any outstanding civil, criminal or administrative fines or penalties owed to or pending in the state of Ohio.

* WIBs will require the businesses to disclose any known outstanding tax liabilities with other states prior to entering into contract. The local WIB may consider existing out-of-state violations when determining eligibility to receive incumbent worker training funds.

D. Procurement of Training

WIBs have several options to determine how best to provide the training needed by a business as described below:

1. Local WIBs may enter into contracts with training providers registered in Ohio’s Eligible Training Provider Online (ETPO) system without any additional procurement requirements. Utilization of the ETP list is for universally applicable off-the-shelf employer training and is not intended to include unique, specialized, or employer-specific training.

2. A business may be considered a "beneficiary" of this federal program and receive incumbent worker training assistance on a reimbursement basis. WIA subrecipients and vendors are not considered to be beneficiaries. In order for a business to utilize the beneficiary option, the following guidelines must be followed:
a. Business beneficiaries may receive reimbursement for their actual training costs incurred under this program, on a reimbursement basis, subject to the limitations of section IV.A. of this policy.

b. Local WIB approval of a training plan is required before reimbursement may be provided to a beneficiary. The development of training plans is the joint responsibility of the local WIB designee and the business.

c. The training plan must identify the provider(s) of training, type of training, planned start/end dates, number of individuals to be trained, the projected cost of training, and any other information required by the WIB. All training costs must be allowable as defined under section IV.A. of this policy and follow the guidelines of this issuance. Training plans must be approved by the local WIB or a WIB designee prior to the start date of training. Beneficiaries must agree to provide all documentation required by the WIB in order to be reimbursed for the training.

d. Training providers are not required to be enrolled in the ETPO system for the purpose of providing training under this policy. WIBs may assist business beneficiaries in identifying potential providers of training; selection of a training provider is not subject to state or federal procurement requirements.

3. For businesses not following the guidelines in section D.2 and that have training needs that cannot be provided by Ohio's eligible training providers, local WIBs will need to follow proper procurement procedures as identified in the Ohio Administrative Code: Rule 5101:9-4-01 (Acquisition Standards Definitions) and Rule 5101:9-4-07 (Procurement Requirements), or local procurement policies if more restrictive.

E. Training Provider Considerations

The University System of Ohio (USO), community colleges, vocational schools, technical schools, licensed private institutions, and training providers on Ohio's statewide WIA Eligible Training Provider (ETP) list should be used whenever possible. However, WIBs may enter into a contract for services, rather than using an ITA, if there are an insufficient number of eligible training providers on the ETP list to conduct the proposed training.

Training providers without satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience, accredited instructors, high job placement rates, and or high training completion rates, should be avoided.

The training facility should provide an environment that supports learning and be within reasonable proximity to the trainees so the cost and time required for travel is minimized.

F. Program Authority and Fund Request Process

Local adult and dislocated worker formula funds appropriated annually for the program year may be used to fund an incumbent worker training program.

A WIB may utilize the incumbent worker waiver at any time during the program year (July 1st - June 30th).

The State requests that the WIB Director or authorized representative send an e-mail to WIAQNA@JFS.OHIO.GOV stating that the WIB is utilizing local adult and/or dislocated worker funds for the purposes of implementing incumbent worker training programs. The e-mail should also indicate what percentage of local funds are being targeted for this activity (not to exceed that which is allowable under this waiver authority).

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Local WIBs are required to report IWT activities via the mini-incumbent worker registration in the Sharing Career Opportunities and Training Information (SCOTI). The reporting of outcomes is also required.

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</tr>
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</tr>
<tr>
<td>(optional)</td>
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Incumbent worker trainees participating in a program under this waiver are not subject to the local WIA Common Measures unless they are co-enrolled in a WIA Adult, Dislocated Worker, or Youth program. Under this waiver, co-enrollment is permissible and is a local decision.

V. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development, WIAQNA@JFS.OHIO.GOV.

VI. **Reference**

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**Rescissions:**

WIAPLN 09-09.1: Layoff Aversion Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority

WIATL 22B: Waiver Authority to Use 20% of the Adult and Dislocated Worker Formula Allocation for Incumbent Worker Training Program
WIATL 22C: Waiver Authority to Use 20% of the Adult and Dislocated Worker Formula Allocation for Incumbent Worker Training Program

WIAPL No. 09-09: Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority
To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Layoff Aversion Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority

I. Purpose
To provide guidance and additional clarification on the waiver authority to use up to 10% of local area adult and 10% dislocated worker formula funds to train incumbent workers for layoff aversion purposes.

II. Effective Date
July 1, 2010 - June 30, 2011

III. Background
Waiver authority has allowed local WIBs to use up to 10% of local adult and 10% dislocated worker formula funds to provide IWT. The United States Department of Labor (USDOL) is requiring that all IWT conducted under this waiver must be for layoff aversion. Due to the success of local incumbent worker training programs in the past, the state is continuing to utilize the waiver authority. The 10% of local adult funds designated for IWT are restricted to serving low-income adults.

IV. Requirements
Business closings, downsizings, and mass layoffs can occur for a variety of reasons in periods of both economic expansion and economic decline. Training incumbent workers to upgrade their skills can prevent worker dislocation and avoid a layoff. In conjunction with rapid response services provided by the state, layoff aversion can involve a range of strategies that may be used to prevent dislocations and business downsizing or closures.

Layoff aversion strategies for workers may include:

- providing workers with training services to assist them with retaining their present jobs, or placement into new jobs, or
- retraining workers with new technologies within the same company, when the company is at risk of closure or downsizing.

Appropriate data that includes a comprehensive business retention/layoff aversion plan must be available to verify the need for layoff aversion services for monitoring documentation purposes.

A. IWT-General Guidelines
IWT is a business service designed to develop a highly skilled workforce which will result in increased business financial viability, stability, competitiveness, and productivity. To avert the risk of closing, IWT can be developed with a business or business association to maintain their competitive status, incorporate new technology, or prevent downsizing.
Local WIBs shall establish criteria for identifying employers and any targeted industries and economic sectors, using resources such as Business Services Representatives (BSR), Chambers of Commerce or the local media. Further, local WIBs are required to develop IWT program policies and procedures in a manner that coordinates with the array of business services available through the Ohio Department of Development (ODOD) and other state and local stakeholders. WIBs are not mandated to use this waiver.

Workers participating in IWT will benefit by enhancing existing skills, learning new skills, earning employer or industry recognized credentials, in addition to retaining employment, maintaining their careers, and/or increasing their earnings potential. IWT will also allow the opportunity for backfilling vacated positions resulting from the promotion of newly trained workers.

Ohio employers, as well as employers in bordering states whose employees are Ohio residents, are eligible to participate in IWT programs under the waiver authority defined in this policy. A joint strategy should be developed between the WIBs, bordering states, and other stakeholders to explore the possibility of a jointly funded training package among appropriate state and local entities.

Even though IWT under this policy is considered to be a statewide activity, all 10% adult funds must be restricted to serve low-income adults. Local areas are required to follow the statutory definition of low-income as described in WIA Section 101. All IWT participants must be authorized to work in the United States. If applicable, male applicants must be registered for the Selective Service. Documentation may be satisfied by an employer statement that ensures all trainees meet this requirement and documentation must be made available to the WIB upon request.

Local WIBs are encouraged to develop innovative program design strategies to meet the needs of its local area workforce. If a WIB chooses to offer incumbent worker services, the WIB must set criteria to select employers and/or incumbent workers and define its local program requirements and application process.

Local WIBs have several options when determining how best to serve eligible employers. A WIB can arrange training using the traditional array of intensive and training services, customized training, skill upgrade training, occupational skills training (through the issuance of ITAs), or a combination of these training approaches. WIBs may also implement innovative training strategies that best meet the needs of the business community.

Ohio Department of Job and Family Services reserves the right to approve variances to this guidance on a case by case basis.

**Allowable Costs for Incumbent Worker Training Program**

Allowable costs may include:

- instructor / trainer salaries
- curriculum development, textbooks, manuals, training software, materials and non-consumables
- other necessary and reasonable costs directly related to training

**Unallowable Costs for Incumbent Worker Training Program**

Unallowable costs include but are not limited to:

- foreign travel,
- purchase or lease of capital equipment,
- encouragement or inducement of a business or part of a business to relocate from any location in the United States,
• use of IWT funds to pay for a worker's training wages
• use of IWT funds to train management employees in management skills such as Six Sigma and LEAN.

B. Definitions

For the purpose of this waiver, the following definitions apply:

Incumbent Worker

An incumbent worker is an employed worker who is in need of additional skills in order to avoid layoff. Incumbent worker training would support further job retention and career development for improved economic self-sufficiency for employed workers, especially those most vulnerable to job loss, and increase the capability of the employing firm(s) to access and retain skilled workers.

The employers have determined that their workforce requires training in order to help:

• workers maintain employment,
• upgrade workers’ skills, and
• maintain wages earned by employees

Eligible Incumbent Workers

Local areas are required to use the 10% adult funds to serve low-income adults. However, local areas are required to follow the statutory definition of low-income as described in WIA Section 101.

Local areas utilizing up to 10% of their dislocated workers funds for IWT are not subject to the low-income requirement.

Layoff Aversion

Layoff aversion involves 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.

Types of Incumbent Worker Training

All training delivered under this waiver is restricted to skill attainment activities. The training should benefit workers by making them more qualified in their line of business and/or by providing them with skills for new products or processes. It is desired that the training results in credentials or industry recognizable skills that promote the worker’s career and increases the overall employability.

Allowable types of training for incumbent workers:

• Skills upgrade training: short-term training that enhances occupation-specific skills or basic skills that lead to a credential/certificate. See TEGL 17-05.
• Customized training: see WIAPL 09-07 for details; minimum employer match of 10% required depending on number of employees. Reimbursements of trainee wages are disallowed.
• **Occupational skill training (ITAs):** training that leads to a credential or a certificate as defined in TEGL 17-05 (subject to local policy established by local area boards).

### C. Eligibility for Participating Businesses

Local IWT is one of many business services offered through local WIBs, ODOD, and other stakeholders. Based upon a thorough assessment, it may be determined that a business could be better served through a program not funded under this activity. Therefore, it is important to gather sufficient information to determine the appropriate mix of services to meet the business' needs.

There are also businesses that should not participate in this initiative due to past or current violations of local, state, or federal law; unfair labor practices; and other conditions identified during the course of conducting initial employer assessments and reviewing contract requirements, assurances, and certifications with the local WIB designee. Businesses that fail to meet any of the following six qualifying criteria are not eligible to receive funds for incumbent worker training:

1. Businesses must not be presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the State of Ohio.
2. Businesses shall not have any outstanding tax liability to the State of Ohio.*
3. Businesses must ensure that they are not on the most recent list established by the Ohio Secretary of State that would identify them as having more than one (1) unfair labor practice contempt of court finding.
4. Ohio businesses must have all of the approvals, licenses, or other qualifications needed to conduct business in the state and all must be current. Should this status change during the course of the local IWT program activities and the business is disqualified from conducting business in Ohio, all training under the IWT program must cease.
5. Governmental entities, including the city, county and state, may not participate in the local IWT program. Health care providers that are operating as not-for-profit entities are the only allowable exceptions to this prohibition.
6. Businesses that have relocated to Ohio and have laid-off workers at their former location in the United States may not be considered for this program until they have been in operation at the new location for 120 days.
7. Businesses must not have any outstanding civil, criminal or administrative fines or penalties owed to or pending in the state of Ohio.

* WIBs will require the businesses to disclose any known outstanding tax liabilities with other states prior to entering into contract. The local WIB may consider existing out-of-state violations when determining eligibility to receive incumbent worker training funds.

### D. Procurement of Training

WIBs have several options to determine how best to provide the training needed by a business as described below:

1. Local WIBs may enter into contracts with training providers registered in Ohio's Eligible Training Provider Online (ETPO) system without any additional procurement requirements. Utilization of the ETP list is for universally applicable off-the-shelf employer training and is not intended to include unique, specialized, or employer-specific training.
2. A business may be considered a "beneficiary" of this federal program and receive incumbent worker training assistance on a reimbursement basis. WIA subrecipients and vendors are not considered to be beneficiaries. In order for a business to utilize the beneficiary option, the following guidelines must be followed:

   a. Business beneficiaries may receive reimbursement for their actual training costs incurred under this program, on a reimbursement basis, subject to the limitations of section IV.A. of this policy.

   b. Local WIB approval of a training plan is required before reimbursement may be provided to a beneficiary. The development of training plans is the joint responsibility of the local WIB designee and the business.

   c. The training plan must identify the provider(s) of training, type of training, planned start/end dates, number of individuals to be trained, the projected cost of training, and any other information required by the WIB. All training costs must be allowable as defined under section IV.A. of this policy and follow the guidelines of this issuance. Training plans must be approved by the local WIB or a WIB designee prior to the start date of training. Beneficiaries must agree to provide all documentation required by the WIB in order to be reimbursed for the training.

   d. Training providers are not required to be enrolled in the ETPO system for the purpose of providing training under this policy. WIBs may assist business beneficiaries in identifying potential providers of training; selection of a training provider is not subject to state or federal procurement requirements.

3. For businesses not following the guidelines in section D.2 and that have training needs that cannot be provided by Ohio's eligible training providers, local WIBs will need to follow proper procurement procedures as identified in the Ohio Administrative Code: Rule 5101:9-4-01 (Acquisition Standards Definitions) and Rule 5101:9-4-07 (Procurement Requirements), or local procurement policies if more restrictive.

E. Training Provider Considerations

   The University System of Ohio (USO), community colleges, vocational schools, technical schools, licensed private institutions, and training providers on Ohio's statewide WIA Eligible Training Provider (ETP) list should be used whenever possible. However, WIBs may enter into a contract for services, rather than using an ITA, if there are an insufficient number of eligible training providers on the ETP list to conduct the proposed training.

   Training providers without satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience, accredited instructors, high job placement rates, and/or high training completion rates, should be avoided.

   The training facility should provide an environment that supports learning and be within reasonable proximity to the trainees so the cost and time required for travel is minimized.

F. Program Authority and Fund Request Process

   Local adult and dislocated worker formula funds appropriated annually for the program year may be used to fund an incumbent worker training program.

   A WIB may request the incumbent worker waiver at any time during the program year (July 1st - June 30th).

   The last page of this guidance letter is a sample letter showing a request to use adult and dislocated worker funds for a local incumbent worker training program.

G. Process to Request Permission to Utilize Funds
The fiscal agent’s authorized representative must sign and submit a letter via email to 
WIAQNA@JFS.OHIO.GOV with “Incumbent Worker Training” in the subject line.

The letter must include:

- allocation for the funding stream
- dollar amount for incumbent worker services assignable by funding stream (adult 
  and/or dislocated worker) and year of appropriation (such as program year and 
  fiscal year)
- a statement that the WIB approved the request
- e-mail address of fiscal agent authorized representative

Within 15 business days, the Office of Workforce Development will notify the fiscal agent and/or 
administrative entity of the approval by email.

H. Fiscal Reporting

Funds contracted to a subrecipient or vendor for an incumbent worker training program are 
reported as program costs.

The fiscal agent must track funds used for incumbent worker training by funding stream and by 
the year of appropriation.

The administrative cost limit remains in effect. No separate amount may be set-aside for 
administration of the incumbent worker training program.

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 the adult and 
dislocated worker programs. The accrued expenditures charged to the incumbent worker code 
for the adult and dislocated worker programs must not exceed the amount authorized for the 
incumbent worker training program. ODJFS will monitor costs reported against the incumbent 
worker training program.

Funds that are not used for the incumbent worker training program may be expended 
respectively on the adult and dislocated worker programs for program activities authorized by 
WIA.

I. Data Elements, Documentation and Program Reporting

Local WIBs are required to report IWT activities via the mini-incumbent worker registration in the 
Sharing Career Opportunities and Training Information (SCOTI). The reporting of outcomes is 
also required.

Each project must be categorized as Layoff Aversion when recorded in SCOTI. The type of 
training provided is also a required data element. Definitions for each training type are found in 
Section IV.B. of this issuance. They are as follows:

  - Customized Training
  - Occupation Skills Training (ITAs)
  - Skill Upgrade Training

The following additional data elements are required for reporting:

<table>
<thead>
<tr>
<th>WIB Number</th>
<th>County</th>
<th>Business Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAICS Code</td>
<td>Worker Name</td>
<td>Date of Birth</td>
</tr>
<tr>
<td>Worker SSN</td>
<td>Training Start Date</td>
<td>Planned End Date</td>
</tr>
<tr>
<td>Planned Training Hours</td>
<td>Actual End Date</td>
<td>Actual Training Hours</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------------</td>
<td>-----------------------</td>
</tr>
</tbody>
</table>

Worker outcomes must be reported and selected from the following list (multiple selections may be made):

<table>
<thead>
<tr>
<th>Completed training program</th>
<th>Did not complete training program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received vocational skill certificate</td>
<td>Received other credential</td>
</tr>
<tr>
<td>Worker remained employed with same business after exit</td>
<td>Worker is employed by a different business after exit</td>
</tr>
<tr>
<td>Worker received wage increase</td>
<td>Worker received promotion</td>
</tr>
<tr>
<td>Worker received other positive outcome</td>
<td></td>
</tr>
</tbody>
</table>

The state has streamlined the reporting requirements to a minimal level that should not overburden employers but still allow for an assessment of the effectiveness of Ohio's IWT programs. Local WIBs may choose to collect more information if necessary to conduct successful IWT programs. Local WIBs choosing to collect and document data elements over and beyond the requirements must ensure that every IWT program is compliant with reporting requirements. Local policies should include local requirements in regards to data elements, documentation and reporting.

IWT programs will be reported in Sharing Career Opportunities and Information (SCOTI) with a minimal amount of data required. If local WIBs wish to co-enroll an IWT participant in the local adult or dislocated worker program, a full registration is required in SCOTI which includes all of the data elements needed for WIA participants for performance. Co-enrolled participants must meet all eligibility requirements for Adult, Youth and/or Dislocated Worker programs.

Incumbent worker trainees participating in a program under this waiver are not subject to the local WIA Common Measures unless they are co-enrolled in a WIA Adult, Dislocated Worker, or Youth program. Under this waiver, co-enrollment is permissible and is a local decision.

V. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development, WIAQNA@JFS.OHIO.GOV.

VI. **Reference**

DOL waiver approval letter, June 30, 2010
DOL Training and Employment Guidance Letter (TEGL) 26-09, May 12, 2010
DOL Training and Employment Guidance Letter (TEGL) 30-09, June 08, 2010
DOL waiver approval letter, November 12, 2009
Office of Workforce Development, Waiver Request Plan, July 24, 2009
DOL Training and Employment Guidance Letter (TEGL) 14-00, Change 3, August 24, 2009
Federal Register 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.400, 661.420(c) and (e), 663.245, 663.145, 665.220, 667.220, 667.262, 663.715, and 667.264
Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 129(b), 134, 181(e) and 189 (i)(4)(B)
Rescissions:

WIATL 22B: Waiver Authority to Use 20% of the Adult and Dislocated Worker Formula Allocation for Incumbent Worker Training Program

WIATL 22C: Waiver Authority to Use 20% of the Adult and Dislocated Worker Formula Allocation for Incumbent Worker Training Program

WIAPL No. 09-09: Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority
I. **Purpose**
To provide guidance and additional clarification on the waiver authority to use up to 10% of local area adult and 10% dislocated worker formula funds to train incumbent workers for layoff aversion purposes.

II. **Effective Date**
October 1, 2009 - June 30, 2010

III. **Background**
Waiver authority has allowed local WIBs to use up to 10% of local adult and 10% dislocated worker formula funds to provide IWT. The United States Department of Labor (USDOL) is requiring that all IWT conducted under this waiver must be for layoff aversion. Due to the success of local incumbent worker training programs in the past, the state is continuing to utilize the waiver authority. The 10% of local adult funds designated for IWT are restricted to serving low-income adults.

IV. **Requirements**
Business closings, downsizings, and mass layoffs can occur for a variety of reasons in periods of both economic expansion and economic decline. Training incumbent workers to upgrade their skills can prevent worker dislocation and avoid a layoff. In conjunction with rapid response services provided by the state, layoff aversion can involve a range of strategies that may be used to prevent dislocations and business downsizing or closures.

Layoff aversion can involve a range of strategies to:

- employers with a workforce in need of training, an alternative to downsizing, closure or layoff, by training the workforce in order to stabilize their business, and remain viable.
- workers with training services to assist with retaining their present jobs, or placement into new jobs, or retrain with new technologies within the same company, when the company is at risk of closure or downsizing.

Appropriate data that includes a comprehensive business retention/layoff aversion plan must be available to verify the need for layoff aversion services for monitoring documentation purposes.

A. **IWT-General Guidelines**
IWT is a business service designed to develop a highly skilled workforce which will result in increased business financial viability, stability, competitiveness, and productivity. To avert the risk of closing, IWT can be developed with a business or business association to maintain their competitive status, incorporate new technology, or prevent downsizing.

Local WIBs are encouraged to develop incumbent worker training program policies and procedures in a manner that coordinates with the array of business services available through
the Ohio Department of Development (ODOD) and other state and local stakeholders. WIBs are not required to use this waiver. A WIB must determine the level of funding, up to 10% of the adult and 10% of the dislocated worker formula funds that will be needed to provide IWT services.

Workers participating in IWT will benefit by enhancing existing skills, learning new skills, earning employer or industry recognized credentials, in addition to retaining employment, maintaining their careers, and/or increasing their earnings potential. IWT will also allow the opportunity for backfilling vacated positions resulting from the promotion of newly trained workers.

Ohio employers, as well as employers in bordering states whose employees are Ohio residents, are eligible to participate in IWT programs under the waiver authority defined in this policy. A joint strategy should be developed between the WIBs, bordering states, and other stakeholders to explore the possibility of a jointly funded training package among appropriate state and local entities.

IWT under this policy is considered to be a statewide activity. All IWT participants must be authorized to work in the United States. If applicable, male applicants must also register or be registered for the Selective Service. Documentation may be satisfied by an employer statement that ensures all trainees meet this requirement and documentation must be made available to the WIB upon request.

Local WIBs are encouraged to develop innovative program design strategies to meet the needs of its local area workforce. If a WIB chooses to offer incumbent worker services, the WIB must set criteria to select employers and/or incumbent workers and define its local program requirements and application process.

Local WIBs have several options when determining how best to serve eligible employers. A WIB can arrange training using the traditional array of intensive and training services, including on-the-job training (OJT), customized training, skill upgrade training, occupational skills training (through the issuance of ITAs), or a combination of these training approaches. WIBs may also implement innovative training strategies that best meet the needs of the business community.

Ohio Department of Job and Family Services observes the right to approve variances to this guidance on a case by case basis.

**Training Wages**

Incumbent worker training is not intended to be a wage subsidy program for employers. Rather, IWT is the provision of training services that lead to the increase of needed skills for participating workers that employers have identified as necessary for their workforce. It is recognized, however, that due to the loss of productivity and other non-training expenses associated with sending workers to training, it may be cost-prohibitive to some employers to invest in training without additional financial assistance.

In circumstances where it is warranted, WIA funds may be used to pay trainee wages for workers participating in IWT, as indicated below. However, local WIBs are encouraged to minimize this level of assistance and pay only those costs directly tied to the training, as the cost of paying training wages greatly increases the investment of WIA funds and may limit the number of employers that may be served in the local programs under this waiver authority.

- Training wages are for straight time only - no overtime;
- Training wages may be paid only when IWT is arranged between the WIB and the employer; and
- Individuals applying for WIA training directly may not be paid training wages.

**Allowable Costs for Incumbent Worker Training Program**
Allowable costs may include:

- Instructor / trainer salaries
- trainee wages*
- curriculum development, textbooks, manuals, training software, materials and non-consumables
- other necessary and reasonable costs directly related to training

* See conditions in previous section

**Unallowable Costs for Incumbent Worker Training Program**

Unallowable costs include but are not limited to:

- foreign travel,
- purchase or lease of capital equipment,
- encouragement or inducement of a business or part of a business to relocate from any location in the United States,
- use of IWT funds to pay for a worker's training or wages before his training period has commenced or after his training period has ended, and
- use of IWT funds to train management employees in management skills such as Six Sigma and LEAN.

**B. Definitions**

For the purpose of this waiver, the following definitions apply:

**Incumbent Worker**

An incumbent worker is an employed worker who is in need of additional skills in order to avoid layoff. Such training would support further job retention and career development for improved economic self-sufficiency for employed workers, especially those most vulnerable to job loss, and increase the capability of the employing firm(s) to access and retain skilled workers.

The employers have determined that their workforce requires training in order to help:

- keeping their firms competitive,
- workers maintain employment,
- avert layoffs,
- upgrade workers' skills,
- maintain wages earned by employees, and
- keep workers' skills competitive.

**Layoff Aversion**

Layoff aversion consists of efforts by workforce professionals to prevent a layoff or minimize its scope and effect on businesses, workers, and communities. Layoff aversion involves 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.

**Types of Incumbent Worker Training**

All training delivered under this waiver is restricted to skill attainment activities. Training should primarily build the skills of the worker. The training should result in a worker gaining
recognizable skills directly resulting in or leading to a credential, or should advance a worker up a career ladder into self-sustaining employment.

Allowable types of training for incumbent workers:

- **Skill upgrade training**: short-term training that enhances occupation-specific skills or basic skills that lead to a credential/certificate. See TEGL 17-05
- **Customized training**: see WIAPL 09-07 for details; minimum employer match of 10% required depending on number of employees.
- **On-the-job training**: reimbursement for the extraordinary cost of training at a rate not to exceed 50% of the employee's hourly wage.
- **Occupational skill training (ITAs)**: training that leads to a credential or a certificate as defined in TEGL 17-05 (subject to local policy established by local area boards).

C. **Eligibility for Participating Businesses**

Local IWT is one of many business services offered through local WIBs, ODOD, and other stakeholders. Based upon a thorough assessment, it may be determined that a business could be better served through a program not funded under this activity. Therefore, it is important to gather sufficient information to determine the appropriate mix of services to meet the business' needs.

There are also businesses that should not participate in this initiative due to past or current violations of local, state, or federal law; unfair labor practices; and other conditions identified during the course of conducting initial employer assessments and reviewing contract requirements, assurances, and certifications with the local WIB designee. Businesses that fail to meet any of the following six qualifying criteria are not eligible to receive funds for incumbent worker training:

1. Businesses must not be presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the State of Ohio.
2. Businesses shall not have any outstanding tax liability to the State of Ohio.*
3. Businesses must ensure that they are not on the most recent list established by the Ohio Secretary of State that would identify them as having more than one (1) unfair labor practice contempt of court finding.
4. Ohio businesses must have all of the approvals, licenses, or other qualifications needed to conduct business in the state and all must be current. Should this status change during the course of the local IWT program activities and the business is disqualified from conducting business in Ohio, all training under the IWT program must cease.
5. Governmental entities, including the city, county and state, may not participate in the local IWT program. Health care providers that are operating as not-for-profit entities are the only allowable exceptions to this prohibition.
6. Businesses that have relocated to Ohio and have laid-off workers at their former location in the United States may not be considered for this program until they have been in operation at the new location for 120 days.
7. Businesses must not have any outstanding civil, criminal or administrative fines or penalties owed to or pending in the state of Ohio.

* WIBs will require the businesses to disclose any known outstanding tax liabilities with other states prior to entering into contract. The local WIB may consider
existing out-of-state violations when determining eligibility to receive incumbent worker training funds.

D. Procurement of Training

WIBs have several options to determine how best to provide the training needed by a business as described below:

1. Local WIBs may enter into contracts with training providers registered in Ohio's Eligible Training Provider Online (ETPO) system without any additional procurement requirements. Utilization of the ETP list is for universally applicable off-the-shelf employer training and is not intended to include unique, specialized, or employer-specific training.

2. A business may be considered a "beneficiary" of this federal program and receive incumbent worker training assistance on a reimbursement basis. WIAs subrecipients and vendors are not considered to be beneficiaries. In order for a business to utilize the beneficiary option, the following guidelines must be followed:
   a. Business beneficiaries may receive reimbursement for their actual training costs incurred under this program, on a reimbursement basis, subject to the limitations of section IV.A. of this policy.
   b. Local WIB approval of a training plan is required before reimbursement may be provided to a beneficiary. The development of training plans is the joint responsibility of the local WIB designee and the business.
   c. The training plan must identify the provider(s) of training, type of training, planned start/end dates, number of individuals to be trained, the projected cost of training, and any other information required by the WIB. All training costs must be allowable as defined under section IV.A. of this policy and follow the guidelines of this issuance. Training plans must be approved by the local WIB or a WIB designee prior to the start date of training. Beneficiaries must agree to provide all documentation required by the WIB in order to be reimbursed for the training.
   d. Training providers are not required to be enrolled in the ETPO system for the purpose of providing training under this policy. WIBs may assist business beneficiaries in identifying potential providers of training; selection of a training provider is not subject to state or federal procurement requirements.

3. For businesses not following the guidelines in section D.2 and that have training needs that cannot be provided by Ohio's eligible training providers, local WIBs will need to follow proper procurement procedures as identified in the Ohio Administrative Code: Rule 5101:9-4-01 (Acquisition Standards Definitions) and Rule 5101:9-4-07 (Procurement Requirements), or local procurement policies if more restrictive.

E. Training Provider Considerations

The University System of Ohio (USO), community colleges, vocational schools, technical schools, licensed private institutions, and training providers on Ohio's statewide WIA Eligible Training Provider (ETP) list should be used whenever possible. However, WIBs may enter into a contract for services, rather than using an ITA, if there are an insufficient number of eligible training providers on the ETP list to conduct the proposed training.

Training providers without satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience, accredited instructors, high job placement rates, and or high training completion rates, should be avoided.

The training facility should provide an environment that supports learning and be within reasonable proximity to the trainees so the cost and time required for travel is minimized.
F. **Program Authority and Fund Request Process**

Local adult and dislocated worker formula funds appropriated annually for the program year may be used to fund an incumbent worker training program.

A WIB may request the incumbent worker waiver at any time during the program year (July 1st - June 30th), but is limited to such request once per quarter during the program year. A fiscal agent may request to draw cash throughout the program year from the Office of Fiscal Services.

The last page of this guidance letter is a sample letter showing a request to use adult and dislocated worker funds for a local incumbent worker training program.

G. **Procedure to Request Conversion of Formula Funds to Participate in IWT**

Because IWT is an approved "Statewide Project" Local Areas electing to participate in IWT projects must convert local formula dollars to WIA statewide funds.

Once deobligated, the funds are reissued as "WIA Special Project". "Special Project" funds will not be transferred back to formula funds. "Special Project" funds must be spent by June 30th of each fiscal year, as unspent funds are returned to the state as WIA 10% Statewide Discretionary funds.

The administrative entity and fiscal agent must complete, sign and submit a request letter requesting to participate in IWT along with the amount of funds being converted, the WIA formula funding source and the year of appropriation.

The request letter bearing original signatures must also be mailed to:

Attention: WIA Grants Manager
Ohio Department of Job and Family Services
Office of Workforce Development
4020 E. Fifth Avenue, P.O. Box 1618
Columbus, OH 43216-1618

Within 5 days of receipt, OWD will notify the fiscal agent and/or administrative entity of the outcome of the request by email. A letter deobligating formula funds and an allocation letter awarding "Special Project" funds will then be issued by the ODJFS Office of Fiscal Services.

H. **Fiscal Reporting**

Funds utilized to operate IWT are reported as program costs under the "Special Projects" code in the County Finance Information System.

The administrative cost limit remains in effect. No separate funds may be set-aside for the administration of IWT.

"Special Project" expenditures must be accrued by June 30th and liquidated by September 30th unspent funds are returned to the state as WIA 10% Statewide Discretionary funds.

I. **Data Elements, Documentation and Program Reporting**

Local WIBs are required to report IWT activities via the mini-incumbent worker registration in the Sharing Career Opportunities and Training Information (SCOTI). The reporting of outcomes is also required.

Each project must be categorized as Layoff Aversion when recorded in SCOTI. The type of training provided is also a required data element. Definitions for each training type are found in Section IV.B. of this issuance. They are as follows:

- Customized Training
On-the-Job Training (OJT)
Occupation Skills Training - Individual Training Account (ITAs)
Skill Upgrade Training
The following additional data elements are required for reporting:

<table>
<thead>
<tr>
<th>WIB Number</th>
<th>County</th>
<th>Business Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAICS Code</td>
<td>Worker Name</td>
<td>Date of Birth</td>
</tr>
<tr>
<td>Worker SSN (optional)</td>
<td>Training Start Date</td>
<td>Planned End Date</td>
</tr>
<tr>
<td>Planned Training Hours</td>
<td>Actual End Date</td>
<td>Actual Training Hours</td>
</tr>
</tbody>
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Worker outcomes must be reported and selected from the following list (multiple selections may be made):

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<th>Completed training program</th>
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The state has streamlined the reporting requirements to a minimal level that should not overburden employers but still allow for an assessment of the effectiveness of Ohio's IWT programs. Local WIBs may choose to collect more information if necessary to conduct successful IWT programs. Local WIBs choosing to collect and document data elements over and beyond the requirements must ensure that every IWT program is compliant with reporting requirements. Local policies should include local requirements in regards to data elements, documentation and reporting.

IWT programs will be reported in Sharing Career Opportunities and Information (SCOTI) with a minimal amount of data required. If local WIBs wish to co-enroll an IWT participant in the local adult or dislocated worker program, a full registration is required in SCOTI which includes all of the data elements needed for WIA participants for performance. Co-enrolled participants must meet all eligibility requirements for Adult, Youth and/or Dislocated Worker programs.

Incumbent worker trainees participating in a program under this waiver are not subject to the local WIA Common Measures unless they are co-enrolled in a WIA Adult, Dislocated Worker, or Youth program. Under this waiver, co-enrollment is permissible and is a local decision.

V. **Technical Assistance**
For additional information, you may send your questions to the Office of Workforce Development, WIAQNA@JFS.OHIO.GOV.
VI. Reference

DOL waiver approval letter, November 12, 2009
Office of Workforce Development, Waiver Request Plan, July 24, 2009
DOL Training and Employment Guidance Letter (TEGL) 14-00, Change 1, November 19, 2001
Federal Register 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.400, 661.420(c) and (e), 663.245, 663.145, 665.220, 667.220, 667.262, 663.715, and 667.264
Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 129(b), 134, 181(e) and 189 (i)(4)(B)
Office of Workforce Development Memo, June 2, 2008, John B. Weber

Rescissions:

WIATL 22B: Waiver Authority to Use 20% of the Adult and Dislocated Worker Formula Allocation for Incumbent Worker Training Program

WIATL 22C: Waiver Authority to Use 20% of the Adult and Dislocated Worker Formula Allocation for Incumbent Worker Training Program
Workforce Investment Act Policy Letter No. 09-08

April 16, 2010

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Lisa Patt-McDaniel, Director

From: Douglas E. Lumpkin, Director

Subject: Rapid Response Funded Needs-Related Payments to Dislocated Workers

I. Purpose

This communication sets the conditions for providing Needs-Related Payments (NRPs) paid from state of Ohio Rapid Response (RR) funds while the approval, denial, or modification of a National Emergency Grant (NEG) application by the US Department of Labor (DOL) is pending.

II. Effective Dates

January 26, 2010

III. Background

NRPs provide financial assistance to participants for the purpose of enabling individuals to participate in training, and are one of the supportive services authorized by WIA section 134(e)(3).

NRPs can be provided to dislocated workers under formula-allocated funds. However, in circumstances where the local formula funds are limited and the local area has applied for a federal NEG, the area may request to use statewide RR funds to provide NRPs.

IV. Requirements

RR funds may be used to provide NRPs to dislocated workers while the approval of an initial application or modification of an existing NEG application is pending. The state has established the following requirements for the use of RR funds for NRPs.

Supportive Services and NRPs Plans

20 CFR 663.800 states that supportive services include NRPs, and that local workforce investment boards (WIBs), in consultation with the One-Stop partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination in the local area. Such policy should address procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources. The provision of accurate information about the availability of supportive services in the local area, as well as referral to such activities, is one of the core services that must be available to adults and dislocated workers through the One-Stop delivery system.

20 CFR 663.810 states that WIBs may establish limits on the provision of supportive services or provide the One-Stop operator with the authority to establish such limits, including a maximum amount of funding and maximum length of time for supportive services to be available to participants. Procedures may also be established to allow One-Stop operators to grant exceptions to the established limits.

In order to request and receive RR funds for NRPs, a local area must have a policy that addresses its procedures for providing supportive services, including NRPs, and it must include a copy of the policy with the NEG application. If a local area does not have a supportive services policy, it must develop one that will address supportive services, including NRPs. This new policy must be approved by the
WIB and submitted as part of the NEG application. If a local area has a supportive services policy, but it does not specifically address NRPs, the local area must revise its policy to address NRPs. The revised policy must be approved by the WIB and submitted as part of the NEG application. It is recommended that in their supportive services policy, local areas establish a priority for the receipt of these services.

Events Qualifying for RR-funded NRPs

The state will apply these same principles when assessing a request for use of RR funds for NRPs. However, as RR funds are limited, there are additional factors that will be considered when approving RR-funded NRPs. Rapid response funds will be available for NRPs only when layoffs are likely to cause severe disruptions in the local area. The following are the characteristics that will be evaluated to assess the application for RR-funded NRPs:

1. The NEG project type has to be a regular NEG project, ARRA NEG, or Trade-WIA Dual Enrollment. Disaster Projects and Trade Health Insurance Coverage Assistance Projects will not be considered for RR-funded NRPs.

2. The state will consider previous use of the local formula funds for NRPs according to their local policies and procedures. Requests will be approved if the local area has previously provided some NRPs from its local WIA funds, or if in the application the local area can demonstrate some planned use of its local funds for NRPs.

3. The state will also consider the potential effect of the dislocation event on the local economy. Local areas should request the use of these funds only in situations where a dislocation event and loss of jobs will potentially have a dramatic impact in the area. Meeting the basic requirements for submittal of an NEG application will not in itself constitute sufficient justification to request RR funds for NRPs. The RR funding request application must show how the dislocation event will have an overwhelmingly negative economic impact on the community. Each application will be reviewed based on the nature and severity of the layoff, the potential economic impact on the area, the area's capacity to absorb the effects of the dislocation by being able to provide the necessary services, and the area's previous expenditure rates.

Finally, in determining whether to approve requests for RR funds for NRPs, the state will consider the amount of available statewide funds.

Participant Eligibility for RR NRPs

The eligibility for NRPs is established under the Workforce Investment Act and its implementing regulations. To be eligible to receive NRPs, a dislocated worker must be enrolled in training and meet the conditions in 20 CFR 663.825 as follows:

1. Be unemployed, and:
   a. Have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA or NAFTA-TAA; and
   b. Be enrolled in a program of training services under WIA by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months; or

2. Be unemployed and did not qualify for unemployment compensation or trade readjustment assistance under TAA or NAFTA-TAA.

Individuals who are participating in unpaid internships and similar unpaid short-term work experience activities may be "trainees", depending on the circumstances of the activity. If an individual is determined to be a trainee in an unpaid internship or work experience, he or she is not considered to be employed for the purposes of providing RR NRPs.
A displaced homemaker who meets these requirements will not be eligible to receive RR NRPs.

The payment level of RR-funded NRPs will not exceed the following levels:

- For participants who were eligible for unemployment compensation (UC) as a result of the qualifying dislocation, and are no longer receiving benefits, the weekly payment may not exceed the applicable weekly level of the unemployment compensation benefit; or

- For participants who did not qualify for unemployment compensation as a result of the qualifying layoff, the weekly payment **may not exceed the lesser of**:
  
  I. The poverty level for an equivalent period based on family size; or
  
  II. One half of the individual's most recent weekly earnings.

  In order to determine one half of the individual's most recent weekly earnings, use the following method:

  - multiply the individual's last hourly wage rate by 40 hours, this will give you the weekly earning amount.
  
  - multiply the weekly earning amount by 50%. This will give you the amount that is equal to one-half of the individual's weekly earnings. Use this amount if it is lower than the weekly poverty level adjusted for the family income and number of dependents.

**Limitations**

RR funds may be used for NRPs only during the period in which a dislocated worker participates in WIA training, and before either the receipt of federally funded NRPs from DOL, or a denial of the request by DOL. In the case that DOL denies an NEG application, the RR funds cannot be used for more than 26 weeks from the start of the training. Local areas should make participants aware that this limitation on funding for NRPs exists.

Once DOL approves the NEG application, and NEG funds for NRPs become available, authorization to use state RR funds will cease. ODJFS will advise the local area of the specific procedures and date when costs should be charged to the DOL NEG funding.

RR funds may not be used to cover NRP costs incurred more than 30 days before the date of the submission of the NEG application.

**Application Procedure for Requesting RR funds for NRPs**

Once an NEG application has been submitted to ODJFS, RR funds may be requested from:

ODJFS, OWD, Rapid Response Section
P. O. Box 1618,
Columbus, OH 43216

**V. Technical Assistance**

For additional information, you may send your questions regarding RR NRPs to ODJFS, Office of Workforce Development at: RAPDRESP@jfs.ohio.gov.

**VI. References**

Congressional Federal Register, Department of Labor, Workforce Investment Act: National Emergency Grants-Application Procedures. April 27, 2004

DOL, TEGL 16-03, National Emergency Grant (NEG) Policy Guidance, January 26, 2004

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Section 101 (46), Section 134 (e)(3), and Section 173

29 USC 2801, 29 USC 2864 and 29 USC 2918

Rescission: WIATL 31, Rapid Response Funded Needs-Related Payments to Dislocated Workers
Workforce Investment Act Policy Letter No. 09-07.4

March 6, 2014

To: Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Customized Training and Guidelines for the Employer Match Requirement from 50% to a Sliding Scale with a Minimum of 10% under Waiver Authority

I. Purpose

This communication provides guidance on the waiver authority to vary the statutory employer match of 50% for customized training with the option of a sliding scale reimbursement method, to a minimum of 10%; as well as general requirements for customized training.

II. Effective Date

July 1, 2012 - June 30, 2017

III. Background

In December 2012, Ohio received approval from the United States Department of Labor (USDOL) to replace the statutory employer match requirement of 50% for customized training, to a minimum of 10% with the variance based upon State and local policy. An extension of this waiver has been granted through June 30, 2017.

WIA Section 101(8) and the accompanying regulations in 20 CFR Subpart G 663.715, 663.720, and 663.730 establish that local WIBs and the State may offer customized training through an agreement with either a vendor or employer with a mandatory employer match requirement of 50% of the cost of training.

IV. Requirements

Overall, customized training is training designed to meet the needs of a specific employer, or group of employers (employer consortiums). It can be provided for the introduction of new technologies, or to new production or service procedures, upgrading existing skills, workplace literacy, or other appropriate purposes identified by the local WIB. The employer must commit to employ, or continue to employ, the worker(s) upon successful completion of any form of customized training.

Customized training agreements may be written for unemployed as well as employed workers. Employed workers may include full-time, part-time, and/or workers placed through private placement agencies.

The private placement agency and the placement employer should be included in the contract when offering customized training to employers that want to include workers placed through private placement agencies. This is to ensure that all parties agree that successful completion of the customized training will include the placement of the trainees into permanent employment.

Unless the trainee is unemployed, in order to participate in customized training, an "employer-employee" relationship must exist between the trainee and the business that is seeking local WIB approval to perform customized training. Individual workers who are independent contractors are not eligible to participate in customized training. Independent contractors fall under the category of self-employment. Trainees must meet the definition of employment found in the Ohio Administrative Code (OAC) 4141-3-05. Customized training is one of several types of allowable training identified in Section 134(d)(4) of WIA. This training may be offered to individuals under local area formula-funded programs.
or as a type of incumbent worker training, conducted at the local level under waiver authority. As a type of training offered in local formula-funded programs, participants must meet all eligibility requirements, and receive both a core and an intensive service prior to the start of customized training. Local WIBs/employers need not adhere to the regulatory eligibility requirements, when serving incumbent workers through programs operated under waiver authority, as they are considered statewide activities and not subject to the same eligibility and sequence of service rules as regular formula-funded program participant services.

Regardless of the target group for services (incumbent workers or formula-funded participants), all other requirements of customized training apply, as described in this issuance. This includes the sliding scale, which allows an employer to pay less than 50% of the cost of training, depending on the total number of employees.

Training providers for customized training either need to be included in the Eligible Training Provider (ETP) Online System in the Ohio Workforce Case Management System (OWCMS), or must be competitively procured. For training providers not in the ETP Online System, local WIBs will need to follow proper procurement procedures as identified in Fiscal Administrative Procedure Manual Transmittal Letter (FAPMTL) No. 14, Acquisition Standards Definitions and Procurement Requirements, or local procurement policies if they are more restrictive.

ODJFS reserves the right to review and approve proposed exceptions to the requirements identified in this issuance, on a case-by-case basis. Recommendations for exceptions may be submitted via e-mail to: WIAQNA@JFS.OHIO.GOV.

A. Utilizing the Employer Reimbursement Waiver
   1. Sliding Scale

This waiver is available immediately. Local WIBs may choose to implement this waiver of a reduction of the 50% match. If so, the employer match will be based upon the following sliding scale.

<table>
<thead>
<tr>
<th>Number of Employees</th>
<th>Employer Match</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-50 employees</td>
<td>Employer match of no less than 10%</td>
</tr>
<tr>
<td>51-100 employees</td>
<td>Employer match of no less than 25%</td>
</tr>
<tr>
<td>100+ employees</td>
<td>Employer match of 50% - as per current statutory requirements continue to apply</td>
</tr>
</tbody>
</table>

Head count: The following guidelines should be applied while determining head count at a local operation:

- Include all full time and part time workers and temporary and permanent workers at the work site including all managers and front line workers.
- Include any individuals employed by a staffing agency who are subject to the day to day control of the host employer.
- Do not use "FTE's." Every worker counts as "1."
- Include individuals employed within the same local operation.
- Do not include individuals employed by and subject to the day to day control of other employers or independent contractors.
- Use the best, good faith estimate given by the employer on the day when the customized training screening form is completed.

Local areas should use reasonable judgment in determining head count, along with being consistent and documenting their methodologies. The determination for head count is applied while completing the employer information form and need not be updated unless the employer so requests or until the customized training agreement expires. Thus, if a small employer
becomes a large employer in the midst of the customized training agreement period, the employer reimbursement rate will remain unchanged until the agreement expires.

For the purposes of determining head count, local operation is the employer size where the customized training placements will be made. For instance, a hotel chain that employs thousands nationwide, but only 40 at its company in the targeted region, may be eligible for reimbursement up to 90%, when reimbursement is determined based on size.

The number of workers to be counted in determining the customized training sliding scale shall include the workers at all worksites within an employer's local operation. In determining the geographic boundaries that define the employer's local operation, local areas should use their best judgment based on analysis of each employer's size and structure.

2. Selection Criteria and Local Policy

Local WIBs must establish policies if they choose to implement this waiver. Local policies should include any selection criteria for awarding customized training contracts, such as industry type, cost, demand occupation, increase in earnings, career advancement, portable skills, retention, etc. WIBs without a policy that includes the criteria above will be assumed to require a 50% employer match for all customized training activities.

IN NO INSTANCE MAY THE EMPLOYER PROVIDE A MATCH OF LESS THAN 10% OF THE COST OF TRAINING

B. Customized Training

1. Customized training means training:
   a) That is designed to meet the special requirements of an employer (including a group of employers);
   b) That is a participant/trainee service and a business service;
   c) That is conducted with a commitment by the employer to employ or continue to employ an individual upon successful completion of the training;
   d) That enables trainees to obtain industry or employer-recognized skills identified by the employer (or group of employers);
   e) For which the employer pays for not less than 50% of the cost of the training, except as set forth in Section IV. B. 1. (f) below;
   f) That requires a 50% employer match, unless a lesser percent match is warranted and approved by the local WIB. (Please refer to Section IV. A, above); and
   g) For which an agreement has been negotiated and signed. The agreement must identify the occupation(s) of the trainee(s), the skills and competencies to be learned, and the length of time the training will be provided. The agreement must specify what the employer will pay for, the employer match portion for the cost of the training, and according to what payment percent and method.

2. The Local WIBs must:
   a) Develop a local policy if they choose to implement the sliding scale and include any additional selection criteria;
   b) Obtain commitments from participating employers to include, at a minimum:
      i. That successful completion of the customized training will result in portable skills, and retention and placement of the trainee into permanent employment that offers good pay and benefits, with opportunities for career advancement;
ii. That continued training will be provided for trainees who need help with remedial skills or other skills in order to retain their jobs; after completion of customized training; and

iii. That training will be aligned with industry or employer recognized skill standards, as defined by the WIB and/or the employer.

3. Agreement Provisions for Customized Training

a) Good and effective agreements should include:

i. The occupation for which training will be provided; the skills and competencies to be achieved and the length of time for the training;

ii. The number of employees to be trained;

iii. The employer's assurance that customized training is needed, based upon the individual skill sets of trainees;

iv. The method and maximum amount of reimbursement (employer match);

v. Job description(s) of the trainees and a training outline;

vi. The cost and documented description of any ancillary items or supportive services that may be needed; and

vii. Other appropriate training outcomes related to the training (i.e. increases in earnings).

b) Customized training agreements are to contain appropriate assurances and certifications as specified in this issuance.

c) Written endorsement from a union official is required when the workplace is covered by a collective bargaining agreement.

d) When working with a group of employers (employer consortiums), the local WIB may decide with whom to contract and the details set forth therein. If the consortium is a legal entity and the participating employers are in agreement on their match requirements, the local WIB may contract with the consortium directly and accordingly, the match requirement would be paid by the consortium. It is also allowable to enter into individual contracts with each participating employer. Regardless of what entity the contract is with, all requirements, expected outcomes, and assurances described in this issuance must be met.

4. Business Considerations for Customized Training

a) A WIB must not enter into a customized training agreement with an employer who has exhibited a pattern of failing to retain individuals after successful completion of the customized training.

b) Businesses should be current on their local, state and federal tax obligations and compliant with all environmental requirements. Only businesses that are not presently debarred, suspended, or proposed for disbarment by any State or federal department or agency should be considered for training. Several websites that may be helpful in checking tax, environmental compliance, and debarment status are located at the end of this issuance, in Section VI.

c) A customized training contract that would prevent a layoff or avert a business closure should be given priority consideration. Businesses that provide additional sources of funding to support the training make strong candidates.

d) Businesses that have employees in a lay-off status should not be considered for customized training unless the training would avert additional layoffs.
e) Businesses that have relocated to Ohio and laid-off workers at their original location in the United States may not be considered for customized training, until they have been in operation at the new location for 120 days.

To verify that a business is not relocating employment from another area, a pre-award review must be undertaken and documented by the local WIB. The review must include the names under which the establishment conducts business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information, and whether WIA assistance is being sought in connection with past or impending job losses at other facilities of their company. The pre-award review should also include a review of whether appropriate notices have been filed, as required by the Worker Adjustment Retraining Notification (WARN) Act. The review may also include consultations with labor organizations and others in the affected local area(s).

5. Training Considerations for Customized Training:
   a) Training for customized training will address:
      i. Occupations in industries that have documented skill shortages. High wages, high costs for recruitment, and/or positions that remain unfilled for long periods of time may indicate a shortage of skills within the workforce; and
      ii. Developing the skills of the workforce so as to lead to enhanced career pathways for individual employees.

   b) Training providers should have satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience and programs, accredited instructors, high job placement rates, and/or high training completion rates. Training providers should also meet acceptable minimum retention rates for trainees in their field or occupation of training.

   c) The training facility should provide an environment that supports learning and be within reasonable proximity to the participant. The training may take place in the business owned facility, a training provider's facility, or combination of sites.

6. Employer Match Requirements
   Should a local WIB choose to lower the 50% match requirement, the local WIB must utilize the sliding scale described in Section IV. A. to determine the appropriate match. Local WIBs may add other selection criteria to the sliding scale if they so choose. Also, local WIBs decide if the employer match is cash or in-kind. In-kind match must benefit the training and must be documented. Also, the employer match cannot include federal, state, or other grant funds.

   Step 1 is to identify the individual training items and establish the total training budget. These items may include, but are not limited to, items in Section IV.B.7. This budget may include trainee wages while attending training and the wages can count for the employer match. But, the WIA costs cannot include trainee wages.

   Step 2 calculates the employer match and the WIA cost. This calculation varies based upon allowable and unallowable WIA costs. Typically, the variable is the trainee wages. If trainee wages are less than or equal to (\leq) the employer match, an adjustment is not necessary. Just multiply the total budget by the selected percentage (%) to establish the Employer and WIA expense.
If trainee wages are greater (> than) the employer match, an adjustment is necessary to prevent unallowable WIA costs. When calculating the employer match and the WIA costs, subtract the excess wages over selected percentage.

7. **Allowable Costs for Customized Training**

Allowable costs may include only costs directly related to training. Examples of allowable costs include, but are not limited to the following:

a) Instructor's / trainer's training-related wages;

b) Curriculum development; and

c) Textbooks, instructional equipment, manuals, materials and supplies.

8. **Unallowable Costs for Customized Training**

Unallowable costs include but are not limited to:

a) Trainees' benefits/fringes;

b) Wages of trainees while attending customized training;

c) Costs that are not directly related to customized training for eligible individuals under Title I;

d) Foreign travel; and/or

e) Purchase of capital equipment.

V. **Technical Assistance**

For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. **References**


Federal Environmental Compliance Site: http://www.epa-echo.gov/echo/index.html

Federal Debarment Site: http://www.epls.gov

State Tax Status Site: http://www2.sos.state.oh.us/pls/bsqry/f?p=100:1:0:


**Rescissions**

WIAPL 09-07.3 Customized Training and Guidelines for the Employer Match Requirement from 50% to a Sliding Scale with a Minimum of 10% under Waiver Authority
Workforce Investment Act Policy Letter No. 09-07.3

August 23, 2011

To: WIA Local Workforce Investment Boards (WIBs), WIA Fiscal Agents, WIA Administrative Entities, and One-Stop Operators

From: Christiane Schmenk, Director
Michael B. Colbert, Director

Subject: Customized training and guidelines for the employer match requirement from 50% to a sliding scale with a minimum of 10% under waiver authority.

I. Purpose

This communication provides guidance on the waiver authority to vary the statutory employer match requirement of 50% for customized training with the option of a sliding scale reimbursement method, to a minimum of 10%; as well as general requirements for customized training.

II. Effective Date

July 1, 2011 - June 30, 2012

III. Background

In June 2010, Ohio received approval from the United States Department of Labor (USDOL) to replace the statutory employer match requirement of 50% for customized training, to a minimum of 10% with the variance based upon State and local policy. An extension of this waiver has been granted through June 30, 2012.

WIA Section 101(8) and the accompanying regulations in 20 CFR Subpart G 663.715, 663.720, and 663.730 establish that local WIBs and the State may offer customized training through an agreement with either a vendor or employer with a mandatory employer match requirement of 50% of the cost of training.

IV. Requirements

Overall, customized training is training designed to meet the needs of a specific employer, or group of employers (employer consortiums). It can be provided for the introduction of new technologies, or to new production or service procedures, upgrading existing skills, workplace literacy, or other appropriate purposes identified by the local WIB. The employer must commit to employ, or continue to employ, the worker(s) upon successful completion of any form of customized training.

Customized training agreements may be written for unemployed as well as employed workers. Employed workers may include full-time, part-time, and/or workers placed through private placement agencies.

The private placement agency and the placement employer should be included in the contract when offering customized training to employers that want to include workers placed through private placement agencies. This is to ensure that all parties agree that successful completion of the customized training will include the placement of the trainees into permanent employment.

Unless the trainee is unemployed, in order to participate in customized training, an "employer-employee" relationship must exist between the trainee and the business that is seeking local WIB approval to perform customized training. Individual workers who are independent contractors are not eligible to participate in customized training. Independent contractors fall under the category of self-
employment. Trainees must meet the definition of employment found in the Ohio Administrative Code (OAC) 4141-3-05.

Customized training is one of several types of allowable training identified in Section 134(d)(4) of WIA. This training may be offered to individuals under local area formula-funded programs or as a type of incumbent worker training, conducted at the local level under waiver authority. As a type of training offered in local formula-funded programs, participants must meet all eligibility requirements, and receive both a core and an intensive service prior to the start of customized training. Local WIBs/employers need not adhere to the regulatory eligibility requirements, when serving incumbent workers through programs operated under waiver authority, as they are considered statewide activities and not subject to the same eligibility and sequence of service rules as regular formula-funded program participant services.

Regardless of the target group for services (incumbent workers or formula-funded participants), all other requirements of customized training apply, as described in this issuance. This includes the sliding scale, which allows an employer to pay less than 50% of the cost of training, depending on the total number of employees.

Training providers for customized training either need to be included in the ETP Online System in SCOTI, or must be competitively procured. For training providers not in the ETP Online System, local WIBs will need to follow proper procurement procedures as identified in Fiscal Administrative Procedure Manual Transmittal Letter (FAPMTL) No. 14, Acquisition Standards Definitions and Procurement Requirements, or local procurement policies if they are more restrictive.

ODJFS reserves the right to review and approve proposed exceptions to the requirements identified in this issuance, on a case-by-case basis. Recommendations for exceptions may be submitted via e-mail to: WIAQNA@JFS.OHIO.GOV.

A. **Utilizing the Employer Reimbursement Waiver**

1. **Sliding Scale**

   This waiver is available immediately. Local WIBs may choose to implement this waiver of a reduction of the 50% match. If so, the employer match will be based upon the following sliding scale.

   a) 1-50 employees  Employer match of no less than 10%
   b) 51-100 employees  Employer match of no less than 25%
   c) 100+ employees  Employer match of 50% - as per current statutory requirements continue to apply

   Head count: The following guidelines should be applied while determining head count at a local operation:

   - Include all full time and part time workers and temporary and permanent workers at the work site including all managers and front line workers,
   - Include any individuals employed by a staffing agency who are subject to the day to day control of the host employer,
   - Do not use "FTE's." Every worker counts as "1,"
   - Include individuals employed within the same local operation,
   - Do not include individuals employed by and subject to the day to day control of other employers or independent contractors,
   - Use the best, good faith estimate given by the employer on the day when the customized training screening form is completed.
Local areas should use reasonable judgment in determining head count, along with being consistent and documenting their methodologies. The determination for head count is applied while completing the employer information form and need not be updated unless the employer so requests or until the customized training agreement expires. Thus, if a small employer becomes a large employer in the midst of the customized training agreement period, the employer reimbursement rate will remain unchanged until the agreement expires.

For the purposes of determining head count, local operation is the employer size where the customized training placements will be made. For instance, a hotel chain that employs thousands nationwide, but only 40 at its company in the targeted region, may be eligible for reimbursement up to 90%, when reimbursement is determined based on size.

The number of workers to be counted in determining the customized training sliding scale shall include the workers at all worksites within an employer's local operation. In determining the geographic boundaries that define the employer's local operation, local areas should use their best judgment based on analysis of each employer's size and structure.

2. **Selection Criteria and Local Policy**

Local WIBs must establish policies if they choose to implement this waiver. Local policies should include any selection criteria for awarding customized training contracts, such as industry type, cost, demand occupation, increase in earnings, career advancement, portable skills, retention, etc. WIBs without a policy that includes the criteria above will be assumed to require a 50% employer match for all customized training activities.

**IN NO INSTANCE MAY THE EMPLOYER PROVIDE A MATCH OF LESS THAN 10% OF THE COST OF TRAINING**

B. **Customized Training**

1. **Customized training means training:**

   a) That is designed to meet the special requirements of an employer (including a group of employers);

   b) That is a participant/trainee service and a business service;

   c) That is conducted with a commitment by the employer to employ or continue to employ an individual upon successful completion of the training;

   d) That enable trainees to obtain industry or employer-recognized skills identified by the employer (or group of employers);

   e) For which the employer pays for not less than 50% of the cost of the training, except as set forth in Section IV. B. 1. (f) below;

   f) That requires a 50% employer match, unless a lesser percent match is warranted and approved by the local WIB. (Please refer to Section IV. A, above); and

   g) For which an agreement has been negotiated and signed. The agreement must identify the occupation(s) of trainees, the skills and competencies to be learned, and the length of time the training will be provided. The agreement must specify what the employer will pay for the employer match portion for the cost of the training and according to what payment percent and method.

2. **The Local WIBs Must:**

   a) Develop a local policy if they choose to implement the sliding scale and include any additional selection criteria;
b) Obtain commitments from participating employers to include, at a minimum:

i. That successful completion of the customized training will result in portable skills, and retention and placement of the trainee into permanent employment that offers good pay and benefits, with opportunities for career advancement;

ii. That continued training will be provided for trainees who need help with remedial skills or other skills in order to retain their jobs; after completion of customized training; and

iii. That training will be aligned with industry or employer recognized skill standards, as defined by the WIB and/or the employer.

3. Agreement Provisions for Customized Training

a) Good and effective agreements should include:

i. The occupation for which training will be provided; the skills and competencies to be achieved and the length of time for the training;

ii. The number of employees to be trained;

iii. The employer's assurance that customized training is needed, based upon the individual skill sets of trainees;

iv. The method and maximum amount of reimbursement (employer match);

v. Job description(s) of the trainees and a training outline;

vi. The cost and documented description of any ancillary items or supportive services that may be needed; and

vii. Other appropriate training outcomes related to the training (i.e. increases in earnings).

b) Customized training agreements are to contain appropriate assurances and certifications as specified in this issuance.

c) Written endorsement from a union official is required when the workplace is covered by a collective bargaining agreement.

d) When working with a group of employers (employer consortiums), the local WIB may decide with whom to contract and the details set forth therein. If the consortium is a legal entity and the participating employers are in agreement on their match requirements, the local WIB may contract with the consortium directly and accordingly, the match requirement would be paid by the consortium. It is also allowable to enter into individual contracts with each participating employer. Regardless of what entity the contract is with, all requirements, expected outcomes, and assurances described in this issuance must be met.

4. Business Considerations for Customized Training

a) A WIB must not enter into a customized training agreement with an employer who has exhibited a pattern of failing to retain individuals after successful completion of the customized training.

b) Businesses should be current on their local, state and federal tax obligations and compliant with all environmental requirements. Only businesses that are not presently debarred, suspended, or proposed for disbarment by any State or federal department or agency should be considered for training. Several websites that may be helpful in checking tax, environmental compliance, and debarment status are located at the end of this issuance, in Section VI.
c) A customized training contract that would prevent a layoff or avert a business closure should be given priority consideration. Businesses that provide additional sources of funding to support the training make strong candidates.

d) Businesses that have employees in a lay-off status should not be considered for customized training unless the training would avert additional layoffs.

e) Businesses that have relocated to Ohio and laid-off workers at their original location in the United States may not be considered for customized training, until they have been in operation at the new location for 120 days.

To verify that a business is not relocating employment from another area, a pre-award review must be undertaken and documented by the local WIB. The Review must include the names under which the establishment conducts business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information, and whether WIA assistance is being sought in connection with past or impending job losses at other facilities of their company. The pre-award review should also include a review of whether appropriate notices have been filed, as required by the Worker Adjustment Retraining Notification (WARN) Act. The review may also include consultations with labor organizations and others in the affected local area(s).

5. Training Considerations for Customized Training:

   a) Training for customized training will address:

      i. Occupations in industries that have documented skill shortages. High wages, high costs for recruitment, and/or positions that remain unfilled for long periods of time may indicate a shortage of skills within the workforce; and

      ii. Developing the skills of the workforce so as to lead to enhanced career pathways for individual employees.

   b) Training providers should have satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience and programs, accredited instructors, high job placement rates, and/or high training completion rates. Training providers should also meet acceptable minimum retention rates for trainees in their field or occupation of training.

   c) The training facility should provide an environment that supports learning and be within reasonable proximity to the participant. The training may take place in the business owned facility, a training provider's facility, or combination of sites.

6. Employer Match Requirements

   Should a local WIB choose to lower the 50% match requirement, the local WIB must utilize the sliding scale described in Section IV. A. to determine the appropriate match. Local WIBs may add other selection criteria to the sliding scale if they so choose. Also, local WIBs decide if the employer match is cash or in-kind. In-kind match must benefit the training and must be documented. Also, the employer match cannot include federal, state, or other grant funds.

   **Step 1** is to identify the individual training items and establish the total training budget. These items may include, but are not limited to, items in Section IV.7. This budget may include trainee wages while attending training and the wages can count for the employer match. But, the WIA costs cannot include trainee wages.

   **Step two** calculates the employer match and the WIA cost. This calculation varies based upon allowable and unallowable WIA costs. Typically, the variable is the trainee wages.
If trainee wages are **less than or equal to (\(\leq\))** the employer match, an adjustment is not necessary. Just multiply the total budget by the selected percentage (%) to establish the Employer and WIA expense. See Scenario 1.

If trainee wages **are greater (>) than** the employer match, an adjustment is necessary to prevent unallowable WIA costs. When calculating the employer match and the WIA costs, subtract the excess wages over selected percentage. See Scenario 2.

*Note: In both scenarios, the selected percentage is 50%.*

Click here to view scenarios

### 7. Allowable Costs for Customized Training

Allowable costs may include only costs directly related to training. Examples of allowable costs include, but are not limited to the following:

a) Instructor's / trainer's training-related wages;

b) Curriculum development; and

c) Textbooks, instructional equipment, manuals, materials and supplies.

### 8. Unallowable Costs for Customized Training

Unallowable costs include but are not limited to:

a) Trainees' benefits/fringes;

b) Wages of trainees while attending customized training;

c) Costs that are not directly related to customized training for eligible individuals under Title I;

d) Foreign travel; and/or

e) Purchase of capital equipment.

### V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: **WIAQNA@JFS.OHIO.GOV**.

### VI. References

- DOL waiver approval letter, June 7, 2011
- DOL waiver approval letter, June 30, 2010
- DOL waiver approval letter, November 12, 2009
- Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Section 202 (3)
- WIAPL 09-09.3: Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority
- U.S. Department of Labor, Waiver Approval Letter, November 5, 2007
- Federal Debarment Site: [http://www.epls.gov](http://www.epls.gov)
- State Tax Status Site: [http://www2.sos.state.oh.us/pls/portal/PORTAL_BS_BS_QRY_BUS_INFORMATION1.SHOW_PARMS](http://www2.sos.state.oh.us/pls/portal/PORTAL_BS_BS_QRY_BUS_INFORMATION1.SHOW_PARMS)
- Independent Contractor - Definition of Employment in OAC CH. 4141-3-05
Rescissions
WIATL No. 40
WIAPL 09-07
WIAPL 09-07.1
WIAPL 09-07.2
WIAPL 09-07.3 - Attachment A
Workforce Investment Act Policy Letter No. 09-07.2

May 20, 2011

To: WIA Local Workforce Investment Boards (WIBs), WIA Fiscal Agents, WIA Administrative Entities, and One-Stop Operators

From: James A. Leftwich, Director
Michael B. Colbert, Director

Subject: Customized training and guidelines for the employer match requirement from 50% to a sliding scale with a minimum of 10% under waiver authority.

I. Purpose

This communication provides guidance on the waiver authority to vary the statutory employer match requirement of 50% for customized training with the option of a sliding scale reimbursement method, to a minimum of 10%; as well as general requirements for customized training.

II. Effective Date

July 1, 2010, through June 30, 2011

III. Background

In June 2010, Ohio received approval from the United States Department of Labor (USDOL) to replace the statutory employer match requirement of 50% for customized training, to a minimum of 10% with the variance based upon State and local policy. This extends the waiver, through June 30, 2011.

WIA Section 101(8) and the accompanying regulations in 20 CFR Subpart G 663.715, 663.720, and 663.730 establish that local WIBs and the State may offer customized training through an agreement with either a vendor or employer with a mandatory employer match requirement of 50% of the cost of training.

IV. Requirements

Overall, customized training is training designed to meet the needs of a specific employer, or group of employers (employer consortiums). It can be provided for the introduction of new technologies, or to new production or service procedures, upgrading existing skills, workplace literacy, or other appropriate purposes identified by the local WIB. The employer must commit to employ, or continue to employ, the worker(s) upon successful completion of any form of customized training.

Customized training agreements may be written for unemployed as well as employed workers. Employed workers may include full-time, part-time, and/or workers placed through private placement agencies.

The private placement agency and the placement employer should be included in the contract when offering customized training to employers that want to include workers placed through private placement agencies. This is to ensure that all parties agree that successful completion of the customized training will include the placement of the trainees into permanent employment.

Unless the trainee is unemployed, in order to participate in customized training, an "employer-employee" relationship must exist between the trainee and the business that is seeking local WIB approval to perform customized training. Individual workers who are independent contractors are not eligible to participate in customized training. Independent contractors fall under the category of self-employment. Trainees must meet the definition of employment found in the Ohio Administrative Code (OAC) 4141-3-05.
Customized training is one of several types of allowable training identified in Section 134(d)(4) of WIA. This training may be offered to individuals under local area formula-funded programs or as a type of incumbent worker training, conducted at the local level under waiver authority. As a type of training offered in local formula-funded programs, participants must meet all eligibility requirements, and receive both a core and an intensive service prior to the start of customized training. Local WIBs/employers need not adhere to the regulatory eligibility requirements, when serving incumbent workers through programs operated under waiver authority, as they are considered statewide activities and not subject to the same eligibility and sequence of service rules as regular formula-funded program participant services.

Regardless of the target group for services (incumbent workers or formula-funded participants), all other requirements of customized training apply, as described in this issuance. This includes the sliding scale, which allows an employer to pay less than 50% of the cost of training, depending on the total number of employees.

Training providers for customized training either need to be included in the ETP Online System in SCOTI, or must be competitively procured. For training providers not in the ETP Online System, local WIBs will need to follow proper procurement procedures as identified in Fiscal Administrative Procedure Manual Transmittal Letter (FAPMTL) No. 14, Acquisition Standards Definitions and Procurement Requirements, or local procurement policies if they are more restrictive.

ODJFS reserves the right to review and approve proposed exceptions to the requirements identified in this issuance, on a case-by-case basis. Recommendations for exceptions may be submitted via e-mail to: WIAQNA@JFS.OHIO.GOV.

A. **Utilizing the Employer Reimbursement Waiver**

1. **Sliding Scale**

   This waiver is available immediately. Local WIBs may choose to implement this waiver of a reduction of the 50% match. If so, the employer match will be based upon the following sliding scale.

   a) 1-50 employees  Employer match of no less than 10%
   b) 51-100 employees  Employer match of no less than 25%
   c) 100+ employees  Employer match of 50% - as per current statutory requirements continue to apply

   Head count: The following guidelines should be applied while determining head count at a local operation:

   - Include all full time and part time workers and temporary and permanent workers at the work site including all managers and front line workers,
   - Include any individuals employed by a staffing agency who are subject to the day to day control of the host employer,
   - Do not use "FTE's." Every worker counts as "1,"
   - Include individuals employed within the same local operation,
   - Do not include individuals employed by and subject to the day to day control of other employers or independent contractors,
   - Use the best, good faith estimate given by the employer on the day when the customized training screening form is completed.

   Local areas should use reasonable judgment in determining head count, along with being consistent and documenting their methodologies. The determination for head count is applied while completing the employer information form and need not be updated unless
the employer so requests or until the customized training agreement expires. Thus, if a small employer becomes a large employer in the midst of the customized training agreement period, the employer reimbursement rate will remain unchanged until the agreement expires.

For the purposes of determining head count, local operation is the employer size where the customized training placements will be made. For instance, a hotel chain that employs thousands nationwide, but only 40 at its company in the targeted region, may be eligible for reimbursement up to 90%, when reimbursement is determined based on size.

The number of workers to be counted in determining the customized training sliding scale shall include the workers at all worksites within an employer's local operation. In determining the geographic boundaries that define the employer's local operation, local areas should use their best judgment based on analysis of each employer's size and structure.

2. Selection Criteria and Local Policy

Local WIBs must establish policies if they choose to implement this waiver. Local policies should include any selection criteria for awarding customized training contracts, such as industry type, cost, demand occupation, increase in earnings, career advancement, portable skills, retention, etc. WIBs without a policy that includes the criteria above will be assumed to require a 50% employer match for all customized training activities.

IN NO INSTANCE MAY THE EMPLOYER PROVIDE A MATCH OF LESS THAN 10% OF THE COST OF TRAINING

B. Customized Training

1. Customized training means training:
   a) That is designed to meet the special requirements of an employer (including a group of employers);
   b) That is a participant/trainee service and a business service;
   c) That is conducted with a commitment by the employer to employ or continue to employ an individual upon successful completion of the training;
   d) That enable trainees to obtain industry or employer-recognized skills identified by the employer (or group of employers);
   e) For which the employer pays for not less than 50% of the cost of the training, except as set forth in Section IV. B. 1. (f) below;
   f) That requires a 50% employer match, unless a lesser percent match is warranted and approved by the local WIB. (Please refer to Section IV. A, above); and
   g) For which an agreement has been negotiated and signed. The agreement must identify the occupation(s) of trainees, the skills and competencies to be learned, and the length of time the training will be provided. The agreement must specify what the employer will pay for the employer match portion for the cost of the training and according to what payment percent and method.

2. The Local WIBs Must:
   a) Develop a local policy if they choose to implement the sliding scale and include any additional selection criteria;
   b) Obtain commitments from participating employers to include, at a minimum:
      i. That successful completion of the customized training will result in portable skills, and retention and placement of the trainee into permanent
employment that offers good pay and benefits, with opportunities for career advancement;

ii. That continued training will be provided for trainees who need help with remedial skills or other skills in order to retain their jobs; after completion of customized training; and

iii. That training will be aligned with industry or employer recognized skill standards, as defined by the WIB and/or the employer.

3. Agreement Provisions for Customized Training

a) Good and effective agreements should include:

i. The occupation for which training will be provided; the skills and competencies to be achieved and the length of time for the training;

ii. The number of employees to be trained;

iii. The employer's assurance that customized training is needed, based upon the individual skill sets of trainees;

iv. The method and maximum amount of reimbursement (employer match);

v. Job description(s) of the trainees and a training outline;

vi. The cost and documented description of any ancillary items or supportive services that may be needed; and

vii. Other appropriate training outcomes related to the training (i.e. increases in earnings).

b) Customized training agreements are to contain appropriate assurances and certifications as specified in this issuance.

c) Written endorsement from a union official is required when the workplace is covered by a collective bargaining agreement.

d) When working with a group of employers (employer consortiums), the local WIB may decide with whom to contract and the details set forth therein. If the consortium is a legal entity and the participating employers are in agreement on their match requirements, the local WIB may contract with the consortium directly and accordingly, the match requirement would be paid by the consortium. It is also allowable to enter into individual contracts with each participating employer. Regardless of what entity the contract is with, all requirements, expected outcomes, and assurances described in this issuance must be met.

4. Business Considerations for Customized Training

a) A WIB must not enter into a customized training agreement with an employer who has exhibited a pattern of failing to retain individuals after successful completion of the customized training.

b) Businesses should be current on their local, state and federal tax obligations and compliant with all environmental requirements. Only businesses that are not presently debarred, suspended, or proposed for disbarment by any State or federal department or agency should be considered for training. Several websites that may be helpful in checking tax, environmental compliance, and debarment status are located at the end of this issuance, in Section VI.

c) A customized training contract that would prevent a layoff or avert a business closure should be given priority consideration. Businesses that provide additional sources of funding to support the training make strong candidates.
d) Businesses that have employees in a lay-off status should not be considered for customized training unless the training would avert additional layoffs.

e) Businesses that have relocated to Ohio and laid-off workers at their original location in the United States may not be considered for customized training, until they have been in operation at the new location for 120 days.

To verify that a business is not relocating employment from another area, a Pre-award review must be undertaken and documented by the local WIB. The Review must include the names under which the establishment conducts business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information, and whether WIA assistance is being sought in connection with past or impending job losses at other facilities of their company. The pre-award review should also include a review of whether appropriate notices have been filed, as required by the Worker Adjustment Retraining Notification (WARN) Act. The review may also include consultations with labor organizations and others in the affected local area(s).

5. Training Considerations for Customized Training:

   a) Training for customized training will address:

      i. Occupations in industries that have documented skill shortages. High wages, high costs for recruitment, and/or positions that remain unfilled for long periods of time may indicate a shortage of skills within the workforce; and

      ii. Developing the skills of the workforce so as to lead to enhanced career pathways for individual employees.

   b) Training providers should have satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience and programs, accredited instructors, high job placement rates, and/or high training completion rates. Training providers should also meet acceptable minimum retention rates for trainees in their field or occupation of training.

   c) The training facility should provide an environment that supports learning and be within reasonable proximity to the participant. The training may take place in the business owned facility, a training provider's facility, or combination of sites.

6. Employer Match Requirements

   Should a local WIB choose to lower the 50% match requirement, the local WIB must utilize the sliding scale described in Section IV. A. to determine the appropriate match. Local WIBs may add other selection criteria to the sliding scale if they so choose. Also, local WIBs decide if the employer match is cash or in-kind. In-kind match must benefit the training and must be documented. Also, the employer match cannot include federal, state, or other grant funds.

   Step 1 is to identify the individual training items and establish the total training budget. These items may include, but are not limited to, items in Section IV.7. This budget may include trainee wages while attending training and the wages can count for the employer match. But, the WIA costs cannot include trainee wages.

   Step two calculates the employer match and the WIA cost. This calculation varies based upon allowable and unallowable WIA costs. Typically, the variable is the trainee wages. If trainee wages are less than or equal to (\leq) the employer match, an adjustment is not necessary. Just multiply the total budget by the selected percentage (%) to establish the Employer and WIA expense. See Scenario 1.
If trainee wages are greater (> than the employer match, an adjustment is necessary to prevent unallowable WIA costs. When calculating the employer match and the WIA costs, subtract the excess wages over selected percentage. See Scenario 2.

*Note: In both scenarios, the selected percentage is 50%.*

**Scenario 1:** Trainee wages are less than or equal to (\(\leq\)) the employer match.

Trainee wages Scenario 1 Table

**Scenario 2:** Trainee Wages are greater (> than the employer match.

Trainee wages -Scenario 2 Table

7. **Allowable Costs for Customized Training**

Allowable costs may include only costs directly related to training. Examples of allowable costs include, but are not limited to the following:

a) Instructor's / trainer's training-related wages;
b) Curriculum development; and
c) Textbooks, instructional equipment, manuals, materials and supplies.

8. **Unallowable Costs for Customized Training**

Unallowable costs include but are not limited to:

a) Trainees' benefits/fringes;
b) Wages of trainees while attending customized training;
c) Costs that are not directly related to customized training for eligible individuals under Title I;
d) Foreign travel; and/or
e) Purchase of capital equipment.

V. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development:

WIAQNA@JFS.OHIO.GOV.

VI. **References**

DOL waiver approval letter, June 30, 2010
DOL waiver approval letter, November 12, 2009

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Section 202 (3)


WIAPL 09-09.1 Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority

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http://www2.sos.state.oh.us/pls/portal/PORTAL_BS.BS_QRY_BUS_INFORMATION1.SHOW_PARMS

Federal Environmental Compliance Site: http://www.epa-echo.gov/echo/index.html

Independent Contractor - Definition of Employment in OAC CH. 4141-3-05
Rescissions
WIATL No. 40
WIAPL 09-07
WIAPL 09-07.1
Workforce Investment Act Policy Letter No. 09-07.1

February 25, 2011

To: WIA Local Workforce Investment Boards (WIBs), WIA Fiscal Agents, WIA Administrative Entities, and One-Stop Operators

From: Mark D. Kvamme, Director

Michael B. Colbert, Director

Subject: Customized training and guidelines for the employer match requirement from 50% to a sliding scale with a minimum of 10% under waiver authority.

I. Purpose

This communication provides guidance on the waiver authority to vary the statutory employer match of 50% for customized training with the option of a sliding scale reimbursement method, to a minimum of 10%; as well as general requirements for customized training.

II. Effective Date

July 1, 2010, through June 30, 2011

III. Background

In June 2010, Ohio received approval from the United States Department of Labor (USDOL) to replace the statutory employer match requirement of 50% for customized training, to a minimum of 10% with the variance based upon State and local policy. This extends the waiver, through June 30, 2011.

WIA Section 101(8) and the accompanying regulations in 20 CFR Subpart G 663.715, 663.720, and 663.730 establish that local WIBs and the State may offer customized training through an agreement with either a vendor or employer with a mandatory employer match requirement of 50% of the cost of training.

IV. Requirements

Overall, customized training is training designed to meet the needs of a specific employer, or group of employers (employer consortiums). It can be provided for the introduction of new technologies, or to new production or service procedures, upgrading existing skills, workplace literacy, or other appropriate purposes identified by the local WIB. The employer must commit to employ, or continue to employ, the worker(s) upon successful completion of any form of customized training.

Customized training agreements may be written for unemployed as well as employed workers. Employed workers may include full-time, part-time, and/or workers placed through private placement agencies.

The private placement agency and the placement employer should be included in the contract when offering customized training to employers that want to include workers placed through private placement agencies. This is to ensure that all parties agree that successful completion of the customized training will include the placement of the trainees into permanent employment.

Unless the trainee is unemployed, in order to participate in customized training, an "employer-employee" relationship must exist between the trainee and the business that is seeking local WIB approval to perform customized training. Individual workers who are independent contractors are not eligible to participate in customized training. Independent contractors fall under the category of self-employment. Trainees must meet the definition of employment found in the Ohio Administrative Code (OAC) 4141-3-05.
Customized training is one of several types of allowable training identified in Section 134(d)(4) of WIA. This training may be offered to individuals under local area formula-funded programs or as a type of incumbent worker training, conducted at the local level under waiver authority. As a type of training offered in local formula-funded programs, participants must meet all eligibility requirements, and receive both a core and an intensive service prior to the start of customized training. Local WIBs/employers need not adhere to the regulatory eligibility requirements, when serving incumbent workers through programs operated under waiver authority, as they are considered statewide activities and not subject to the same eligibility and sequence of service rules as regular formula-funded program participant services.

Regardless of the target group for services (incumbent workers or formula-funded participants), all other requirements of customized training apply, as described in this issuance. This includes the sliding scale, which allows an employer to pay less than 50% of the cost of training, depending on the total number of employees.

Training providers for customized training either need to be included in the ETP Online System in SCOTI, or must be competitively procured. For training providers not in the ETP Online System, local WIBs will need to follow proper procurement procedures as identified in Fiscal Administrative Procedure Manual Transmittal Letter (FAPMTL) No. 14, Acquisition Standards Definitions and Procurement Requirements, or local procurement policies if they are more restrictive.

ODJFS reserves the right to review and approve proposed exceptions to the requirements identified in this issuance, on a case-by-case basis. Recommendations for exceptions may be submitted via e-mail to: WIAQNA@JFS.OHIO.GOV.

A. Utilizing the Employer Reimbursement Waiver

1. Sliding Scale

This waiver is available immediately. Local WIBs may choose to implement this waiver of a reduction of the 50% match. If so, the employer match will be based upon the following sliding scale.

a) 1-50 employees Employer match of no less than 10%
b) 51-100 employees Employer match of no less than 25%
c) 100+ employees Employer match of 50% - as per current statutory requirements continue to apply

Head count: The following guidelines should be applied while determining head count at a local operation:

- Include all full time and part time workers and temporary and permanent workers at the work site including all managers and front line workers,
- Include any individuals employed by a staffing agency who are subject to the day to day control of the host employer,
- Do not use "FTE's." Every worker counts as "1,"
- Include individuals employed within the same local operation,
- Do not include individuals employed by and subject to the day to day control of other employers or independent contractors,
- Use the best, good faith estimate given by the employer on the day when the customized training screening form is completed.

Local areas should use reasonable judgment in determining head count, along with being consistent and documenting their methodologies. The determination for head count is applied while completing the employer information form and need not be updated unless
the employer so requests or until the customized training agreement expires. Thus, if a small employer becomes a large employer in the midst of the customized training agreement period, the employer reimbursement rate will remain unchanged until the agreement expires.

For the purposes of determining head count, local operation is the employer size where the customized training placements will be made. For instance, a hotel chain that employs thousands nationwide, but only 40 at its company in the targeted region, may be eligible for reimbursement up to 90%, when reimbursement is determined based on size.

The number of workers to be counted in determining the customized training sliding scale shall include the workers at all worksites within an employer's local operation. In determining the geographic boundaries that define the employer's local operation, local areas should use their best judgment based on analysis of each employer's size and structure.

2. Selection Criteria and Local Policy

Local WIBs must establish policies if they choose to implement this waiver. Local policies should include any selection criteria for awarding customized training contracts, such as industry type, cost, demand occupation, increase in earnings, career advancement, portable skills, retention, etc. WIBs without a policy that includes the criteria above will be assumed to require a 50% employer match for all customized training activities.

IN NO INSTANCE MAY THE EMPLOYER PROVIDE A MATCH OF LESS THAN 10% OF THE COST OF TRAINING

B. Customized Training

1. Customized training means training:

a) That is designed to meet the special requirements of an employer (including a group of employers);

b) That is a participant/trainee service and a business service;

c) That is conducted with a commitment by the employer to employ or continue to employ an individual upon successful completion of the training;

d) That enable trainees to obtain industry or employer-recognized skills identified by the employer (or group of employers);

e) For which the employer pays for not less than 50% of the cost of the training, except as set forth in Section IV. B. 1. (f) below;

f) That requires a 50% employer match, unless a lesser percent match is warranted and approved by the local WIB. (Please refer to Section IV. A, above); and

g) For which an agreement has been negotiated and signed. The agreement must identify the occupation(s) of trainees, the skills and competencies to be learned, and the length of time the training will be provided. The agreement must specify what the employer will pay for the employer match portion of the cost of the training and according to what payment percent and method.

2. The Local WIBs Must:

a) Develop a local policy if they choose to implement the sliding scale and include any additional selection criteria;

b) Obtain commitments from participating employers to include, at a minimum:

i. That successful completion of the customized training will result in portable skills, and retention and placement of the trainee into permanent
employment that offers good pay and benefits, with opportunities for career advancement;

ii. That continued training will be provided for trainees who need help with remedial skills or other skills in order to retain their jobs; after completion of customized training; and

iii. That training will be aligned with industry or employer recognized skill standards, as defined by the WIB and/or the employer.

3. Agreement Provisions for Customized Training
   a) Good and effective agreements should include:
      i. The occupation for which training will be provided; the skills and competencies to be achieved and the length of time for the training;
      ii. The number of employees to be trained;
      iii. The employer's assurance that customized training is needed, based upon the individual skill sets of trainees;
      iv. The method and maximum amount of reimbursement (employer match);
      v. Job description(s) of the trainees and a training outline;
      vi. The cost and documented description of any ancillary items or supportive services that may be needed; and
      vii. Other appropriate training outcomes related to the training (i.e. increases in earnings).
   b) Customized training agreements are to contain appropriate assurances and certifications as specified in this issuance.
   c) Written endorsement from a union official is required when the workplace is covered by a collective bargaining agreement.
   d) When working with a group of employers (employer consortiums), the local WIB may decide with whom to contract and the details set forth therein. If the consortium is a legal entity and the participating employers are in agreement on their match requirements, the local WIB may contract with the consortium directly and accordingly, the match requirement would be paid by the consortium. It is also allowable to enter into individual contracts with each participating employer. Regardless of what entity the contract is with, all requirements, expected outcomes, and assurances described in this issuance must be met.

4. Business Considerations for Customized Training
   a) A WIB must not enter into a customized training agreement with an employer who has exhibited a pattern of failing to retain individuals after successful completion of the customized training.
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5. **Training Considerations for Customized Training:**

a) Training for customized training will address:

i. Occupations in industries that have documented skill shortages. High wages, high costs for recruitment, and/or positions that remain unfilled for long periods of time may indicate a shortage of skills within the workforce; and

ii. Developing the skills of the workforce so as to lead to enhanced career pathways for individual employees.

b) Training providers should have satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience and programs, accredited instructors, high job placement rates, and/or high training completion rates. Training providers should also meet acceptable minimum retention rates for trainees in their field or occupation of training.

c) The training facility should provide an environment that supports learning and be within reasonable proximity to the participant. The training may take place in the business owned facility, a training provider's facility, or combination of sites.

6. **Employer Match Requirements**

Should a local WIB choose to lower the 50% match requirement, the local WIB must utilize the sliding scale described in Section IV. A., to determine the appropriate match. Local WIBs may add additional selection criteria to the sliding scale if they so choose.

The match is to be based upon the total cost of the training, which can include items in Section IV. 7. The employer match may not be satisfied with federal, state, or other grant funds. The employer match, however, may be in cash or in-kind.

In-kind employer match alternatives to cash must be relevant to the specific project and documented. The use of cash or in-kind is a local WIB decision.

7. **Allowable Costs for Customized Training**

Allowable costs may include only costs directly related to training. Examples of allowable costs include, but are not limited to the following:

a) Instructor's / trainer's training-related wages;

b) Curriculum development; and
c) Textbooks, instructional equipment, manuals, materials and supplies.

8. **Unallowable Costs for Customized Training**

Unallowable costs include but are not limited to:

a) Trainees' benefits/fringes;

b) Wages of trainees while attending customized training;

c) Costs that are not directly related to customized training for eligible individuals under Title I;

d) Foreign travel; and/or

e) Purchase of capital equipment.

V. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. **References**

DOL waiver approval letter, June 30, 2010

DOL waiver approval letter, November 12, 2009

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Section 202 (3)


WIAPL 09-09.1 Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority

U.S. Department of Labor, Waiver Approval Letter, November 5, 2007

Federal Debarment Site: http://www.epls.gov

State Tax Status Site:
http://www2.sos.state.oh.us/pls/portal/PORTAL_BS.BS_QRY_BUS_INFORMATION1.SHOW_PARMS

Federal Environmental Compliance Site: http://www.epa-echo.gov/echo/index.html

Independent Contractor - Definition of Employment in OAC CH. 4141-3-05

**Rescissions**

WIATL No. 40

WIAPL 09-07
Workforce Investment Act Policy Letter No. 09-07
April 16, 2010

To: WIA Local Workforce Investment Boards (WIBs), WIA Fiscal Agents, WIA Administrative Entities, and One-Stop Operators

From: Lisa Patt-McDaniel, Director
       Douglas E. Lumpkin, Director

Subject: Customized training and guidelines for the employer match requirement from 50% to a sliding scale with a minimum of 10% under waiver authority.

I. **Purpose**
   This communication provides guidance on the waiver authority to vary the statutory employer match of 50% for customized training with the option of a sliding scale reimbursement method, to a minimum of 10%; as well as general requirements for customized training.

II. **Effective Date**
   October 1, 2009, through June 30, 2010

III. **Background**
    In July 2009, Ohio submitted a waiver request to allow the State to replace the statutory employer match requirement of 50% for customized training, to a minimum of 10% with the variance based upon State and local policy. On November 12, 2009, the United States Department of Labor (USDOL) approved this waiver request, retroactive to October 1, 2009.

    WIA Section 101(8) and the accompanying regulations in 20 CFR Subpart G 663.715, 663.720, and 663.730 establish that local WIBs and the State may offer customized training through an agreement with either a vendor or employer with a mandatory employer match requirement of 50% of the cost of training.

IV. **Requirements**
    Overall, customized training is training designed to meet the needs of a specific employer, or group of employers (employer consortiums). It can be provided for the introduction of new technologies, or to new production or service procedures, upgrading existing skills, workplace literacy, or other appropriate purposes identified by the local WIB. The employer must commit to employ, or continue to employ, the worker(s) upon successful completion of any form of customized training.

    Customized training agreements may be written for unemployed as well as employed workers. Employed workers may include full-time, part-time, and/or workers placed through private placement agencies.

    The private placement agency and the placement employer should be included in the contract when offering customized training to employers that want to include workers placed through private placement agencies. This is to ensure that all parties agree that successful completion of the customized training will include the placement of the trainees into permanent employment.

    Unless the trainee is unemployed, in order to participate in customized training, an "employer-employee" relationship must exist between the trainee and the business that is seeking local WIB approval to perform customized training. Individual workers who are independent contractors are not eligible to participate in customized training. Independent contractors fall under the category of self-
employment. Trainees must meet the definition of employment found in the Ohio Administrative Code (OAC) 4141-3-05.

Customized training is one of several types of allowable training identified in Section 34(d)(4) of WIA. This training may be offered to individuals under local area formula-funded programs or as a type of incumbent worker training, conducted at the local level under waiver authority. As a type of training offered in local formula-funded programs, participants must meet all eligibility requirements, and receive both a core and an intensive service prior to the start of customized training. Local WIBs/employers need not adhere to the regulatory eligibility requirements, when serving incumbent workers through programs operated under waiver authority, as they are considered statewide activities and not subject to the same eligibility and sequence of service rules as regular formula-funded program participant services.

Regardless of the target group for services (incumbent workers or formula-funded participants), all other requirements of customized training apply, as described in this issuance. This includes the sliding scale, which allows an employer to pay less than 50% of the cost of training, depending on the total number of employees.

Training providers for customized training either need to be included in the ETP Online System in SCOTI, or must be competitively procured. For training providers not in the ETP Online System, local WIBs will need to follow proper procurement procedures as identified in Fiscal Administrative Procedure Manual Transmittal Letter (FAPMTL) No. 14, Acquisition Standards Definitions and Procurement Requirements, or local procurement policies if they are more restrictive.

ODJFS reserves the right to review and approve proposed exceptions to the requirements identified in this issuance, on a case-by-case basis. Recommendations for exceptions may be submitted via e-mail to: WIAQNA@JFS.OHIO.GOV.

A. Utilizing the Employer Match Waiver

1. Sliding Scale

This waiver is available immediately. Local WIBs may choose to implement this waiver of a reduction of the 50% match. If so, the employer match will be based upon the following sliding scale.

   a) 1-50 employees       Employer match of no less than 10%
   b) 51-100 employees     Employer match of no less than 25%
   c) 100+ employees       Employer match of 50% - as per current statutory requirements continue to apply

2. Employee Count

   The employee count is to include full-time and part-time workers, and workers placed through a private placement agency. This count is based upon the employer's total number of employees, not the number of employees to be trained. The count is to be on a company-wide-basis for all locations within the State of Ohio; and the involved adjoining state when customized training is being offered to Ohio residents who work for employers in an adjoining state.

3. Selection Criteria and Local Policy

   Local WIBs must establish policies if they choose to implement this waiver. Local policies should include any selection criteria for awarding customized training Contracts, such as industry type, cost, demand occupation, increase in earnings, career advancement, portable skills, retention, etc. WIBs without a policy that includes the criteria above will be assumed to require a 50% employer match for all customized training activities.
IN NO INSTANCE MAY THE EMPLOYER PROVIDE A MATCH OF LESS THAN 10% OF THE COST OF TRAINING

B. Customized Training

1. Customized training means training:
   a) That is designed to meet the special requirements of an employer (including a group of employers);
   b) That is a participant/trainee service and a business service;
   c) That is conducted with a commitment by the employer to employ or continue to employ an individual upon successful completion of the training;
   d) That enable trainees to obtain industry or employer-recognized skills identified by the employer (or group of employers);
   e) For which the employer pays for not less than 50% of the cost of the training, except as set forth in Section IV. B. 1. (f) below;
   f) That requires a 50% employer match, unless a lesser percent match is warranted and approved by the local WIB. (Please refer to Section IV. A, above); and
   g) For which an agreement has been negotiated and signed. The agreement must identify the occupation(s) of trainees, the skills and competencies to be learned, and the length of time the training will be provided. The agreement must specify what the employer will pay for the employer match portion for the cost of the training and according to what payment percent and method.

2. The Local WIBs Must:
   a) Develop a local policy if they choose to implement the sliding scale and include any additional selection criteria;
   b) Obtain commitments from participating employers to include, at a minimum:
      i. That successful completion of the customized training will result in portable skills, and retention and placement of the trainee into permanent employment that offers good pay and benefits, with opportunities for career advancement;
      ii. That continued training will be provided for trainees who need help with remedial skills or other skills in order to retain their jobs; after completion of customized training; and
      iii. That training will be aligned with industry or employer recognized skill standards, as defined by the WIB and/or the employer.

3. Agreement Provisions for Customized Training
   a) Good and effective agreements should include:
      i. The occupation for which training will be provided; the skills and competencies to be achieved and the length of time for the training;
      ii. The number of employees to be trained;
      iii. The employer's assurance that customized training is needed, based upon the individual skill sets of trainees;
      iv. The method and maximum amount of reimbursement (employer match);
      v. Job description(s) of the trainees and a training outline;
vi. The cost and documented description of any ancillary items or supportive services that may be needed; and

vii. Other appropriate training outcomes related to the training (i.e. increases in earnings).

b) Customized training agreements are to contain appropriate assurances and certifications as specified in this issuance.

c) Written endorsement from a union official is required when the workplace is covered by a collective bargaining agreement.

d) When working with a group of employers (employer consortiums), the local WIB may decide with whom to contract and the details set forth therein. If the consortium is a legal entity and the participating employers are in agreement on their match requirements, the local WIB may contract with the consortium directly and accordingly, the match requirement would be paid by the consortium. It is also allowable to enter into individual contracts with each participating employer. Regardless of what entity the contract is with, all requirements, expected outcomes, and assurances described in this issuance must be met.

4. Business Considerations for Customized Training

a) A WIB must not enter into a customized training agreement with an employer who has exhibited a pattern of failing to retain individuals after successful completion of the customized training.

b) Businesses should be current on their local, state and federal tax obligations and compliant with all environmental requirements. Only businesses that are not presently debarred, suspended, or proposed for disbarment by any State or federal department or agency should be considered for training. Several websites that may be helpful in checking tax, environmental compliance, and debarment status are located at the end of this issuance, in Section VI.

c) A customized training contract that would prevent a layoff or avert a business closure should be given priority consideration. Businesses that provide additional sources of funding to support the training make strong candidates.

d) Businesses that have employees in a lay-off status should not be considered for customized training unless the training would avert additional layoffs.

e) Businesses that have relocated to Ohio and laid-off workers at their original location in the United States may not be considered for customized training, until they have been in operation at the new location for 120 days.

To verify that a business is not relocating employment from another area, a Pre-award review must be undertaken and documented by the local WIB. The Review must include the names under which the establishment conducts business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information, and whether WIA assistance is being sought in connection with past or impending job losses at other facilities of their company. The pre-award review should also include a review of whether appropriate notices have been filed, as required by the Worker Adjustment Retraining Notification (WARN) Act. The review may also include consultations with labor organizations and others in the affected local area(s).

5. Training Considerations for Customized Training:

a) Training for customized training will address:
i. Occupations in industries that have documented skill shortages. High wages, high costs for recruitment, and/or positions that remain unfilled for long periods of time may indicate a shortage of skills within the workforce; and

ii. Developing the skills of the workforce and lead to enhanced career pathways for individual employees.

b) Training providers should have satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience and programs, accredited instructors, high job placement rates, and/or high training completion rates.

c) The training facility should provide an environment that supports learning and be within reasonable proximity to the participant. The training may take place in the business owned facility, a training provider's facility, or combination of sites.

6. **Employer Match Requirements**

   Should a local WIB choose to lower the 50% match requirement, the local WIB must utilize the sliding scale described in Section IV. A., to determine the appropriate match. Local WIBs may add additional selection criteria to the sliding scale if they so choose.

   The match is to be based upon the total cost of the training, which can include items in Section IV. 7. The employer match may not be satisfied with federal, state, or other grant funds. The employer match, however, may be in cash or in-kind.

   In-kind employer match alternatives to cash must be relevant to the specific project and documented. The use of cash or in-kind is a local WIB decision.

7. **Allowable Costs for Customized Training**

   Allowable costs may include only costs directly related to training. Examples of allowable costs include, but are not limited to, the following:

   a) Instructor's / trainer's salaries;

   b) Wages of trainees while attending customized training;

   c) Curriculum development; and

   d) Textbooks, instructional equipment, manuals, materials and supplies.

8. **Unallowable Costs for Customized Training**

   Unallowable costs include but are not limited to:

   a) Trainees' benefits/fringes;

   b) Costs that are not directly related to customized training for eligible individuals under Title I;

   c) Foreign travel; and/or

   d) Purchase of capital equipment.

V. **Technical Assistance**

   For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. **References**

   DOL waiver approval letter, November 12, 2009

   Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Section 202 (8)
WIATL 22-C Waiver Authority to Use 20% of the Adult and Dislocated Worker Formula Allocation for Incumbent Worker Training

U.S. Department of Labor, Waiver Approval Letter, November 5, 2007

Federal Debarment Site: http://www.epls.gov

State Tax Status Site:
http://www2.sos.state.oh.us/pls/portal/PORTAL_BS.BS_QRY_BUS_INFORMATION1.SHOW_PARMS

Federal Environmental Compliance Site: http://www.epa-echo.gov/echo/index.html

Independent Contractor - Definition of Employment in OAC CH. 4141-3-05

**Rescission:** WIATL No. 40 The waiver of the employer match requirement from 50% to a sliding scale with a minimum of 10% and the general requirements for Customized Training
Workforce Investment Act Policy Letter No. 09-06.3
March 6, 2014

To: Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)

I. Purpose

This communication provides guidance on the option to competitively select a youth provider for three of the youth program elements or to conduct the three youth program elements internally. Workforce Investment Act (WIA) administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date

July 1, 2012 - June 30, 2017

III. Background

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Sections 123 and 129 (c)(2) require the local WIB to competitively select youth providers to deliver services for the ten youth program elements.

In April 2011, Ohio submitted a waiver request to extend the November 12, 2009 approved waivers to allow a WIB to decide whether to competitively select youth providers or allow the administrative entity to deliver services for the following three youth program elements: paid and unpaid work experience, supportive services, and 12-month follow-up services. On June 7, 2011, the United States Department of Labor (USDOL) approved this waiver request, effective July 1, 2011. An extension of this waiver has been granted through June 30, 2017.

IV. Requirements

A WIB has the option to competitively select a youth provider for three of the youth program elements (paid and unpaid work experience, supportive services, and follow-up services) or to conduct the three youth program elements internally. This waiver does not apply to the remaining seven youth program elements.

A formal request from a WIB is not required to implement this waiver. If a WIB uses this waiver, the local business plan must be modified.

A WIB, in coordination with the Youth Council, should identify the extent that the three program elements are available in the community. These three youth program elements may exist without charge through other community entities. A WIB may:

1. Continue to competitively select youth providers to deliver the services because of operational effectiveness and efficiency.

2. Authorize the administrative entity to provide services internally through One-Stop locations.

3. Use a mixed approach conducting services internally and using a competitive selection process.

Regardless of the option selected, a WIB must ensure documentation of the decision, including the reasonableness of cost. Annually, a WIB should ensure completion of an independent analysis of the...
cost effectiveness and outcomes under the youth program. The analysis will help to verify that youth services remain cost effective and the youth program continues to meet performance expectations.

This waiver is not meant to diminish the established network of quality youth service providers. The local administrative entity should inform appropriate stakeholders that competitively selecting youth providers is no longer required for the three youth program elements. You may want to consider allowing the community and existing youth service providers the opportunity to submit comments.

V. Technical Assistance

For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References


Rescission

WIAPL 09-06.2 Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)
Workforce Investment Act Policy Letter No. 09-06.2

August 23, 2011

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Christiane Schmenk, Director
       Michael B. Colbert, Director

Subject: Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)

I. Purpose

This communication provides guidance on the option to competitively select a youth provider for three of the youth program elements or to conduct the three youth program elements internally. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date

July 1, 2011 - June 30, 2012

III. Background

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Sections 123 and 129 (c)(2) require the local Workforce Investment Board (WIB) to competitively select youth providers to deliver services for the ten youth program elements.

In April 2011, Ohio submitted a waiver request to extend the November 12, 2009 approved waivers to allow a WIB to decide whether to competitively select youth providers or allow the administrative entity to deliver services for the following three youth program elements: paid and unpaid work experience, supportive services, and 12-month follow-up services. On June 7, 2011, the United States Department of Labor (USDOL) approved this waiver request, effective July 1, 2011. An extension of this waiver has been granted through June 30, 2012.

IV. Requirements

A WIB has the option to competitively select a youth provider for three of the youth program elements (paid and unpaid work experience, supportive services, and follow-up services) or to conduct the three youth program elements internally. This waiver does not apply to the remaining seven youth program elements.

This waiver applies statewide. A formal request from a WIB is not required to implement this waiver. If a WIB uses this waiver, the local business plan must be modified.

A WIB, in coordination with the Youth Council, should identify the extent that the three program elements are available in the community. These three youth program elements may exist without charge through other community entities. A WIB may:

1. Continue to competitively select youth providers to deliver the services because of operational effectiveness and efficiency.
2. Authorize the administrative entity to provide services internally through One-Stop locations.
3. Use a mixed approach conducting services internally and using a competitive selection process.
Regardless of the option selected, a WIB must ensure documentation of the decision, including the reasonableness of cost. Annually, a WIB should ensure completion of an independent analysis of the cost effectiveness and outcomes under the youth program. The analysis will help to verify that youth services remain cost effective and the youth program continues to meet performance expectations.

This waiver is not meant to diminish the established network of quality youth service providers. The local administrative entity should inform appropriate stakeholders that competitively selecting youth providers is no longer required for the three youth program elements. You may want to consider allowing the community and existing youth service providers the opportunity to submit comments.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development to: WIAQNA@jfs.ohio.gov.

VI. References

DOL waiver approval letter, June 7, 2011
DOL waiver approval letter, June 30, 2010
DOL waiver approval letter, November 12, 2009
Office of Workforce Development, Waiver Request Plan, July 24, 2009
Workforce Investment Act of 1998, Public Law 105-220, August 7, 1998, Sections 189 (i)(4)(B), (c), 112 (b)(8)(B), 117 (d)(2)(B), 117 (h)(4)(B)(I), 123, and 129(c)(2);
20 Code of Federal Regulations, Sections 661.420, 664.110(c), 664.220, and 664.405(a) (4), WIA Final Rules, August 11, 2000
TEGL No. 9-00, January 23, 2001
Rescission
(WIATL 20A): Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)
WIAPL 09-06: Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)
WIAPL 09-06.1: Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)
I. **Purpose**

This communication provides guidance on the option to competitively select a youth provider for three of the youth program elements or to conduct the three youth program elements internally. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. **Effective Date**

July 1, 2010 through June 30, 2011

III. **Background**

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Sections 123 and 129 (c)(2) require the local Workforce Investment Board (WIB) to competitively select youth providers to deliver services for the ten youth program elements.

In May 2010, Ohio submitted a waiver request to extend the November 12, 2009 approved waivers to allow a WIB to decide whether to competitively select youth providers or allow the administrative entity to deliver services for the following three youth program elements: paid and unpaid work experience, supportive services, and 12-month follow-up services. On June 30, 2010, the United States Department of Labor (USDOL) approved this waiver request, effective July 1, 2010.

IV. **Requirements**

A WIB has the option to competitively select a youth provider for three of the youth program elements (paid and unpaid work experience, supportive services, and follow-up services) or to conduct the three youth program elements internally. This waiver does not apply to the remaining seven youth program elements.

This waiver applies statewide. A formal request from a WIB is not required to implement this waiver. If a WIB uses this waiver, the local business plan must be modified.

A WIB, in coordination with the Youth Council, should identify the extent that the three program elements are available in the community. These three youth program elements may exist without charge through other community entities. A WIB may:

1. Continue to competitively select youth providers to deliver the services because of operational effectiveness and efficiency.
2. Authorize the administrative entity to provide services internally through One-Stop locations.
3. Use a mixed approach conducting services internally and using a competitive selection process.
Regardless of the option selected, a WIB must ensure documentation of the decision, including the reasonableness of cost. Annually, a WIB should ensure completion of an independent analysis of the cost effectiveness and outcomes under the youth program. The analysis will help to verify that youth services remain cost effective and the youth program continues to meet performance expectations.

This waiver is not meant to diminish the established network of quality youth service providers. The local administrative entity should inform appropriate stakeholders that competitively selecting youth providers is no longer required for the three youth program elements. You may want to consider allowing the community and existing youth service providers the opportunity to submit comments.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development to: WIAQNA@jfs.ohio.gov.

VI. References

DOL waiver approval letter, June 30, 2010
DOL waiver approval letter, November 12, 2009
Office of Workforce Development, Waiver Request Plan, July 24, 2009
Workforce Investment Act of 1998, Public Law 105-220, August 7, 1998, Sections 189 (i)(4)(B), (c), 112 (b)(8)(B), 117 (d)(2)(B), 117 (h)(4)(B)(l), 123, and 129(c)(2);
TEGL No. 9-00, January 23, 2001
Rescission
(WIATL 20A) Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)
WIAPL 09-06 Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)
Workforce Investment Act Policy Letter No. 09-06

April 16, 2010

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)

I. Purpose

This communication provides guidance on the option to competitively select a youth provider for three of the youth program elements or to conduct the three youth program elements internally. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities and services.

II. Effective Date

October 1, 2009 through June 30, 2010

III. Background

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Sections 123 and 129 (c)(2) require the local Workforce Investment Board (WIB) to competitively select youth providers to deliver services for the ten youth program elements.

On November 12, 2009, the U.S. Department of Labor (USDOL) granted Ohio a waiver to allow a WIB to decide whether to competitively select youth providers or allow the administrative entity to deliver services for the following three youth program elements: paid and unpaid work experience, supportive services, and 12-month follow-up services.

IV. Requirements

A WIB has the option to competitively select a youth provider for three of the youth program elements (paid and unpaid work experience, supportive services, and follow-up services) or to conduct the three youth program elements internally. This waiver does not apply to the remaining seven youth program elements.

This waiver applies statewide. A formal request from a WIB is not required to implement this waiver. If a WIB uses this waiver, the local business plan must be modified.

A WIB, in coordination with the Youth Council, should identify the extent that the three program elements are available in the community. These three youth program elements may exist without charge through other community entities. A WIB may:

1. Continue to competitively select youth providers to deliver the services because of operational effectiveness and efficiency.
2. Authorize the administrative entity to provide services internally through One-Stop locations.
3. Use a mixed approach conducting services internally and using a competitive selection process.
Regardless of the option selected, a WIB must ensure documentation of the decision, including the reasonableness of cost. Annually, a WIB should ensure completion of an independent analysis of the cost effectiveness and outcomes under the youth program. The analysis will help to verify that youth services remain cost effective and the youth program continues to meet performance expectations.

This waiver is not meant to diminish the established network of quality youth service providers. The local administrative entity should inform appropriate stakeholders that competitively selecting youth providers is no longer required for the three youth program elements. You may want to consider allowing the community and existing youth service providers the opportunity to submit comments.

V. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development to: WIAQNA@jfs.ohio.gov.

VI. **References**

DOL waiver approval letter, November 12, 2009

Office of Workforce Development, Waiver Request Plan, July 24, 2009

Workforce Investment Act of 1998, Public Law 105-220, August 7, 1998, Sections 189 (i)(4)(B), (c), 112 (b)(8)(B), 117 (d)(2)(B), 117 (h)(4)(B)(l), 123, and 129(c)(2);

WIA, 20 Code of Federal Regulations, Final Rules, August 11, 2000, Sections 661.420, 664.110(c), 664.220, and 664.405(a) (4);


TEGL No. 9-00, January 23, 2001

**Rescission:** (WIATL 20A) Waiver on Requirement to Competitively Select Youth Providers for Three Program Elements (Paid and Unpaid Work Experience, Supportive Services, and Follow-up Services)
Workforce Investment Act Policy Letter No. 09-05.4

September 11, 2014

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Rapid Response Program Requirements - Employer Layoff and Closure Events

I. **Purpose**

Ohio is committed to providing workforce solutions throughout the business cycle to all of its customers and can do so when delivery of rapid response (RR) incorporates the following: employer layoff and closure events and layoff aversion. The purpose of this policy is to outline the requirements to deliver the RR program when funding is being used to support the needs of the employer and employees during an employer layoff and/or closure event.

II. **Effective Date**

July 1, 2014

III. **Background**

The objective of Ohio's RR delivery system is to strengthen accountability, partnership, communication, professional development, and timely access to needed services for employers and dislocated workers. Rapid re-employment is the central purpose of RR and is done by helping workers impacted by an employer layoff and/or closure event quickly transition to new employment, minimizing the duration of unemployment, or averting layoff when possible.

Under WIA section 134(a)(2)(A)(i), each state is responsible for providing RR activities. 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.

The Ohio Department of Job and Family Services (ODJFS), Office of Workforce Development (OWD) is the agency responsible for the administration of WIA and RR programs. The OWD RR Unit will oversee Ohio's RR program to ensure compliance with federal and state requirements. Detailed operation descriptions and procedural guidelines are found in the Ohio Rapid Response Procedures Manual. This manual is updated as needed to reflect any necessary changes in implementation of the program. Copies are available online at http://www.ohiored.gov/misc/RRProcedureManual.pdf.

IV. **Definitions**

**Back-up local area rapid response coordinator:** An individual serving back-up to the local area rapid response coordinator on the RR team.

**Employer:** An individual, business, company, firm, agency, organization, etc. that employs one or more people.

**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 of the employee.

**Local area rapid response coordinator (LC):** An individual representing the local WIB, workforce investment area, and OhioMeansJobs Centers on the RR team.
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 Worker Adjustment Retraining Notification Act (WARN) letter, word of mouth, the media, local Chamber of Commerce, OhioMeansJobs Center, union officials, local government, etc.

ODJFS regional rapid response coordinator (RC): An ODJFS staff member assigned to a specific area of Ohio representing ODJFS and leading the activities of the local RR team.

OhioMeansJobs.com: An online job-matching tool created to assist job seekers in exploring careers and job opportunities and to connect employers with potential workers.

Ohio Rapid Event Data (OhioRED): An information tracking system that records all employer event information and data on the delivery of RR services.

Ohio Rapid Response Workforce Survey (RRWS): The standardized survey used in Ohio to identify demographics of the affected workforce and serve as a preliminary needs assessment.

Ohio Workforce Case Management System (OWCMS): A system used by workforce professionals to gather and report program data and information for the following programs: WIA, Wagner-Peyser, Veteran, Apprenticeship, Migrant and Seasonal Farmworker, Foreign Labor Certification, and Trade.

Permanent closure: The permanent shutdown of an Ohio business, facility or agency.

Rapid response (RR) team: Individuals from state and local workforce entities that respond collectively to layoffs and closures that occur within their local area and to assist in providing RR services to employers and affected workers.

Worker Adjustment Retraining Notification Act (WARN): A notice required when a business with more than 100 full-time workers (not counting workers who have less than six (6) months on the job and workers who work fewer than 20 hours per week) is laying off at least 50 people at a single site of employment, or employs 100 or more workers who work at least a combined 4,000 hours per week, and is a private for-profit business, private non-profit organization, or quasi-public entity separately organized from regular government.

V. Rapid Response Employer Event Determination

The classification of an event is without regard to the industry, size of the employer, the number of individuals potentially impacted, or the time between notification and layoff date. RR processes and activities should be provided to all employers regardless of the size of the event and how the RR team was notified. Employees at risk of becoming unemployed are considered to be Potentially Affected Workers (PAWs).

There are two types of events:

1. WARN Event - Any employer that provides written notice of a layoff or closure with intent to meet the federal WARN requirements.
2. Non-WARN Event - Any employer that provides any form of notice of a layoff that does not meet the federal WARN requirements.

VI. Requirements

A. Identification, Roles and Expectations of the Rapid Response Team for Employer Layoff and Closure Events

Each workforce area must have a state/local area RR team made up of the following partners and fulfilling the following roles when responding to an employer closure or layoff event:

1. RC: The RC will:
   a. Lead team members to effective delivery of the RR program and other services to employers and impacted workers;
b. Direct team members in the development of operations protocol;
c. Coordinate resources within the defined region, which includes coordination with other workforce areas as necessary to ensure timely, effective, and consistent delivery of RR services;
d. Collaborate with other RCs and other local WIA RR teams for events and initiatives that are regional or statewide;
e. Review the RR funding application prior to submission and recommend revisions as necessary; and
f. Instruct the team on the best course of action when other employers are at risk of downsizing or closing due to an event.

2. **LC**: The LC will coordinate and facilitate the following activities:
   a. Collaborating among partners;
b. Determining the re-employment strategy that best fits the opportunity;
c. Developing a customized RR service delivery plan for every employer event;
d. Guiding the team through the funding application process, including applying for funds and submitting the form to the RC for review;
e. Assisting in the implementation of the RR service delivery plan; and
f. Capturing the data associated with the event and service delivery plan.

3. **Back-up LC**: The back-up LC will serve as a backup representative participating on the RR team to ensure responsibilities are fulfilled whenever the assigned LC is unable to fulfill duties.

The RR team should develop protocol to ensure the team works together so services are provided to employers and affected workers in a timely, efficient and high quality manner. The RR team's protocol should not just address procedures for handling an event, but should also include protocol for reaching out to businesses experiencing growth. If reaching out to employers with job opportunities is not part of the protocol, it will be difficult to connect PAWs to re-employment opportunities. Additionally, the protocol should be developed to ensure communication amongst the team members while maintaining the flexibility to customize for the needs of individual employers and employees impacted by an event. Collaboration and coordination by all RR team members is crucial to success of this program.

For employer closures and layoff events, the RR team will work collaboratively to:

- Develop a process to address calls from employers and employees requesting information regarding federal and state programs and their requirements (e.g., WARN, Unemployment Compensation, or Trade Adjustment Assistance);
- Identify the range of skills and abilities of the affected workforce and compare with local workforce needs to match the impacted workers with job vacancies for rapid re-employment;
- Develop a service delivery plan that identifies the strategies to engage local employers in rapid re-employment activities and identifies the outreach strategies that highlight the skills of the impacted workers. The plan must utilize resources, such as on-the-job training (OJT) and/or customized training, which will most effectively serve both the impacted workers and the targeted employer's needs;
- Examine the potential impact of layoffs on the affected company's upstream and downstream customers and suppliers to determine an appropriate course of action to connect impacted companies to RR early intervention services;
• Ensure PAWs register in OhioMeansJobs.com to increase re-employment opportunities.

B. Rapid Response Information Tracking for Employer Layoff and Closure Events
ODJFS has implemented an RR information tracking system, OhioRED. This system records all of the 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.

Local RR teams must record WARN and Non-WARN events and any subsequent updates in OhioRED on a timely basis and in accordance with the Ohio Rapid Response Procedures Manual.

C. Rapid Response Workforce Data for Employer Layoff and Closure Events
Local RR teams must utilize the RRWS to identify 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. 3. The RRWS, 08124, can be found at http://www.odjfs.state.oh.us/forms/inter.asp.

All RR team members, service providers, and any 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. The data can be disclosed in aggregate to provide insight on workforce trends and labor availability.

D. Rapid Response Process for Local RR Teams - Employer Layoff and Closure Events
The typical flow for responding to an employer layoff and/or closure includes, but is not limited to the following elements:
• Notification;
• Research early intervention services;
• Initial contact;
• Strategy meeting;
• Initial employer meeting;
• Plan for services;
• Rapid response worker orientation;
• Additional rapid response services;
• Transition to local OhioMeansJobs Center services; and
• Post rapid response follow-up.

Because of the uniqueness of each event, variance in the delivery of the process flow may be necessary. However, when it is not feasible to incorporate all elements into the service delivery plan, the RC and LC must still follow required reporting criteria outlined in section F of this policy.

Transitioning from Rapid Response Services to the Local Area WIA Program
Local procedures should be in place to identify the workers served under the RR system and RR services received. All RR services that individuals receive prior to determination of WIA eligibility must be considered when developing service delivery strategies for workers that receive additional services under WIA. Such consideration will help prevent duplication of services and ensure that workers can quickly access needed services.

E. Required Rapid Response Activities for Employer Layoff and Closure Events
As part of the local area RR service delivery system, all local WIBs and OhioMeansJobs Centers must have the following array of services available, as needed, for local employers and impacted workers:
• Layoff aversion;
• Ohio RRWS;
• RR worker orientation sessions;
• Job search assistance;
• Job-readiness workshops including, but not limited to, registration into OhioMeansJobs.com, job seeking skills, resume writing, interviewing, basic computer literacy classes, other computer classes, and remedial education;
• Transition centers (preferably on-site or off-site within close proximity to employer);
• Workforce transition committees;
• Peer-to-peer assistance program;
• Job/career/education fairs.

The above list represents the minimum services that must be readily available and should be offered with the end goal of rapid re-employment. A complete list of rapid response activities is found in 20 CFR 665.310.

Additionally, to assist workers impacted by employer layoff and closure events, House Bill 2 (130th General Assembly) made changes to Ohio's Unemployment Compensation law by requiring claimants to connect with job opportunities and to participate in re-employment activities through the OhioMeansJobs.com system and/or OhioMeansJobs Centers. Unemployment Compensation (UC) Letter No. 02-14 and the UC Policy Guide provide additional guidance on the required re-employment activities.

F. Reporting Requirements

Ready access to accurate, up-to-date information for Ohio's dislocation events is critical to many stakeholders at the state and local workforce development systems. These data are also a key factor in assessing the need for financial assistance at the state and federal levels.

There are two levels of reporting for dislocation events:

1. Employer/event data tracking in OhioRED;
2. Worker data.

All individual workers who attend a worker orientation session must be entered into OWCMS mini-registration. Data for the OWCMS mini-registration can be acquired, among other methods, by using the state’s RRWS. The rapid response identification (RRID) number assigned at the point of data entry into OhioRED will be entered into OWMCS mini-registration in order 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 then be used to ensure a smooth transition to WIA program enrollment, should additional services be needed.

G. Funding for Rapid Response Employer Layoff and Closure Events

Rapid response emergency assistance funds (RREAF) are available to local areas allowing flexibility in serving affected workers and employers.

RREAF are intended to supplement the local Dislocated Worker formula-funded program, not act as a replacement for these funds. These funds are to be used to ensure the effective delivery of RR services and an efficient transition to any additional services needed for re-employment (e.g., referrals to WIA formula-funded programs, Adult Basic and Literacy Education (ABLE) services, financial services, etc.).

If the local RR team determines that RR funds are needed for a dislocation event, the local area WIBs must apply using the Application for Rapid Response Emergency Assistance Funds-Layoff or Closure Event Service Plan, which is attached to this policy and is maintained on the ODJFS OWD website. The OWD RR Unit will review and approve the application.
Upon receipt of RR funds for approved dislocation events, local WIBs must ensure that impacted workers are not turned away from services based upon residency. Depending on the RR funded activities associated with the dislocation event, the local area may be required to enter participant information into OWCMS under Special Grants. By reporting information into OWCMS, the local area may report outcomes.

VII. Monitoring

Local area monitoring must include an evaluation of the effectiveness of the area's response to the event. This must include an assessment of collaboration among RR teams and members, the efficiency of service delivery to employers and affected workers, timeliness and completeness of data entry into OhioRED and/or OWCMS, and use of funds in a manner that is consistent with the funding application and federal and state laws and local procedures.

Through the state's monitoring system, program and fiscal monitors will review the local area's implementation of RR activities during the annual onsite monitoring review for compliance with local policy, the funding application, and federal laws and regulations. Any compliance issues will be handled through the state's findings resolution process.

VIII. Technical Assistance

The OWD Rapid Response Unit will oversee Ohio's RR program 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 unit will provide support, guidance, training, and technical assistance to local teams; review, manage, and report out on data deriving from local activity; and provide financial resources to the local RR teams and stakeholders. Ongoing technical assistance to local WIBs and OhioMeansJobs Centers is available through the OWD Rapid Response Unit.

For additional information, questions may be sent to the OWD Rapid Response Unit: RAPDRESP@jfs.ohio.gov.

IX. References

Ohio Rapid Response Procedures Manual
Workforce Investment Act of 1998, Public Law 105-220
The Worker Adjustment and Retraining Notification Act
House Bill 2 (130th General Assembly)
UC Letter No. 02-14
UC Policy Guide
Rescission
WIAPL No. 09-05.3
WIAGL 4-2001
Workforce Investment Act Policy Letter No. 09-05.3

April 4, 2011

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: James A. Leftwich, Director
      Michael B. Colbert, Director

Subject: Local Rapid Response Program Requirements

I. Purpose

This policy provides local area WIBs and stakeholders with clarification of program requirements for the delivery of Ohio's Workforce Investment Act (WIA) rapid response program. Additional program requirements and/or changes may be issued at a later date.

The Rapid Response Procedures Manual further clarifies and supports this policy.

II. Effective Date

October 1, 2010

III. Background

The objective of Ohio's rapid response service delivery system is to strengthen accountability, partnership, communication, professional development, and timely access to needed services to customers. This policy outlines Ohio's rapid response service delivery system.

As new changes, implementation, and revisions of Ohio's rapid response service delivery system take place, clarification will be transmitted through policies and the Ohio Rapid Response Procedures Manual. Detailed description and procedural activities are found in the Ohio Rapid Response Procedures Manual. This manual is provided during rapid response training and will be updated as needed to reflect any changes. Copies will also be available online at http://www.ohiored.gov/Misc/RRProcedureManual.pdf

IV. Requirements

A. Overarching Principles

The Workforce Investment Act holds states responsible for the provision of rapid response services. Ohio's rapid response program requirements shall ensure that both workers and employers have expedient access to services when facing real or potential downsizing or plant closures. Rapid response activities may be a short-term solution to an immediate need for employers as well as workers.

In order to establish a robust, efficient, timely, and high quality service delivery system, strong partnerships at both the State and local levels are critical. These partnerships are the foundation for Ohio's rapid response service delivery system.

In Ohio, rapid response services are delivered at the local level through local area Workforce Investment Boards (WIBs) and their One-Stop systems. Local WIBs validate their role as the service delivery mechanism through signing a Notice of Intent (NOI). This NOI requires adherence to State policy and procedure requirements defined in this issuance, the Rapid Response Procedures Manual, and any future policies issued by the State. Should local WIBs choose not to participate in the rapid response delivery system, or fail to follow Ohio rapid response policies and procedures the State will offer technical assistance as needed by the local WIB. However, it is the State's intent, should the need arise, to identify alternate delivery methods in order to fulfill its statutory requirements.
B. Roles and Responsibilities

Each One-Stop system must have a State/local area rapid response team made up of the following mandated partners: ODJFS Regional Rapid Response Coordinator (RRRC) a local area Rapid Response Coordinator (RRC) (representing the WIB / WIA / One-Stop system); the Ohio Department of Development (ODOD) Business Service Representative (BSR); and the State Contracted Designee (SCD). Each mandated partner also must assign backup representatives to participate in the State/local area rapid response team to ensure responsibilities are fulfilled.

The ODJFS Rapid Response Unit will oversee Ohio’s rapid response service delivery system, ensuring compliance with federal and state requirements and implementation of program initiatives, and providing support, guidance, technical assistance, and financial resources to the State/local area rapid response teams and stakeholders.

Specific responsibilities of the mandated State/local area rapid response team members are as follows:

1. ODJFS Regional Rapid Response Coordinators (RRRC)

   The RRRCs are made up of individuals from ODJFS staff, out-stationed throughout Ohio and assigned to specific areas of the state, as identified on the Rapid Response Regional Map.

   Their responsibilities are:
   - To be actively involved with each local area WIB or One-Stop system’s rapid response team, supporting, assisting, and coordinating activities around dislocation events within their respective regions.
   - Working in partnership with the State/local area rapid response team members, the ODJFS RRRC will regularly communicate with the ODJFS Rapid Response Unit, providing updates on events, advising when additional assistance is needed to meet service delivery needs, recommending applications for additional rapid response funds for local events, and ensuring sufficient resources are available to address Unemployment Compensation (UC), Trade, and re-employment service needs.
   - To assist the rapid response team in meeting all requirements of Ohio’s delivery system.

2. Local Rapid Response Coordinators / Backups (Local RRC)

   Designees from each One-Stop system and WIB will work collaboratively with all mandated rapid response team members by:
   - Representing One-Stop partners, conducting rapid response services, and ensuring WIA program services are available as needed for dislocation events in their areas.
   - Bringing in appropriate representatives from counties within their One-Stop systems or WIBs to help ensure consistency of services throughout multi-county systems and draw necessary resources from local partners as needed to meet employer and worker needs.
   - Ensuring that workers served in rapid response activities have a smooth transition to ongoing services available through formula-funded programs as appropriate in an efficient, streamlined, and timely manner.

3. ODOD BSRs / Backups

   ODOD has designated a representative to each region to participate on the State/local area rapid response team. Access to layoff aversion assistance will be offered through the ODOD BSRs.

   As part of the layoff aversion effort, the ODOD BSR should also examine the potential impact of layoffs on the affected company’s upstream and downstream firms. Upstream, or the affected company’s vendors/suppliers, and the downstream, or the affected company’s customers, also feel the effects of a layoff or plant closure in the community. Communication with the affected
employer early in the rapid response process will aid the outreach efforts and lessen the adverse effects on these vendors, suppliers, and customers. If an out-of-state impact is determined, the ODOD BSR should contact the ODJFS Rapid Response Unit and inform them of the pending potential impact.

4. ODJFS State Contracted Designee (SCD)

Working collaboratively with the State/local area rapid response teams, representatives from the SCD will assist the teams with the provision of specific rapid response activities:

- Workforce Transition Committee / Labor Management Committee
- Transition Centers
- Peer-to-Peer Assistance

A determination will be made during the initial phase of notification, research, and meeting preparations with the employer as to how best to utilize the representatives of the SCD. Representatives may be involved with union or non-union dislocation events - the extent of involvement will be determined by the local team. However, the State reserves the right to engage further assistance and involvement if warranted throughout any phase of serving the employer and/or workers tied to specific dislocation events.

C. Rapid Response Team Protocol Meeting

The expectation is that the four mandatory partners delineated above will act in coordination and agreement during any and all layoffs in their particular region regardless of the size of the event. Each local rapid response team must develop a standardized protocol to ensure that each mandated rapid response team member is included in each step of the rapid response process. The group will collectively decide the primary contact for the employer to ensure consistency, efficiency and accountability. The primary contact will be responsible for the timely dissemination of information to the other mandatory partners to ensure accurate and up to date information is available and communicated to other stakeholders, partners and the ODJFS Rapid Response Unit. As indicated above, the RRRC is ultimately responsible for providing updated information to the ODJFS Rapid Response Unit and as such, will bear the ultimate responsibility and oversight for each event. In the event the mandated partners cannot agree on an appropriate employer contact or plan of action, the responsibility will default to the RRRC. Collaboration and coordination by all rapid response team members should be the chosen path in the interest of quality, efficient and complete customer service.

D. Training Requirements

A comprehensive training curriculum has been developed to ensure all stakeholders are fully knowledgeable of the processes required for handling rapid response services for dislocations across Ohio. In order to ensure each State/local area rapid response team is fully trained on these procedures and are proficient in standard rapid response processes and policies, all State RRRCs, local RRCs, ODOD BSRs, SCDs, and their respective backups are mandated to attend rapid response training sessions identified by ODJFS.

E. Dislocation Events

An "event" is defined as any situation in which workers are at risk of layoff due to a facility downsizing or closure. Sources for this information can include, but are not limited to: media, individual worker notice, issuance of a Worker Adjustment and Retraining Notification (WARN), or by word-of-mouth. The classification of an event is without regard to the number of individuals potentially impacted.

The RRRCs or any local rapid response team member is required to begin the rapid response process when information of a layoff or closing within the area of their corresponding One-Stop system becomes known.

F. Required Rapid Response Activities
All local WIBs and One-Stop systems that have agreed to be a part of the local area rapid response service delivery system must have the following array of rapid response services available, as needed, for local employers and impacted workers:

- Preliminary steps upon notification of potential event (notification, research, strategy meeting, approved plan)
- Initial employer meeting
- Rapid response worker orientation sessions
- Rapid response dislocated worker surveys
- Workforce Transition Committees or Labor-Management Committees
- Peer-to-Peer Assistance
- Transition Centers
- Job / Career / Education fairs
- Workshops including job seeking skills, resume writing, interviewing, basic computer literacy classes, other computer classes, and remedial education
- Job search assistance

The above list represents the minimum services that must be readily available. A complete list of rapid response activities is found in WIA regulations, 20 CFR 665.310. On-going technical assistance to local WIBs and One-Stop systems is available through the ODJFS, OWD.

G. Mandatory Rapid Response Process

The following steps are required for every dislocation event. Because of the uniqueness of each event, the State recognizes that variances may be necessary. However, should variances occur wherein the mandatory process is not feasible, the State RRRC and local area RRC must follow reporting requirements listed in section G to the extent that information is available. Detailed descriptions and procedures for each step in the process are found in the Ohio Rapid Response Procedures Manual.

1. Notification: Upon identification of an event within the One-Stop system, the State RRRC and the local area rapid response team determine who will act as the lead for this particular event. The lead becomes responsible for informing all stakeholders, at the state and local level, of the event within 24 hours or one business day. During this phase, it is also determined who will initiate contact and act as the primary contact with the employer.

2. Research: Immediate sharing of information among stakeholders is a critical first step when notification of an event occurs. This "behind the scenes" step will assist in providing a knowledgeable and professional impression when making the initial contact with the employer. Available opportunities for layoff aversion activities must be explored during this step with ODOD BSRs and other appropriate stakeholders.

3. Initial Contact: Opportunity for the informed primary contact to make initial contact with the employer about the possible dislocation and discuss rapid response services available to the employer and employees.

4. Strategy Meeting: From data gathered during the initial contact with the employer, the primary contact assembles the State/local area rapid response team to develop a strategy in preparation for the upcoming initial meeting.

5. Initial Employer Meeting: Ideally with representatives from both the employer and the labor union (if applicable) in attendance, a small team will present a standard agenda and marketing of rapid response services based on the strategy meeting. Outcomes may
include the creation of an LMC and/or an approved plan of activities to serve the employees potentially being dislocated. If possible, rapid response worker orientation sessions will be scheduled at the initial meeting.

6. Approved Plan for Services: This will outline the services determined to best assist the affected workers. If an LMC is recommended, the approved plan can be an outcome of that effort.

7. Rapid Response Worker Orientation: An open forum for affected workers to become informed of the array of available rapid response services, resources, and benefits available to assist them.

8. Additional Rapid Response Services: Components of an approved plan may contain additional activities such as transition centers, workshops, on-site job services, or career fairs to better assist the affected workers.

8. Transition to Local One-Stop Services: Rapid response funding can address immediate and short-term training needs. The One-Stop will be the connection for workers to obtain long-term training and/or other services via the WIA Dislocated Worker Program or other available funding sources.

10. Post Rapid Response Follow-up: This is an opportunity to review the previous steps of the rapid response process, and an opportunity for continuous improvement. The ODJFS Rapid Response Unit and local One-Stop system will evaluate the quality of the local rapid response service delivery and policy adherence, and assess the effectiveness of the rapid response process in assisting dislocated workers to gain access to all available services, resources, and benefits. Each local rapid response delivery system will be reviewed to determine its level of providing outreach and linkage to the dislocated worker. The ODJFS Rapid Response Unit will measure the accuracy and completeness of data entry in SCOTI mini-registration and OhioRED.

H. Reporting Requirements

Ready access to accurate up-to-date information for Ohio's dislocation events is critical to many stakeholders at the State and local level. These data are also a key factor in assessing the need for financial assistance at the State and federal level, and is required when applying for National Emergency Grants (NEG) through the United States Department of Labor. For these reasons, the State is mandating the collection and reporting of rapid response data elements at the local level.

There are two levels of reporting for dislocation events: employer and worker. This requires the utilization of two separate data systems.

**Employer / event data tracking Ohio Rapid Event Data:**

ODJFS has implemented a rapid response information tracking system, OhioRED. OhioRED records all of the information significant to the dislocation event from the initial contact with the employer through the worker orientation session(s) for the impacted workers. The system is a hub that tracks and facilitates scheduling as well as services among the state staff, local staff, contracted partners, ODJFS, CDJFS offices, One-Stop systems and local workforce areas.

Initial data for each dislocation event must be entered into OhioRED within 24 hours or one business day of event verification. The individual responsible for data entry shall be determined by the local rapid response team, and may vary by event. Additional mandated data entry timelines can be found in the Ohio Rapid Response Procedures Manual.

In order to ensure consistency of data collected for sufficiently tracking and reporting Ohio's dislocation events, four forms have been developed for use at the local level. Forms can be found in the procedure manual, through Forms Central using the following form numbers:

ODJFS Initial Rapid Response Contact Report (JFS 01810)
OhioRED event entry must comply with the U.S. Department of Labor (DOL) NEG funding guidelines. Therefore, a new OhioRED dislocation event entry must be made for each layoff which occurs more than 30 days from the original layoff date. Additional layoffs occurring within 30 days of the original layoff date should be captured under the same OhioRED event. Further clarification is available in the Ohio Rapid Response Procedures Manual.

Worker Data (SCOTI Mini-Registration):

All individual workers who attend a worker orientation session must be entered into SCOTI mini-registration. Data for the SCOTI mini-registration can be acquired, among other methods, by using the State's Dislocated Worker Survey (JFS 08124). The rapid response identification (RRID) number assigned at the point of data entry into OhioRED will be entered into SCOTI mini-registration in order 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 then be used to ensure a smooth transition to WIA program enrollment, should additional services be needed.

It is anticipated that the most common point of initial entry for individual workers will follow a worker orientation session. However, for those workers who do not attend an orientation session but who visit a One-Stop seeking assistance, the appropriate RRID number must be identified and entered accordingly into SCOTI mini-registration as supplemented by information gathered in the State's Dislocated Worker Survey. The data will assist in tracking workers from specific events and can be used to justify need for additional rapid response funds and potential NEG funds, as well as provide the State with data needed to assess the impact of rapid response services throughout the state.

The designated local rapid response team member must enter potentially affected worker data into SCOTI mini-registration within five (5) working days of the worker orientation session(s). The only exception for this five working day window is if the One-Stop uses the Ohio standardized dislocated worker survey and chooses to mail the completed surveys to the ODJFS Rapid Response Unit for entry.

I. Transitioning from Rapid Response Services to the Local Area WIA Program

Expedited access to needed services is essential for impacted workers who are eligible for enrollment into local WIA formula-funded programs. All rapid response services that individuals have received prior to determination of WIA eligibility should be considered when developing a service strategy in order to eliminate duplication of services, expenditures, and engage the worker in program services. All WIBs and One-Stop systems must develop local procedures that identify all impacted workers during their initial visits to the One-Stops in order to build upon any rapid response services they may have previously received. These procedures must ensure that workers can quickly access needed services without unnecessary delays.

WIBs are required to submit their rapid response customer identification procedure on how workers will be identified at the One-Stop and what the process will be to connect these workers to formula-funded program services in a timely manner. The customer identification procedures must be e-mailed to the ODJFS Rapid Response Unit within 45 days from the issuance of this policy. Please direct e-mails to: RAPDRESP@JFS.OHIO.GOV. The subject line of the e-mail should state: Rapid Response Customer Identification Procedures.

Eligible workers served in the rapid response program must be enrolled in the local formula funded dislocated worker program when staff-assisted services are needed and provided. The RRID number must be entered in the Dislocated Worker Eligibility field in SCOTI for eligible workers enrolled in the local formula funded dislocated worker programs. Workers receiving non-registered services and/or are participating in rapid response group activities (i.e. workshops, information sessions, etc) are not
required to be enrolled into the local dislocated worker program. As with all other individuals enrolled in the local dislocated worker rapid response formula program, all WIA dislocated worker program eligibility requirements must be met and documented appropriately, following WIATL 27, Source Documentation Guide to WIA Eligibility.

**Rapid Response Funding**

If it is determined that rapid response funds are needed in order to respond to a dislocation event, local area WIBs must apply using the application for rapid response emergency assistance funds. Detailed instructions on the application procedures are available through the ODJFS procedure manual appendix. It is important to note that rapid response funds are intended to supplement the local dislocated worker formula-funded program, not act as a replacement for these funds. Rapid response funds are to ensure that efficient early intervention strategies are available for dislocation events, with effective transitions to local WIA formula-funded programs for those workers in need of long term assistance.

**Upon receipt of rapid response funds for approved dislocation events, local WIBs must ensure that impacted workers are not turned away from services based on residency.**

In order to most effectively utilize rapid response funds, the State will use incremental funding for all approved applications. Remaining approved funds may be allocated in quarterly increments depending on the local areas’ expenditure rates. The purpose of incremental funding is to allow for better monitoring of the flow of program funds and for the redirection of funds throughout the year as circumstances change.

**V. Technical Assistance**

For additional information, you may send your questions to the ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

**VI. References**

Rapid Response Procedures Manual

Workforce Investment Act of 1998, Public Law 105-220


National Employment Law Project Report (NELP) 11/12/2008

Rapid Response System, response to NELP study on Ohio’s Rapid Response System, 12/16/2008

The Worker Adjustment and Retraining Notification Act (WARN) Rescission

WIAPL 09-05.2, Local Rapid Response Program Requirements

WIAPL 09-05.1, Local Rapid Response Program Requirements

WIAPL 09-05, Local Rapid Response Program Requirements
Workforce Investment Act Policy Letter No. 09-05.2

November 23, 2010

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Local Rapid Response Program Requirements

I. Purpose

This policy provides local area WIBs and stakeholders with clarification of program requirements for the delivery of Ohio's Workforce Investment Act (WIA) rapid response program. Additional program requirements and/or changes may be issued at a later date.

The Rapid Response Procedures Manual further clarifies and supports this policy.

II. Effective Date

October 1, 2010

III. Background

The objective of Ohio's rapid response service delivery system is to strengthen accountability, partnership, communication, professional development, and timely access to needed services to customers. This policy outlines Ohio's rapid response service delivery system.

As new changes, implementation, and revisions of Ohio's rapid response service delivery system take place, clarification will be transmitted through policies and the Ohio Rapid Response Procedures Manual. Detailed description and procedural activities are found in the Ohio Rapid Response Procedures Manual. This manual is provided during rapid response training and will be updated as needed to reflect any changes. Copies will also be available online at http://jfs.ohio.gov/owd/wia/rapidresponse/NewRRProcessProcedures.pdf

IV. Requirements

A. Overarching Principles

The Workforce Investment Act holds states responsible for the provision of rapid response services. Ohio's rapid response program requirements shall ensure that both workers and employers have expedient access to services when facing real or potential downsizing or plant closures. Rapid response activities may be a short-term solution to an immediate need for employers as well as workers.

In order to establish a robust, efficient, timely, and high quality service delivery system, strong partnerships at both the State and local levels are critical. These partnerships are the foundation for Ohio's rapid response service delivery system.

In Ohio, rapid response services are delivered at the local level through local area Workforce Investment Boards (WIBs) and their One-Stop systems. Local WIBs validate their role as the service delivery mechanism through signing a Notice of Intent (NOI). This NOI requires adherence to State policy and procedure requirements defined in this issuance, the Rapid Response Procedures Manual, and any future policies issued by the State. Should local WIBs choose not to participate in the rapid response delivery system, or fail to follow Ohio rapid response policies and procedures; the State will offer technical assistance as needed by the local WIB. However, it is the State's intent, should the need arise, to identify alternate delivery methods in order to fulfill its statutory requirements.
B. Roles and Responsibilities

Each One-Stop system must have a State/local area rapid response team made up of the following mandated partners: ODJFS Regional Rapid Response Coordinator (RRRC) a local area Rapid Response Coordinator (RRC) (representing the WIB / WIA / One-Stop system); the Ohio Department of Development (ODOD) Business Service Representative (BSR); and the State Contracted Designee (SCD). Each mandated partner also must assign backup representatives to participate in the State/local area rapid response team to ensure responsibilities are fulfilled.

The ODJFS Rapid Response Unit will oversee Ohio's rapid response service delivery system, ensuring compliance with federal and state requirements and implementation of program initiatives, and providing support, guidance, technical assistance, and financial resources to the State/local area rapid response teams and stakeholders.

Specific responsibilities of the mandated State/local area rapid response team members are as follows:

1. **ODJFS Regional Rapid Response Coordinators (RRRC)**
   The RRRCs are made up of individuals from ODJFS staff, out-stationed throughout Ohio and assigned to specific areas of the state, as identified on the Rapid Response Regional Map. Their responsibilities are:
   - To be actively involved with each local area WIB or One-Stop system's rapid response team, supporting, assisting, and coordinating activities around dislocation events within their respective regions.
   - Working in partnership with the State/local area rapid response team members, the ODJFS RRRC will regularly communicate with the ODJFS Rapid Response Unit, providing updates on events, advising when additional assistance is needed to meet service delivery needs, recommending applications for additional rapid response funds for local events, and ensuring sufficient resources are available to address Unemployment Compensation (UC), Trade, and re-employment service needs.
   - To assist the rapid response team in meeting all requirements of Ohio's delivery system.

2. **Local Rapid Response Coordinators / Backups (Local RRC)**
   Designees from each One-Stop system and WIB will work collaboratively with all mandated rapid response team members by:
   - Representing One-Stop partners, conducting rapid response services, and ensuring WIA program services are available as needed for dislocation events in their areas.
   - Bringing in appropriate representatives from counties within their One-Stop systems or WIBs to help ensure consistency of services throughout multi-county systems and draw necessary resources from local partners as needed to meet employer and worker needs.
   - Ensuring that workers served in rapid response activities have a smooth transition to on-going services available through formula-funded programs as appropriate in an efficient, streamlined, and timely manner.

3. **ODOD BSRs / Backups**
   ODOD has designated a representative to each region to participate on the State/local area rapid response team. Access to layoff aversion assistance will be offered through the ODOD BSRs.
As part of the layoff aversion effort, the ODOD BSR should also examine the potential impact of layoffs on the affected company's upstream and downstream firms. Upstream, or the affected company's vendors/suppliers, and the downstream, or the affected company's customers, also feel the effects of a layoff or plant closure in the community. Communication with the affected employer early in the rapid response process will aid the outreach efforts and lessen the adverse effects on these vendors, suppliers, and customers. If an out-of-state impact is determined, the ODOD BSR should contact the ODJFS Rapid Response Unit and inform them of the pending potential impact.

4. ODJFS State Contracted Designee (SCD)

Working collaboratively with the State/local area rapid response teams, representatives from the SCD will assist the teams with the provision of specific rapid response activities:

- Workforce Transition Committee / Labor Management Committee
- Transition Centers
- Peer-to-Peer Assistance

A determination will be made during the initial phase of notification, research, and meeting preparations with the employer as to how best to utilize the representatives of the SCD. Representatives may be involved with union or non-union dislocation events - the extent of involvement will be determined by the local team. However, the State reserves the right to engage further assistance and involvement if warranted throughout any phase of serving the employer and/or workers tied to specific dislocation events.

C. Rapid Response Team Protocol Meeting

The expectation is that the four mandatory partners delineated above will act in coordination and agreement during any and all layoffs in their particular region regardless of the size of the event. Each local rapid response team must develop a standardized protocol to ensure that each mandated rapid response team member is included in each step of the rapid response process. The group will collectively decide the primary contact for the employer to ensure consistency, efficiency and accountability. The primary contact will be responsible for the timely dissemination of information to the other mandatory partners to ensure accurate and up to date information is available and communicated to other stakeholders, partners and the ODJFS Rapid Response Unit. As indicated above, the RRRC is ultimately responsible for providing updated information to the ODJFS Rapid Response Unit and as such, will bear the ultimate responsibility and oversight for each event. In the event the mandated partners cannot agree on an appropriate employer contact or plan of action, the responsibility will default to the RRRC. Collaboration and coordination by all rapid response team members should be the chosen path in the interest of quality, efficient and complete customer service.

D. Training Requirements

A comprehensive training curriculum has been developed to ensure all stakeholders are fully knowledgeable of the processes required for handling rapid response services for dislocations across Ohio. In order to ensure each State/local area rapid response team is fully trained on these procedures and are proficient in standard rapid response processes and policies, all State RRRCs, local RRCs, ODOD BSRs, SCDs, and their respective backups are mandated to attend rapid response training sessions identified by ODJFS.

E. Dislocation Events

An "event" is defined as any situation in which workers are at risk of layoff due to a facility downsizing or closure. Sources for this information can include, but are not limited to: media, individual worker notice, issuance of a Worker Adjustment and Retraining Notification (WARN), or by word-of-mouth. The classification of an event is without regard to the number of individuals potentially impacted.
The RRRCs or any local rapid response team member is required to begin the rapid response process when information of a layoff or closing within the area of their corresponding One-Stop system becomes known.

F. Required Rapid Response Activities

All local WIBs and One-Stop systems that have agreed to be a part of the local area rapid response service delivery system must have the following array of rapid response services available, as needed, for local employers and impacted workers:

- Preliminary steps upon notification of potential event (notification, research, strategy meeting, approved plan)
- Initial employer meeting
- Rapid response worker orientation sessions
- Rapid response dislocated worker surveys
- Workforce Transition Committees or Labor-Management Committees
- Peer-to-Peer Assistance
- Transition Centers
- Job / Career / Education fairs
- Workshops including job seeking skills, resume writing, interviewing, basic computer literacy classes, other computer classes, and remedial education
- Job search assistance

The above list represents the minimum services that must be readily available. A complete list of rapid response activities is found in WIA regulations, 20 CFR 665.310. On-going technical assistance to local WIBs and One-Stop systems is available through the ODJFS, OWD.

G. Mandatory Rapid Response Process

The following steps are required for every dislocation event. Because of the uniqueness of each event, the State recognizes that variances may be necessary. However, should variances occur wherein the mandatory process is not feasible, the State RRRC and local area RRC must follow reporting requirements listed in section G to the extent that information is available. Detailed descriptions and procedures for each step in the process are found in the Ohio Rapid Response Procedures Manual.

1. Notification: Upon identification of an event within the One-Stop system, the State RRRC and the local area rapid response team determine who will act as the lead for this particular event. The lead becomes responsible for informing all stakeholders, at the state and local level, of the event within 24 regular business hours. During this phase, it is also determined who will initiate contact and act as the primary contact with the employer.

2. Research: Immediate sharing of information among stakeholders is a critical first step when notification of an event occurs. This "behind the scenes" step will assist in providing a knowledgeable and professional impression when making the initial contact with the employer. Available opportunities for layoff aversion activities must be explored during this step with ODOD BSRs and other appropriate stakeholders.

3. Initial Contact: Opportunity for the informed primary contact to make initial contact with the employer about the possible dislocation and discuss rapid response services available to the employer and employees.

4. Strategy Meeting: From data gathered during the initial contact with the employer, the primary contact assembles the State/local area rapid response team to develop a strategy in preparation for the upcoming initial meeting.
5. Initial Employer Meeting: Ideally with representatives from both the employer and the labor union (if applicable) in attendance, a small team will present a standard agenda and marketing of rapid response services based on the strategy meeting. Outcomes may include the creation of an LMC and/or an approved plan of activities to serve the employees potentially being dislocated. If possible, rapid response worker orientation sessions will be scheduled at the initial meeting.

6. Approved Plan for Services: This will outline the services determined to best assist the affected workers. If an LMC is recommended, the approved plan can be an outcome of that effort.

7. Rapid Response Worker Orientation: An open forum for affected workers to become informed of the array of available rapid response services, resources, and benefits available to assist them.

8. Additional Rapid Response Services: Components of an approved plan may contain additional activities such as transition centers, workshops, on-site job services, or career fairs to better assist the affected workers.

9. Transition to Local One-Stop Services: Rapid response funding can address immediate and short-term training needs. The One-Stop will be the connection for workers to obtain long-term training and/or other services via the WIA Dislocated Worker Program or other available funding sources.

10. Post Rapid Response Follow-up: This is an opportunity to review the previous steps of the rapid response process, and an opportunity for continuous improvement. The ODJFS Rapid Response Unit and local One-Stop system will evaluate the quality of the local rapid response service delivery and policy adherence, and assess the effectiveness of the rapid response process in assisting dislocated workers to gain access to all available services, resources, and benefits. Each local rapid response delivery system will be reviewed to determine its level of providing outreach and linkage to the dislocated worker. The ODJFS Rapid Response Unit will measure the accuracy and completeness of data entry in SCOTI mini-registration and OhioRED.

H. Reporting Requirements

Ready access to accurate up-to-date information for Ohio’s dislocation events is critical to many stakeholders at the State and local level. These data are also a key factor in assessing the need for financial assistance at the State and federal level, and is required when applying for National Emergency Grants (NEG) through the United States Department of Labor. For these reasons, the State is mandating the collection and reporting of rapid response data elements at the local level.

There are two levels of reporting for dislocation events: employer and worker. This requires the utilization of two separate data systems.

**Employer /event data tracking Ohio Rapid Event Data:**

ODJFS has implemented a rapid response information tracking system, OhioRED. OhioRED records all of the information significant to the dislocation event from the initial contact with the employer through the worker orientation session(s) for the impacted workers. The system is a hub that tracks and facilitates scheduling as well as services among the state staff, local staff, contracted partners, ODJFS, CDJFS offices, One-Stop systems and local workforce areas.

Initial data for each dislocation event must be entered into OhioRED within 24 regular business hours of event verification. The individual responsible for data entry shall be determined by the local rapid response team, and may vary by event. Additional mandated data entry timelines can be found in the Ohio Rapid Response Procedures Manual.
In order to ensure consistency of data collected for sufficiently tracking and reporting Ohio's dislocation events, four forms have been developed for use at the local level. Forms can be found in the procedure manual, through Forms Central using the following form numbers:

ODJFS Initial Rapid Response Contact Report (JFS 01810)
ODJFS Rapid Response Characteristics Worksheet (JFS 1811)
ODJFS Post-Initial Meeting Rapid Response Report (JFS 01812)
ODJFS Post Orientation Rapid Response Report (JFS 01814)

OhioRED event entry must comply with the U.S. Department of Labor (DOL) NEG funding guidelines. Therefore, a new OhioRED dislocation event entry must be made for each layoff which occurs more than 30 days from the original layoff date. Additional layoffs occurring within 30 days of the original layoff date should be captured under the same OhioRED event. Further clarification is available in the Ohio Rapid Response Procedures Manual.

Worker Data (SCOTI Mini-Registration):

All individual workers who attend a worker orientation session must be entered into SCOTI mini-registration. Data for the SCOTI mini-registration can be acquired, among other methods, by using the State’s Dislocated Worker Survey (JFS 08124). The rapid response identification (RRID) number assigned at the point of data entry into OhioRED will be entered into SCOTI mini-registration in order 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 then be used to ensure a smooth transition to WIA program enrollment, should additional services be needed.

It is anticipated that the most common point of initial entry for individual workers will follow a worker orientation session. However, for those workers who do not attend an orientation session but who visit a One-Stop seeking assistance, the appropriate RRID number must be identified and entered accordingly into SCOTI mini-registration as supplemented by information gathered in the State’s Dislocated Worker Survey. The data will assist in tracking workers from specific events and can be used to justify need for additional rapid response funds and potential NEG funds, as well as provide the State with data needed to assess the impact of rapid response services throughout the state.

The designated local rapid response team member must enter potentially affected worker data into SCOTI mini-registration within five (5) working days of the worker orientation session(s). The only exception for this five working day window is if the One-Stop uses the Ohio standardized dislocated worker survey and chooses to mail the completed surveys to the ODJFS Rapid Response Unit for entry.

I. Transitioning from Rapid Response Services to the Local Area WIA Program

Expedited access to needed services is essential for impacted workers who are eligible for enrollment into local WIA formula-funded programs. All rapid response services that individuals have received prior to determination of WIA eligibility should be considered when developing a service strategy in order to eliminate duplication of services, expenditures, and engage the worker in program services. All WIBs and One-Stop systems must develop local procedures that identify all impacted workers during their initial visits to the One-Stops in order to build upon any rapid response services they may have previously received. These procedures must ensure that workers can quickly access needed services without unnecessary delays.

**WIBs are required to submit their rapid response customer identification procedure on how workers will be identified at the One-Stop and what the process will be to connect these workers to formula-funded program services in a timely manner. The customer identification procedures must be e-mailed to the ODJFS Rapid Response Unit within 45 days from the issuance of this policy. Please direct e-mails to: RAPDRESP@JFS.OHIO.GOV. The subject line of the e-mail should state: Rapid Response Customer Identification Procedures.**
Eligible workers served in the rapid response program must be enrolled in the local formula funded dislocated worker program when staff-assisted services are needed and provided. The RRID number must be entered in the Dislocated Worker Eligibility field in SCOTI for eligible workers enrolled in the local formula funded dislocated worker programs. Workers receiving non-registered services and/or are participating in rapid response group activities (i.e. workshops, information sessions, etc) are not required to be enrolled into the local dislocated worker program. As with all other individuals enrolled in the local dislocated worker rapid response formula program, all WIA dislocated worker program eligibility requirements must be met and documented appropriately, following WIATL 27, Source Documentation Guide to WIA Eligibility.

**Rapid Response Funding**

If it is determined that rapid response funds are needed in order to respond to a dislocation event, local area WIBs must apply using the application for rapid response emergency assistance funds. Detailed instructions on the application procedures are available through the ODJFS procedure manual appendix. It is important to note that rapid response funds are intended to supplement the local dislocated worker formula-funded program, not act as a replacement for these funds. Rapid response funds are to ensure that efficient early intervention strategies are available for dislocation events, with effective transitions to local WIA formula-funded programs for those workers in need of long term assistance.

Upon receipt of rapid response funds for approved dislocation events, local WIBs must ensure that impacted workers are not turned away from services based on residency.

In order to most effectively utilize rapid response funds, the State will use incremental funding for all approved applications. Remaining approved funds may be allocated in quarterly increments depending on the local areas’ expenditure rates. The purpose of incremental funding is to allow for better monitoring of the flow of program funds and for the redirection of funds throughout the year as circumstances change.

**V. Technical Assistance**

For additional information, you may send your questions to the ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

**VI. References**

Rapid Response Procedures Manual

Workforce Investment Act of 1998, Public Law 105-220


National Employment Law Project Report (NELP) 11/12/2008

Rapid Response System, response to NELP study on Ohio’s Rapid Response System, 12/16/2008

The Worker Adjustment and Retraining Notification Act (WARN)

Rescission

WIAPL 09-05.1, Local Rapid Response Program Requirements

WIAPL 09-05, Local Rapid Response Program Requirements
Workforce Investment Act Policy Letter No. 09-05

October 2, 2009

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Local Rapid Response Program Requirements

I. Purpose

This policy provides local area WIBs and stakeholders with new program implementation requirements for the delivery of Ohio's rapid response program. Additional program requirements may be issued at a later date.

The Rapid Response Procedures Manual further clarifies and supports this policy.

II. Effective Date

July 1, 2009

III. Background

The Ohio Department of Job and Family Services (ODJFS) commissioned a study by the National Employment Law Project (NELP) to evaluate the current status and effectiveness of Ohio's rapid response service delivery system and to provide recommendations for improvement. NELP evaluated Ohio's rapid response system in August 2008 and issued a report in late September 2008. Subsequently, ODJFS chartered an inter-agency team to develop a strategy and implementation plan related to the NELP study and existing data for Ohio's rapid response service delivery system. The resulting policy reflects needed changes to strengthen Ohio's rapid response system throughout the state through accountability, partnership, communication, professional development, and timely access to needed services.

Detailed descriptions and procedural activities are found in the Ohio Rapid Response Procedures Manual. This manual is provided during rapid response training and will be updated as needed to reflect any changes. Copies will also be available online at http://jfs.ohio.gov/workforce/workforceprof/rapidresponse.stm following the completion of all rapid response training sessions offered in June 2009.

IV. Requirements

A. Overarching Principles

The Workforce Investment Act holds states responsible for the provision of rapid response services. Ohio's new rapid response program requirements shall ensure that both workers and employers have expedient access to services when facing real or potential downsizing or plant closures. Rapid response activities may be a short-term solution to an immediate need for employers as well as workers.

In order to establish a robust, efficient, timely, and high quality service delivery system, strong partnerships at both the State and local levels are critical. These partnerships are the foundation for Ohio's delivery system.

In Ohio, rapid response services are delivered at the local level through local area Workforce Investment Boards (WIBs) and their One-Stop systems. Local WIBs validate their role as the service delivery mechanism through signing a Notice of Intent (NOI). This NOI requires adherence to State policy and procedure requirements defined in this issuance, the Rapid Response Procedures Manual, and any future policies issued by the State. Should local WIBs choose not to participate in the rapid
response delivery system, or fail to follow Ohio rapid response policies and procedures; the State will offer technical assistance as needed by the local WIB. However, it is the State’s intent, should the need arise, to identify alternate delivery methods in order to fulfill its statutory requirements.

B. Roles and Responsibilities

Each One-Stop system must have a State/local area rapid response team made up of the following mandated partners: ODJFS Regional Rapid Response Coordinator (RRRC) (Office of Local Operations); a local area Rapid Response Coordinator (RRC) (representing the WIB / WIA / One-Stop system); the Ohio Department of Development (ODOD) Business Service Representative (BSR); and the State contracted designee. Each mandatory partner also must assign backup representatives to participate in the State/local area team to ensure responsibilities are fulfilled.

The ODJFS rapid response unit will oversee Ohio’s rapid response service delivery system, ensuring compliance with federal and state requirements and implementation of program initiatives, and providing support, guidance, technical assistance, and financial resources to the State/local area rapid response teams and stakeholders.

Specific responsibilities of the mandated State/local area team members are as follows:

1. **ODJFS Regional Rapid Response Coordinators (State RRRC)**
   
   The RRRCs are made up of seven individuals and are part of the ODJFS Office of Local Operations staff, out-stationed throughout Ohio and assigned to specific areas of the state, as identified on the Rapid Response Regional Map.
   
   - RRRCs are to be actively involved with each local area WIB or One-Stop system’s rapid response team, supporting, assisting, and coordinating activities around dislocation events within their respective regions.
   
   - Working in partnership with the State/local area team members, the ODJFS RRRC will regularly communicate with the central ODJFS rapid response unit, providing updates on events, advising when additional assistance is needed to meet service delivery needs, recommending applications for additional rapid response funds for local events, and ensuring sufficient resources are available to address UC, Trade, and re-employment service access.
   
   - RRRCs will assist the team in meeting all requirements of the new delivery system.

2. **Local Rapid Response Coordinators / Backups (Local RRC)**
   
   Designees from each One-Stop system and WIB will work collaboratively with all mandated team members by:
   
   - Representing One-Stop partners, conducting rapid response services, and ensuring WIA program services are available as needed for dislocation events in their areas.
   
   - Bringing in appropriate representatives from counties within their One-Stop systems or WIBs to help ensure consistency of services throughout multi-county systems and draw necessary resources from local partners as needed to meet employer and worker needs.

   - Ensuring that workers served in rapid response activities have a smooth transition to on-going services available through formula-funded programs as appropriate in an efficient, streamlined, and timely manner.

3. **ODOD Business Service Representatives / Backups (ODOD BSR)**
   
   ODOD has designated a representative to each of the seven regions to participate on the State/local area rapid response team. Access to layoff aversion assistance will be offered through these ODOD representatives when appropriate and feasible.

Note:
The expectation is that the three mandatory partners delineated above will act in coordination and agreement during any and all layoffs in their particular region regardless of the size of the event. The group will collectively decide the single point of contact for the employer to ensure consistency, efficiency and accountability. The single point of contact will be responsible for the timely dissemination of information to the other mandatory partners to ensure accurate and up to date information is available and communicated to other stakeholders, partners and the central rapid response unit. As indicated above, the Office of Local Operations is ultimately responsible for providing updated information to the central office rapid response unit and as such, will bear the ultimate responsibility and oversight for each event. In the event the three mandatory partners cannot agree on an appropriate employer contact or plan of action, the responsibility will default to the Office of Local Operations. Collaboration and coordination should be the chosen path in the interest of quality, efficient and complete customer service.

4. **ODJFS State Contracted Designee - United Labor Agency (ULA)**

Working collaboratively with the State/local area rapid response teams, representatives from ULA will assist the teams with the provision of specific rapid response activities:

- Labor Management Committees (LMC)
- Transition Centers
- Peer-to-Peer Assistance

A determination will be made during the initial phase of notification, research, and meeting preparations with the employer as to how best to utilize the ULA representatives. Representatives may be involved with union or non-union dislocation events - the extent of involvement will be determined by the local team. However, the State reserves the right to engage further assistance and involvement if warranted throughout any phase of serving the employer and/or workers tied to specific dislocation events.

C. **Training Requirements**

A comprehensive training curriculum has been developed to ensure all stakeholders are fully knowledgeable of the processes required for handling rapid response services for dislocations across Ohio. In order to ensure each State/local area rapid response team is fully trained on these procedures and are proficient in standard rapid response processes and policies, all State RRRCs, local RRCs, ODOD BSRs, ULA, and their respective backups are mandated to attend rapid response training sessions identified by ODJFS, Office of Workforce Development (OWD).

D. **Dislocation Event**

An "event" is defined as any situation in which workers are informed, through media, individual notice, issuance of a Worker Adjustment and Retraining Notification (WARN), or plant/facility closure, that they are at risk of layoff. The classification of an event is without regard to the number of individuals potentially impacted.

State RRRCs and local RRCs are required to begin the rapid response process when either party becomes aware of a dislocation event within the area of their corresponding One-Stop system.

E. **Required Rapid Response Activities**

All local WIBs and One-Stop systems that have agreed to be a part of the local area rapid response service delivery system must have the following array of rapid response services available, as needed, for local employers and impacted workers:

- Preliminary steps upon notification of potential event (notification, research, strategy, plan development)
- Initial employer meeting
• Worker orientation sessions
• Worker needs surveys
• Labor-Management Committees (LMCs) or Transition Committees
• Peer-to-Peer Assistance
• Transition Centers
• Job / Career / Education fairs
• Workshops including job search, resume, interviewing, computer classes, remedial education

The above list represents the minimum services that must be readily available. A complete list of rapid response activities is found in WIA regulations, 20 CFR 665.310. On-going technical assistance to local WIBs and One-Stop systems is available through the ODJFS, OWD.

F. Mandatory Rapid Response Process

The following steps are required for every dislocation event. Because of the uniqueness of each event, the State recognizes that variances may be necessary. However, should variances occur wherein the mandatory process is not feasible, the State RRRC and local area RRC must follow reporting requirements listed in section G to the extent that information is available. Detailed descriptions and procedures for each step in the process are found in the Ohio Rapid Response Procedures Manual.

1. Notification: Upon identification of an event with the One-Stop system, the State RRRC and local area RRC determine who will act as the lead for this particular event. The lead becomes responsible for informing all stakeholders at the state and local level within 24 hours. During this phase it is also determined who will initiate contact and act as the primary point of contact with the employer.

2. Research: Immediate sharing of information among stakeholders is a critical first step when notification of an event occurs. This "behind the scenes" step will assist in providing a knowledgeable and professional impression when making the initial contact with the employer. Available opportunities for layoff aversion activities must be explored during this step with ODOD BSRs and other appropriate stakeholders.

3. Initial Contact: Opportunity for the informed primary point of contact to make initial contact with the employer about the possible dislocation and rapid response services available to the employer and employees.

4. Strategy Meeting: From data gathered during the initial contact with the employer, the primary point of contact assembles the State/local area team of service delivery partners to develop a strategy in preparation for the upcoming initial meeting.

5. Initial Meeting: Ideally with both Labor and Management present, a small team will present a standard agenda and marketing of rapid response services based on the strategy meeting. Outcomes may include the creation of an LMC and/or an approved plan of activities to serve the employees potentially being dislocated.

6. LMC: Representatives from Labor and Management meet to determine the rapid response services that will best assist the impacted workers. Worker surveys or other means may be used to ensure a comprehensive plan is developed. State funding will be available to assist with the LMC creation, training, and development of the plan.

7. Approved Plan: This will outline the services determined to best assist the impacted workers. If an LMC is recommended, the approved plan will be an outcome of that effort.

8. Worker Orientation: An open forum for impacted workers to become informed of the array of available rapid response services.
9. Additional Services: Components of an approved plan may contain additional activities such as transition centers or career fairs to better assist the impacted workers.

10. Training: Rapid response funding addresses immediate and short-term training needs. The One-Stop will be the connection for workers to obtain long-term training and/or other services via the WIA Dislocated Worker Program.

G. Reporting Requirements

Ready access to accurate up-to-date information for Ohio's dislocation events is critical to many stakeholders at the State and local level. This data is also a key factor in assessing the need for financial assistance at the State and federal level, and is required when applying for National Emergency Grants through the United States Department of Labor. For these reasons, the State is mandating the collection and reporting of rapid response data elements at the local level.

There are two levels of reporting for dislocation events: employer and worker. This requires the utilization of two separate data systems.

Employer /Event data tracking (OhioRED.gov):

ODJFS, OWD has implemented a rapid response information tracking system, Ohio Rapid Event Data (OhioRED.gov). OHIORED.gov records all of the information significant to the dislocation event from the initial contact with the employer through the worker orientation session(s) for the impacted workers. The system is a hub that tracks and facilitates scheduling as well as services among the state staff, local staff, contracted partners, ODJFS Local Operations, CDJFS offices, and local workforce areas.

In order to ensure consistency of data collected for sufficiently tracking and reporting Ohio's dislocation events, three forms have been developed for use at the local level:

ODJFS Initial Rapid Response Contact Report (JFS 01810)

ODJFS Rapid Response Characteristics Worksheet (JFS 1811)

ODJFS Post-Initial Meeting Rapid Response Report (JFS 01812)

Initial data for each dislocation event must be entered into OhioRED.gov within 24 hours of contact with the employer. The individual responsible for data entry shall be determined by the State RRRC and local RRC prior to initial contact with the employer.

Worker Data (SCOTI Mini-Registration):

All individual workers who attend a worker orientation session must be entered into SCOTI mini-registration. An event code assigned at the point of data entry into OhioRED will be entered into SCOTI in order 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 then be used to ensure a smooth transition to WIA program enrollment, should additional services be needed.

It is anticipated that the most common point of initial entry for individual workers will follow a worker orientation session. However, for those workers who do not attend an orientation session but who visit a One-Stop seeking assistance, the appropriate event number must be identified and entered accordingly into SCOTI. These data will assist in tracking workers from specific events and can be used to justify need for additional rapid response funds and potential National Emergency Grant funds, as well as provide the State with data needed to assess the impact of rapid response services throughout the state.

Worker data must be entered into SCOTI within five (5) working days of the worker orientation session(s).

H. Transitioning from Rapid Response Services to the Local Area WIA Program

Expedited access to needed services is essential for impacted workers who are eligible for enrollment into local WIA formula-funded programs. All rapid response services that individuals have received
prior to determination of WIA eligibility should be considered when developing a service strategy in order to eliminate duplication of services and engage the worker in program services. All WIBs and One-Stop systems must develop local procedures that identify all impacted workers during their initial visits to the One-Stops in order to build upon any rapid response services they may have previously received. These procedures must ensure that workers can quickly access needed services without unnecessary delays.

**WIBs are required to submit their written procedures on how workers will be identified at the One-Stop and what the process will be to connect to formula-funded program services in a timely manner. Procedures must be e-mailed to the ODJFS Rapid Response Section within 45 days from the issuance of this policy. Please direct e-mails to: RAPDRESP@JFS.OHIO.GOV. The subject line of the e-mail should state: Rapid Response Customer Identification.**

Eligible workers served in the rapid response program must be enrolled in the local formula funded dislocated worker program when staff-assisted services are needed. Workers receiving non-registered services and/or are participating in group activities (i.e. workshops, information sessions, etc) are not required for enrollment into the local dislocated worker program. As with all other individuals enrolled in the local dislocated worker (DW) program, all WIA DW program eligibility requirements must be met and documented appropriately, following WIATL 27, Source Documentation Guide to WIA Eligibility.

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**I. Rapid Response Funding**

To support the new rapid response service delivery system, a baseline rapid response allocation will be distributed to each local area WIB or One-Stop System that agrees to participate in Ohio's rapid response service delivery system. This initial allocation will be distributed in accordance with a formula based on specific factors within the local area/One-Stop system. Baseline funding may be used to offset the costs related to the local RRC, the backup designee, outreach, costs associated with building the local area rapid response team, training costs, data system updates, or any other allowable rapid response program activities.

Should additional funds be needed in order to respond to a dislocation event, local area WIBs must apply using the ODJFS rapid response application. Detailed instructions on the application procedures are available through the ODJFS, OWD. It is important to note that rapid response funds are not intended to duplicate the local dislocated worker formula-funded program. Rapid response funds are to ensure efficient early intervention strategies are available for dislocation events, with effective transitions to local WIA formula-funded programs for those workers in need of long term assistance.

Upon receipt of rapid response funds for approved dislocation events, local WIBs must ensure that impacted workers are not turned away from services based on residency issues.

In order to most effectively utilize rapid response funds, the State will use incremental funding for all approved applications. Remaining approved funds will be allocated in quarterly increments depending on the local areas' expenditure rates. The purpose of incremental funding is to allow better monitoring of the flow of program funds and the redirection of funds throughout the year as circumstances change.

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**V. Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

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**VI. References**

Workforce Investment Act of 1998, Public Law 105-220


National Employment Law Project Report (NELP) 11/12/2008


The Worker Adjustment and Retraining Notification Act (WARN)
Workforce Investment Act Policy Letter No. 09-04

August 31, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators
From: Douglas E. Lumpkin, Director
Subject: Ohio's Career Advancement Accounts

I. Purpose
This communication provides state policy and operational parameters for the expansion of Ohio's Career Advancement Accounts (CAA) through the One-Stop service delivery system.

II. Effective Date
August 24, 2009

III. Background
On October 26, 2006, Ohio was chosen by the U.S. Department of Labor (DOL) as one of five states to participate in a two-year pilot program called "Career Advancement Accounts." In the first year of implementation, the program was designed to be a fast track to short-term training for workers impacted by the Ford Motor Company, General Motors and Daimler Chrysler plant closures or shift reductions; workers from supplier companies that were experiencing shift reductions; and workers from community businesses that were experiencing layoffs or closures as a result of auto industry declines.

In August of 2008, the process to expend $3,000 per-year, per-participant was modified by DOL to allow $6,000 per participant over a two year period, even if those costs occurred within the first program year. The CAA program is scheduled to end June 30, 2010.

IV. Policy Statements
CAAs are individualized training accounts specifically targeted to Ohio's workers impacted by the downsizing and closures of companies and who have limited access to other training programs. CAA will be available and accessible through all One-Stop centers in Ohio and will focus on short-term training programs designed to enable eligible workers to gain marketable skills that will lead to new career opportunities or career advancement. One-Stops will ensure that eligible workers are informed of availability of CAA as well as of the full array of services offered through the One-Stop partners, including WIA Adult and Dislocated Worker programs. Through the provision of this information, workers will be prepared to make informed decisions on the type of services and training that are most effective for their situations and to make applications to the appropriate program or programs.

Local Workforce Investment Boards (WIBs) must review existing local policies to determine if additional policies are needed for successful implementation of CAA in their areas. To the extent possible, Ohio maintains the importance of local decision-making, while preserving the intent of the CAA program.

CAAs are to be available and implemented in a manner that is expedient and responsive to the impacted worker's needs. CAAs are outside the WIA program requirement of sequential services (core-intensive-training). All CAA participants must be determined eligible, approved for enrollment and complete training by June 30, 2010 in order to access CAA funds. Therefore, local areas are strongly encouraged to develop processes that do not unnecessarily impede access to training services.

A. Eligibility
1. CAAs are available to workers who are:
   a) 18 years of age or over; and
b) U.S. citizens or authorized to work in the U.S; and

c) Properly registered for Selective Service; and meet one of the following listed in (d) through (f):

d) Laid off through no fault of their own due to plant closure or individual layoff; or

e) At risk of layoff and categorized as incumbent workers; or

f) Displaced homemakers.

On October 9, 2008, the Ohio Department of Job and Family Services, Office of Workforce Development issued a memo restricting the provision of CAAs to only workers impacted by Worker Adjustment Retraining Notification (WARN) mass layoffs or workers adversely impacted by recent domestic automobile manufacturing restructuring activities.

Workers who meet the criteria above and who are under a pending Trade Adjustment Assistance (TAA) petition, or are under an "appeal" of a DOL trade determination (where an employer or a representative has appealed denial of TAA) are eligible. However, if the workers are actively implementing their CAA and subsequently become TAA eligible, the CAA must be closed and workers must follow their TAA Re-Employment Plans.

The "self-sufficiency" screening required for employed applicants for WIA Adult and Dislocated Worker programs does not apply to CAA applicants, unless the CAA participant is co-enrolled in the WIA Adult or Dislocated Worker program for intensive or supportive services.

2. CAAs are not intended for workers who have ready access to other training assistance. Therefore, the following workers are not eligible to receive CAA:

a) Workers who have an ITA through the WIA Adult or Dislocated Worker program.

b) Workers who are eligible for TAA benefits through the Trade Act.

c) Workers who are under an "appeal" due to workers' non-adherence to their TAA Re-employment Plan.

d) Workers who are not eligible for Trade benefits due to factors other than lack of work separation (i.e. worker was terminated).

3. Local areas will determine if the worker meets the eligibility criteria listed above. WIA Adult and/or Dislocated Worker eligibility may be documented during the process of CAA determination, but is not required unless WIA core, intensive, or supportive services are planned.

4. Local areas may develop a priority of service policy in order to effectively manage the CAA program. The priority criteria may include the eligible worker category above (A (1) (d),(e) and (f)), the need of training to secure self-sufficient employment in a demand occupation, worker eligibility for buyouts, early retirement, or other resources such as Pell grants, etc. Local areas are reminded that veterans' preference is mandatory for all levels of services through federal employment and training programs, regardless of the other criteria in local priority policies.

5. Once the local area has identified a worker as eligible for a CAA, obtained sufficient documentation, and the appropriate data has been entered in SCOTI under the three basic intake screens, eligibility for this individual can be calculated in SCOTI. The date of eligibility becomes the approval date for the CAA program and marks the beginning of the time-limited program duration.

B. Participant Agreement
All applicants must sign a CAA participant agreement that ensures full understanding of training expectations and responsibilities, how the training will be funded, and obligations for reporting and follow up.

Local areas will develop CAA Participant Agreements that will include the worker's attestation that he/she will meet all conditions set forth in the local agreement. Local areas may incorporate language for CAA into existing agreements, or create specific agreements for the CAA program. Local areas may wish to consider language that addresses the following:

- Attendance requirements.
- Pass/Fail requirements.
- Communication and contact procedures with local area staff.
- Procedures for follow-up upon obtaining employment.
- Procedures for situations involving hardship and dropping out of the program.

C. **Program Duration**

Use of individual CAAs will be approved for short-term training programs, on the condition that all training is completed by June 30, 2010.

D. **Training Services**

The CAA program is to focus on short-term training, defined as less than one year in duration. Local areas may approve training using providers included in the Ohio Eligible Training Provider Online system or other training providers. However, all CAA training must lead to degrees, licenses, or industry-recognized certificates or credentials. Selection of the training providers is determined at the local level.

Training requirements and limitations are as follows:

a) Training may not exceed the limit of $6000 per participant.

b) WIA ITAs may not be utilized to supplement the cost of the CAA.

c) Training must lead to attainment of a degree, a license, or an industry-recognized certificate or credential.

d) Workers may re-apply for a CAA if failure to complete the program was due to hardship. Hardship will be determined at the local level.

E. **CAA Account Awards and Management**

Local areas will determine the amount of the CAA obligation and forward requests to the ODJFS Office of Workforce Development for approval. Once approved at the state level, the local area will receive a confirmation of the state's approval with an assigned number. Each week, the Office of Workforce Development will batch approved requests by area and request the Office of Fiscal Services to issue an allocation letter to the area. The allocation letter will reference the approved account numbers so that local areas can link customers to the allocation award.

Based upon the local procedures, the One-Stop systems will issue payments to vendors, and the local area fiscal agent will report the expenditures (both CAA account and CAA administrative costs) through the established County Finance System. Local areas are allocated up to 5% in administration for managing the CAA program.

F. **Co-Enrollment**

Local areas will ensure that eligible workers are informed of the wide array of services available through the One-Stop service delivery system and will promote maximum customer choice. Local areas may enroll WIA eligible CAA participants in the Adult or Dislocated Worker program, as
appropriate, to provide registered core, intensive or supportive services that are needed to support the CAA and ensure successful completion of the training. WIA enrollment may continue beyond the completion of the CAA, based upon the needs of the workers.

CAA participants who are co-enrolled in the local WIA Adult or Dislocated Worker program will be included in all appropriate WIA performance measures.

CAA participants who are not co-enrolled into WIA Adult or Dislocated Worker programs will not be counted in the local areas' performance measures. Common measures, as defined in TEGL 17-05, will be used to report outcomes for those participants enrolled only in CAA.

G. Reporting

The U.S. Department of Labor has established reporting requirements for all workers served in the CAA program. Initial CAA program data will be reported using the Sharing Career Opportunities and Training Information (SCOTI) system. Updates to the SCOTI system capture key and supplemental data, and will be rolled out to the local areas in phases.

Initially, SCOTI was updated to capture individual CAA participant's data including: intake, eligibility determination, acceptance or decline of the CAA offer, and training services selected.

Additional phases may incorporate exchanges of data between OJI (the state reporting system for Unemployment Compensation and the Trade program) and SCOTI.

Additional data, which is requested by DOL, must be reported by the local areas through alternative methods (paper forms, manual tracking, etc.). Detailed reporting instructions will be issued separately to the CAA points of contact.

H. Monitoring / Documentation

ODJFS program and fiscal monitoring will be incorporated into the existing audits and program reviews to ensure data validation and adherence to CAA implementation policy and procedures.

Local areas may follow the guidelines established in WIATL 27, "Source Documentation for WIA Eligibility," for CAA general eligibility (Age, Authorization to Work, Selective Service Registration) documentation.

Suggested documentation for establishing dislocated worker or at-risk of layoff status include:

- Employer notice of layoff or pending layoff.
- Receipt of Unemployment Compensation (current recipient or exhausted UC).
- Self-attestation of layoff, at-risk of layoff, or displaced homemaker status.

For CAA participants who are co-enrolled in the WIA Adult or Dislocated Worker programs, local areas shall adhere to existing eligibility criteria and documentation requirements for these programs listed in WIAGL 6-2000, "WIA Eligibility Determination and Documentation," and WIATL 27, "Source Documentation for WIA Eligibility."

The State, DOL, or its contractors will be evaluating this demonstration program. In order to gather information for this purpose, local areas may be required to accommodate site visits by providing access to key personnel and necessary data.

I. Local CAA Contact Designation

Local areas must establish a primary point of contact (POC) for the CAA program. An alternate POC is also required. This will provide a means for on-going communication between the Office of Workforce Development and the local area throughout implementation. Local areas must submit the primary and alternate POC for each One-Stop center in the area, and include the following:

- Name.
V. **Technical Assistance**
For additional information, you may send your questions to the Bureau of Workforce Services: WIAQNA@JFS.OHIO.GOV, subject line: CAA.

VI. **References**
Ohio Career Advancement Account Plan, February 2007
WIAGL 6-2000, *WIA Eligibility Determination and Documentation*
WIATL 27, *Source Documentation for WIA Eligibility*
Ohio Career Advancement Account Plan Modification, February 2008
Ohio Career Advancement Account Plan Addendum, August 15, 2008
USDOL Addendum Approval, August 18, 2008
USDOL Grant Modification No. 7
Rescissions: WIATL 32B Ohio’s Career Advancement Accounts
Workforce Investment Act Policy Letter No. 09-03

August 24, 2009

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: ITA Obligations

I. Purpose

To clarify the reporting requirements for Individual Training Account (ITA) obligations.

II. Effective Date

Immediately

III. Background

Reporting of obligations for ITAs has been subject to much discussion in local areas. This policy provides additional explanation of what to report as an ITA obligation, and when to report it.

IV. Requirements

As of the effective date of this guidance, the following guidelines apply:

A. ITAs must be obligated at the time when 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 individual 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 training program (as defined in 20 CFR 663.508), and the school has accepted the enrollment application and signed off on the ITA.

B. ITAs may be obligated for the costs that will be incurred during the training program. For ITAs with duration beyond twelve months, obligations may only be reported for up to 12 months of training.

C. Local areas may impose additional requirements for reporting of ITA obligations, and must also comply with all local regulations and practices.

D. Local 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.

E. The oldest funds should be obligated and expended first.

Additional Considerations

Appropriate fiscal management practices will be especially important for areas that will report ITA obligations in 12 month increments for a full two-year training period. In order to ensure the most effective use of training funds, local areas are advised to analyze past training completion and drop-out rates so as to determine the acceptable level of over obligation, and to regularly deobligate funds when individuals drop out or do not complete the training program. Deobligation of funds will allow training to be available to other WIA participants. With proper deobligation practices, local areas can avoid situations where funds are under-spent due to individuals leaving the training prior to completion.

Special Grants

Special grants are grants or awards, including but not limited to National Emergency Grants and Stimulus funds, that are distributed in addition to WIA formula allocations. When obligating funds that are awarded through a special grant, 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.

V. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. **References**


WIA Final Rules, August 11, 2000, 20 Code of Federal Regulations, Sections 660.300 and 663.508

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998

**Rescissions:**

WIATL 36 A, ITA Obligations
Workforce Investment Act Policy Letter No. 09-02.1

July 26, 2010

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Workforce Investment Act (WIA) Incentives, Sanctions, and Performance/Common Measures

I. **Purpose**

To provide policy related to incentives, sanctions, and performance/common measures, and to share future WIA program expectations as set by the Governor's Workforce Policy Advisory Board (GWPAB) - WIA Compliance Committee Members and the Ohio Department of Job and Family Services (ODJFS). WIA administrative entities should share this information with entities providing WIA activities and services.

II. **Effective Date**

Immediately

III. **Background**

The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 136, establishes a comprehensive performance accountability system. The WIA performance measures are in Section 136. Ohio submitted a waiver request to the United States Department of Labor (USDOL) and was granted permission to replace the statutory performance measures with the nine Common Measures that are identified in TEGL 17-05. (See WIATL 37, Common Measures Reporting.) WIA is further defined by federal regulations, the Training and Employment Guidance Letters (TEGLs), and state policy. WIBs must comply with WIA, federal regulations, TEGLs, and state policy.

WIA Section 134 (a)(2)(B)(iii) requires the distribution of funds in the form of incentive grants for exceptional performance as well as sanctions and corrective action to secure prompt compliance when violations of law or regulations occur, and other measures determined by the Governor.

In the future, the GWPAB, in conjunction with ODJFS, will be developing additional performance measures that will target services to businesses and increased program participation.

IV. **Requirements**

ODJFS, Office of Workforce Development (OWD), will award WIA incentive dollars for exceptional performance in the WIA Adult, Dislocated Worker, and Youth programs.

WIA final rules and regulations - 29 CFR, Part 95 and Part 97 require the Governor, as the recipient of WIA funds for the state, to request corrective action to secure prompt compliance from any local area or program provider found to be out of compliance with WIA laws and/or WIA final rules and regulations. The Governor is required to impose sanctions if any local area fails to take timely corrective action.

ODJFS calculates the annual performance/common measures for each local WIB using data from the state reporting system.

**Incentives for Exceptional Performance**

The state may provide incentive awards to local WIBs determined to have had exceptional program performance. Depending on the availability of funds, the incentive award may derive from the fifteen
percent (15%) statewide WIA funds. The amount and availability of state incentive funds will be
determined at the end of each program year.

A second source of incentive funds may be available to the state from DOL. The state is eligible for
DOL incentive funds when the state exceeds the state's adjusted levels of performance/common
measures.

When the state is eligible for DOL incentive funds, DOL funds may be added to the state incentive fund
account and will be granted to local WIBs meeting the exemplary performance criteria.

A local WIB meets exceptional performance when annual performance/common measures calculations
indicate that the local WIB:

- Does not fail - meaning meets all nine performance/common measures for adult, youth,
  and dislocated worker programs; and
- Exceeds at least seven performance/common measures for the adult, youth, and
  dislocated worker programs; and
- Does not have any outstanding or unresolved audit findings for recovery.

The state retains the option to revoke all or any part of the incentive funds obtained by a local WIB
through improper or inappropriate manipulation of data. The state also retains the authority to review
previous year(s) data and to report suspected fraud.

ODJFS will work with local WIBs to validate information used in the computation of
performance/common measures during and after the end of the program year. Failure by a local WIB
to maintain the required supporting documentation and to report accurate and timely data in the state
reporting system may result in the imposition of sanctions, especially if it is later discovered that the
data is flawed, or was improperly manipulated. Problems with false or inaccurate data will be
documented by ODJFS, and all inappropriately awarded incentive funds must be returned by the local
WIB. Actions that are deemed improper or inappropriate manipulation of data include but are not
limited to:

- Improperly deleting terminations from the system.
- Improperly modifying participant records.
- Listing a person who is not employed as employed.
- Not reporting participant information and/or records.
- Improper documentation. (See TEGL 17-05 and WIATL 27.)

Local WIBs eligible for incentive funds will receive written notification of the process to receive the
funds.

All WIA dollars awarded as incentive funds must be spent on WIATitle I-(B) activities.

**Sanctions and Corrective Action Plan**

**Performance/Common Measure Failure - First Occurrence**

When a local area does not meet negotiated annual performance/common measures, ODJFS will
issue written notice to the chief elected official (CEO), local WIB chairperson, administrative entity
director, and fiscal agent of the local area. The local WIB must submit a corrective action plan within 45
days describing how it will meet and improve performance. The corrective action plan must include, but
is not limited to:

1. Identification of the local WIB number, name of the CEO, local WIB chairperson, and a contact
   person for the corrective action plan.
2. Identification of each performance measure failed.
3. A description of the reason or reasons for failure, including an analysis of the reason for failure and how the cause was determined. If help is needed to analyze the performance problem, e-mail the WIAQNA@ifs.ohio.gov and the OWD staff will provide the data needed for performance measure analysis, as well as make staff available to meet with the administrative entity to help analyze the data and identify the reasons for failure.

4. A description of actions that will be taken to meet the performance measures.

5. A timeline for completing each action identified above.

6. A description of how the local WIB will monitor and measure the effectiveness of the corrective action activities to ensure performance improvement and correction of the failures.

7. The local WIB will submit progress reports to the OWD according to a mutually agreed upon submission schedule following the approval of the corrective action plan. This submission schedule will continue until the end of the specified program year.

8. Signature of the CEO, local WIB chairperson, and administrative entity director.

ODJFS OWD staff will review corrective action plans and notify the administrative entity in writing of the plan approval. If after reviewing the plan any additional information is required, the local area will be notified.

If the WIB’s corrective action plan includes a request for technical assistance funds, ODJFS will evaluate each request on a case-by-case basis, to determine if the request will be approved or denied.

Corrective action plans shall be submitted to the:
Ohio Department of Job and Family Services
Office of Workforce Development
4020 East Fifth Avenue
Columbus, Ohio 43219
Attn.: Technical Assistance Section

Performance Measure Failure - Two or More Occurrences

If a local WIB fails the same annual negotiated performance/common measures for two consecutive program years, ODJFS will issue written notice to the CEO, local WIB chairperson, administrative entity director, and the fiscal agent of the local area of the failure.

ODJFS may require an independent third party analysis to determine the reason for the failure or failures. ODJFS will release the Request for Proposal (RFP), select the consultant, and pay for the independent analysis.

Based on the independent third party recommendations, discussions with the local WIB, and any other analysis or information that may be available, ODJFS will decide the course of corrective action. Corrective action will begin with a corrective action plan. The corrective action plan must include, but is not limited to:

1. Identification of the local WIB number, name of the CEO, local WIB chairperson, and a contact person for the corrective action plan.

2. Identification of each performance measure failed.

3. A description of the reason or reasons for failure, including an analysis of the reason for failure and how the cause was determined. If help is needed to analyze the performance problem, e-mail the WIAQNA@ifs.ohio.gov and the OWD staff will provide the data needed for performance measure analysis, as well as make staff available to meet with the administrative entity to help analyze the data and identify the reasons for failure.
4. A description of actions that will be taken to meet the performance measures.

5. A timeline for completing each action identified above.

6. A description of how the local WIB will monitor and measure the effectiveness of the corrective action activities to ensure performance improvement and correction of the failures.

7. The local WIB will submit progress reports to the OWD according to a mutually agreed upon submission schedule following the approval of the corrective action plan. This submission schedule will continue until the end of the specified program year.

8. Signature of the CEO, local WIB chairperson, and administrative entity director.

Note: If the local WIB has failed the same measure two consecutive years, and also fails a different measure, the corrective action plans can be combined.

ODJFS OWD staff will review corrective action plans and notify the administrative entity in writing of the plan approval. If after reviewing the plan and additional information is required, the local area will be notified.

Corrective action plans shall be submitted to the:

Ohio Department of Job and Family Services
Office of Workforce Development
4020 East Fifth Avenue
Columbus, Ohio 43219
Attn.: Technical Assistance Section

ODJFS may take additional actions or make recommendations to the Governor that may include, but are not limited to:

- The appointment and certification of a new local board - consistent with the criteria established under WIA section 117(b);
- Prohibiting the use of eligible providers and One-Stop partners identified as achieving a poor level of performance; or
- Taking such other actions as the Governor determines as appropriate. See WIA section 136 (h)(2)(A).

The local WIB that is subject to a reorganization plan may, no later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. The local WIB may, no later than 30 days after receiving a decision from the Governor, appeal to the Secretary of Labor.

V. Technical Assistance

For additional information, e-mail questions, concerns to the Office of Workforce Development: WIAQNA@jfs.ohio.gov

VI. References

DOL waiver approval letter, November 12, 2009

Workforce Investment Act of 1998, Public Law 105-220: 29 USC 2871, Section 136 (b)(2)(A)(i), and Section 136 (h)(2)(A) and (B)

Workforce Investment Act of 1998, Public Law 105-220: 20 USC 9273, Section 503 (a), (b)(1), (b)(2)(A), (B), and (C)

Final Regulations, Subpart (B), Section 666.200, Section 666.210, Section 666.300, Section 666.310, and Section 667.650
Final Regulations, Subpart (D), Section 666.400, and Section 666.410

TEGL No. 17-05, Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues

WIATL 27 - Source Documentation for WIA Eligibility

WIATL 37 - Common Measures Reporting

**Rescission:** Workforce Investment Act Policy Letter No. 09-02, Workforce Investment Act (WIA) Incentives, Sanctions, and Performance/Common Measures
Workforce Investment Act Policy Letter No. 09-02

July 27, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Workforce Investment Act (WIA) Incentives, Sanctions, and Performance/Common Measures

I. Purpose
To provide policy related to incentives, sanctions, and performance/common measures, and to share future WIA program expectations as set by the Governor’s Workforce Policy Advisory Board (GWPAB) - WIA Compliance Committee Members and the Ohio Department of Job and Family Services (ODJFS). WIA administrative entities should share this information with entities providing WIA activities and services.

II. Effective Date
July 1, 2009

III. Background
The Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 136, establishes a comprehensive performance accountability system. The WIA performance measures are in Section 136. Ohio submitted a waiver request to the United States Department of Labor (USDOL) and was granted permission to replace the statutory performance measures with the nine Common Measures that are identified in TEGL 17-05. (See WIATL 37, Common Measures Reporting.) WIA is further defined by federal regulations, the Training and Employment Guidance Letters (TEGLs), and state policy. WIBs must comply with WIA, federal regulations, TEGLs, and state policy.

WIA Section 134 (a)(2)(B)(iii) requires the distribution of funds in the form of incentive grants for exceptional performance as well as sanctions and corrective action to secure prompt compliance when violations of law or regulations occur, and other measures determined by the Governor.

In the future, the GWPAB, in conjunction with ODJFS, will be developing additional performance measures that will target services to businesses and increased program participation.

IV. Requirements
ODJFS, Office of Workforce Development (OWD), will award WIA incentive dollars for exceptional performance in the WIA Adult, Dislocated Worker, and Youth programs.

WIA final rules and regulations - 29 CFR, Part 95 and Part 97 require the Governor, as the recipient of WIA funds for the state, to request corrective action to secure prompt compliance from any local area or program provider found to be out of compliance with WIA laws and/or WIA final rules and regulations. The Governor is required to impose sanctions if any local area fails to take timely corrective action.

ODJFS calculates the annual performance/common measures for each local WIB using data from the state reporting system.

Incentives for Exceptional Performance
The state may provide incentive awards to local WIBs determined to have had exceptional program performance. The incentive award funds derive from the fifteen percent (15%) statewide WIA funds,
and/or the redistribution of local area formula funds. The amount and availability of state incentive funds will be determined at the end of each program year.

A second source of incentive funds may be available to the state from DOL. The state is eligible for DOL incentive funds when the state exceeds the state's adjusted levels of performance/common measures.

When the state is eligible for DOL incentive funds, DOL funds may be added to the state incentive fund account and will be granted to local WIBs meeting the exemplary performance criteria.

A local WIB meets exceptional performance when annual performance/common measures calculations indicate that the local WIB:

- Does not fail - meaning meets all nine performance/common measures for adult, youth, and dislocated worker programs; and
- Exceeds at least seven performance/common measures for the adult, youth, and dislocated worker programs; and
- Does not have any outstanding or unresolved audit findings for recovery.

The state retains the option to revoke all or any part of the incentive funds obtained by a local WIB through improper or inappropriate manipulation of data. The state also retains the authority to review previous year(s) data and to report suspected fraud.

ODJFS will work with local WIBs to validate information used in the computation of performance/common measures during and after the end of the program year. Failure by a local WIB to maintain the required supporting documentation and to report accurate and timely data in the state reporting system may result in the imposition of sanctions, especially if it is later discovered that the data is flawed, or was improperly manipulated. Problems with false or inaccurate data will be documented by ODJFS, and all inappropriately awarded incentive funds must be returned by the local WIB. Actions that are deemed improper or inappropriate manipulation of data include but are not limited to:

- Improperly deleting terminations from the system.
- Improperly modifying participant records.
- Listing a person who is not employed as employed.
- Not reporting participant information and/or records.
- Improper documentation. (See TEGL 17-05 and WIATL 27.)

Local WIBs eligible for incentive funds will receive written notification of the process to receive the funds.

All WIA dollars awarded as incentive funds must be spent on WIATitle I-(B) activities.

**Sanctions and Corrective Action Plan**

**Performance/Common Measure Failure - First Occurrence**

When a local area does not meet negotiated annual performance/common measures, ODJFS will issue written notice to the chief elected official (CEO), local WIB chairperson, administrative entity director, and fiscal agent of the local area. The local WIB must submit a corrective action plan within 45 days describing how it will meet and improve performance. The corrective action plan must include, but is not limited to:

1. Identification of the local WIB number, name of the CEO, local WIB chairperson, and a contact person for the corrective action plan.
2. Identification of each performance measure failed.
3. A description of the reason or reasons for failure, including an analysis of the reason for failure and how the cause was determined. If help is needed to analyze the performance problem, e-mail the WIAQNA@ifs.ohio.gov and the OWD staff will provide the data needed for performance measure analysis, as well as make staff available to meet with the administrative entity to help analyze the data and identify the reasons for failure.

4. A description of actions that will be taken to meet the performance measures.

5. A timeline for completing each action identified above.

6. A description of how the local WIB will monitor and measure the effectiveness of the corrective action activities to ensure performance improvement and correction of the failures.

7. The local WIB will submit progress reports to the OWD according to a mutually agreed upon submission schedule following the approval of the corrective action plan. This submission schedule will continue until the end of the specified program year.

8. Signature of the CEO, local WIB chairperson, and administrative entity director.

ODJFS OWD staff will review corrective action plans and notify the administrative entity in writing of the plan approval. If after reviewing the plan any additional information is required, the local area will be notified.

If the WIB’s corrective action plan includes a request for technical assistance funds, ODJFS will evaluate each request on a case-by-case basis, to determine if the request will be approved or denied.

Corrective action plans shall be submitted to the:

Ohio Department of Job and Family Services
Office of Workforce Development
4020 East Fifth Avenue
Columbus, Ohio 43219
Attn.: Technical Assistance Section

**Performance Measure Failure - Two or More Occurrences**

If a local WIB fails the same annual negotiated performance/common measures for two consecutive program years, ODJFS will issue written notice to the CEO, local WIB chairperson, administrative entity director, and the fiscal agent of the local area of the failure.

ODJFS may require an independent third party analysis to determine the reason for the failure or failures. ODJFS will release the Request for Proposal (RFP), select the consultant, and pay for the independent analysis.

Based on the independent third party recommendations, discussions with the local WIB, and any other analysis or information that may be available, ODJFS will decide the course of corrective action. Corrective action will begin with a corrective action plan. The corrective action plan must include, but is not limited to:

1. Identification of the local WIB number, name of the CEO, local WIB chairperson, and a contact person for the corrective action plan.

2. Identification of each performance/common measure failed.

3. A description of the reason or reasons for failure, including an analysis of the reason for failure and how the cause was determined. If help is needed to analyze the performance problem, e-mail the WIAQNA@ifs.ohio.gov and the OWD staff will provide the data needed for performance/common measure analysis, as well as make staff available to meet with the administrative entity to help analyze the data and identify the reasons for failure.
4. A description of actions that will be taken to meet the performance/common measures.
5. A timeline for completing each action identified above.
6. A description of how the local WIB will monitor and measure the effectiveness of the corrective action activities to ensure performance improvement and correction of the failures.
7. The local WIB will submit progress reports to the OWD according to a mutually agreed upon submission schedule following the approval of the corrective action plan. This submission schedule will continue until the end of the specified program year.
8. Signature of the CEO, local WIB chairperson, and administrative entity director.

Note: If the local WIB has failed the same measure two consecutive years, and also fails a different measure, the corrective action plans can be combined.

ODJFS OWD staff will review corrective action plans and notify the administrative entity in writing of the plan approval. If after reviewing the plan and additional information is required, the local area will be notified.

Corrective action plans shall be submitted to the:

Ohio Department of Job and Family Services
Office of Workforce Development
4020 East Fifth Avenue
Columbus, Ohio 43219
Attn.: Technical Assistance Section

ODJFS may take additional actions or make recommendations to the Governor that may include, but are not limited to:

• The appointment and certification of a new local board - consistent with the criteria established under WIA section 117(b);
• Prohibiting the use of eligible providers and One-Stop partners identified as achieving a poor level of performance; or
• Taking such other actions as the Governor determines as appropriate. See WIA section 136 (h)(2)(A).

The local WIB that is subject to a reorganization plan may, no later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. The local WIB may, no later than 30 days after receiving a decision from the Governor, appeal to the Secretary of Labor.

V. Technical Assistance

For additional information, e-mail questions, concerns to the Office of Workforce Development: WIAQNA@jfs.ohio.gov

VI. References

Workforce Investment Act of 1998, Public Law 105-220: 29 USC 2871, Section 136 (b)(2)(A)(i), and Section 136 (h)(2)(A) and (B)
Workforce Investment Act of 1998, Public Law 105-220: 20 USC 9273, Section 503 (a), (b)(1), (b)(2)(A), (B), and (C)
Final Regulations, Subpart (B), Section 666.200, Section 666.210, Section 666.300, Section 666.310, and Section 667.650
Final Regulations, Subpart (D), Section 666.400, and Section 666.410
TEGL No. 17-05, Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues

WIATL 27 - Source Documentation for WIA Eligibility

WIATL 37 - Common Measures Reporting
Workforce Investment Act Policy Letter No. 09-01.5

September 9, 2014

To: Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Waiver to Increase the Transfer of Funds between the Adult and Dislocated Worker Local Formula Funds

I. Purpose

To provide policy on the waiver extension granted for Program Year 2014 by the US Department of Labor (DOL) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area. The transfer authority between the funding streams is limited to 75%. WIA administrative entities should transmit this guidance to subrecipients and other entities that provide WIA activities.

II. Effective Date

July 1, 2014 - June 30, 2015

III. Background

Under the Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 133 (b) (4) allows the local Workforce Investment Board (WIB), through the administrative entity and/or fiscal agent, to request a transfer of funds between the adult and dislocated worker programs of up to 20% of the original formula allocation for each year of appropriation. TEGL 20-08, May 7, 2009 raises the transfer limits to 30%, which is applicable for the life of the funds. TEGL 27-12, May 10, 2013, raised the transfer limits to 75% on a case by case basis.

In 2014, the State requested a waiver extension to permit an increase in the allowable transfer amount between the Adult and Dislocated Worker funding streams to 75%. The U.S. Department of Labor (DOL) granted the extension of this waiver through June 30, 2015.

IV. Requirements

Effective with the issuance of PY 2014 WIA funds, the state of Ohio is aligning with the Consolidated Appropriations Act, limiting the transfer amount of up to 75% of Dislocated Worker funds to Adult and up to 75% of Adult funds to Dislocated Worker.

A WIB cannot transfer youth funds under the Workforce Investment Act.

A WIB should instruct the fiscal agent and/or the administrative entity whether to transfer up to 75% of local area formula allocations between the adult and dislocated worker programs.

Funds will retain the year of appropriation identity 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).

Changes in the state's transfer limit approved under waiver authority shall apply to new allocations of Adult and Dislocated Worker funding issued for the first fiscal year beginning on or after the effective date of the waiver authority approval, but not 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 WIA funding was awarded shall continue to apply to those funds for their period of availability at the local level. For example, if an area received $100,000 in Adult funds when Ohio's transfer authority was limited to 50%, the Area may expend up to $50,000 of these funds for Dislocated Worker services. If the state's
waiver authority later increases to 75% effective for the subsequent fiscal year, the transfer limit pertaining to the original $100,000 Adult award remains at $50,000. If the area had already transferred $40,000 during the first year, the maximum transfer authority pertaining to funds carried into the new fiscal year is limited to $10,000. The higher transfer limit of 75% shall apply to new allocations issued in the fiscal year beginning on or after the waiver authority effective date.

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 not provide rapid response funds to address a need if a transfer has occurred from the dislocated worker program to the adult program.

Considerations

There are short-term and long-term effects on program operations that could result from transfers of funds. The local WIB, the fiscal agent, and/or the administrative entity 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?
   - Customer demand
   - Business demand
   - Expenditures
   - Enrollments
3. How will you respond to unforeseen events, such as:
   - Company closings
   - Mass layoffs
   - Increased training costs
4. What are short-term and long-term impacts of the transfer?
   - Significant change in local plan goals to warrant a local plan modification
   - Service level and service groups

V. Technical Assistance

For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

USDOL Training and Employment Guidance Letter No. 20-08, Workforce Investment Act (WIA) Adult, Dislocated Worker and Youth Activities Program Allotments for Program Year (PY) 2009; Additional PY 2009 Funding from WIA Section 173(e) for Adult/Dislocated Worker Activities for Eligible States; Final Wagner-Peyser Act Allotments for PY 2009; Workforce Information Grants to States for PY 2009; and Work Opportunity Tax Credit (WOTC) Allotments for Fiscal Year (FY) 2009, May 7, 2009.
Rescissions

WIAPL No. 09-01.4, Waiver to Increase the Transfer of Funds between the Adult and Dislocated Worker Local Formula Funds.
Workforce Investment Act Policy Letter No. 09-01.4

March 6, 2014

To: Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and OhioMeansJobs Center Operators

From: Cynthia C. Dungey, Director

Subject: Waiver to Increase the Transfer of Funds between the Adult and Dislocated Worker Local Formula Funds

I. Purpose

To provide policy on the waiver extension granted for Program Year 2013 by the US Department of Labor (DOL) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area. The transfer authority between the funding streams is limited to 75%. WIA administrative entities should transmit this guidance to subrecipients and other entities that provide WIA activities.

II. Effective Date

July 1, 2013 - June 30, 2014

III. Background

Under the Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 133 (b) (4) allows the local Workforce Investment Board (WIB), through the administrative entity and/or fiscal agent, to request a transfer of funds between the adult and dislocated worker programs of up to 20% of the original formula allocation for each year of appropriation. TEGL 20-08, May 7, 2009 raises the transfer limits to 30%, which is applicable for the life of the funds.

In 2013, the State requested a waiver extension to permit an increase in the allowable transfer amount between the Adult and Dislocated Worker funding streams. The U.S. Department of Labor (DOL) granted the extension of this waiver through June 30, 2014.

IV. Requirements

Effective with the issuance of PY 2013 WIA funds, the state of Ohio is aligning with the Consolidated Appropriations Act, limiting the transfer amount of up to 75% of Dislocated Worker funds to Adult and up to 75% of Adult funds to Dislocated Worker.

A WIB cannot transfer youth funds under the Workforce Investment Act.

A WIB should instruct the fiscal agent and/or the administrative entity whether to transfer up to 75% of local area formula allocations between the adult and dislocated worker programs.

Funds will retain the year of appropriation identity 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).

Changes in the state’s transfer limit approved under waiver authority shall apply to new allocations of Adult and Dislocated Worker funding issued for the first fiscal year beginning on or after the effective date of the waiver authority approval, but not 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 WIA funding was awarded shall continue to apply to those funds for their period of availability at the local level. For example, if an area received $100,000 in Adult funds when Ohio’s transfer authority was limited to 50 percent, the Area may expend up to $50,000 of these funds for Dislocated Worker services. If the state’s waiver authority later increases to 75 percent effective for the subsequent fiscal year, the
transfer limit pertaining to the original $100,000 Adult award remains at $50,000. If the area had already transferred $40,000 during the first year, the maximum transfer authority pertaining to funds carried into the new fiscal year is limited to $10,000. The higher transfer limit of 75 percent shall apply to new allocations issued in the fiscal year beginning on or after the waiver authority effective date.

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 not provide rapid response funds to address a need if a transfer has occurred from the dislocated worker program to the adult program.

**Considerations**

There are short-term and long-term effects on program operations that could result from transfers of funds. The local WIB, the fiscal agent, and/or the administrative entity 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?
   - Customer demand
   - Business demand
   - Expenditures
   - Enrollments
3. How will you respond to unforeseen events, such as:
   - Company closings
   - Mass layoffs
   - Increased training costs
4. What are short-term and long-term impacts of the transfer?
   - Significant change in local plan goals to warrant a local plan modification
   - Service level and service groups

**V. Technical Assistance**

For additional information, you may send your questions to ODJFS, Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

**VI. References**

USDOL Training and Employment Guidance Letter No. 20-08, Workforce Investment Act (WIA) Adult, Dislocated Worker and Youth Activities Program Allotments for Program Year (PY) 2009; Additional PY 2009 Funding from WIA Section 173(e) for Adult/Dislocated Worker Activities for Eligible States; Final Wagner-Peyser Act Allotments for PY 2009; Workforce Information Grants to States for PY 2009; and Work Opportunity Tax Credit (WOTC) Allotments for Fiscal Year (FY) 2009, May 7, 2009.

**Rescissions**

WIAPL No. 09-01.3, Waiver to Increase the Transfer of Funds between the Adult and Dislocated Worker Local Formula Funds.
I. **Purpose**

To provide policy on the waiver extension granted for Program Year 2011 by the US Department of Labor (DOL) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area. The transfer authority between the funding streams is limited to 50%. WIA administrative entities should transmit this guidance to subrecipients and other entities that provide WIA activities.

II. **Effective Date**

July 1, 2011 - June 30, 2012

III. **Background**

Under the Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 133 (b) (4) allows the local Workforce Investment Board (WIB), through the administrative entity and/or fiscal agent, to request a transfer of funds between the adult and dislocated worker programs of up to 20% of the original formula allocation for each year of appropriation. TEGL 20-08, May 7, 2009 raises the transfer limits to 30%, which is applicable for the life of the funds.

In April 2011, the State requested a waiver extension to permit an increase in the allowable transfer amount between the Adult and Dislocated Worker funding streams. On June 7, 2011, the U.S. Department of Labor granted the extension of this waiver for Program Year (PY) 2011. An extension of this waiver has been granted through June 30, 2012 by DOL.

IV. **Requirements**

Effective with the issuance of PY 2011 WIA funds, the state of Ohio is aligning with the Consolidated Appropriations Act, limiting the transfer amount of up to 50% of Dislocated Worker funds to Adult and up to 50% of Adult funds to Dislocated Worker.

A WIB cannot transfer youth funds under the Workforce Investment Act.

A WIB should instruct the fiscal agent and/or the administrative entity whether to transfer up to 50% of local area formula allocations between the adult and dislocated worker programs.

Funds will retain the year of appropriation identity 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).

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 not provide rapid response funds to address a need if a transfer has occurred from the dislocated worker program to the adult program.

**Considerations**
There are short-term and long-term effects on program operations that could result from transfers of funds. The local WIB, the fiscal agent, and/or the administrative entity 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?
   - Customer demand
   - Business demand
   - Expenditures
   - Enrollments
3. How will you respond to unforeseen events, such as:
   - Company closings
   - Mass layoffs
   - Increased training costs
4. What are short-term and long-term impacts of the transfer?
   - Significant change in local plan goals to warrant a local plan modification
   - Service level and service groups

V. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. **References**

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 133 (a) (B) (2) and 133(b) (4), 189 (i) (4) (B)

Federal Regulation, Final Rules, August 11, 2000, 20 CFR Sections 661.420 (c) and 667.140;

DOL Training and Employment Guidance Letter No. 20-08, May 7, 2009;

DOL Training and Employment Guidance Letter No. 23-07, March 25, 2008;

The Consolidated Appropriations Act, 2008

Waiver Request Plan, May 9, 2005; and U.S. DOL waiver approval letter, July 25, 2005

Waiver Request Plan, May 9, 2007; and USDOL waiver approval letter, Sept. 26, 2007

OAC 5101:9-31-02, WIA Initial Formulary Allocation Methodology

Waiver Request Plan, May 13, 2010; and

DOL waiver approval letter, June 30, 2010

DOL waiver approval letter, June 7, 2011

**Rescissions**

WIATL 21A- Waiver to Increase the Percentage on Transfer of Funds between the Adult and Dislocated Worker Programs

WIAPL No. 09-01

WIAPL No. 09-01.1

WIAPL No. 09-01.2
Workforce Investment Act Policy Letter No. 09-01.2

August 30, 2010

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Waiver to Increase the Transfer of Funds between the Adult and Dislocated Worker Local Formula Funds

I. Purpose
To provide policy on the waiver granted for Program Year 2010 by the US Department of Labor (DOL) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area. The transfer authority between the funding streams is limited to 50%. WIA administrative entities should transmit this guidance to subrecipients and other entities that provide WIA activities.

II. Effective Date
July 1, 2010 - June 30, 2011

III. Background
Under the Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 133 (b) (4) allows the local Workforce Investment Board (WIB), through the administrative entity and/or fiscal agent, to request a transfer of funds between the adult and dislocated worker programs of up to 20% of the original formula allocation for each year of appropriation. TEGL 20-08, May 7, 2009 raises the transfer limits to 30%, which is applicable for the life of the funds.

In May 2010, the State requested a waiver extension to permit an increase in the allowable transfer amount between the Adult and Dislocated Worker funding streams. On June 30, 2010, the U.S. Department of Labor granted the extension of this waiver for Program Year (PY) 2010.

IV. Requirements
Effective with the issuance of PY 2010 WIA funds, the state of Ohio is aligning with the Consolidated Appropriations Act, limiting the transfer amount of up to 50% of Dislocated Worker funds to Adult and up to 50% of Adult funds to Dislocated Worker.

A WIB cannot transfer youth funds under the Workforce Investment Act.

A WIB should instruct the fiscal agent and/or the administrative entity whether to transfer up to 50% of local area formula allocations between the adult and dislocated worker programs.

Funds will retain the year of appropriation identity 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).

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 not provide rapid response funds to address a need if a transfer has occurred from the dislocated worker program to the adult program.

Considerations
There are short-term and long-term effects on program operations that could result from transfers of funds. The local WIB, the fiscal agent, and/or the administrative entity 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?
   - Customer demand
   - Business demand
   - Expenditures
   - Enrollments
3. How will you respond to unforeseen events, such as:
   - Company closings
   - Mass layoffs
   - Increased training costs
4. What are short-term and long-term impacts of the transfer?
   - Significant change in local plan goals to warrant a local plan modification
   - Service level and service groups

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 133 (a) (B) (2) and 133(b) (4), 189 (i) (4) (B)
Federal Regulation, Final Rules, August 11, 2000, 20 CFR Sections 661.420 (c) and 667.140;
DOL Training and Employment Guidance Letter No. 20-08, May 7, 2009;
DOL Training and Employment Guidance Letter No. 23-07, March 25, 2008;
The Consolidated Appropriations Act, 2008
Waiver Request Plan, May 9, 2005; and U.S. DOL waiver approval letter, July 25, 2005
Waiver Request Plan, May 9, 2007; and USDOL waiver approval letter, Sept. 26, 2007
OAC 5101:9-31-02, WIA Initial Formulary Allocation Methodology
Waiver Request Plan, May 13, 2010; and U.S. DOL waiver approval letter, June 30, 2010
Rescissions
WIATL 21A- Waiver to Increase the Percentage on Transfer of Funds between the Adult and Dislocated Worker Programs
WIAPL No. 09-01
WIAPL No. 09-01.1
Workforce Investment Act Policy Letter No. 09-01.1

June 16, 2010

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Waiver to Increase the Transfer of Funds between the Adult and Dislocated Worker Local Formula Funds

I. Purpose
To provide policy on the waiver granted for Program Year 2009 by the US Department of Labor (DOL) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area. The transfer authority between the funding streams is limited to 50%. WIA administrative entities should transmit this guidance to subrecipients and other entities that provide WIA activities.

II. Effective Date
July 1, 2009

III. Background
Under the Workforce Investment Act, Public Law 105-220, dated August 7, 1998, Section 133 (b) (4) allows the local Workforce Investment Board (WIB), through the administrative entity and/or fiscal agent, to request a transfer of funds between the adult and dislocated worker programs of up to 20% of the original formula allocation for each year of appropriation. TEGL 20-08, May 7, 2009 raises the transfer limits to 30%, which is applicable for the life of the funds.

IV. Requirements
Effective with the issuance of PY 2009 WIA funds, the state of Ohio is aligning with the Consolidated Appropriations Act, limiting the transfer amount of up to 50% of Dislocated Worker funds to Adult and up to 50% of Adult funds to Dislocated Worker.

A WIB cannot transfer youth funds under the Workforce Investment Act.

A WIB should instruct the fiscal agent and/or the administrative entity whether to transfer up to 50% of local area formula allocations between the adult and dislocated worker programs.

Funds will retain the year of appropriation identity 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).

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 not provide rapid response funds to address a need if a transfer has occurred from the dislocated worker program to the adult program.

Considerations
There are short-term and long-term effects on program operations that could result from transfers of funds. The local WIB, the fiscal agent, and/or the administrative entity 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?
   • Customer demand
   • Business demand
   • Expenditures
   • Enrollments

3. How will you respond to unforeseen events, such as:
   • Company closings
   • Mass layoffs
   • Increased training costs

4. What are short-term and long-term impacts of the transfer?
   • Significant change in local plan goals to warrant a local plan modification
   • Service level and service groups

V. Technical Assistance
   For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
   Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 133 (a) (B) (2) and 133(b) (4), 189 (i) (4) (B)
   Federal Regulation, Final Rules, August 11, 2000, 20 CFR Sections 661.420 (c) and 667.140;
   DOL Training and Employment Guidance Letter No. 20-08, May 7, 2009;
   DOL Training and Employment Guidance Letter No. 23-07, March 25, 2008;
   The Consolidated Appropriations Act, 2008
   Waiver Request Plan, May 9, 2005; and U.S. DOL waiver approval letter, July 25, 2005
   Waiver Request Plan, May 9, 2007; and USDOL waiver approval letter, Sept. 26, 2007
   OAC 5101:9-31-02, WIA Initial Formulary Allocation Methodology
   Rescissions
   WIATL 21A- Waiver to Increase the Percentage on Transfer of Funds between the Adult and Dislocated Worker Programs
   WIAPL No. 09-01
To provide policy to authorize up to a 30% transfer of local area formula allocations, between the Adult and Dislocated Worker programs as stated in USDOL Training and Employment Guidance Letter (TEGL) number 20-08, May 7, 2009. WIA administrative entities should convey this guidance to subrecipients and other entities that provide WIA activities.

Effective with the issuance of PY 2009 WIA funds, the state of Ohio is aligning with the Consolidated Appropriations Act, limiting the transfer amount of up to 30% of Dislocated Worker funds to Adult and up to 30% of Adult funds to Dislocated Worker.

A WIB cannot transfer youth funds under the Workforce Investment Act.

A WIB should instruct the fiscal agent and/or the administrative entity whether to transfer up to 30% of local area formula allocations between the adult and dislocated worker programs.

Funds will retain the year of appropriation identity 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).

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 not provide Rapid Response funds to address a need if a transfer has occurred from the dislocated worker program to the adult program.

Considerations

There are short-term and long-term effects on program operations that could result from transfers of funds. The local WIB, the fiscal agent, and/or the administrative entity 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?
   - Customer demand
   - Business demand
   - Expenditures
   - Enrollments

3. How will you respond to unforeseen events, such as:
   - Company closings
   - Mass layoffs
   - Increased training costs

4. Will there be adequate time to meet WIA funds obligation and expenditure requirements?
   - Current program year funds obligation requirement of 80%
   - 100% of the prior year funds are expended within the second year of appropriation

5. What are short-term and long-term impacts of the transfer?
   - Significant change in local plan goals to warrant a local plan modification
   - Service level and service groups

V. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. **References**

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998, Sections 133 (a) (B) (2) and 133(b) (4), 189 (i) (4) (B);
Federal Regulation, Final Rules, August 11, 2000, 20 CFR Sections 661.420 (c) and 667.140;
DOL Training and Employment Guidance Letter No. 20-08, May 7, 2009;
DOL Training and Employment Guidance Letter No. 23-07, March 25, 2008;
The Consolidated Appropriations Act, 2008
Waiver Request Plan, May 9, 2005; and U.S. DOL waiver approval letter, July 25, 2005
Waiver Request Plan, May 9, 2007; and USDOL waiver approval letter, Sept. 26, 2007
OAC 5101:9-31-02 WIA Initial Formulary Allocation Methodology

Rescissions

WIATL 21A- Waiver to Increase the Percentage on Transfer of Funds between the Adult and Dislocated Worker Programs
To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Lisa Patt-McDaniel, Director
       Douglas E. Lumpkin, Director

Subject: The American Recovery and Reinvestment Act (ARRA) of 2009 - Project HIRE (Hometown Investments in Regional Economies) and Ohio Learning Accounts (OLA)

I. Purpose
   To provide state policy and operational parameters for the implementation of Project HIRE and OLA through the local One-Stop service delivery system. Project Hire and OLA is funded by the Workforce Investment Act (WIA) statewide funds as authorized by ARRA of 2009.

II. Effective Date
    October 8, 2009

III. Background
    The Recovery Act is intended to preserve and create jobs, promote the nation's economic recovery and to assist those most impacted by the recession. As one of Ohio's initiatives for stimulus funds, the Ohio Department of Development (ODOD) and the Ohio Department of Job and Family Services (ODJFS) are implementing OLA for dislocated workers as a part of Project HIRE. The goal of Project HIRE is to connect Ohio employers who have current job openings with potential Ohio dislocated workers who may have, or who are close to having, the necessary skill sets to fill those positions. OLA is the training services incentive that comes with the individual upon selection.

    OLAs are flexible training accounts of up to $6,000 for eligible dislocated workers who require training or certification as a condition of accepting a bona-fide job offer. All OLA classroom or on-the-job training (OJT) must be completed by December 31, 2010.

    As an additional element of Project Hire, local areas may apply for funds to provide Project HIRE outreach and events between September 2009 and June 2010. These events will inform employers about the array of services the state's workforce development system has to offer. Through Project HIRE activities, employers and dislocated workers will be linked based on the skills of the dislocated workers and the available job openings of the prospective employer.

IV. Requirements
    OLA provides an additional package of training services for Ohio's dislocated workers who meet, or who are close to meeting, an employer's requirements for open positions. WIA dislocated workers, Trade Adjustment Assistance (TAA) and Re-employment Services (REA) individuals are eligible to participate in Project HIRE. Dual enrollment and funding of OLA, TAA, National Emergency Grants (where training is applicable), and WIA formula funded dislocated worker programs is allowable. Through partnership with the local One-Stop and the ODOD Business Services Representative (BSR), these eligible individuals are matched to open positions in targeted industries or demand occupations. Individuals selected for employment and who need additional training or certification may receive an OLA.

    The local One-Stop, working with the employer, the eligible individual and other partners will develop an OLA Participant Training Plan (PTP) that may include any combination of classroom and OJT up to $6,000 per eligible customer. The local One-Stop will enroll the individual in an OLA and request...
funding from the ODJFS, Office of Workforce Development (OWD). This $6,000 cap applies only to the OLA, not formula funded WIA ITAs or TAA training contracts.

Local One-Stops will ensure that eligible individuals are informed of availability of OLAs as well as of the full array of services offered through the local One-Stop partners, including WIA Adult and Dislocated Worker programs. Through the provision of this information, individuals may be in a more competitive position to secure employment in targeted industries or demand occupations.

Local WIBs may review existing local WIB policies to determine if additional policies are needed for successful implementation of OLA in their areas. To the extent possible, Ohio maintains the importance of local decision-making, while preserving the intent of the Project HIRE and OLA initiative.

OLAs are to be available and implemented in a manner that is expedient and responsive to the needs of impacted individuals and employers who are hiring. All OLA applicants must be determined eligible, approved for enrollment, and complete training by December 31, 2010. Therefore, local areas are strongly encouraged to develop processes that do not unnecessarily impede access to training services.

A. **Eligibility**

1. Ohio dislocated workers, including TAA eligible participants and REA individuals are eligible to participate in Project HIRE and OLA.

2. Individuals are enrolled in OLAs once there is a commitment to employment and the individual requires additional short-term OLA training as a condition of the employment. Project HIRE employment matches in targeted industries or demand occupations for eligible individuals may be initiated in four different ways:

   A. An eligible individual identified as a 'Project Hire' participant, successfully meets a potential employer's requirements and is selected to be hired; the dislocated worker may be a candidate for an OLA if training is a required condition of employment.

   B. An employer who contacts the local One-Stop for assistance with getting referrals of seekers for employment and an appropriate candidate is found; the referred dislocated worker may be a candidate for an OLA if training is a required condition of employment.

   C. If an employer contacts the local One-Stop and states he/she has found a potential seeker on OhioMeansJobs Project Hire Resume database; the dislocated worker may be a candidate for an OLA if training is required condition of employment.

   D. If the local One-Stop conducts a hiring fair, or a Business Services Representative (BSR) or other One-Stop staff member meets with a hiring employer and introduces a qualified job seeker to the hiring employer, the dislocated worker may be a candidate for an OLA if training is required condition of employment.

3. Local areas will determine if the individual meets the OLA eligibility criteria listed above. Documentation of eligibility must include evidence of current enrollment in WIA, Trade, REA or NEG.

4. OLA will be issued on a first-come, first-serve basis. Local areas are reminded that veterans' priority of service is mandatory for all levels of services through federal employment and training programs, regardless of the other criteria in local priority policies.

5. Once the local area has identified an individual as eligible for an OLA and has obtained sufficient documentation, all appropriate data must be entered in SCOTI under special grant office PH-OLA Statewide.
Note: It is encouraged that TAA individuals interested in participating in Project HIRE activities commence Project HIRE participation after their TAA activities to successfully have the ability to take full advantage of both opportunities.

B. **Participant Training Plan (PTP)**

Local areas will develop OLA PTPs that include the individual and employer attestation that he/she will meet all conditions set forth in the local OLA training agreement. Local areas may incorporate language for OLA into existing agreements, or create specific agreements for the OLA program. Local areas may wish to consider language that addresses the following:

- Attendance requirements.
- Pass/Fail requirements.
- Communication and contact procedures with local area staff.
- Monitoring training and employment progress.
- Procedures for situations involving hardship and termination from the program.

All applicants must sign an OLA PTP that ensures full understanding of training expectations and responsibilities, how the training will be funded, and obligations for reporting and follow-up.

If all or a portion of the OLA is an OJT component, local areas, in conjunction with the ODOD BSRs are required to ensure completion of the Project HIRE, On-the-Job Training Employer Checklist and Training Agreement and ensure compliance with the Project HIRE On-the-Job Training Requirements. ODJFS will provide an OJT Training Plan template.

C. **Program Duration**

OLAs will be approved for short-term training programs. All OLA funded training must be completed by December 31, 2010.

D. **OJT Considerations**

OJTs can be provided under a contract with both public and private sector (for-profit and non-profit) employers. OJT participants must be provided with permanent employment, wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and who are doing the same type of work. The local WIB 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.

Project HIRE OJT Employers will be paid up to 50% of each Trainee's regular wages during the Training Period. "Trainee Regular Wages are defined as "the amounts earned by the Trainee for work performed during the training period. Wages include regular "straight time" for actual hours worked with no overtime premium, holiday pay or fringe benefits included." The maximum Project HIRE OJT is $6,000. The training period is up to 1040 hours (with accommodation for those with disabilities) as outlined in the individual's training plan.


E. **Training Services**

OLAs enhance pre-qualified job seekers' existing skills with additional training, making these individuals more attractive to prospective employers, beyond what the job seeker could have accomplished on his/her own. The job training will be funded for short-term training and may include classroom training resulting in an industry-recognized, portable credential and/or an OJT which concentrates on the hiring employer’s specific requirements.
The OLA initiative is to focus on short-term training. Classroom training is defined as less than one year in duration, while OJTs are generally limited to 1040 hours. Local areas may approve classroom training using providers included in the Ohio Eligible Training Provider Online system or other training providers. Selection of the training providers is determined at the local area level by the case manager, the participant, and the hiring employer.

Training requirements and limitations are as follows:

a) Training, including any combination of classroom or OJT, may not exceed the limit of $6000 per participant.

b) Classroom training must lead to attainment of a degree, a license, or an industry-recognized certificate or credential.

c) All training must be completed by December 31, 2010.

F. **OLA Awards and Management**

Local areas will determine the amount of the OLA obligation and forward requests to the ODJFS, OWD for approval. Once approved by OWD, the local area will receive a confirmation of the approval with an assigned number. Each week, the OWD will batch approved requests by local area and request the Office of Fiscal Services to issue an allocation letter to the local area. The allocation letter will reference the approved account numbers so that local areas can link individuals to the allocation award.

Based upon the local area procedures, the local One-Stop systems will issue payments to providers. The local area fiscal agent will report the expenditures (both OLA account and OLA administrative costs) through the established County Finance System. Local areas may request up to 5% in administration for managing the OLA program.

G. **Reporting**

OLA data will be reported using the Sharing Career Opportunities and Training Information (SCOTI) Staff Assisted WIA system. The local One-Stop and BSRs will select the Special Grant office titled (PH-OLA Statewide) for Project HIRE and OLA individuals. Requests for SCOTI access to the special grant office may be sent to OMJ_Help-Desk@jfs.ohio.gov. Please use PH-OLA in the subject line.

The 3 basic intake screens will be completed for each PH-OLA seeker.

- On the third tab of Basis Intake - Program Data, 'YES' must selected for the dislocated worker option and complete the detailed information.
- Then, from the eligibility screen, the user will click on the "Add Special Grant" button (select appropriate info from drop downs) and SAVE the data.

The user can then proceed with adding other services and training data as necessary.

H. **Monitoring / Documentation**

ODJFS program and fiscal monitoring will be incorporated into the existing audits and program reviews to ensure data validation and adherence to OLA implementation policy and procedures as well as all federal and state WIA guidance, policy, and procedures.

The State, DOL, or its contractors will be evaluating this ARRA-funded program. In order to gather information for this purpose, local areas may be required to accommodate site visits by providing access to key personnel and necessary data.

I. **Local Area and ODOD OLA Contact Designation**

Local One-Stop staff is the primary points of contact (POCs) for the OLA initiative. An alternate POC is also required. This will provide a means for on-going communication between ODOD BSRs, OWD, and
the local area throughout implementation. Local areas must submit the primary and alternate POC for each One-Stop center and include the following:

- Name
- Title
- Agency
- Local Workforce Area Number
- Address
- Phone Number
- Fax Number
- E-Mail Address

POC information is to be submitted via e-mail to:
WIAQNA@JFS.OHIO.GOV. Please insert this language in the subject line of the message: OLA POC.

V. Technical Assistance
For additional information, you may send your questions to the Bureau of Workforce Services:
WIAQNA@JFS.OHIO.GOV, subject line: OLA.

VI. References
WIA Final Rules and Regulations - 20 CFR
Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998
TEGL No. 14-08, Guidance for Implementation and Wagner-Peyser Funding in the American Recovery and Reinvestment Act of 2009 and State Planning Requirements for Program Year 2009
TEGL 14-08, change 1
WIAGL 6-2000, WIA Eligibility Determination and Documentation
WIATL 27, Source Documentation for WIA Eligibility
WIAPL 09-06 On-the-Job-Training
http://jfs.ohio.gov/workforce/workforceprof/Project_Hire_OLA.stm
Workforce Investment Act Policy Letter No. 08-17.1

July 8, 2010

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Lisa Patt-McDaniel, Director
Douglas E. Lumpkin, Director

Subject: Local Workforce Investment Act (WIA) Programs - American Recovery and Reinvestment Act (ARRA) of 2009

I. **Purpose**

To provide policy and direction related to the use of the local Recovery Act funds. Local ARRA funds are to be used in activities that expeditiously and effectively, with full transparency and accountability, serve the WIA Adult, Dislocated Workers, and Youth participants in the local areas. This policy has been revised to remove Needs-Based-Payments (NBPs) language, and to clarify expenditures deadline.

II. **Effective Dates**

Immediately

III. **Background**

The Recovery Act is intended to preserve and create jobs, promote the nation's economic recovery and assist those most impacted by the recession. It is expected that local WIA programs will show significant increases in the number of customers served and more of these customers will receive training through June 30, 2010, using strategies designed to meet long term economic recovery as well as immediate needs.

IV. **Requirements**

Providing Ohio's job seekers with the skills and employment strategies they need to obtain jobs today that provide a living wage and benefits, help Ohio's families provide for themselves and start down the path of economic recovery. Implementation of the Recovery Act should yield not only increased services and training for workers in need, but also an invigorated, more innovative public workforce system that enables future economic growth and advances shared prosperity for Americans. The implementation of the Recovery Act should ensure special emphasis on dislocated workers, low-income individuals, under-skilled adults and disconnected youth.

To achieve this outcome, the United States Department of Labor (USDOL) and the State of Ohio have established five guiding principles that apply to the state and local workforce system:

- Transparency and accountability in the use of funds, decision making, and services;
- Timely expenditures and service implementation;
- Increasing workforce system capacity and service levels;
- Using data and workforce information to guide strategic planning and service delivery that will bring growth into Ohio's economy; and
- Fostering and leveraging resources on all levels.

Existing eligibility criteria for Adults and Dislocated Workers remain the same as formula funded WIA program eligibility. (See WIATL 27, Source Documentation Guide)

Youth-Summer Program
• Summer program period begins May 1 and ends September 30.
• Age broadened for youth; 14 to 24 years of age.
• Flexibility for youth served with ARRA funds who participate in summer only.*
• Work readiness is the only indicator to assess the effectiveness of summer employment,* and is the only indicator required to assess the effectiveness of summer employment for youth regardless of age.

*The USDOL approved Ohio’s request to waive the common performance measures for out-of-school youth ages 18 to 24 who participate in work experience that occurs outside of the summer months. This waiver expired March 31, 2010, so youth who did not exit on or before March 31, 2010 are included in Common Measures.

Youth participants that are co-enrolled into formula funded WIA programs will be included in common performance measures.

A. Priority of Service

Similar to requirements for WIA Adult local formula funds, procedures must be in place to ensure that ARRA adult services are available first to recipients of public assistance and other low-income individuals as described in WIA section 134(d)(4)(E). Local WIBs are encouraged to review their existing priority of service policies and modify as needed, to include additional targeted groups identified specifically in USDOL Training and Guidance Letter 14-08.

Priority of service should include:

• Low-Income Veteran and Eligible Spouses
• Low-Income
• Public Assistance Recipients (which includes those in receipt of Food Stamps)
• Dislocated workers
• Under-Skilled Adults
• Disconnected Youth (from education and/or work)
• Unemployment Claimants
• Individuals with Disabilities
• Offenders

Local areas are encouraged to use the 5% eligibility exception defined in WIA 129 (c)(5), allowing local areas to serve youth that meet other priority service criteria.

As with existing policy at the federal level through the Jobs for Veterans Act, with all things being equal, veterans receive priority over non-veterans for access to any and all program services.

When the veterans priority of services is applied in conjunction with another statutory priority like the ARRA priority for recipients of public assistance and low-income individuals, veterans and eligible spouses who are members of the ARRA priority group must receive the highest priority within that priority group, followed by nonveteran members of the ARRA priority group. See example:

If there are two individuals applying for WIA ARRA funded program services, both individuals are low-income, but only one individual is a veteran, the low-income veteran would be selected first to participate.
If there are two individuals applying for WIA ARRA funded program services, and one individual is a veteran, and the other individual is low-income; the low-income individual would be selected first to participate.

B. Collaboration and Partnerships

Local WIBs must collaborate and develop close partnerships with Unemployment Insurance (UI), Trade, and all other programs serving individuals specifically targeted for services with Recovery Act funds. Coordination with existing programs to determine how best to meet individual customer needs should include looking at all available resources in order to make the most effective use of funds at the local level. This should include awareness of and linkages to any statewide initiatives through Recovery Act funds.

C. Allowable Activities/Services

The intent of ARRA-funded program services is that all eligible individuals have ready, expedient access to needed services without an overly burdensome process. The existing sequence of service requirements for access to the WIA adult and dislocated worker program still apply. However, WIBs must ensure that existing processes to access services are not causing an unnecessary delay for participation. The demonstration of "need for services" can be a core and/or intensive service and pave the way toward enrollment into more staff-assisted value-added services.

ARRA funds can be used for all activities specified under the WIA programs. Because workers may need to upgrade current skill sets or learn new skills to compete for career opportunities, training is a particularly vital service during the economic recovery. As stated previously, significant increases in the number of customers served in the local programs are expected as a result of efforts made toward implementation of stimulus program activities. Further, eligible individuals enrolled in training services are expected to increase as well. Co-enrollments between local formula funded programs and stimulus funded programs are allowable within the parameters of the federal regulations, WIA, and state policy. Adult and Dislocated Worker ARRA participants are included in local performance measure calculations.

Note: The development of training curriculum by institutions of higher education, adult career centers can be considered a training activity under WIA. Curriculum is developed when curriculum is needed for a specific training need for a company, and the required curriculum is not available to purchase "off the shelf". Local WIBs are encouraged to assess current training offerings to ensure the training curriculum being developed does not duplicate existing training offerings. Curriculum activities should focus on adapting existing or creating new curriculum that will result in a short-term increase in training capacity, rather than long-term curriculum development activities.

Local areas are reminded that the Recovery Act provides additional funds under existing WIA authority, and the design and delivery of the services for the Recovery Act funds are governed by WIA laws and regulations.

Local WIBs are required to expend 30% of ARRA funding on training activities. Training services include the full range of occupational skills training, adult education and literacy services, and customized training as described in WIA section 134 (d)(4)(D). Local WIBs are required to provide documentation regarding the 30% training expenditure requirements upon request and/or for monitoring and auditing purposes.

Local WIBs are expected to make certain that training services are widely available to targeted populations identified in this issuance. Local WIBs are encouraged to emphasize six methods of providing training to eligible participants:

- Individual training accounts (ITAs)
- Customized training
- On-the-job training
- Contracts with institutions of higher education, adult career centers, and other training providers
- Contracts with community-based organizations
- Registered apprenticeship
- Basic literacy programs

**ITAs** allow job seekers maximum flexibility in selecting training providers to meet their training and education needs.

**Customized Training** is designed to meet the special requirements of an employer or group of employers and is conducted with a commitment by the employer to employ an individual on successful completion of the training. The employer pays for not less than 50 percent of the cost of the training. Customized training is a valuable tool to create specific training for an employer or group of employers with jobs available that require similar skill needs that results in positive employment outcomes for individuals upon completion of training. Ohio is under a waiver authority that replaces the statutory employer match of 50% for customized training, requiring a 10% to 50% sliding scale match. (See WIATL 40 for details)

**On-the-job training (OJT)** provides job seekers with work experience and skills training needed to successfully obtain and retain employment. Under OJT, the employer is provided up to 50 percent of the costs of training calculated and paid on a wage reimbursement basis. Historically, data shows that outcomes for individuals completing OJT are higher than for those using other training methods.

**Basic literacy programs that combine education and occupational training.** Basic literacy programs will be considered training when combined with the following trainings:

- occupational skills training;
- on-the-job training;
- programs that combine workplace training with related instruction,
- training programs operated by the private sector;
- skill upgrading and retraining;
- entrepreneurial training;
- job readiness training.

This would allow the Adult Basic and Literacy Education (ABLE) costs to count towards the 30% requirement but only when combined with other types of training - not when basic literacy programs are offered as a standalone or with other non-training activities.

**Contracts with institutions of higher education, adult careers centers, and other training providers** allow WIBs to work directly with institutions of higher education, such as community colleges, adult career centers, and other training providers to quickly design education and training to fit the needs of the job seekers and employers they are serving. Given the budget restrictions many states and regions are facing, these contracts are intended to provide a means of quickly ramping up much-needed training capacity.

**Contracts with community-based organizations.** WIA section 134(d)(4)(G) gives local areas the flexibility to contract directly with community-based organizations to provide training, in lieu of ITAs, if the WIB determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization to serve special participant populations that face multiple barriers to employment.

**Registered apprenticeship** combines education and work experience resulting in a nationally recognized portable credential and offers adults and dislocated workers a career pathway into specific
fields. WIA funds may be integrated with apprenticeship programs to support both pre-apprenticeship and apprenticeship programs.

D. Supportive Services

ARRA requires states to ensure that supportive services are readily available in order to provide participants with the financial support necessary to successfully complete program services and entry or re-entry into the job market.

As with any supportive services, they must be both reasonable and necessary, and documented in the participant file. Specific examples of supportive services include but are not limited to:

- Mileage reimbursement to/from work or training activity
- Transportation (bus passes or tokens) *Vehicle purchases are not permitted.
- Vehicle repair
- Dependent care
- Housing
- Emergency services
- Work-related expenses (i.e. uniforms if required)
- Payment for vocationally necessary exams or certificates, including GED

**Supportive services do not count toward training-related expenses.**

Needs-Related Payments (NRPs)

NRPs are a type of income support payment intended to provide financial assistance to participants while they are pursuing their career goals. The length of training should not determine whether NRPs are approved. NRPs are statutorily-defined in WIA. This type of supportive service is acceptable under stimulus-funded programs. Policy requirements for NRPs have been issued separately; detailing WIA regulations (see also 20 CFR sections 663.815, 663.820, 663.825, 663.830 and 663.840).

NRPs may be provided to 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 individuals to participate in programs of training services. See ODJFS WIA Policy Letter 08-14 for detailed requirements.

NRPs are an allowable supportive service for youth under WIA. There are no statutory or regulatory provisions that impose additional eligibility criteria upon youth for needs-related payments.

**Allowances**

Cash allowances shall be considered incentive or stipend awards to youth participants for participation and achievement in WIA-related activities paid for with ARRA funds. Incentives may be paid for educational and work achievements. Youth may be paid an incentive for getting a GED and/or maybe paid an incentive for getting a job or returning to school. Additional payments may be made at midpoint and at the completion of the WIA follow-up period to encourage staying in school or in the workforce. Local workforce areas may choose to provide gift certificates in lieu of cash payments for food, clothing, or gasoline.

**Training-Related Expenses**

ARRA can pay for training-related expenses such as books, tools, fees and uniforms that are required as part of the training curriculum. These costs are included in the 30% expenditure training rate.

If there are questions regarding specific training-related costs, contact OWD.
Grants Management at WIAQNA@jfs.ohio.gov, and add Grants Management Training-Related Costs in the subject line.

E. Availability of Funds
Funds were initially issued in PY 08 and available through the end of PY 09. The funds must be utilized within the time period of availability.

F. Procurement
Youth funds
The Workforce Investment Act requires that eligible providers of youth activities be identified by awarding grants or contracts on a competitive basis, by Local WIBs and based on recommendations from the youth council and the criteria contained in the State Plan. One of the principal duties of the youth council is to recommend eligible providers of youth activities in the local area to be awarded grants or contracts on a competitive basis by the Local Board.

The USDOL approved Ohio's request to waive the competitive selection of Youth program vendors and sub-grantees, authorizing limited expedited procurement under 29 CFR 97.36 (c), Expenditure of Youth Program dollars. (See section I. USDOL Waivers of this policy)

Adult / Dislocated Worker funds
The Recovery Act allows local WIBs to award contracts to institutions of higher education, such as community colleges, or other eligible training providers, if the local WIB determines it would facilitate the training of multiple individuals in high-demand occupations and if the contracts do not limit customer choice. This is in addition to the current methods for providing training. It is intended to help increase education and training enrollments and capacity by allowing WIBs to pay for the full cost of training at the beginning of the course.

As always, WIBs must adhere to any federal, state, and local procurement requirements (whichever is the most restrictive) when awarding contracts.

G. Additional Prohibition on Use of Funds
None of the funds appropriated or otherwise made available in the ARRA may be used for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

Not more than 70% of youth funds may be spent on in-school youth.

PY 2008 formula funds waivers that do not apply to ARRA funds as defined in TEGL No. 14-08:

- Waiver of the funds transfer limit between Adult and Dislocated Worker Programs.
- Waiver of the limitation on the use of funds for capitalization for small business.
- Waiver to permit the state to use a portion of rapid response funds to conduct statewide activities including incumbent worker training.

ARRA funds may only be used for authorized WIA activities.

H. Expenditures Deadline
Local areas may use WIA ARRA funds for allowable expenditures through June 30, 2010, and must liquidate expenditures by September 30, 2010. All unspent and unliquidated WIA ARRA funds will be recaptured based on the final reconciliation report. These funds will not be reallocated to the local areas but will be converted to WIA ARRA Statewide Discretionary funds. ARRA expenses reported after issuance of the final reconciliation report will be disallowed under the ARRA funding streams, per WIA Section 127(a), 128(c) and 133(b) & (c).

I. USDOL Waivers
USDOL approved three waivers associated with stimulus-funded youth program activities. It is important to note that these waivers apply only to youth enrolled in stimulus-funded activities.

1. Common measures performance requirements are waived when serving out-of-school youth, ages 18-24, who participate in work experience only that occurs outside of the summer months. Under these conditions, the work readiness indicator will serve as the only indicator of performance for such youth. This waiver expired March 31, 2010.

2. Youth participating in work experience only will not be subject to the 12-month follow-up requirement, nor will they be subject to the youth framework activities defined in WIA, 20 CFR section 664.405 (minimal objective assessment and individual service strategy requirements must be conducted).

3. Competitive selection of Youth program vendors and sub-grantees is waived, authorizing limited expedited procurement under 29 CFR 97.36 (c), Expenditure of Youth Program dollars through September 30, 2009.

There are two existing waivers that do not apply to the ARRA funds.

1. Waivers of the funds transfer limit between Adult and Dislocated Worker programs above 30 percent do not apply to Recovery Act funds.

2. A local area may not waive the limitation on the use of funds for capitalization of businesses at WIA section 181(e).

J. **ARRA Financial and Performance Reporting**

Local workforce areas have a responsibility to monitor and ensure accountability of subrecipients, contractors, subcontractors, and vendors.

The ODJFS Office of Workforce Development program team will use the performance data to identify areas for technical assistance and/or a collection of promising practices. The Bureau of Monitoring and Consulting Services will use the current performance data during on-site and desk reviews to identify areas of best practices and program concern.

The ODJFS Office of Workforce Development will inform WIBs of specific SCOTI data collection and reporting requirements.

K. **Local WIB Requirements**

Local workforce areas must adhere to all ODJFS policies, subgrant agreements, memos and guidance when carrying out ARRA funded activities.

Local plans for ARRA stimulus fund activities should be easily available for public and stakeholder review.

V. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@jfs.ohio.gov.

VI. **References**

Workforce Investment Act of 1998, Public Law 105-220: 29 USC 2871, Section 136 (b)(2)(A)(i), and Section 136 (h)(2)(A) and (B)

Workforce Investment Act of 1998, Public Law 105-220: 20 USC 9273, Section 503 (a), (b)(1), (b)(2)(A), (B), and (C)

Final Regulations, Subpart (B), 20 CFR Sections 666.200, 666.210, 666.300, 666.310 and 667.650

Final Regulations, Subpart (D), 20 CFR Sections 666.400 and 666.410
TEGL No. 14-08, Guidance for Implementation and Wagner-Peyser Funding in the American Recovery and Reinvestment Act of 2009 and State Planning Requirements for Program Year 2009

TEGL No. 14-08, Change 1

U.S. Department of Labor, Waiver Approval Letter, April 29, 2009

Rule 5101-974.2

Rescissions

WIAPL 08-17
Workforce Investment Act Policy Letter No. 08-17

October 2, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Local Workforce Investment Act (WIA) Programs - American Recovery and Reinvestment Act (ARRA) of 2009

I. Purpose

To provide policy and direction related to the use of the local Recovery Act funds. Local ARRA funds are to be used in activities that expeditiously and effectively, with full transparency and accountability, serves the WIA Adult, Dislocated Workers and Youth participants in the local areas.

II. Effective Dates

Immediately

III. Background

The Recovery Act is intended to preserve and create jobs, promote the nation's economic recovery and assist those most impacted by the recession. It is expected that local WIA programs will show significant increases in the number of customers served and more of these customers will receive training through June 30, 2010, using strategies designed to meet long term economic recovery as well as immediate needs.

IV. Requirements

Providing Ohio's job seekers with the skills and employment strategies they need to obtain jobs today, jobs that provide a living wage and benefits, helps Ohio's families provide for themselves and start down the path of economic recovery. Implementation of the Recovery Act should yield not only increased services and training for workers in need, but also an invigorated, more innovative public workforce system that enables future economic growth and advances shared prosperity for Americans. The implementation of the Recovery Act should ensure special emphasis on dislocated workers, low-income individuals, under-skilled adults and disconnected youth.

To achieve this outcome, the United States Department of Labor (USDOL) and the State of Ohio have established five guiding principles that apply to the state and local workforce system:

- Transparency and accountability in the use of funds, decision making, and services;
- Timely expenditures and service implementation;
- Increasing workforce system capacity and service levels;
- Using data and workforce information to guide strategic planning and service delivery that will bring growth into Ohio's economy; and
- Fostering and leveraging resources on all levels.

Existing eligibility criteria for Adults and Dislocated Workers remain the same as formula funded WIA program eligibility. (See WIATL 27, Source Documentation Guide)

Youth-Summer Program

- Summer program period begins May 1 and ends September 30.
- Age broadened for youth; 14 to 24 years of age.
• Flexibility for youth served with ARRA funds who participate in summer only.*
• Work readiness is the only indicator to assess the effectiveness of summer employment,* and is the only indicator required to assess the effectiveness of summer employment for youth regardless of age.

*The USDOL approved Ohio's request to waive the common performance measures for out-of-school youth ages 18 to 24 who participate in work experience that occurs outside of the summer months.

Youth participants that are co-enrolled into formula funded WIA programs will be included in common performance measures.

A. Priority of Service
Similar to requirements for WIA Adult local formula funds, procedures must be in place to ensure that ARRA adult services are available first to recipients of public assistance and other low-income individuals as described in WIA section 134(d)(4)(E). Local WIBs are encouraged to review their existing priority of service policies and modify as needed, to include additional targeted groups identified specifically in USDOL Training and Guidance Letter 14-08.

Priority of service for adult, dislocated worker, and youth ARRA-funded programs should include:

• Low-Income Veteran and Eligible Spouses
• Low-Income
• Public Assistance Recipients (which includes those in receipt of Food Stamps)
• Dislocated workers
• Under-Skilled Adults
•Disconnected Youth (from education and/or work)
• Unemployment Claimants
• Individuals with Disabilities
• Offenders

Local areas are encouraged to use the 5% eligibility exception defined in WIA 129 (c)(5), allowing local areas to serve youth that meet other priority service criteria.

As with existing policy at the federal level through the Jobs for Veterans Act, with all things being equal, veterans receive priority over non-veterans for access to any and all program services.

When the veterans priority of services is applied in conjunction with another statutory priority like the ARRA priority for recipients of public assistance and low-income individuals, veterans and eligible spouses who are members of the ARRA priority group must receive the highest priority within that priority group, followed by nonveteran members of the ARRA priority group. See example:

If there are two individuals applying for WIA ARRA funded program services, both individuals are low-income, but only one individual is a veteran, the low-income veteran would be selected first to participate.

If there are two individuals applying for WIA ARRA funded program services, and one individual is a veteran, and the other individual is low-income; the low-income individual would be selected first to participate.

B. Collaboration and Partnerships
Local WIBs must collaborate and develop close partnerships with Unemployment Insurance (UI), Trade, and all other programs serving individuals specifically targeted for services with Recovery Act funds. Coordination with existing programs to determine how best to meet individual customer needs should include looking at all available resources in order to make the most effective use of funds at the local level. This should include awareness of and linkages to any statewide initiatives through Recovery Act funds.

C. Allowable Activities/Services

The intent of ARRA-funded program services is that all eligible individuals have ready, expedient access to needed services without an overly burdensome process. The existing sequence of service requirements for access to the WIA adult and dislocated worker program still apply. However, WIBs must ensure that existing processes to access services are not causing an unnecessary delay for participation. The demonstration of “need for services” can be a core and/or intensive service and pave the way toward enrollment into more staff-assisted value-added services.

ARRA funds can be used for all activities specified under the WIA programs. Because workers may need to upgrade current skill sets or learn new skills to compete for career opportunities, training is a particularly vital service during the economic recovery. As stated previously, significant increases in the number of customers served in the local programs are expected as a result of efforts made toward implementation of stimulus program activities. Further, eligible individuals enrolled in training services are expected to increase as well. Co-enrollments between local formula funded programs and stimulus funded programs are allowable within the parameters of the federal regulations, WIA, and state policy. Adult and Dislocated Worker ARRA participants are included in local performance measure calculations.

Note: The development of training curriculum by institutions of higher education, adult career centers can be considered a training activity under WIA. Curriculum is developed when curriculum is needed for a specific training need for a company, and the required curriculum is not available to purchase “off the shelf”. Local WIBs are encouraged to assess current training offerings to ensure the training curriculum being developed does not duplicate existing training offerings. Curriculum activities should focus on adapting existing or creating new curriculum that will result in a short-term increase in training capacity, rather than long-term curriculum development activities.

Local WIBs are required to expend 30% of ARRA funding on training activities. Training services include the full range of occupational skills training, adult education and literacy services, and customized training as described in WIA section 134 (d)(4)(D). Local WIBs are required to provide documentation regarding the 30% training expenditure requirements upon request and/or for monitoring and auditing purposes.

Local WIBs are expected to make certain that training services are widely available to targeted populations identified in this issuance. Local WIBs are encouraged to emphasize six methods of providing training to eligible participants:

- Individual training accounts (ITAs)
- Customized training
- On-the-job training
- Contracts with institutions of higher education, adult career centers, and other training providers
- Contracts with community-based organizations
- Registered apprenticeship
Basic literacy programs

ITAs allow job seekers maximum flexibility in selecting training providers to meet their training and education needs.

Customized Training is designed to meet the special requirements of an employer or group of employers and is conducted with a commitment by the employer to employ an individual on successful completion of the training. The employer pays for not less than 50 percent of the cost of the training. Customized training is a valuable tool to create specific training for an employer or group of employers with jobs available that require similar skill needs that results in positive employment outcomes for individuals upon completion of training. Ohio is under a waiver authority that replaces the statutory employer match of 50% for customized training, requiring a 10% to 50% sliding scale match. (See WIATL 40 for details)

On-the-job training (OJT) provides job seekers with work experience and skills training needed to successfully obtain and retain employment. Under OJT, the employer is provided up to 50 percent of the costs of training calculated and paid on a wage reimbursement basis. Historically, data shows that outcomes for individuals completing OJT are higher than for those using other training methods.

Basic literacy programs that combine education and occupational training. Basic literacy programs will be considered training when combined with the following trainings:

- occupational skills training;
- on-the-job training;
- programs that combine workplace training with related instruction,
- training programs operated by the private sector;
- skill upgrading and retraining;
- entrepreneurial training;
- job readiness training.

This would allow the Adult Basic and Literacy Education (ABLE) costs to count towards the 30% requirement but only when combined with other types of training - not when basic literacy programs are offered as a standalone or with other non-training activities.

Contracts with institutions of higher education, adult careers centers, and other training providers allow WIBs to work directly with institutions of higher education, such as community colleges, adult career centers, and other training providers to quickly design education and training to fit the needs of the job seekers and employers they are serving. Given the budget restrictions many states and regions are facing, these contracts are intended to provide a means of quickly ramping up much-needed training capacity.

Contracts with community-based organizations. WIA section 134(d)(4)(G) gives local areas the flexibility to contract directly with community-based organizations to provide training, in lieu of ITAs, if the WIB determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization to serve special participant populations that face multiple barriers to employment.

Registered apprenticeship combines education and work experience resulting in a nationally recognized portable credential and offers adults and dislocated workers a career pathway into specific fields. WIA funds may be integrated with apprenticeship programs to support both pre-apprenticeship and apprenticeship programs.

D. Supportive Services
ARRA requires states to ensure that supportive services are readily available in order to provide participants with the financial support necessary to successfully complete program services and entry or re-entry into the job market.

As with any supportive services, they must be both reasonable and necessary, and documented in the participant file. Specific examples of supportive services include:

- Mileage reimbursement to/from work or training activity
- Transportation (bus passes or tokens) *(Vehicle purchases are not permitted.*
- Vehicle repair
- Dependent care
- Housing
- Emergency services
- Work-related expenses (i.e. uniforms if required)
- Payment for vocationally necessary exams or certificates, including GED

**Supportive services do not count toward training-related expenses.**

**Needs-Related Payments (NRPs) and Needs-Based Payments (NBPs)**

Both types of income support payments are intended to provide financial assistance to participants while they are pursuing their career goals. The length of training should not determine whether NRPs and NBPs are approved. NRPs are statutorily-defined in WIA, whereas NBPs are defined by the State and further defined at the local level. Both of these types of supportive services are acceptable under stimulus-funded programs. Policy requirements for NRPs have been issued separately; detailing WIA regulations (see also 20 CFR sections 663.815, 663.820, 663.825, 663.830 and 663.840). It should be noted that NBPs are allowable only with stimulus funds, not local formula funds.

**Need-Related Payments**

NRPs may be provided to 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 individuals to participate in programs of training services. See ODJFS WIA Policy Letter 08-14 for detailed requirements.

**Needs-Based Payments**

Payments provided to individual participants where such payments are necessary to enable the individual to participate in ARRA-funded adult, dislocated worker and youth activities. Payments are made in accordance with locally developed policy. The local NBP and NRP policy must include the following:

- Amount of payments
- Duration of payments
- Explanation of how on-going assessment of need while participating will be determined
- How payments will be monitored

The individual determination of participants' NBPs and the amount of such payments are based upon the results of the continuing assessment while participating in training services. The provisions and amounts of such payments should be documented in the participant file.

**Allowances**
Cash allowances shall be considered incentive or stipend awards to youth participants for participation and achievement in WIA-related activities paid for with ARRA funds. Incentives may be paid for educational and work achievements. Youth may be paid an incentive for getting a GED and/or may be paid an incentive for getting a job or returning to school. Additional payments may be made at midpoint and at the completion of the WIA follow-up period to encourage staying in school or in the workforce. Local workforce areas may choose to provide gift certificates in lieu of cash payments for food, clothing, or gasoline.

Training-Related Expenses

ARRA can pay for training-related expenses such as books, tools, fees and uniforms that are required as part of the training curriculum. These costs are included in the 30% expenditure training rate.

If there are questions regarding specific training-related costs, contact OWD Grants Management at WIAQNA@jfs.ohio.gov, and add Grants Management Training-Related Costs in the subject line.

E. Availability of Funds

Due to the limited availability of ARRA funds, the State has issued expenditure rate requirements under separate policy (See WIA Policy Letter 08-16). The majority of these funds must be utilized within the first year of availability. Local areas are reminded that the Recovery Act provides additional funds under existing WIA authority, and the design and delivery of the services for the Recovery Act funds are governed by WIA laws and regulations.

F. Procurement

Youth funds

The Workforce Investment Act requires that eligible providers of youth activities be identified by awarding grants or contracts on a competitive basis, by Local WIBs and based on recommendations from the youth council and the criteria contained in the State Plan. One of the principal duties of the youth council is to recommend eligible providers of youth activities in the local area to be awarded grants or contracts on a competitive basis by the Local Board.

The USDOL approved Ohio's request to waive the competitive selection of Youth program vendors and sub-grantees, authorizing limited expedited procurement under 29 CFR 97.36 (c), Expenditure of Youth Program dollars. (See section I. USDOL Waivers of this policy)

Adult / Dislocated Worker funds

The Recovery Act allows local WIBs to award contracts to institutions of higher education, such as community colleges, or other eligible training providers, if the local WIB determines it would facilitate the training of multiple individuals in high-demand occupations and if the contracts do not limit customer choice. This is in addition to the current methods for providing training. It is intended to help increase education and training enrollments and capacity by allowing WIBs to pay for the full cost of training at the beginning of the course.

As always, WIBs must adhere to any federal, state, and local procurement requirements (whichever is the most restrictive) when awarding contracts.

G. Additional Prohibition on Use of Funds

None of the funds appropriated or otherwise made available in the ARRA may be used for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

Not more than 70% of youth funds may be spent on in-school youth.

PY 2008 formula funds waivers that do not apply to ARRA funds as defined in TEGL No. 14-08:

- Waiver of the funds transfer limit between Adult and Dislocated Worker Programs.
• Waiver of the limitation on the use of funds for capitalization for small business.
• Waiver to permit the state to use a portion of rapid response funds to conduct statewide activities including incumbent worker training.

ARRA funds may only be used for authorized WIA activities.

H. Recapture and Reobligation of ARRA Unobligated Funds
Local areas must fully spend and liquidate 100% of WIA ARRA funds by June 30, 2010. Local area cumulative liquidated expenditure rates will be determined by the June expense report upload that is due to Bureau of County Finance and Technical Assistance no later than July 20, 2010. These expense rates will be communicated to WIA area fiscal agents by July 30, 2010. Local areas will have a grace period to correct and report final expense data that must be uploaded to BCFTA during the 30-day reporting period after BCFTA sends the first preliminary reconciliation report to the area. All unspent and unliquidated WIA ARRA funds will be recaptured at that time based on the final reconciliation report. These funds will not be reallocated to the local areas but will be converted to WIA ARRA Statewide Discretionary funds. ARRA expenses reported after issuance of the final reconciliation report will be disallowed under the ARRA funding streams, per WIA Section 127(a), 128(c) and 133(b) & (c). (See WIAPL 08-16, ARRA Expenditure Rates)

The state will recapture and reallocate Recovery Act funds that are eligible for recapture and reallocation in accordance with 20 CFR 667.160 at the end of PY 2009. The WIA recapture and reallocation requirements, including the calculations relating to the percentage of funds that have been obligated, will be applied to Recovery Act WIA formula funds separately from the application of these requirements to the PY 2009 regular WIA formula funds.

I. USDOL Waivers
USDOL approved three waivers associated with stimulus-funded youth program activities. It is important to note that these waivers apply only to youth enrolled in stimulus-funded activities.

1. Common measures performance requirements are waived when serving out-of-school youth, ages 18-24, who participate in work experience only that occurs outside of the summer months. Under these conditions, the work readiness indicator will serve as the only indicator of performance for such youth.

2. Youth participating in work experience only will not be subject to the 12-month follow-up requirement, nor will they be subject to the youth framework activities defined in WIA, 20 CFR section 664.405 (minimal objective assessment and individual service strategy requirements must be conducted).

3. Competitive selection of Youth program vendors and sub-grantees is waived, authorizing limited expedited procurement under 29 CFR 97.36 (c), Expenditure of Youth Program dollars through September 30, 2009.

There are two existing waivers that do not apply to the ARRA funds.

1. Waivers of the funds transfer limit between Adult and Dislocated Worker programs above 30 percent do not apply to Recovery Act funds.

2. A local area may not waive the limitation on the use of funds for capitalization of businesses at WIA section 181(e).

J. ARRA Financial and Performance Reporting
Local workforce areas have a responsibility to monitor and ensure accountability of subrecipients, contractors, subcontractors, and vendors. Local workforce areas must require their contractors and subcontractors to meet the expenditure requirements as defined in WIA Policy Letter 08-16.
The ODJFS Office of Workforce Development program team will use the performance data to identify areas for technical assistance and/or a collection of promising practices. The Bureau of Monitoring and Consulting Services will use the current performance data during on-site and desk reviews to identify areas of best practices and program concern.

The ODJFS Office of Workforce Development will inform WIBs of specific SCOTI data collection and reporting requirements.

K. Local WIB Requirements

Local workforce areas must adhere to all ODJFS policies, subgrant agreements, memos and guidance when carrying out ARRA funded activities.

Local plans for ARRA stimulus fund activities should be easily available for public and stakeholder review.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@jfs.ohio.gov.

VI. References

Workforce Investment Act of 1998, Public Law 105-220: 29 USC 2871, Section 136 (b)(2)(A)(i), and Section 136 (h)(2)(A) and (B)

Workforce Investment Act of 1998, Public Law 105-220: 20 USC 9273, Section 503 (a), (b)(1), (b)(2)(A), (B), and (C)

Final Regulations, Subpart (B), 20 CFR Sections 666.200, 666.210, 666.300, 666.310 and 667.650

Final Regulations, Subpart (D), 20 CFR Sections 666.400 and 666.410

TEGL No. 14-08, Guidance for Implementation and Wagner-Peyser Funding in the American Recovery and Reinvestment Act of 2009 and State Planning Requirements for Program Year 2009

TEGL No. 14-08, Change 1

U.S. Department of Labor, Waiver Approval Letter, April 29, 2009
To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Workforce Investment Act (WIA) Funding in the American Recovery and Reinvestment Act of 2009 (ARRA) Implementation - Expenditure Rates, Recapture and Redistribution of Funds

I. **Purpose**

To establish the timely expenditure of ARRA formula funds awarded to local areas. These funds were awarded through the American Recovery and Reinvestment Act (ARRA) of 2009. Local areas will be required to expend 100% of allocated ARRA Adult, Dislocated Worker, and Youth formula funds by June 30, 2010. This policy establishes clearly defined expenditure rate deadlines and outlines procedures for the recapture and redistribution of ARRA funds in the event local areas do not meet these expenditure rate requirements.

II. **Effective Date**

Immediately

III. **Background**

WIA funding in ARRA and its accompanying regulations require funds to be spent expeditiously and effectively, with full transparency and accountability. Also, WIA and its accompanying regulations require prompt reporting of expenditures.

In order to help as many job seekers find employment as fast as possible, the State has determined it is necessary to establish expenditure requirements on each of the ARRA formula funding streams allocated to the local areas, ensuring maximum available funding is provided for Ohio’s citizens. Prompt reporting of expenditures and the recapturing of funds for redistribution will be required.

Local areas that do not meet the required expenditure rates established in this policy will be subject to the recapture of the allocated ARRA formula funds. Funds will be reallocated to local areas that have met the required expenditure rates. The recaptured funds will be issued based on the original ARRA allocation methodology and will exclude those local areas from which funds were recaptured.

**Definitions**

The following terms define the factors used when determining the percent of the local areas' expenditure rate.

**Accrued Expenditures:** The sum of cash expenditures through the end of the report period plus amounts owed for goods and services received but not yet paid. Expenditures accrue regardless of when cash payments are made.

**Liquidated Expenditure:** Sum of actual cash disbursements for direct charges for goods and services, the amount of allocated indirect expense incurred, and the amount of payments made to contractors and subgrantees.

IV. **Requirements**

A. Distribution and Recapture of ARRA Funds

   Reporting Period 1
**Step 1**

Each local area must have accrued expenditures of at least forty percent (40%) of each ARRA Adult, ARRA Dislocated Worker funds, and seventy percent (70%) of ARRA Youth funds by October 31, 2009. Local area accrued expenditure rates for each program will be determined by dividing the reported October cumulative accrued expenditures amounts by the area's County Financial Information System (CFIS) budget amount for that funding stream. Expense reports are uploaded to CFIS no later than November 20, 2009. The October 31, 2009 expenses reported after the November 20, 2009 deadline will not be included in the November recapture calculation. If the cumulative accrued expenditure rate for ARRA Adult or ARRA Dislocated Worker funds is less than forty percent (40%), or the cumulative accrued expenditure rate for ARRA Youth funds is less than seventy percent (70%), a portion of ARRA funds for that funding stream shall be recaptured.

**Step 2**

ODJFS will determine the amount to be recaptured from each funding stream by subtracting the cumulative accrued expenditure rate from forty percent (40%) of ARRA Adult funds, forty percent (40%) of ARRA Dislocated Worker funds, and from seventy percent (70%) of ARRA Youth funds. The resulting percentage will be multiplied by the area's total allocation for that funding stream and will be recaptured. (See Attachment A) Recaptured funds will then be redistributed to the local areas pursuant to Section IV. B. of this policy. The recapture of funds will be retroactive in the CFIS budgets back to November 1, 2009.

**Reporting Period 2**

**Step 1**

Each local area must have cumulative accrued expenditure rate of at least sixty percent (60%) for each ARRA Adult, ARRA Dislocated Worker and ninety percent (90%) of ARRA Youth funds by January 31, 2010. Local area cumulative accrued expenditure rates for each program will be determined by dividing the January cumulative accrued expense amounts by the area's January 31, 2010 CFIS budget amount for that funding stream. Expense reports are uploaded to CFIS no later than February 20, 2010. The January 31, 2010 expenses reported after the February 20, 2010 deadline will not be included in the February recapture calculation. If the cumulative accrued expenditure rate for ARRA Adult funds or ARRA Dislocated Worker funds is less than sixty percent (60%), or the cumulative accrued expenditure rate for ARRA Youth funds is less than ninety percent (90%), a portion of ARRA funds for that funding stream shall be recaptured.

**Step 2**

ODJFS will determine the amount to be recaptured from each funding stream by subtracting the cumulative accrued expenditure rate from sixty percent (60%) for ARRA Adult funds, sixty percent (60%) ARRA Dislocated Worker funds and from ninety percent (90%) of ARRA Youth funds. The resulting percentage will be multiplied by the area's January 31, 2010 allocation for that program and will be recaptured. (See Attachment A) Recaptured funds will then be redistributed to the local areas pursuant to Section IV. B. of this policy. This recapture will be retroactive in CFIS budgets back to February 1, 2010.

Local areas must fully spend and liquidate 100% of WIA ARRA funds by June 30, 2010. Local area cumulative liquidated expenditure rates will be determined by the June expense report upload that is due to BCFTA no later than July 20, 2010. These expense rates will be communicated to WIA area fiscal agents by July 30, 2010. Local areas will have a grace period to correct and report final expense data that must be uploaded to BCFTA during the 30 day reporting period after BCFTA sends the first preliminary reconciliation report to the area. All unspent and unliquidated WIA ARRA funds will be recaptured at that time based on the final reconciliation report. These funds will not be reallocated to the local areas but will be converted
to WIA ARRA Statewide Discretionary funds. ARRA expenses reported after issuance of the final reconciliation report will be disallowed under the ARRA funding streams.

B. Redistribution of Funds

Redistribution of recaptured ARRA funds will take place in November 2009 and February 2010. Local areas eligible for November 2009 redistribution must have met the October 2009 cumulative expenditure requirement for the fund being reallocated (40% ARRA Adult, 40% ARRA Dislocated Worker and 70% ARRA Youth). Any recaptured funds will be reallocated for each relative funding stream at the same percentage share as was issued for ARRA. The percentage share is derived when the state calculates area allocations using the approved allocation methodology at the beginning of the program year. For each funding stream, the percentage share of the redistribution amounts for non qualifying areas will be designated as statewide funds. In the event a local area declines to receive redistributed funds, the redistributed funds shall be designated as statewide funds.

Local areas eligible for February 2010 redistribution must have met the January 2010 cumulative accrued expenditure requirement for the fund being reallocated (60% ARRA Adult, 60% ARRA Dislocated Worker and 90% ARRA Youth). Any recaptured funds will be reallocated for each relative funding stream at the same percentage share as was issued for ARRA. The percentage share is derived when the state calculates area allocations using the approved allocation methodology at the beginning of the program year. For each funding stream, the percentage share of the redistribution amounts for non qualifying areas will be designated as statewide funds. In the event a local area declines to receive redistributed funds, the redistributed funds shall be designated as statewide funds.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

TEGL 14-08 Workforce Investment Act (WIA) Funding in the American Recovery and Reinvestment Act of 2009 (ARRA) Implementation

Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998


OAC 5101:9-7-04, WIA Area Financing, Reconciliation, and Closeout

OAC 5101:9-31-02, WIA Initial Formulary Allocation Methodology

Attachment A - Sample Recapture and Redistribution Table:
I. Purpose
To establish a consistent policy in managing Workforce Investment Act (WIA) formula funds awarded to local areas. This policy requires that local areas expend at least seventy percent (70%) of awarded Adult, Dislocated Worker, and Youth formula funds by the end of the program year. Areas that do not meet the required expenditure rate will be sanctioned as outlined in this policy.

II. Effective Date
July 1, 2009

III. Background
WIA and its accompanying regulations require prompt reporting of expenditures and obligations and the recapturing of eligible funds for redistribution. The state of Ohio wants to ensure the full expenditure of WIA formula funds in order to avoid any rescission of these funds by the United States Department of Labor (USDOL) and a resulting decrease in funding for the next program year. Under-expended local area funds will be returned to the state and reallocated based on the allocation formula as described in Ohio Administrative Code (OAC) 5101.9-31-02, for each local area and excluding those local areas where funds were returned. The state has determined it is necessary to impose an expenditure requirement on the local areas as a way to ensure the maximum available funding is provided to Ohio citizens.

In order to help as many job seekers find employment as fast as possible, the State has determined it is necessary to establish expenditure requirements on each of the formula funding streams allocated to the local areas, ensuring maximum available funding is provided for Ohio's citizens. Prompt reporting of expenditures and the recapturing of funds for redistribution will be required.

Local areas that do not meet the required expenditure rates established in this policy will be subject to the recapture of the allocated formula funds. Funds will be reallocated to local areas that have met the required expenditure rates. The recaptured funds will be issued based on the original allocation methodology and will exclude those local areas from which funds were recaptured.

Definitions
The following terms define the factors used when determining the percent of the local areas' expenditure rate.

Accrued Expenditures: The sum of cash expenditures through the end of the report period plus amounts owed for goods and services received but not yet paid. Expenditures accrue regardless of when cash payments are made.

Liquidated Expenditure: Sum of actual cash disbursements for direct charges for goods and services, the amount of allocated indirect expense incurred, and the amount of payments made to contractors and subgrantees.

IV. Requirements
A. Distribution and Recapture of Formula Funds

Mid Year

Each local area must have accrued expenditures of at least thirty-five percent (35%) of each Adult, Dislocated Worker funds, and Youth funds by December 30 of each year. Local area accrued expenditure rates for each program will be determined by dividing the reported December cumulative accrued expense amounts by the area's County Financial Information System (CFIS) budget amount for that funding stream. December expense reports are uploaded to CFIS, the financial reporting system. The report upload is due to Bureau of County Finance and Technical Assistance (BCFTA) no later than January 20 of each year.

ODJFS will determine the amount to be recaptured from each funding stream by subtracting the cumulative accrued expenditure rate from thirty-five percent (35%) of Adult funds, thirty-five percent (35%) of Dislocated Worker funds, and from thirty-five percent (35%) of Youth funds. The resulting percentage will be multiplied by the area's total allocation for that funding stream and will be recaptured. (See Attachment A)

Based upon reports submitted through January 15th, ODJFS will issue a mid-year expenditure evaluation report. This report will contain the amounts expended and the projected recapture amount. The report will be issued to the WIB, WIB Chair, Local Elected Officials, Fiscal Agent, Administrative entity, and the Governor's Workforce Policy Advisory Board. The recapture of funds will be retroactive in the CFIS budgets back to January.

Local areas eligible for redistribution must have met the cumulative accrued expenditure requirement for the fund being reallocated (35% Adult, 35% Dislocated Worker and 35% Youth). Any recaptured funds will be reallocated for each relative funding stream at the same percentage share as was issued for the program year. The percentage share is derived when the state calculates area allocations using the approved allocation methodology at the beginning of the program year. For each funding stream, the percentage share of the redistribution amounts for non qualifying areas will be designated as statewide funds.

In the event a local area declines to receive redistributed funds, the redistributed funds shall be designated as statewide funds.

Year End

Each local area must have cumulative liquidated expenditure rate of at least seventy percent (70%) for each Adult, Dislocated Worker and Youth funds by June 30. Local area cumulative liquidated expenditure rates for each program will be determined by dividing the June cumulative liquidated expense amounts by the area's June CFIS budget amount for that funding stream. Expense reports are uploaded to the BCFTA financial reporting system. The report upload is due to BCFTA no later than July 20. These expense rates will be communicated to WIA area fiscal agents no later than August 15th. Local areas will have a grace period to liquidate accrued expenditures, correct and report final expense data. The final report must be uploaded to BCFTA no later than September 15th. Based on the September 15th upload, unliquidated balances in excess of thirty percent (30%) will be recaptured.

ODJFS will determine the amount to be recaptured from each funding stream by subtracting the cumulative liquidated expenditure rate from seventy percent (70%) of Adult funds, seventy percent (70%) of Dislocated Worker funds, and from seventy percent (70%) of Youth funds. The resulting percentage will be multiplied by the area's total allocation for that funding stream and will be recaptured. (See Attachment A)

Local areas eligible for redistribution must have met the cumulative liquidated expenditure requirement for the fund being reallocated (70% Adult, 70% Dislocated Worker and 70% Youth). Any recaptured funds will be reallocated for each relative funding stream at the same percentage share as was issued for the program year. The percentage share is derived when
the state calculates area allocations using the approved allocation methodology at the beginning of the program year. For each funding stream, the percentage share of the redistribution amounts for non qualifying areas will be designated as statewide funds.

In the event a local area declines to receive redistributed funds, the redistributed funds shall be designated as statewide funds.

B. Procedures and Sanctions for Late and/or Inaccurate Reporting

Local areas must adhere to the requirements of this policy as well as all other ODJFS fiscal cash management and reporting policies. Local areas that fail to submit a monthly financial report in accordance with the due date of the 15th day of the following month and/or have submitted a report that is inaccurate within a program year, may be subject to the following:

1. For the first occurrence, the local area must submit a written explanation within 5 days of the report due date, outlining the reason(s) for the late or inaccurate submission of the report(s) and a corrective action plan which:
   a. outlines the reason(s) for the late or inaccurate submission of the report(s);
   b. describes the action being taken to remedy the problem;
   c. indicates the date the accurately revised or delinquent report(s) will be submitted to the State for approval. (In no case should the submission of the accurately revised or delinquent report be more than 30 days after the report period. [e.g. July report by September 15th, August report by October 15th, etc.]), and
   d. notes any technical assistance needed to correct the problem.

   The written explanation should be sent to:

   Ohio Department of Job and Family Services
   Office of Workforce Development
   4020 East Fifth Avenue
   Columbus, Ohio 43219
   Attn.: Technical Assistance Section

2. For the second occurrence, the local area's authority to draw cash down will be suspended until receipt of accurate corrected report by the Office of Fiscal and Monitoring Services and verified by a fiscal review.

3. For the third occurrence, the local area's ability to draw cash will be subject to review for appropriateness/reasonableness to ensure no fiscal issues will result from the receipt of the cash based on the inaccurate reporting. This cash draw restriction will continue until it is determined that the local area has taken the necessary steps to provide prompt, accurate reporting on a continuing basis and no further assistance/monitoring is required.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

OAC 5101:9-7-04, WIA Area Financing, Reconciliation, and Closeout
OAC 5101:9-31-02, WIA Initial Formulary Allocation Methodology
Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998
I. Purpose
To provide guidance on formula funded NRPs to be provided to eligible Adult and Dislocated Workers. This policy applies to all eligible individuals served with formula funds by the local areas.

II. Effective Date
Immediately

III. Background
NRPs provide financial assistance to participants for the purpose of enabling individuals to participate in training programs, and are one of the supportive services authorized by WIA section 134(e)(3). Federal regulations require that payments must be based on financial need.

IV. Requirements
Adult/Dislocated Worker formula funded NRPs are an allowable support service where authorized by local workforce investment boards. It is a local WIB decision to allow or prohibit the payment of NRPs. The local WIB supportive service policy must indicate whether or not NRPs are available to eligible participants.

A. Eligibility for Needs-Related Payments
Receiving needs-related payments is not an entitlement for eligible participants.

Adult Eligibility
To be eligible for NRPs, an Adult must:

1. Be unemployed;
2. Not qualify for or have ceased to qualify for Unemployment Compensation (UC); and,
3. Be enrolled in a program of training services under WIA, section 134(d) (4).

Dislocated Worker Eligibility
This supportive service is based upon the family's financial need, as well as the participant's enrollment into training and ineligibility for Unemployment Compensation (UC) and Trade Readjustment Allowance (TRA) assistance. This two-part determination is described below.

To be eligible for NRPs, a Dislocated Worker must:

Part 1 - Financial Need

1. Individuals must have a three-month family income of less than the Lower Living Standard Income Level (LLSIL).
2. Determination of financial need may be determined up to ninety days prior to the start of training. This initial determination of eligibility is based on the family income from the prior three months.

From: Douglas E. Lumpkin, Director

Subject: Needs-Related Payments (NRPs) - WIA Adult/Dislocated Worker Formula Funds

August 10, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

Workforce Investment Act Policy Letter No. 08-14
And

Part 2 - Training & UC/TRA Status

1. Be unemployed, and:
   a. Have ceased to qualify for UC or TRA; and
   b. Be enrolled in a program of training services under WIA by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

If, due to the lack of funds in the State or local area at the time of a dislocation, unemployed individuals served by a project are not able to meet the 13th or 8th week deadline for enrollment in training, as set forth in WIA section 134(e)(3)(B), then such individuals may be eligible for needs-related payments if they are enrolled in training by the end of the 6th week following the date of the funds award.

2. Be unemployed and did not qualify for UC or TRA.

If the participant is not initially eligible and his or her financial situation changes during the course of training, eligibility may be re-determined throughout the course of participation. However, the timeframe requirements for beginning training (if applicable) and the family income requirements must be met in order to begin issuing needs-related payments.

If these eligibility requirements are met, individuals may be awarded NRPs from WIA funding prior to the start date of training classes for the purpose of enabling the individual to participate in programs of employment and training services that begin within thirty (30) calendar days.

Note: Verification demonstrating proof of UC payments, amounts paid, and the fact that the participant is no longer receiving benefits, all need to be part of the participant's file. Refer to WIATL No. 27 for case file documentation requirements.

B. Level of Payments and Conditions

Adults

The level of NRP made to Adults may not exceed the equivalent weekly amount of the local area's annual 100% LLSIL for a family of one.

Dislocated Workers

The level of needs-related payments for participants will not exceed the following:

1. For participants who were eligible for unemployment compensation (UC) as a result of the qualifying dislocation, and who are no longer receiving benefits, the weekly payment may not exceed the applicable weekly level of the unemployment compensation benefits; or

2. For participants who did not qualify for unemployment compensation as a result of the qualifying layoff, the weekly payment will be equal to the poverty level based on family size and income for an equivalent period.

C. Participant Training Requirements

Weekly payments may begin on the Monday after both eligibility and training enrollment criteria have been met.

If the participant has been accepted into a training program that will begin within 30 calendar days of the determination of NRP eligibility, payments may be awarded prior to the start date of training classes for the purpose of enabling the participant to enroll in the program. All training participants must be enrolled and attending full-time training as defined by the school, and maintain a minimum GPA of 2.0 in order to continue receiving NRPs.
When a participant has a break in training of less than 30 business days (not counting weekends or holidays), the participant is still eligible for NRPs and will receive the weekly NRP. If the break in training is greater than 30 business days, the participant will not receive NRPs for that period until the participant's training program begins.

In the event that training is delayed, NRPs may be paid while a participant is waiting to start training classes provided the participant has been accepted in a training program that will begin within thirty (30) calendar days.

In the event the participants' circumstances prevent them from beginning training, or the training is further delayed (over 30 days), the case manager must make the participant aware of the need to disclose this information to avoid disallowed costs. The provider must also inform the case manager of delays to their training program.

NRP funds may be used only during the period in which an individual participates in WIA training.

**Needs-related payments must be immediately terminated for any participant who fails to meet one of these training requirements.**

**D. Training Services**

A program of training services is one or more courses or classes, or a structured regimen that upon successful completion, leads to:

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

Types of training may include:

- Occupational skills training, including training for nontraditional employment;
- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Job readiness skills;
- Adult education and literacy activities provided in combination with any other training services listed above; and
- Customized training with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

(See TEGL 17-05)

**E. Continuing Eligibility to Receive NRPs**

Participants receiving NRPs must re-qualify for these benefits during the period of the training program every ninety days from the date of the original determination. This re-determination shall be based on the family income for the previous ninety day period. Any income from needs-related payments will not be included. The total revised family income so determined shall continue to be annualized to determine the participant's current eligibility for needs-related payments. Where the revised family income exceeds the LLSIL, the eligible participant shall not be eligible for needs-related payments. Where the revised family income does not exceed the LLSIL, the eligible participant shall continue to
receive needs-related payments. NRPs are not allowable for participants receiving UC, TRA, OJT, and relocation assistance.

F. WIB Requirements

Local area WIBs that plan to offer NRPs must develop a needs-related payments policy and the policy must be submitted to the Ohio Department of Job and Family Services, Office of Workforce Development (OWD) for review and approval within 45 days of this policy to:

WIAQNA@JFS.OHIO.GOV with "Needs-Related Payments Policy" in the subject line. A representative from OWD will review the local WIB policy.

Once the policy has been reviewed for compliance to the minimum specification described in this policy, the reviewed policy will be added to the local area plan on file with OWD.

The local area policy must include language requiring the participant to report the inability to participate due to unforeseen circumstances. Also, the policy will include the payment level determined for adults and dislocated workers.

Beginning 7/1/09, ODJFS monitors and auditors will review adherence to the local area policy during comprehensive monitoring visits.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

Federal Register / Vol. 69, No. 81 / Tuesday, April 27, 2004 / Notices


20 CFR Part 652 et al. Sections §663.815, §663.820, §663.825, §663.840, §667.272(c), §671.140

TEGL No. 17-05

Lower Living Standard Income Level (LLSIL) Guidelines - 2009

TEGL No. 7-99
Workforce Investment Act Policy Letter No. 08-13.2

May 26, 2011

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents,
    Administrative Entities and One-Stop Operators

From: James A. Leftwich, Director
       Michael B. Colbert, Director

Subject: Serving Immediate Family Members, Close Acquaintances, and Other Stakeholders in the Workforce Investment Act (WIA) Program

I. Purpose

To require local Workforce Investment Boards (WIBs) to establish policies and procedures that ensure all individuals enrolled in the WIA program have been determined eligible, assessed, and served in an ethical manner that is free from any real or perceived conflict of interest.

II. Effective Date

Immediately

III. Background

Although WIA is not an entitlement program, access to needed services by eligible and suitable individuals is essential in order to fulfill the goals and objectives of the legislation. Local elected officials, WIBs, designated fiscal agents, and administrative entities must help meet these objectives 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 manner that is free from the perception of any impropriety or conflict of interest.

IV. Requirements

All subrecipients of WIA funds agree through OAC Rule 5101:9-31-01, General Requirements for use and expenditures of WIA funds for local areas, that in administering its local areas, 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), ORC chapter 6301 and Ohio ethics law.

The WIA program, while not an entitlement, should be accessible to any individual who is eligible and suitable for services available at the local area, subject to local WIB policies and procedures. However, when applicants have a close relationship to WIA staff, management, and other specific stakeholders of the workforce investment 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 WIA 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.

An arms-length determination of eligibility must be conducted by a staff member that has no relationship to the individual. Likewise, decisions related to approving training, supportive services, job referrals or other service needs must be made by the WIB 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 WIA program.
Effective immediately, all local WIBs must establish policies and procedures for determining eligibility and service needs of immediate family or close personal relations of local elected officials, WIB members, Youth Council members, WIA executive staff and employees, and One-Stop partners.

Real or perceived violations of this policy shall result in referral, including but not limited to the Ohio Ethics Commission or prosecuting authority for investigation.

All individuals applying for services in the WIA program are required to indicate whether or not a relationship exists that is covered by this policy. Local WIBs are encouraged to develop a disclosure form for this purpose. Documentation must be maintained in all participant files. When a relationship exists, it must be disclosed at the time of application to the program, and documented for the record. Thereafter, the local policy that describes how the individual will be determined eligible, assessed, and served (if appropriate) in the WIA program must be followed.

Either the WIB Director or his/her authorized designee is required to sign off on approval and enrollment of subsequent services.

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

For purposes of this policy letter, the following definitions apply:

A. Definitions

Definitions Table

B. WIB Policy Requirements

Local policy and procedures must include, at a minimum, the following requirements:

1. Require immediate disclosure and documentation of the relationship between the applicant and any of the following parties/stakeholder(s) of the workforce investment system:
   a. Local elected officials
   b. WIB members
   c. WIB committee or subcommittee members
   d. Youth Council members
   e. WIA executive staff and supervisors
   f. WIA employees
   g. One-Stop partners
   h. WIA sub-recipient and/or contractor
   i. County employees

2. Describe the internal process that will ensure that a transparent and arms-length assessment of the individual applicant's eligibility, and any corresponding development of the individual employment plan, has been conducted by staff with no personal relationship, bias, special interest, or prejudice.

3. Describe the approval process for authorizing an individual subject to this policy to be served in the local WIA program, including how training and supportive service decisions are made.

4. Describe how individuals subject to this policy will be tracked by the local WIB.
5. Describe the process and frequency by which the local WIB will monitor compliance with the local policy.

Local WIBs are required to provide training on the local WIB approved policy to persons directly involved with assessments and determining eligibility of participants. WIBs must also ensure that all new staff members and providers are informed of the policy.

Local WIBs are encouraged to develop agreements or memorandums of understanding with other Ohio WIBs to accept referrals for eligibility determination, and suitability and/or assessment to receive services when the referring WIB's applicant is one of the following: a local elected official; a local elected official's close acquaintance or family member; a WIB or Youth Council member; or a WIA executive staff or supervisor. By having another Ohio WIB conduct eligibility determinations, suitability and/or assessments, the local WIB could avoid situations that give rise to a suggestion that any decision was influenced by these parties.

Local WIBs should ensure that their existing policies and procedures are in compliance with this policy letter, and revise as necessary.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

- Workforce Investment Act Final Rules, 20 CFR Part 652, Section § 667
- OAC Rule 5101:9-31-01, General Requirements for use and expenditures of WIA funds for local areas
- ORC-Chapter 102-Ohio Ethics Law, Public Officers-Ethics
- 29 CFR 95.42 - Codes of conduct
- 29 CFR 97.36(b)(3) - Uniform Administration Requirements-Post-Award Requirements
- ODJFS, FAPMTL 248
- ODJFS Administrative Procedure Manual Transmittal Letter number 248
- Rescissions
- WIAPL 08-13.1
Workforce Investment Act Policy Letter No. 08-13.1

August 10, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Serving Immediate Family Members, Close Acquaintances, and Other Stakeholders in the Workforce Investment Act (WIA) Program

I. **Purpose**

To require local Workforce Investment Boards (WIBs) to establish policies and procedures that ensure all individuals enrolled in the WIA program have been determined eligible, assessed, and served in an ethical manner that is free from any real or perceived conflict of interest.

II. **Effective Date**

Immediately

III. **Background**

Although WIA is not an entitlement program, access to needed services by eligible and suitable individuals is essential in order to fulfill the goals and objectives of the legislation. Local elected officials, WIBs, designated fiscal agents, and administrative entities must help meet these objectives 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 manner that is free from the perception of any impropriety or conflict of interest.

IV. **Requirements**

All subrecipients of WIA funds agree through OAC Rule 5101:9-31-01, General Requirements for use and expenditures of WIA funds for local areas, that in administering its local areas, 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), ORC chapter 6301 and Ohio ethics law.

The WIA program, while not an entitlement, should be accessible to any individual who is eligible and suitable for services available at the local area, subject to local WIB policies and procedures. However, when applicants have a close relationship to WIA staff, management, and other specific stakeholders of the workforce investment 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 WIA 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.

Effective immediately, all local WIBs must establish policies and procedures for determining eligibility and service needs of immediate family or close personal relations of local elected officials, WIB members, Youth Council members, WIA executive staff and employees, and One-Stop partners.

In no instance shall any person determine eligibility, assess, or directly serve a member of his or her immediate family member or an individual with whom a close personal relationship exists. Likewise, stakeholders identified in this issuance shall not use their position to influence a decision to enroll an individual in the WIA program.
Real or perceived violations of this policy shall result in referral, including but not limited to the Ohio Ethics Commission or prosecuting authority for investigation.

When a relationship exists, it must be disclosed at the time of application to the program, and documented for the record. Thereafter, the local policy that describes how the individual will be determined eligible, assessed, and served (if appropriate) in the WIA program must be followed.

An arms-length determination of eligibility and assessment must be conducted by a staff member that has no relationship to the individual. Likewise, decisions related to approving training, supportive services, or other service needs must be made by an authorized manager with no such relationship to the applicant.

The WIB Chair or the WIB Fiscal Agent may sign in lieu of the Executive Director if an Executive Director is not available.

Local areas must provide a list of all individuals subject to this policy to ODJFS program monitors and auditors at the onset of all monitoring visits.

A. **WIB Policy Requirements**

Local policy and procedures must include, at a minimum, the following requirements:

1. Require immediate disclosure and documentation of the relationship between the applicant and any of the following parties/stakeholder of the workforce investment system:
   a. Local elected officials
   b. WIB members
   c. WIB committee or subcommittee members
   d. Youth Council members
   e. WIA executive staff and supervisors
   f. WIA employees
   g. One-Stop partners
   h. Contractors
   i. County employees

2. Describe the internal process that will ensure that a transparent and arms-length assessment of the individual applicant's eligibility, and any corresponding development of the individual employment plan, has been conducted by staff with no personal relationship, bias, special interest, or prejudice.

3. Describe the approval process for authorizing an individual subject to this policy to be served in the local WIA program, including how training and supportive service decisions are made.

4. Describe how individuals subject to this policy will be tracked by the local WIB.

5. Describe the process and frequency by which the local WIB will monitor compliance with the local policy.

Local WIBs are required to provide training on the local WIB approved policy to persons directly involved with assessments and determining eligibility of participants.

Local WIBs are required to develop agreements or memorandums of understanding with other Ohio WIBs to accept referrals for eligibility determination, and suitability and/or assessment to receive services when the referring WIB’s applicant is a family member of an elected official,
WIB or Youth Council member, or WIA executive staff or supervisor, in order to avoid situations that give rise to a suggestion that any decision was influenced by these parties.

The local WIB policies and procedures must be submitted to the Ohio Department of Job & Family Services, Office of Workforce Development (OWD) for review and approval within 45 days of the issuance of this policy. The submission must include the board’s resolution or board meeting minutes that state that the policy has been adopted by the board. Policies must be emailed to ODJFS/OWD WIAQNA@JFS.OHIO.GOV with "Serving Family, Friends and Stakeholders" in the subject line. A representative from OWD will review the local WIB policy for compliance to the minimum specifications described in this policy. The approved policy will be added to the local business plan on file with OWD and will be included in monitoring by ODJFS program and financial auditors.

### B. Definitions

<table>
<thead>
<tr>
<th>Close Family Member:</th>
<th>Include parents, children, siblings, spouses and domestic partners. (As defined by the State of Ohio Governor's Executive Order 2007-01S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate and other family:</td>
<td>Consists of the individual's parents (including step-parents), spouse, domestic partner, children (including 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).</td>
</tr>
<tr>
<td>Stakeholders:</td>
<td>Individuals not related to WIA agency staff or management, that have direct or indirect management or responsibility for managing the WIA workforce system, including WIA executive staff, supervisors, local elected officials, contractors, WIB and Youth Council members, WIA employees, and One-Stop partners.</td>
</tr>
<tr>
<td>Close Relationship:</td>
<td>An applicant has a &quot;close relationship&quot; to WIA 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, WIA 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 ongoing social or business relationship.</td>
</tr>
</tbody>
</table>

### V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

### VI. References

- Workforce Investment Act Final Rules, 20 CFR Part 652, Section § 667
- OAC Rule 5101:9-31-01, General Requirements for use and expenditures of WIA funds for local areas
- ORC-Chapter 102-Ohio Ethics Law, Public Officers-Ethics
- 29 CFR 95.42 - Codes of conduct
- 29 CFR 97.36(b)(3) - Uniform Administration Requirements-Post-Award Requirements
Workforce Investment Act Policy Letter No. 08-13

May 20, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Serving Immediate Family Members, Close Acquaintances, and Other Stakeholders in the Workforce Investment Act (WIA) Program

I. Purpose

To require local Workforce Investment Boards (WIBs) to establish policies and procedures that ensure all individuals enrolled in the WIA program have been determined eligible, assessed, and served in an ethical manner that is free from any real or perceived conflict of interest.

II. Effective Date

Immediately

III. Background

Although WIA is not an entitlement program, access to needed services by eligible and suitable individuals is essential in order to fulfill the goals and objectives of the legislation. Local elected officials, WIBs, designated fiscal agents, and administrative entities must help meet these objectives 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 manner that is free from the perception of any impropriety or conflict of interest.

IV. Requirements

All subrecipients of WIA funds agree through OAC Rule 5101:9-31-01, General Requirements for use and expenditures of WIA funds for local areas, that in administering its local areas, 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), ORC chapter 6301 and Ohio ethics law.

The WIA program, while not an entitlement, should be accessible to any individual who is eligible and suitable for services available at the local area, subject to local WIB policies and procedures. However, when applicants have a close relationship to WIA staff, management, and other specific stakeholders of the workforce investment 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 WIA 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.

Effective immediately, all local WIBs must establish policies and procedures for determining eligibility and service needs of immediate family or close personal relations of local elected officials, WIB members, Youth Council members, WIA executive staff and employees, and One-Stop partners.

In no instance shall any person determine eligibility, assess, or directly serve a member of his or her immediate family member or an individual with whom a close personal relationship exists. Likewise, stakeholders identified in this issuance shall not use their position to influence a decision to enroll an individual in the WIA program.
Real or perceived violations of this policy shall result in referral, including but not limited to the Ohio Ethics Commission or prosecuting authority for investigation.

When a relationship exists, it must be disclosed at the time of application to the program, and documented for the record. Thereafter, the local policy that describes how the individual will be determined eligible, assessed, and served (if appropriate) in the WIA program must be followed.

An arms-length determination of eligibility and assessment must be conducted by a staff member that has no relationship to the individual. Likewise, decisions related to approving training, supportive services, or other service needs must be made by an authorized manager with no such relationship to the applicant.

The WIB Chair or the WIB Fiscal Agent may sign in lieu of the Executive Director if an Executive Director is not available.

Local areas must provide a list of all individuals subject to this policy to ODJFS program monitors and auditors at the onset of all monitoring visits.

A. WIB Policy Requirements

Local policy and procedures must include, at a minimum, the following requirements:

1. Require immediate disclosure and documentation of the relationship between the applicant and any of the following parties/stakeholder of the workforce investment system:
   a. Local elected officials
   b. WIB members
   c. WIB committee or subcommittee members
   d. Youth Council members
   e. WIA executive staff and supervisors
   f. WIA employees
   g. One-Stop partners
   h. Contractors
   i. County employees

2. Describe the internal process that will ensure that a transparent and arms-length assessment of the individual applicant's eligibility, and any corresponding development of the individual employment plan, has been conducted by staff with no personal relationship, bias, special interest, or prejudice.

3. Describe the approval process for authorizing an individual subject to this policy to be served in the local WIA program, including how training and supportive service decisions are made.

4. Describe how individuals subject to this policy will be tracked by the local WIB.

5. Describe the process and frequency by which the local WIB will monitor compliance with the local policy.

Local WIBs are required to provide training on the local WIB approved policy to persons directly involved with assessments and determining eligibility of participants.

Local WIBs are required to develop agreements or memorandums of understanding with neighboring WIBs to accept referrals for eligibility, assessment, and service delivery when an applicant is a family member of an elected official, WIB or Youth Council member, or WIA
executive staff or supervisor, in order to avoid situations that give rise to a suggestion that any decision was influenced by these parties.

The local WIB policies and procedures must be submitted to the Ohio Department of Job & Family Services, Office of Workforce Development (OWD) for review and approval within 45 days of the issuance of this policy. The submission must include the board’s resolution or board meeting minutes that state that the policy has been adopted by the board. Policies must be emailed to ODJFS/OWD WIAQNA@JFS.OHIO.GOV with "Serving Family, Friends and Stakeholders" in the subject line. A representative from OWD will review the local WIB policy for compliance to the minimum specifications described in this policy. The approved policy will be added to the local business plan on file with OWD and will be included in monitoring by ODJFS program and financial auditors.

B. Definitions

Close Family Member: Include parents, children, siblings, spouses and domestic partners. (As defined by the State of Ohio Governor’s Executive Order 2007-01S)

Immediate and other family: Consists of the individual's parents (including step-parents), spouse, domestic partner, children (including step-children), foster children, siblings, grandchildren, grandparents, and any relatives by marriage (i.e., in-laws, cousins, nieces, nephews, aunts, and uncles).

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

Close Relationship: An applicant has a "close relationship" to WIA 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, WIA 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 ongoing social or business relationship.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

Workforce Investment Act of 1998, Public Law 105-220 et. al.
Workforce Investment Act Final Rules, 20 CFR Part 652, Section § 667
OAC Rule 5101:9-31-01, General Requirements for use and expenditures of WIA funds for local areas
ORC-Chapter 102-Ohio Ethics Law, Public Officers-Ethics
29 CFR 95.42 - Codes of conduct
Workforce Investment Act Policy Letter No. 08-12.3

May 27, 2011

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: James A. Leftwich, Director
Michael B. Colbert, Director

Subject: Adult and Dislocated Worker Suitability Requirements for Intensive and Training Services in Workforce Investment Act (WIA) Programs

I. Purpose

To provide direction to local Workforce Investment Boards (WIBs) in the development of local policy for determining Adult and Dislocated Worker suitability and the "need" for intensive and training services, including WIA adult and dislocated worker-funded Individual Training Accounts (ITAs).

II. Effective Date

Immediately

III. Background

The WIA program is designed to provide employment and training opportunities to those who can benefit from, and who are in need of such opportunities. However, WIA is not an entitlement program. This requires local WIBs to ensure that eligible individuals are determined to be suitable for program enrollment based upon a consistent equitable assessment that is relevant to the level of services for which the individuals are applying.

WIA staff must gather information and assess suitability in a timely fashion. Local WIBs should strive to establish a customer flow that allows an expedited path to needed services in order to maximize the amount of time a dislocated worker can receive financial support through Unemployment Compensation and / or Trade benefits while enrolled in services.

IV. Requirements

A. Determination of Suitability for Intensive Services

Suitability for program enrollment into the adult and dislocated worker programs must be driven by local WIB policy and applies to eligible adults and dislocated workers that progress from registered core to intensive services.

Determining an individual's suitability and "need" for intensive services requires one-on-one assistance with WIA staff, and it is here that information must be obtained to identify if WIA intensive services are appropriate for the eligible core services participant. A review of individual barriers (current or potential), work history, existing skills, interests, expectations, and the availability of appropriate intensive services in the local area are all factors that should be reviewed in order to determine if the individual should be enrolled beyond core services.

WIA adult and/or dislocated worker intensive services are intended for employed and unemployed individuals who are unable to obtain or retain employment at the core service level. All employed individuals must demonstrate that they are not self-sufficient as defined by the local WIB policy in order to move from core to intensive services.

B. Determination of Suitability for Training Services
Access to training services requires more information in order to determine if training is needed and appropriate for the intensive services participant. The regulations require that in order to receive training services, the participant must:

1. Be unable to obtain or retain employment through core and intensive services;
2. Be determined to be in need of training after an individual interview, evaluation, or assessment;
3. Have the skills and qualifications to successfully participate in the selected program of training services;
4. Select a program of training services that are directly linked to the employment opportunities in the local area involved or in other areas in which the individual is willing to relocate; and
5. Be unable to obtain other grant assistance for training or require assistance beyond the assistance made available under other grant assistance programs including Pell Grant funds.

This information, combined with assessment data collected during intensive services (such as a review of barriers, dependency, employment history, interests, etc), help determine suitability or "need" for training assistance.

The process to obtain this information is a local decision. However, this information should be a combination of-among other things-standardized tests, interviews, inventory of applicants' fields of interest, skills assessments, career exploration, and available labor market information.

**C. Additional Requirements for Adult-Funded ITAs**

In addition to the criteria listed in B, WIA adult-funded ITAs may be approved only for those who have been determined to be below a locally defined standard of "family self-sufficiency." This does not apply to ITAs funded with other WIA funding streams.

WIBs are required to develop the criteria for "family self-sufficiency" and make it available for review during monitoring and audits. The term "family" in family self-sufficiency refers to the definition found in WIA Section 101 (15).

This requirement is intended to ensure that individuals (including adults, ages 18-23) enrolled in WIA adult-funded ITAs are those whose families lack or have limited ability to pay for the training and supportive services needed in order to obtain or retain employment.

WIA eligible adults who are over the local standard are not eligible for adult-funded ITAs. Other WIA services may be provided, as appropriate. They may also be served using other WIA funds, if eligible.

In order to comply with this requirement, all young adults, ages 18-23, who are applying for WIA adult-funded ITAs, must be screened for dependency status. If the young adult is found to be a dependent, the applicant and his/her family are to be screened for "family self-sufficiency."

The new local definition of family self-sufficiency should not be confused with the local "self-sufficiency" definition required under WIA regulations to be applied to all employed adults and dislocated workers when determining eligibility for intensive services. A chart which distinguishes the differences between these terms is included with this policy as Attachment A.

**D. Extenuating Circumstances for WIA Adult-Funded ITAs**

"Extenuating Circumstances" are defined as an economic hardship that is beyond the reasonable control of the person(s) responsible for providing financial assistance to the WIA participant for training. The costs related to the economic hardship must be the responsibility of that person or for 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:

- The portion of medical procedure or prescription medication costs that are not covered by insurance and are ongoing and determined to be medically essential;
- Health insurance premium payments that are not paid for by private or public sources;
- 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;
- Ongoing payments to a nursing home, home health care provider, elder care provider, or assisted living provider; and
- Payments toward debt that accumulated as a result of a natural disaster, severe illness, or disability;

Extenuating circumstances do not include normal rent, mortgage, utility, court ordered child support, court-ordered spousal support, 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 WIB Fiscal Agent and WIB Director or designee.

E. Documentation

Documentation must be maintained in the participant file in order to justify the approval for training. This includes documentation to support an approved ITA with WIA adult funds that meets the local definition of "family self-sufficiency." The type of documentation will be driven by the requirements at the local level which at a minimum, meet the conditions described in this policy.

F. Mandated Screening for Determination of Close Family or Stakeholder Relationships

A relevant factor that must be considered prior to enrollment into adult and/or dislocated worker intensive and training services is the determination of whether the participant is an immediate family member, close acquaintance, or stakeholder with someone in the WIA workforce system. (See WIAPL 08-13.2)

If it is determined that a relationship exists between the participant and a stakeholder or relative in the WIA workforce system, case managers must follow the local WIB policy that describes the mandatory procedures governing how these individuals may be assessed and potentially served.

G. WIB Policy Requirements

All WIBs must have a suitability policy for enrollment into adult and/or dislocated worker intensive and training services. WIBs must also have a local definition of "family self-sufficiency" that applies to all WIA-funded adult ITAs. This required definition may be incorporated into the local suitability policy or incorporated into other appropriate and relevant policies so long as the definition is explicitly applied to WIA-funded adult ITAs.

The local policy must include documentation required for suitability determination and family self-sufficiency (see section E. Documentation). A reference to the WIB approved policy regarding disclosure and procedures for serving relatives and stakeholders of the WIA workforce system must also be included in the local suitability policy. Close relationships could cause a real or perceived conflict for enrollment in the WIA program.

Local WIBs should review previously submitted suitability policies and revise as necessary based on the new language contained in this state policy modification.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. Reference
WIAPL 08-12.3 Attachment A, Self-sufficiency Chart
Workforce Investment Act of 1998, Public Law 105-220
U. S. DOL TEGL 17-05
ODJFS, WIAPL 08-11.1
Rescission
WIAPL 08-11.1
WIAPL 08-12
WIAPL 08-12.1
WIAPL 08-12.2
I. **Purpose**

To provide direction to local Workforce Investment Boards (WIBs) in the development of local policy for determining suitability and the "need" for intensive and training services, including WIA adult-funded Individual Training Accounts (ITAs) for adults and dependent adults served in the adult program.

II. **Effective Date**

Immediately

III. **Background**

The WIA program is designed to provide employment and training opportunities to those who can benefit from, and who are most in need of such opportunities. However, WIA is not an entitlement program. This requires local WIBs to ensure that eligible individuals are determined to be suitable for program enrollment based upon a consistent equitable assessment that is relevant to the level of services for which the individuals are applying.

Enrollment into the WIA adult program requires applicants to be at least 18 years of age, properly registered for Selective Service, and authorized to work in the U.S. Further, all employed individuals must demonstrate that they are not self-sufficient as defined by the local WIB policy in order to move from core to intensive services. Access to ITAs requires additional assessments in order to receive WIA adult-funded training, including a determination of the "need" for training services. All available sources of funds (including grants such as Pell, but excluding loans) should be considered in determining an individual's need for WIA funds.

IV. **Requirements**

A. **Determination of Suitability**

Services available through the WIA adult and dislocated worker programs are obtained through the delivery of core, intensive, and training services. As described in US Department of Labor (USDOL) TEGL 17-05, informational services (otherwise known as "unregistered" core) are available to the universal customer, without regard to program eligibility or suitability for registered services. These unregistered core services provide access to the workforce investment system information and activities, and enable the individual to identify his or her own strengths, weaknesses, and the range of services that require significant staff involvement beyond staff assisted core.

Determining an individual's suitability and "need" for intensive services requires one-on-one assistance with WIA staff, and it is here that information must be obtained to identify if WIA intensive services are appropriate for the eligible core services participant. A review of individual barriers (current or potential), work history, existing skills, interests, expectations, and the availability of appropriate intensive services in the local area are all factors that should be reviewed in order to determine if the individual should be enrolled.
Access to training services requires even more information in order to determine if training is appropriate for the intensive services participant. The regulations require that in order to receive training services, the participant must:

1. Be unable to obtain or retain employment through intensive services;
2. Be determined to be in need of training after an individual interview, evaluation, or assessment;
3. Have the skills and qualifications to successfully participate in the selected program of training services;
4. Select a program of training services that are directly linked to the employment opportunities in the local area involved or in other areas in which the individual is willing to relocate; and
5. Be unable to obtain other grant assistance for training or require assistance beyond the assistance made available under other grant assistance programs including Pell Grant funds.

Other relevant factors that must be considered are the self-sufficiency standard and a determination of any close relationships to immediate family and stakeholders in the WIA workforce system. (See WIAPLs 08-11 and 08-13)

This information, combined with assessment data collected during intensive services (such as a review of barriers, dependency, employment history, interests, etc), help determine suitability or "need" for training assistance. If it is determined that a relationship exists between the training applicant and a stakeholder or relative in the WIA workforce system, case managers must follow the local WIB policy that describes the mandatory procedures governing how these individuals may be assessed and potentially served.

WIA staff must gather information and assess suitability in a timely fashion. What is considered timely depends upon what is needed for each individual, is in his or her best interest, and is directly related to the time that is necessary to ensure an appropriate decision is made that allows the participant to successfully complete any planned intensive or training services. Local WIBs should strive to establish a customer flow that allows an expedited path to needed services in order to maximize the amount of time a dislocated worker can receive financial support through Unemployment Compensation and / or Trade benefits while enrolled in services.

B. Determination of Suitability for ITAs

The WIA legislation requires that individuals receiving WIA adult-funded ITAs be unable to obtain sufficient grant resources to cover the cost of training.

Local areas must adopt a policy that establishes a family self-sufficiency standard, which should include both the employed and unemployed individuals.

In order to be suitable for ITAs, adults, including dependent adults, must be below the local area's established income level for family self-sufficiency. The term "family" in family self-sufficiency refers to the definition found in WIA Section 101 (15). Depending on each local area policy, family self-sufficiency may be one of several different self-sufficiency policies used to determine eligibility for intensive services.

The process to obtain this information is a local decision. However, this information should be a combination of among other things-standardized tests, interviews, inventory of applicants' fields of interest, skills assessments, career exploration, and available labor market information.

Effective immediately, all individuals ages 18-23 that are applying for ITAs under the WIA adult program are required to be screened for dependency status.
Individuals who are dependent, as defined under WIAPL 08-11, shall not receive WIA adult-funded ITAs without consideration of the family self-sufficiency standard.

For individuals who are interested in attending training through ITAs funded through the WIA adult program, local WIBs must determine if they meet a locally-defined "family self-sufficiency" standard, in addition to the other training assessment requirements found in WIA section 663.310.

Local WIBs are not required to apply the locally-defined "family self-sufficiency" standard to dislocated workers applying for ITAs. However, as always, dislocated workers are still required to meet the regulatory training requirements.

There are two separate determinations that must be made before an ITA can be issued for an adult participant: eligibility and suitability.

When determining eligibility for moving from core to intensive services, the local area must apply its self-sufficiency policy for employed adults. Suitability for program enrollment into the adult and dislocated worker programs must be driven by local WIB policy and applies to eligible adults and dislocated workers that progress from registered core to intensive services. And, when determining suitability, effective immediately, all individuals under the WIA adult program are required to be screened for dependency status. Dependency status will be determined by completing the Determination of WIA Dependent Status Checklist, Attachment A of WIAPL 08-11. Once a determination is made as to a WIA adult program applicant's dependency status, then the local WIB must apply all appropriate individual/family income and eligibility criteria.

C. Exceptions

Extenuating Circumstances

"Extenuating Circumstances" are defined as an economic hardship that is beyond the reasonable control of the person(s) responsible for providing financial assistance to the WIA participant for training. The costs related to the economic hardship must be the responsibility of that person or for 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:

- The portion of medical procedure or prescription medication costs that are not covered by insurance and are ongoing and determined to be medically essential;
- Health insurance premium payments that are not paid for by private or public sources;
- 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;
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A local WIB designee may approve exceptions on a case by case basis for family income that 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 WIB Fiscal Agent and Executive Director. The WIB Chair may sign in lieu of the Executive Director if an Executive Director is not available.

D. Documentation
Documentation must be maintained in the participant file in order to justify the decision to enroll in intensive and training services and to justify the financial need of dependent adults with ITAs. The type of documentation will be driven by requirements at the local level that, at a minimum, meet the conditions described in this policy; including family self-sufficiency standard documents. Additional documentation requirements are found in WIATL 27.

E. WIB Policy Requirements

Each local WIB must develop a suitability policy for enrollment into the WIA adult and/or dislocated worker intensive and training program that is responsive to the level of service the individual is seeking. For example, it may not be necessary to conduct the same type of assessment for individuals in need of intensive services as is appropriate for individuals applying for training services. However, in instances where it is known that a registered core services participant is in need of training, the suitability assessment for intensive and training services may be combined in order to minimize the length of time required for this activity.

The local WIB suitability policy, including the definition of family self-sufficiency, must be submitted to the Ohio Department of Job and Family Services, Office of Workforce Development (OWD) for review and approval within 45 days of this policy to: WIAQNA@JFS.OHIO.GOV with "Suitability Policy" in the subject line. A representative from OWD will review the local WIB policy. Once the policy has been reviewed for compliance to the minimum specification described in this policy, the reviewed policy will be added to the local business plan on file with OWD.

The local policy must include documentation required for suitability determination (see section D. Documentation). A reference to the WIB approved policy regarding disclosure and procedures for serving relatives and stakeholders of the WIA workforce system must also be included in the local suitability policy. Close relationships could cause a real or perceived conflict for enrollment in the WIA program.

Beginning 5/1/09, ODJFS monitors and auditors will review adherence to the local suitability policy during comprehensive monitoring visits.

V. Technical Assistance

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ODJFS, WIAPL 08-11
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Other relevant factors that must be considered are the self-sufficiency standard and a determination of any close relationships to immediate family and stakeholders in the WIA workforce system. (See WIAPLs 08-11 and 08-13)

This information, combined with assessment data collected during intensive services (such as a review of barriers, dependency, employment history, interests, etc), help determine suitability or "need" for training assistance. If it is determined that a relationship exists between the training applicant and a stakeholder or relative in the WIA workforce system, case managers must follow the local WIB policy that describes the mandatory procedures governing how these individuals may be assessed and potentially served.

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The WIA legislation requires that individuals receiving WIA adult-funded ITAs be unable to obtain sufficient grant resources to cover the cost of training.

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The process to obtain this information is a local decision. However, this information should be a combination of-among other things-standardized tests, interviews, inventory of applicants' fields of interest, skills assessments, career exploration, and available labor market information.

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Individuals who are dependent, as defined under WIAPL 08-11, shall not receive WIA adult-funded ITAs without consideration of the family self-sufficiency standard.

For individuals who are interested in attending training through ITAs funded through the WIA adult program, local WIBs must determine if they meet a locally-defined "family self-sufficiency" standard, in addition to the other training assessment requirements found in WIA section 663.310.

**Local WIBs are not required to apply the locally-defined "family self-sufficiency" standard to dislocated workers applying for ITAs.** However, as always, dislocated workers are still required to meet the regulatory training requirements.

There are two separate determinations that must be made before an ITA can be issued for an adult participant: eligibility and suitability.

When determining eligibility for moving from core to intensive services, the local area must apply its self-sufficiency policy for employed adults. Suitability for program enrollment into the adult and dislocated worker programs must be driven by local WIB policy and applies to eligible adults and dislocated workers that progress from registered core to intensive services. And, when determining suitability, effective immediately, all individuals under the WIA adult program are required to be screened for dependency status. Dependency status will be determined by completing the Determination of WIA Dependent Status Checklist, Attachment A of WIAPL 08-11. Once a determination is made as to a WIA adult program applicant's dependency status, then the local WIB must apply all appropriate individual/family income and eligibility criteria.

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VI. References

Workforce Investment Act of 1998, Public Law 105-220


U. S. DOL TEGL 17-05

ODJFS, WIAPL 08-11

Workforce Investment Act Policy Letter No. 08-12

May 20, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Suitability Requirements for the Workforce Investment Act (WIA)

I. Purpose

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The WIA legislation requires that individuals receiving WIA adult-funded ITAs be unable to obtain sufficient grant resources to cover the cost of training.

Local areas must adopt a policy that establishes a family self-sufficiency standard, which should include both the employed and unemployed individuals.

In order to be suitable for ITAs, adults, including dependent adults, must be below the local area's established income level for family self-sufficiency. The term "family" in family self-sufficiency refers to the definition found in WIA Section 101 (15). Depending on each local area policy, family self-sufficiency may be one of several different self-sufficiency policies used to determine eligibility for intensive services.

The process to obtain this information is a local decision. However, this information should be a combination of among other things-standardized tests, interviews, inventory of applicants' fields of interest, skills assessments, career exploration, and available labor market information.

Effective immediately, all individuals ages 18-23 that are applying for ITAs under the WIA adult program are required to be screened for dependency status.
Individuals who are dependent, as defined under WIAPL 08-11, shall not receive WIA adult-funded ITAs without consideration of the family self-sufficiency standard.

There are two separate determinations that must be made before an ITA can be issued for an adult participant: eligibility and suitability.

When determining eligibility for moving from core to intensive services, the local area must apply its self-sufficiency policy for employed adults. And, when determining suitability, effective immediately, all individuals under the WIA adult program are required to be screened for dependency status. Dependency status will be determined by completing the Determination of WIA Dependent Status Checklist, Attachment A of WIAPL 08-11. Once a determination is made as to a WIA adult program applicant’s dependency status, then the local WIB must apply all appropriate individual/family income and eligibility criteria.

C. Exceptions

Extenuating Circumstances

"Extenuating Circumstances" are defined as an economic hardship that is beyond the reasonable control of the person(s) responsible for providing financial assistance to the WIA participant for training. The costs related to the economic hardship must be the responsibility of that person or for 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:

- The portion of medical procedure or prescription medication costs that are not covered by insurance and are ongoing and determined to be medically essential;
- Health insurance premium payments that are not paid for by private or public sources;
- 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;
- Ongoing payments to a nursing home, home health care provider, elder care provider, or assisted living provider; and
- Payments toward debt that accumulated as a result of a natural disaster, severe illness, or disability;

Extenuating circumstances do not include normal rent, mortgage, utility, court ordered child support, court ordered spousal support, automobile, fuel, grocery, credit card, or "pay-day loan," payments.

A local WIB designee may approve exceptions on a case by case basis for dependents whose parent or guardians' income falls above 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 WIB Fiscal Agent and Executive Director. The WIB Chair may sign in lieu of the Executive Director if an Executive Director is not available.

D. Documentation

Documentation must be maintained in the participant file in order to justify the decision to enroll in intensive and training services and to justify the financial need of dependent adults with ITAs. The type of documentation will be driven by requirements at the local level that, at a minimum, meet the conditions described in this policy; including family self-sufficiency standard documents. Additional documentation requirements are found in WIATL 27.

E. WIB Policy Requirements
Each local WIB must develop a suitability policy for enrollment into the WIA adult and/or dislocated worker intensive and training program that is responsive to the level of service the individual is seeking. For example, it may not be necessary to conduct the same type of assessment for individuals in need of intensive services as is appropriate for individuals applying for training services. However, in instances where it is known that a registered core services participant is in need of training, the suitability assessment for intensive and training services may be combined in order to minimize the length of time required for this activity.

The local WIB suitability policy, including the definition of family self-sufficiency, must be submitted to the Ohio Department of Job and Family Services, Office of Workforce Development (OWD) for review and approval within 45 days of this policy to: WIAQNA@JFS.OHIO.GOV with "Suitability Policy" in the subject line. A representative from OWD will review the local WIB policy. Once the policy has been reviewed for compliance to the minimum specification described in this policy, the reviewed policy will be added to the local business plan on file with OWD.

The local policy must include documentation required for suitability determination (see section D. Documentation). A reference to the WIB approved policy regarding disclosure and procedures for serving relatives and stakeholders of the WIA workforce system must also be included in the local suitability policy. Close relationships could cause a real or perceived conflict for enrollment in the WIA program.

Beginning 5/1/09, ODJFS monitors and auditors will review adherence to the local suitability policy during comprehensive monitoring visits.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
Workforce Investment Act of 1998, Public Law 105-220


U. S. DOL TEGL 17-05

ODJFS, WIAPL 08-11

Workforce Investment Act Policy Letter No. 08-11.2

May 26, 2011

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: James A. Leftwich, Director
       Michael B. Colbert, Director

Subject: Determination of Dependent Status for Workforce Investment Act (WIA) Applicants to the WIA Youth and Adult Programs

I. Purpose

To outline the process for determining if an applicant or member of a family is dependent on, or independent of, his/her parent(s) or guardian(s).

II. Effective Date

Immediately

III. 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 WIA adult and youth program services. The definition of dependent is being expanded to include young adults, ages 18-23, as well as youth applicants and participants.

IV. Requirements

Effective with the date of this issuance, the determination of dependent status is required for all individuals as indicated below:

WIA Youth Program

Dependent status must be documented for WIA Youth applicants, ages 14-21, who are low income, as defined in WIA Section 101 (25)(B):

• Received an income, or is a member of a family for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, cash public assistance, and old-age survivors benefits that, in relation to family size); and

• Does not exceed the higher of the poverty line, for an equivalent period or 70% of the lower living standard income level for an equivalent period.

WIA Adult program

Dependent status must be documented for all WIA adults, ages 18-23, who are applying for WIA adult-funded ITAs.

The determination of dependent status is driven by the following factors:

• The amount of support provided to the applicant by his/her parent(s) or guardian(s); and

  The applicant's:

• Age

• Marital status
Dependents (biological/adopted children, disabled adults, and others dependent on the applicant for more than 50% of their support*); and

Veteran status

A. Definitions

Dependent - as defined by the State of Ohio, ODJFS, Office of Workforce Development Glossary.

Applicants who fall in any one of the following categories shall be considered a dependent for eligibility purposes:

- Under 18 years of age
- Age 18-23 and parent(s) or guardian(s) pay(s) for more than 50% of the applicant’s support*
- 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 support* from them.

Independent - applicants who fall into any one of the categories below are considered to be "independent:"

- Individuals, age 18-23, providing more than 50% of their own support*
- Age 24 or older
- Married (If separated but not divorced, applicant is legally married)
- 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
- A veteran of the U.S. armed forces

*Support as it relates to dependent includes 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 any government-provided cash public assistance and food assistance.

Special Circumstances

The issue of guardianship concerning dependent children may be determined by decree of court, or may be determined by a state or federal agency that has established or assumed guardianship.

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 support from them.

Family - as defined by WIA Section 101(15)

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:

- A husband, wife and dependent children
- A parent(s) or guardian(s) and dependent children
- A husband and wife
B. Documentation
Verification of dependent status and means of support must be documented for those individuals described in this policy. Documentation of dependent status must include a checklist that incorporates, at a minimum, the categories listed in Section A. A sample dependent child checklist is maintained on the ODJFS Office of Workforce Development website.
Self-attestation may be accepted to document parental support when signed by parent or guardian.

C. Eligibility
As a reminder, youth ages 22 and over are not eligible for WIA formula funded youth programs as defined by WIA, regardless of dependent status.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652, et. al
ODJFS WIATL Number 27, Source Documentation Guide for WIA Eligibility
Rescission
WIAPL 8-11.1
I. **Purpose**
To outline the process for determining if an applicant or member of a family is dependent on, or independent of, his/her parent(s) or guardian(s).

II. **Effective Date**
Immediately

III. **Background**
This policy is intended partly 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 WIA adult and youth program services. The definition of dependent is being expanded to include adults as well as youth applicants and participants.

IV. **Requirements**
Effective with the date of this issuance, the determination of dependent status is required for all individuals under 24 years of age as part of the determination of eligibility for WIA program services. This determination shall be made prior to the application of the federal definition of “family.”

The determination of dependent status is driven by the following factors:

- The amount of support provided to the applicant by his/her parent(s) or guardian(s); and
- The applicant's:
  - Age
  - Marital status
  - Dependents (biological/adopted children, disabled adults, and others dependent on the applicant for more than 50% of their support*); and
  - Veteran status

The WIA legislation requires that in order for an individual to receive a WIA adult-funded ITA the individual must be unable to obtain sufficient grant resources to cover the cost of training. Local areas will adopt a policy that establishes a family self-sufficiency standard. When applying this standard, it should cover both the employed and unemployed individuals in the family. The term "family" in family self-sufficiency refers to the definition found in WIA Section 101 (15).

To be suitable for ITAs, adults, including dependent adults, must be below the local area's established income level for family self-sufficiency. Depending on each local area policy, family self-sufficiency may be one of several different self-sufficiency policies used to determine eligibility for intensive services.

A. **Definitions**
Dependent - as defined by the State of Ohio, ODJFS, Office of Workforce Development Glossary.

Applicants who fall in any one of the following categories shall be considered a dependent for eligibility purposes:

- Under 18 years of age
- Age 18-23 and parent(s) or guardian(s) pay(s) for more than 50% of the applicant's support*

Applicants who fall into any one of these categories are considered to be "independent."

- Age 24 or older
- Married (If separated but not divorced, applicant is legally married)
- 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
- A veteran of the U.S. armed forces

*Support as it relates to dependent includes 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 any government-provided cash public assistance and food assistance.

Special Circumstances

The issue of guardianship concerning dependent children may be determined by decree of court, or may be determined by a state or federal agency that has established or assumed guardianship.

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.

Family - as defined by WIA Section 101(15)

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:

- A husband, wife and dependent children
- A parent(s) or guardian(s) and dependent children
- A husband and wife

B. Documentation

Verification of dependent status must be maintained in the participant files for documentation and accountability purposes to ensure that due diligence was conducted when determining family size and means of support. Documentation may include a checklist for "Determination of WIA Dependent Status," provided as a sample, attachment A, in this issuance.

Self-attestation may be accepted to document parental support when signed by parent or guardian. A sample self-attestation form can be found in WIATL 27, Source Documentation Guide for WIA Eligibility, attachment B, form JFS 13186.
C. Eligibility

The requirement for youth to meet low income criteria is determined when an individual received an income or is a member of a family that received an income for the 6 month period prior to application for the program that in relation to family size does not exceed the higher of the poverty line or the 70 percent of the lower living standard income.

Applicants or participants age 22-23 who are determined dependent are not eligible for WIA youth programs as defined by WIA.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652, et. al
ODJFS WIATL Number 27, Source Documentation Guide for WIA Eligibility
Workforce Investment Act Policy Letter No. 08-11

April 17, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Determination of Dependent Status for Workforce Investment Act (WIA) Applicants

I. Purpose

To outline the process for determining if an applicant or member of a family is dependent or independent.

II. Effective Date

Immediately

III. Background

This policy is intended partly 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 WIA adult and youth program services. The definition of dependent is being expanded to include adults as well as youth applicants and participants.

IV. Requirements

Effective with the date of this issuance, the determination of dependent status is required for all individuals under 24 years of age as part of the determination of eligibility for WIA program services. This determination shall be made prior to the application of the federal definition of "family."

The determination of dependent status is driven by the following factors:

The amount of support provided to the applicant by his/her parent(s) or guardian(s); and The applicant's:

• Age
• Marital status
• Dependents (biological/adopted children, disabled adults, and others dependent on the applicant for more than 50% of their support*); and
• Veteran status

The WIA legislation requires that in order for an individual to receive a WIA adult-funded ITA the individual must be unable to obtain sufficient grant resources to cover the cost of training. Local areas will adopt a policy that establishes a family self-sufficiency standard. When applying this standard, it should cover both the employed and unemployed individuals in the family. The term "family" in family self-sufficiency refers to the definition found in WIA Section 101 (15).

To be suitable for ITAs, adults, including dependent adults, must be below the local area's established income level for family self-sufficiency. Depending on each local area policy, family self-sufficiency may be one of several different self-sufficiency policies used to determine eligibility for intensive services.

A. Definitions
**Dependent** - as defined by the State of Ohio, ODJFS, Office of Workforce Development Glossary.

Applicants who fall in any one of the following categories shall be considered a dependent for eligibility purposes:

- Under 18 years of age
- Age 18-23 and parent(s) or guardian(s) pay(s) for more than 50% of the applicant's support*

Applicants who fall into any one of these categories are considered to be "independent."

- Age 24 or older
- Married (if separated but not divorced, applicant is legally married)
- 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
- A veteran of the U.S. armed forces

*Support as it relates to dependent includes 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 any government-provided cash public assistance and food assistance.

**Special Circumstances**

The issue of guardianship concerning dependent children may be determined by decree of court, or may be determined by a state or federal agency that has established or assumed guardianship.

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.

**Family** - as defined by WIA Section 101(15)

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:

- A husband, wife and dependent children
- A parent(s) or guardian(s) and dependent children
- A husband and wife

**B. Documentation**

Verification of dependent status must be maintained in the participant files for documentation and accountability purposes to ensure that due diligence was conducted when determining family size and means of support. Documentation may include a checklist for "Determination of WIA Dependent Status," provided as a sample, attachment A, in this issuance.

Self-attestation may be accepted to document parental support when signed by parent or guardian. A sample self-attestation form can be found in WIATL 27, Source Documentation Guide for WIA Eligibility, attachment B, form JFS 13186.
C. Eligibility

The requirement for youth to meet low income criteria is determined when an individual received an income or is a member of a family that received an income for the 6 month period prior to application for the program that in relation to family size does not exceed the higher of the poverty line or the 70 percent of the lower living standard income.

Applicants or participants age 22-23 who are determined dependent are not eligible for WIA youth programs as defined by WIA.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652, et. al
ODJFS WIATL Number 27, Source Documentation Guide for WIA Eligibility

Attachment A: Determination of WIA Dependent Status
To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Waiver Authority: Use of Local WIA Funds for Capitalization of Business - Entrepreneurial Talent Development

I. **Purpose**

To provide guidance on using WIA funds for capitalization of small businesses started by adult and dislocated worker program participants who complete enterprise or entrepreneurial training.

II. **Effective Date**

Immediately

III. **Background**

WIA Section 181(e) and 20 CFR 667.262 prohibit the use of WIA funds for capitalization of businesses and similar activities that are not directly related to training for eligible individuals. In May 2007, ODJFS submitted to the U.S. Department of Labor (USDOL) a set of waiver requests aimed at improving the workforce development services in Ohio. On November 5, 2007, USDOL approved these waiver requests that expire June 30, 2009. One of the waivers received removes the limitation on using WIA funds for capitalization of small businesses.

While WIA already permits the use of local WIA adult, dislocated worker and youth funds for entrepreneurial training, this waiver authority also allows local formula funds to be used for the capitalization of small businesses started by WIA enrolled adults and dislocated workers. This policy letter sets the parameters that must be followed if a local area chooses to implement this waiver.

IV. **Guidance Statement**

The use of this waiver authority is intended to demonstrate how the workforce development system can implement Entrepreneurial Talent Development, such as capitalization of small businesses, into its program offerings. Furthermore, it is expected that the waiver will help in identifying ways to support Entrepreneurial Talent Development, as well as the challenges and best practices of promoting entrepreneurship as a career option.

This initiative will assist eligible participants with entrepreneurial training, technical support, and access to resources in order to start a new business.

A. **Eligibility**

Small business capitalization funds may be provided only to individuals who are eligible and enrolled under WIA adult or dislocated worker programs. All eligibility criteria for these programs, as described in WIATL No. 27, must be met and documented for individuals who receive capitalization funds under this waiver authority. In addition, capitalization funds will not be provided to individuals who have a finding for recovery listed with the Auditor of State.

Individuals seeking capitalization funds must demonstrate the need for training and technical advisory services for starting and operating a small business. Applicants must successfully complete entrepreneurial or microenterprise training before capitalization funds are awarded. WIA eligible adults and dislocated workers who have previously completed microenterprise training within the past 12 months are also eligible to apply for this program. Their business plan
must be updated, reviewed and then approved by Ohio Department of Development's Small Business Development Center (SBDC) or Minority Business Enterprise Development Center (MBEDC).

B. Considerations

Local areas that implement this waiver are encouraged to work with Ohio's Small Business Development Centers, which offer entrepreneurial training on a low to no cost basis. When possible, partnerships with local educational agencies are strongly encouraged. Local area implementation should include at a minimum, a partnership/collaboration between the WIB and the SBDC and/or Business Incubator Centers. Local areas may also use training providers that are registered on the State's Eligible Training Provider Online (ETPO) system for the entrepreneurial or microenterprise training. Local areas are encouraged to expand the use of their local WIA Adult, Dislocated Worker funds to provide entrepreneurial workshops and training through the ETPO system and Ohio's SBDCs and MBEDCs.

In addition, upon completion of training, small business capitalization funds may be provided only to individuals with completed business plans that have been reviewed and approved by the Ohio Department of Development's SBDCs or MBEDCs and have been approved by the WIBs and/or designee. Furthermore, individuals receiving these funds must agree to participate in the SBDCs or MBEDCs free technical advisory services.

Local WIBs are responsible for monitoring the utilization of local WIA funds and for ensuring compliance with local, state, and federal policies and procedures.

If local areas are considering activities that are not specifically addressed in this policy letter, consult with the state's policy staff for further clarification.

C. Documentation and Application

Local areas are required to obtain and document the receipt of legitimate estimates for expenses prior to disbursing funds. Receipts for goods/services must be provided to ensure that actual costs of the goods/services are not less than the estimates.

The participant file must contain all necessary documentation of eligibility as outlined in WIATL No. 27 and USDOL's data validation requirements. A record of successful completion of the approved entrepreneurial or microenterprise training must also be contained in the participant file. Individual participant applications must include a complete business plan reviewed and approved by one of Ohio Department of Development's SBDCs. And, participant applications must be reviewed and approved by the WIB and/or the WIB's designee.

Participant files should also contain the following documentation:

- The participant's suitability for entrepreneurial training
- Description of items for which capitalization funds were used
- Approval of the funding
- Local areas implementing this waiver are required to provide:
  - Number of participants enrolled in microenterprise training
  - Number of participants who have applied for capitalization funds
  - Number of approved participants
  - Quarterly status report of the businesses of all participants who utilize capitalization funds

D. Performance Outcomes

All participants shall be included in the common performance measures. In addition, specific measurable performance outcomes shall include at a minimum:

- Number of new jobs created
• Number of businesses started
• Number and percentage of participants completing microenterprise training
• Number and percentage of participants submitting applications for Small Business Capitalization funds
• Number and percentage of participants utilizing Small Business Capitalization funds
• Number and percent of businesses still in operation

If self-employment and self-employed earnings are reported in the "Supplemental Source" of Data in the first quarter after exit, the individual will be a positive outcome for the Adult and/or Dislocated Worker "Entered Employment" measures. Likewise, if self-employment and self-employed earnings are reported in the "Supplemental Source" of Data in the second and third quarter after exit, this will count as a positive outcome for the Adult and/or Dislocated Worker "Retention" measures. WIBs can select and complete the supplemental earnings section.

As a point of clarification related to "Average Earnings" measures, if an individual is self-employed, or not working at a job that pays taxes into the Unemployment Insurance (UI) in Ohio or other states, the self-employed earnings wages reported will be considered "supplemental." This will exclude the participant from the total performance count for the local area for the Adult and/or Dislocated Worker "Average Earnings" measures. WIBs can select and complete the supplemental earnings section. Be advised, if the participant does have another source of income that is included in UI or other states, then the participant will be included in the Average Earnings measures.

E. Use of Funds

Capitalization funds may be used for costs associated with the establishment of a new business. Eligible small businesses that have been approved by the local WIB may receive up to $5,000.00 under this waiver authority. Only small businesses with 25 employees or less will be considered for funding.

Local areas must track funds dispersed for business capitalization, as well as the ability to recapture funds that were not used by eligible business in instances where the final receipt is less than the original estimate.

These funds shall not be used to fund an Employee Stock Option Purchase (ESOP).

Participants are to be enrolled as either WIA Adult or Dislocated Worker participants; as such training should be funded through either program funds or other appropriate funding (i.e., Career Advancement Accounts (CAA) for Dislocated Workers).

The following are examples of purchases that may be funded:

• Purchase of equipment*
• Website development
• Fees and tuition payments for licensure or certification of employees when required by law or local ordinance
• Unfinished or raw materials for production of finished goods

*Equipment and computers can be purchased for the purpose of training the small business owner or employees. Equipment and computers can also be purchased for the purpose of creating new employment opportunities for workers.

Disallowed costs can include but are not limited to the following expenses:
• Weapons
• Alcohol
• Entertainment
• Foreign travel
• Purchase or rental of fixtures (i.e. counters, showcases, shelves)
• Purchase of office supplies
• Advertising and marketing materials
• Real estate/office space
• Product development and initial inventory
• Licenses and permits associated with starting a small business (i.e. vendor license)
• Lease payments (facility or equipment)
• Insurance payments
• Legal fees directly related to the formation of the business entity
• Business consultant fees

Principles for determining allowable costs can be found in OMB Circular A-87.

The use of funds for capitalization of business must meet all applicable fiscal and administrative requirements listed in 20 CFR 667.200. A participant whose business benefits from these funds must not gain competitive advantage as a result of WIA capitalization funds.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV. In the subject line, indicate "Capitalization- Entrepreneurship."

VI. References

20 CFR 667.200 and 667.262
Workforce Investment Act of 1998, Pub. L. No. 105-220, Section 181(e)
DOL waiver approval letter, November 5, 2007
WIATL 27, Source Documentation for WIA Eligibility
DOL Data Validation Requirements
OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments
48 CFR Chapter 1, Part 31
Workforce Investment Act Policy Letter No. 08-10.1

March 5, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Waiver Authority: Use of Local WIA Funds for Capitalization of Business - Entrepreneurial Talent Development

I. Purpose

To provide guidance on using WIA funds for capitalization of small businesses started by adult and dislocated worker program participants who complete enterprise or entrepreneurial training.

II. Effective Date

Immediately

III. Background

WIA Section 181(e) and 20 CFR 667.262 prohibit the use of WIA funds for capitalization of businesses and similar activities that are not directly related to training for eligible individuals. In May 2007, ODJFS submitted to the U.S. Department of Labor (USDOL) a set of waiver requests aimed at improving the workforce development services in Ohio. On November 5, 2007, USDOL approved these waiver requests that expire June 30, 2009. One of the waivers received removes the limitation on using WIA funds for capitalization of small businesses.

While WIA already permits the use of local WIA adult, dislocated worker and youth funds for entrepreneurial training, this waiver authority also allows local formula funds to be used for the capitalization of small businesses started by WIA enrolled adults and dislocated workers. This policy letter sets the parameters that must be followed if a local area chooses to implement this waiver.

IV. Guidance Statement

The use of this waiver authority is intended to demonstrate how the workforce development system can implement Entrepreneurial Talent Development, such as capitalization of small businesses, into its program offerings. Furthermore, it is expected that the waiver will help in identifying ways to support Entrepreneurial Talent Development, as well as the challenges and best practices of promoting entrepreneurship as a career option.

This initiative will assist eligible participants with entrepreneurial training, technical support, and access to resources in order to start a new business.

A. Eligibility

Small business capitalization funds may be provided only to individuals who are eligible and enrolled under WIA adult or dislocated worker programs. All eligibility criteria for these programs, as described in WIATL No. 27, must be met and documented for individuals who receive capitalization funds under this waiver authority. In addition, capitalization funds will not be provided to individuals who have a finding for recovery listed with the Auditor of State.

Individuals seeking capitalization funds must demonstrate the need for training and technical advisory services for starting and operating a small business. Applicants must successfully complete entrepreneurial or microenterprise training before capitalization funds are awarded. WIA eligible adults and dislocated workers who have previously completed microenterprise training within the past 12 months are also eligible to apply for this program. Their business plan
must be updated, reviewed and then approved by Ohio Department of Development's Small Business Development Center (SBDC) or Minority Business Enterprise Development Center (MBEDC).

B. Considerations

Local areas that implement this waiver are encouraged to work with Ohio’s Small Business Development Centers, which offer entrepreneurial training on a low to no cost basis. When possible, partnerships with local educational agencies are strongly encouraged. Local area implementation should include at a minimum, a partnership/collaboration between the WIB and the SBDC and/or Business Incubator Centers. Local areas may also use training providers that are registered on the State's Eligible Training Provider Online (ETPO) system for the entrepreneurial or microenterprise training. Local areas are encouraged to expand the use of their local WIA Adult, Dislocated Worker funds to provide entrepreneurial workshops and training through the ETPO system and Ohio's SBDCs and MBEDCs.

In addition, upon completion of training, small business capitalization funds may be provided only to individuals with completed business plans that have been reviewed and approved by the Ohio Department of Development's SBDCs or MBEDCs and have been approved by the WIBs and/or designee. Furthermore, individuals receiving these funds must agree to participate in the SBDCs or MBEDCs free technical advisory services.

Local WIBs are responsible for monitoring the utilization of local WIA funds and for ensuring compliance with local, state, and federal policies and procedures.

If local areas are considering activities that are not specifically addressed in this policy letter, they should consult with the state's policy staff for further clarification.

C. Documentation and Application

Local areas are required to obtain and document the receipt of legitimate estimates for expenses prior to disbursing funds. Receipts for goods/services must be provided to ensure that actual costs of the goods/services are not less than the estimates.

The participant file must contain all necessary documentation of eligibility as outlined in WIATL No. 27 and USDOL's data validation requirements. A record of successful completion of the approved entrepreneurial or microenterprise training must also be contained in the participant file. Individual participant applications must include a complete business plan reviewed and approved by one of Ohio Department of Development's SBDCs. And, participant applications must be reviewed and approved by the WIB and/or the WIB's designee.

Participant files should also contain the following documentation:

- The participant's suitability for entrepreneurial training
- Description of items for which capitalization funds were used
- Approval of the funding

Local areas implementing this waiver are required to provide:

- Number of participants enrolled in microenterprise training
- Number of participants who have applied for capitalization funds
- Number of approved participants
- Quarterly status report of the businesses of all participants who utilize capitalization funds

D. Performance Outcomes

All participants shall be included in the common performance measures. In addition, specific measurable performance outcomes shall include at a minimum:
- Number of new jobs created
- Number of businesses started
- Number and percentage of participants completing microenterprise training
- Number and percentage of participants submitting applications for Small Business Capitalization funds
- Number and percentage of participants utilizing Small Business Capitalization funds
- Number and percent of businesses still in operation

If self-employment and self-employed earnings are reported in the "Supplemental Source" of Data in the first quarter after exit, the individual will be a positive outcome for the Adult and/or Dislocated Worker "Entered Employment" measures. Likewise, if self-employment and self-employed earnings are reported in the "Supplemental Source" of Data in the second and third quarter after exit, this will count as a positive outcome for the Adult and/or Dislocated Worker "Retention" measures. WIBs can select and complete the supplemental earnings section.

As a point of clarification related to "Average Earnings" measures, if an individual is self-employed, or not working at a job that pays taxes into the Unemployment Insurance (UI) in Ohio or other states, the self-employed earnings wages reported will be considered "supplemental." This will exclude the participant from the total performance count for the local area for the Adult and/or Dislocated Worker "Average Earnings" measures. WIBs can select and complete the supplemental earnings section. Be advised, if the participant does have another source of income that is included in UI or other states, then the participant will be included in the Average Earnings measures.

E. Use of Funds

Capitalization funds may be used for costs associated with the establishment of a new business. Eligible small businesses that have been approved by the local WIB may receive up to $5,000.00 under this waiver authority. Only small businesses with 25 employees or less will be considered for funding.

Local areas must track funds dispersed for business capitalization. Local areas must also have the ability to recapture funds that were not used by eligible business in instances where the final receipt is less than the original estimate.

These funds shall not be used to fund an Employee Stock Option Purchase (ESOP).

Participants are to be enrolled as either WIA Adult or Dislocated Worker participants; as such training should be funded through either program funds or other appropriate funding (i.e., Career Advancement Accounts (CAA) for Dislocated Workers).

The following are examples of purchases that may be funded:

- Purchase of equipment*
- Website development*
- Fees and tuition payments for certification of employees when required by law or local ordinance

*Equipment and computers can be purchased for the purpose of training the small business owner or employees. Equipment and computers can also be purchased for the purpose of creating new employment opportunities for workers.

Disallowed costs can include but are not limited to the following expenses:
• Weapons
• Alcohol
• Entertainment
• Foreign travel
• Purchase of fixtures, supplies and real estate/office space
• Product development and initial inventory
• Licenses and permits associated with starting a small business
• Lease payments (facility or equipment)
• Website creation
• Insurance payments
• Fees and tuition payments for certification of employees when required by law or local ordinance
• Legal fees directly related to the formation of the business entity
• Business consultant fees

Principles for determining allowable costs can be found in OMB Circular A-87.

The use of funds for capitalization of business must meet all applicable fiscal and administrative requirements listed in 20 CFR 667.200. A participant whose business benefits from these funds must not gain competitive advantage as a result of WIA capitalization funds.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV. In the subject line, indicate "Capitalization- Entrepreneurship."

VI. References

20 CFR 667.200 and 667.262
Workforce Investment Act of 1998, Pub. L. No. 105-220, Section 181(e)
DOL waiver approval letter, November 5, 2007
WIATL 27, Source Documentation for WIA Eligibility
DOL Data Validation Requirements
OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments
48 CFR Chapter 1, Part 31
I. Purpose
To provide guidance on using WIA funds for capitalization of small businesses started by adult and dislocated worker program participants who complete enterprise or entrepreneurial training.

II. Effective Date
Immediately

III. Background
WIA Section 181(e) and 20 CFR 667.262 prohibit the use of WIA funds for capitalization of businesses and similar activities that are not directly related to training for eligible individuals. In May 2007, ODJFS submitted to the U.S. Department of Labor (USDOL) a set of waiver requests aimed at improving the workforce development services in Ohio. On November 5, 2007, USDOL approved these waiver requests that expire June 30, 2009. One of the waivers received removes the limitation on using WIA funds for capitalization of small businesses.

While WIA already permits the use of local WIA adult, dislocated worker and youth funds for entrepreneurial training, this waiver authority also allows local formula funds to be used for the capitalization of small businesses started by WIA enrolled adults and dislocated workers. This policy letter sets the parameters that must be followed if a local area chooses to implement this waiver.

IV. Guidance Statement
The use of this waiver authority is intended to demonstrate how the workforce development system can implement Entrepreneurial Talent Development, such as capitalization of small businesses, into its program offerings. Furthermore, it is expected that the waiver will help in identifying ways to support Entrepreneurial Talent Development, as well as the challenges and best practices of promoting entrepreneurship as a career option.

This initiative will assist eligible participants with entrepreneurial training, technical support, and access to resources in order to start a new business.

A. Eligibility
Small business capitalization funds may be provided only to individuals who are eligible and enrolled under WIA adult or dislocated worker programs. All eligibility criteria for these programs, as described in WIATL No. 27, must be met and documented for individuals who receive capitalization funds under this waiver authority. In addition, capitalization funds will not be provided to individuals who have a finding for recovery listed with the Auditor of State.

Individuals seeking capitalization funds must demonstrate the need for training and technical advisory services for starting and operating a small business. Applicants must successfully complete entrepreneurial or microenterprise training before capitalization funds are awarded. WIA eligible adults and dislocated workers who have previously completed microenterprise training within the past 12 months are also eligible to apply for this program. Their business plan must be updated, reviewed and
then approved by Ohio Department of Development’s Small Business Development Center (SBDC) or Minority Business Enterprise Development Center (MBEDC).

B. Considerations

Local areas that implement this waiver are encouraged to work with Ohio’s Small Business Development Centers, which offer entrepreneurial training on a low to no cost basis. When possible, partnerships with local educational agencies are strongly encouraged. Local area implementation should include at a minimum, a partnership/collaboration between the WIB and the SBDC and/or Business Incubator Centers. Local areas may also use training providers that are registered on the State’s Eligible Training Provider Online (ETPO) system for the entrepreneurial or microenterprise training. Local areas are encouraged to expand the use of their local WIA Adult, Dislocated Worker funds to provide entrepreneurial workshops and training through the ETPO system and Ohio’s SBDCs and MBEDCs.

In addition, upon completion of training, small business capitalization funds may be provided only to individuals with completed business plans that have been reviewed and approved by the Ohio Department of Development’s SBDCs or MBEDCs and have been approved by the WIBs and/or designee. Furthermore, individuals receiving these funds must agree to participate in the SBDCs or MBEDCs free technical advisory services.

Local WIBs are responsible for monitoring the utilization of local WIA funds and for ensuring compliance with local, state, and federal policies and procedures.

C. Documentation and Application

The participant file must contain all necessary documentation of eligibility as outlined in WIATL No. 27 and USDOL's data validation requirements. A record of successful completion of the approved entrepreneurial or microenterprise training must also be contained in the participant file. Individual participant applications must include a complete business plan reviewed and approved by one of Ohio Department of Development’s SBDCs. And, participant applications must be reviewed and approved by the WIB and/or the WIB’s designee.

Participant files should also contain the following documentation:

- The participant's suitability for entrepreneurial training.
- Description of items for which capitalization funds were used
- Approval of the funding

Local areas implementing this waiver are required to provide:

- Number of participants enrolled in microenterprise training
- Number of participants who have applied for capitalization funds
- Number of approved participants
- Quarterly status report of the businesses of all participants who utilize capitalization funds

D. Performance Outcomes

All participants shall be included in the common performance measures. In addition, specific measurable performance outcomes shall include at a minimum:

- Number of new jobs created
- Number of businesses started
- Number and percentage of participants completing microenterprise training
- Number and percentage of participants submitting applications for Small Business Capitalization funds
• Number and percentage of participants utilizing Small Business Capitalization funds
• Number and percent of businesses still in operation

If self-employment and self-employed earnings are reported in the "Supplemental Source" of Data in the first quarter after exit, the individual will be a positive outcome for the Adult and/or Dislocated Worker "Entered Employment" measures. Likewise, if self-employment and self-employed earnings are reported in the "Supplemental Source" of Data in the second and third quarter after exit, this will count as a positive outcome for the Adult and/or Dislocated Worker "Retention" measures. WIBs can select and complete the supplemental earnings section.

As a point of clarification related to "Average Earnings" measures, if an individual is self-employed, or not working at a job that pays taxes into the Unemployment Insurance (UI) in Ohio or other states, the self-employed earnings wages reported will be considered "supplemental." This will exclude the participant from the total performance count for the local area for the Adult and/or Dislocated Worker "Average Earnings" measures. WIBs can select and complete the supplemental earnings section. Be advised, if the participant does have another source of income that is included in UI or other states, then the participant will be included in the Average Earnings measures.

E. Use of Funds

Capitalization funds may be used for costs associated with the establishment of a new business. Eligible individuals that have been approved by the local WIB may receive up to $5,000.00 per participant under this waiver authority. Only small businesses will be considered for funding.

A small business is defined by the U.S. Small Business Administration. The small business designation is dependent on the specific industry code, but it generally encompasses businesses with fewer than 500 employees.

These funds shall not be used to fund an Employee Stock Option Purchase (ESOP).

Participants are to be enrolled as either WIA Adult or Dislocated Worker participants; as such training should be funded through either program funds or other appropriate funding (i.e., Career Advancement Accounts (CAA) for Dislocated Workers).

The following are examples of purchases that may be funded:

• Purchase of equipment, fixtures, and supplies
• Product development and initial inventory
• Licenses and permits
• Lease payments (facility or equipment)
• Website creation
• Insurance payments
• Fees and tuition payments for certification of employees when required by law or local ordinance
• Legal fees directly related to the formation of the business entity

Disallowed costs can include but are not limited to the following expenses:

• Weapons
• Alcohol
• Entertainment
• Foreign travel
Principles for determining allowable costs can be found in OMB Circular A-87.

The use of funds for capitalization of business must meet all applicable fiscal and administrative requirements listed in 20 CFR 667.200. A participant whose business benefits from these funds must not gain competitive advantage as a result of WIA capitalization funds.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV. In the subject line, indicate "Capitalization- Entrepreneurship."

VI. References

20 CFR 667.200 and 667.262
Workforce Investment Act of 1998, Pub. L. No. 105-220, Section 181(e)
DOL waiver approval letter, November 5, 2007
WIATL 27, Source Documentation for WIA Eligibility
DOL Data Validation Requirements
OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments
48 CFR Chapter 1, Part 31
To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators
From: Douglas E. Lumpkin, Director
Subject: National Emergency Grants (NEGs) - Sequence of Services for the Wilmington Airpark Dislocated Workers

I. Purpose

To provide guidance on National Emergency Grants (NEGs) sequence of services to participants and to expedite core, intensive, or training services in transition centers and One-Stop centers for eligible Wilmington Airpark workers.

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 - Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington Airpark Transition Center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers. Non-project operators may follow their local policies when using their local formula funds for impacted workers.

II. Effective Date

October 1, 2008

III. Background

NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent services from the One-Stop center network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

IV. Guidance Statement

The WIA regulations require a specific sequence of services in order to access program activities through WIA. The intent of this mandatory sequence is to ensure eligible workers are able to access the services necessary to obtain or retain employment based upon their existing marketable skills; thus allowing each worker's needs to determine the depth of services received.

The preamble of the Workforce Investment Act (WIA), final rules states that, "While the regulations do not explicitly preclude State or Local Boards from establishing minimum time periods within each tier of
services, we agree that mandatory waiting periods are not consistent with customization of services according to each participant’s unique needs.” Therefore, a participant services flow process that is responsive to NEG participants is a critical point to the success of serving these participants. The goal is to help NEG participants access the services they want and need as quickly and easily as possible. Although WIA requires a specific sequence of services (core, intensive, training), there is no mandated timeframe for them to be provided.

Participants served with NEG funds have access to core, intensive, and training services as appropriate. Participants who receive services tied to this NEG:

- Must have been terminated or laid off, or have received a notice of termination or layoff due to the upcoming closure of Wilmington Airpark; and
- Participation is based on the determination of suitability for the program and the ability to benefit from services available.

It is important that local areas establish procedures that:

- Facilitate timely access to training if needed when the participant does not have the necessary marketable skills to make a quick transition back into the workforce;
- Ensure that the mandated sequence of services is not burdensome;
- Ensure that a skill assessment is conducted as soon as possible following the determination of WIA eligibility, in order to develop an appropriate plan of services*; and
- The timeframe between core services and training should be the least amount of time needed to assess the worker’s existing skills, determine marketability of their skills, and develop an appropriate training plan.

* Eligibility determination and comprehensive assessments must be completed within thirty days after the worker indicates an interest in assistance beyond self-help resources at a One-Stop or transition center. If a One-Stop lacks the capacity to meet this timeframe, the worker should be referred to the transition center for expedited services.

An example of an expedited path to training that satisfies the mandated sequence of services is as follows:

<table>
<thead>
<tr>
<th>Sequence of Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Core</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>✓ Intensive</td>
</tr>
<tr>
<td>◦ Worker completes a comprehensive assessment of skills and service needs and determined to be in need of training.</td>
</tr>
<tr>
<td>◦ An individual employment plan is created that outlines training needed to transition to work.</td>
</tr>
<tr>
<td>✓ Training</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>✓ Receives ITA</td>
</tr>
</tbody>
</table>

Services are described as follows:

- Core services, such as intake/application for determinations of NEG eligibility, job search and placement information, and initial assessments. Core services include self-service informational services and staff-assisted services. Self-service informational services may require little or no assistance from staff. Staff-assisted services require registration services into the WIA program.
Intensive services include comprehensive specialized assessments of individual skill levels and service needs, individual employment plans, and counseling. Intensive services involve staff assistance with making determination about a participant's needs and arranging for needed services to be provided. Intensive services require registration and include short-term pre-vocational services.

Before receiving intensive services, an individual must have received at least one core service, be unemployed, and be unable to obtain employment, or be employed and determined to be in need of intensive services to obtain, or retain employment at a self-sufficient wage. Dislocated workers who have accepted a job after dislocation must be under the state NEG self-sufficiency threshold to be determined eligible. Documentation should be maintained to demonstrate the transition from core to intensive services.

Training services, such as occupational skills training, on-the-job training, customized training, and entrepreneurial training. Training services are services that are available to dislocated workers who have completed one or more intensive services and still cannot obtain employment leading to self-sufficiency. Training providers of occupational skills training and their programs of training services must be on the state eligible training provider list. WIA Section 134(d).

A. Reporting

All participants served under this NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

B. Local Implementation of NEG Policies

In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.

C. Using Local Formula Funds

Local WIBs identified as project operators for this NEG may elect to serve eligible workers under the NEG using local formula funds if desired. In order to ensure consistent and equitable service delivery, local WIBs must, at a minimum, follow the guidelines of the NEG policies that apply to the targeted workers. If local policies exceed the financial caps for services or broaden the array of services, the local policies may be utilized when serving participants with local funds.

Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a unique code entered in the local use field in the basic intake screen as an individual covered under this NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS, Office of Workforce Development.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References  WIA Section 101(46), 134, 173

Federal Register / Vol. 69, No. 81 / Tuesday, April 27, 2004 / Notices

USDOL approved National Emergency Grant, Wilmington Airpark
I. **Purpose**

To provide guidance on National Emergency Grants (NEGs) sequence of services to participants and to expedite core, intensive, or training services in transition centers and One-Stop centers for eligible Wilmington Airpark workers.

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 - Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington transition center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds, as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers.

II. **Effective Date**

October 1, 2008

III. **Background**

NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent services from the One-Stop center network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

IV. **Guidance Statement**

The WIA regulations require a specific sequence of services in order to access program activities through WIA. The intent of this mandatory sequence is to ensure eligible workers are able to access the services necessary to obtain or retain employment based upon their existing marketable skills; thus allowing each worker's needs to determine the depth of services received.

The preamble of the Workforce Investment Act (WIA), final rules states that, "While the regulations do not explicitly preclude State or Local Boards from establishing minimum time periods within each tier of
services, we agree that mandatory waiting periods are not consistent with customization of services according to each participant’s unique needs.” Therefore, a participant services flow process that is responsive to NEG participants is a critical point to the success of serving these participants. The goal is to help NEG participants access the services they want and need as quickly and easily as possible. Although WIA requires a specific sequence of services (core, intensive, training), there is no mandated timeframe for them to be provided.

Participants served with NEG funds have access to core, intensive, and training services as appropriate. Participants who receive services tied to this NEG:

- Must have been terminated or laid off, or have received a notice of termination or layoff due to the upcoming closure of Wilmington Airpark; and
- Participation is based on the determination of suitability for the program and the ability to benefit from services available.

It is important that local areas establish procedures that:

- **Facilitate timely access to training** if needed when the participant does not have the necessary marketable skills to make a quick transition back into the workforce;
- Ensure that the mandated sequence of services is not burdensome;
- Ensure that a skill assessment is conducted as soon as possible following the determination of WIA eligibility, in order to develop an appropriate plan of services*; and
- The timeframe between core services and training should be the least amount of time needed to assess the worker’s existing skills, determine marketability of their skills, and develop an appropriate training plan.

* Eligibility determination and comprehensive assessments must be completed within thirty days after the worker indicates an interest in assistance beyond self-help resources at a One-Stop or transition center. If a One-Stop lacks the capacity to meet this timeframe, the worker should be referred to the transition center for expedited services.

An example of an expedited path to training that satisfies the mandated sequence of services is as follows:

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<td>✓ Worker is enrolled in training.</td>
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Services are described as follows:

- Core services, such as intake/application for determinations of NEG eligibility, job search and placement information, and initial assessments. Core services include self-service informational services and staff-assisted services. Self-service informational services may require little or no assistance from staff. Staff-assisted services require registration services into the WIA program.
Intensive services include comprehensive specialized assessments of individual skill levels and service needs, individual employment plans, and counseling. Intensive services involve staff assistance with making determination about a participant's needs and arranging for needed services to be provided. Intensive services require registration and include short-term pre-vocational services.

Before receiving intensive services, an individual must have received at least one core service, be unemployed, and be unable to obtain employment, or be employed and determined to be in need of intensive services to obtain, or retain employment at a self-sufficient wage. Dislocated workers who have accepted a job after dislocation must be under the state NEG self-sufficiency threshold to be determined eligible. Documentation should be maintained to demonstrate the transition from core to intensive services.

Training services, such as occupational skills training, on-the-job training, customized training, and entrepreneurial training. Training services are services that are available to dislocated workers who have completed one or more intensive services and still cannot obtain employment leading to self-sufficiency. Training providers of occupational skills training and their programs of training services must be on the state eligible training provider list. (WIA Section 134(d)).

A. Reporting
All participants served under this NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

B. Local Implementation of NEG Policies
In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.

C. Using Local Formula Funds
Local WIBs may elect to serve eligible workers under this NEG using local formula funds if desired. However, in order to ensure consistent and equitable service delivery, local WIBs must modify existing local policies to adopt the statewide NEG policies when serving this population. WIBs would then be authorized to serve eligible workers using local formula funds following the statewide NEG policies rather than the locally approved WIB policies.

Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a unique code entered in the local use field in the basic intake screen as an individual covered under this NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS, Office of Workforce Development.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
WIA Section 101(46), 134, 173
Federal Register / Vol. 69, No. 81 / Tuesday, April 27, 2004 / Notices
USDOL approved National Emergency Grant, Wilmington Airpark
Workforce Investment Act Policy Letter No. 08-08.1

February 19, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: National Emergency Grants (NEGs) - Needs-Related Payments for the Wilmington Airpark Dislocated Workers

I. Purpose

To provide guidance on National Emergency Grants (NEGs) Needs-Related Payments (NRPs) to be provided to eligible Wilmington Airpark workers.

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 - Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington Airpark Transition Center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers. Non-project operators may follow their local policies when using their local formula funds for impacted workers.

II. Effective Date

October 1, 2008

III. Background

NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent and efficient services from the One-Stop network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

IV. Guidance Statement

NRPs provide financial assistance to participants for the purpose of enabling individuals to participate in training, and are one of the supportive services authorized by WIA section 134(e)(3). National Emergency Grants supportive service funds may be used to pay for needs-related payments - where authorized by local workforce investment boards. If local WIB supportive services policies prohibit the payment of NRPs, they must be modified to allow NEG-funded NRPs for this target group of workers.

A. Initial Eligibility for Needs-Related Payments
Eligibility for needs-related payments is not an entitlement for eligible participants. This supportive service is based upon the family's financial need, as well as the participant's enrollment into training and ineligibility for unemployment compensation (UC) and Trade Readjustment Allowance (TRA) assistance. This two-part determination is described below.

Part 1 - Financial Need
1. Dislocated workers must have a three-month family income of less than the Lower Living Standard Income Level (LLSIL).
2. Determination of financial need may be determined up to ninety days prior to the start of training. This initial determination of eligibility is based on the family income from the prior three months.

Part 2 - Training & UC/Trade Status
1. Be unemployed, and:
   a. Have ceased to qualify for UC or TRA; and
   b. Be enrolled in a program of training services under WIA by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

If, due to the lack of formula or emergency grant funds in the State or local area at the time of dislocation, unemployed dislocated workers served by the project are not able to meet the 13 or 8 week deadline for enrollment in training, as set forth in WIA section 134(e)(3)(B), then such individuals may be eligible for needs-related payments if they are enrolled in training by the end of the 6th week following the date of the emergency grant award.

2. Be unemployed and did not qualify for UC or TRA.

If the participant is not initially eligible and his or her financial situation changes during the course of training, eligibility may be re-determined throughout the course of participation. However, the timeframe requirements for beginning training (if applicable) and the family income requirements must be met in order to begin issuing needs-related payments.

Note: Verification demonstrating proof of Unemployment Insurance (UI) payments, amounts paid, and the fact that the participant is no longer receiving benefits, all need to be part of the participant's file. Refer to WIATL No. 27 for documentation required to be kept on file.

B. Level of Payments and Conditions
The level of needs-related payments for Wilmington Airpark workers will not exceed the following:

1. For participants who were eligible for unemployment compensation (UC) as a result of the qualifying dislocation, and who are no longer receiving benefits, the weekly payment may not exceed the applicable weekly level of the unemployment compensation benefits; or
2. For participants who did not qualify for unemployment compensation as a result of the qualifying layoff, the weekly payment will be equal to the poverty level based on family size and income for an equivalent period.

Weekly payments may begin on the Monday after both eligibility and training enrollment criteria have been met.

If the participant has been accepted into a training program that will begin within 30 calendar days of the determination of NRP eligibility, payments may be awarded prior to the start date of training classes for the purpose of enabling the participant to enroll in the program. All training
participants must be enrolled and attending full-time training as defined by the school, and maintain a minimum GPA of 2.0 in order to continue receiving NRPs.

When a participant has a break in training of less than 30 business days (not counting weekends or holidays), the participant is still eligible for NRPs and will receive the weekly NRP. If the break in training is greater than 30 business days, the participant will not receive NRPs for that period until the participant's training program begins.

**Needs-related payments must be immediately terminated for any participant who fails to meet one of these requirements.**

C. **Continuing Eligibility to Receive NRPs**

Participants receiving NRPs must re-qualify for these benefits during the period of the training program every ninety days from the date of the original determination. This re-determination shall be based on the family income for the previous ninety day period. Any income from needs-related payments will not be included. The total revised family income so determined shall continue to be annualized to determine the participant's current eligibility for needs-related payments. Where the revised family income exceeds the LLSIL, the eligible participant shall not be eligible for needs-related payments. Where the revised family income does not exceed the LLSIL, the eligible participant shall continue to receive needs-related payments. NRPs are not allowable for participants receiving UC, TRA, OJT, and relocation assistance.

D. **Training Services**

A program of training services is one or more courses or classes, or a structured regimen that upon successful completion, leads to:

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

Types of training include:

- Occupational skills training, including training for nontraditional employment;
- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Job readiness skills;
- Adult education and literacy activities provided in combination with any other training services listed above; and
- Customized training with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

E. **Limitations**

In the event that training is delayed, NRPs may be paid while a participant is waiting to start training classes provided the participant has been accepted in a training program that will begin within thirty (30) calendar days.

NRP funds may be used only during the period in which a dislocated worker participates in WIA training.
F. Reporting
All participants served under this NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

G. Local Implementation of NEG Policies
In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.

H. Using Formula Funds
Local WIBs identified as project operators for this NEG may elect to serve eligible workers under the NEG using local formula funds if desired. In order to ensure consistent and equitable service delivery, local WIBs must, at a minimum, follow the guidelines of the NEG policies that apply to the targeted workers. If local policies exceed the financial caps for services or broaden the array of services, the local policies may be utilized when serving participants with local funds.

Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a unique code entered in the local use field in the basic intake screen as an individual covered under this NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS Office of Workforce Development.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
Federal Register / Vol. 69, No. 81 / Tuesday, April 27, 2004 / Notices
20 CFR Part 652 et al. Sections §663.815, §663.820, §663.825, §663.840, §667.272(c), §671.140
TEGL No. 17-05
USDOL approved National Emergency Grant, Wilmington Airpark
Workforce Investment Act Policy Letter No. 08-08

January 5, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Jan Allen, Interim Director

Subject: National Emergency Grants (NEGs) - Needs-Related Payments for the Wilmington Airpark Dislocated Workers

I. Purpose

To provide guidance on National Emergency Grants (NEGs) Needs-Related Payments (NRPs) to be provided to eligible Wilmington Airpark workers.

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 - Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington transition center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds, as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers.

II. Effective Date

October 1, 2008

III. Background

NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent and efficient services from the One-Stop network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

IV. Guidance Statement

NRPs provide financial assistance to participants for the purpose of enabling individuals to participate in training, and are one of the supportive services authorized by WIA section 134(e)(3). National Emergency Grants supportive service funds may be used to pay for needs-related payments - where authorized by local workforce investment boards. If local WIB supportive services policies prohibit the payment of NRPs, they must be modified to allow NEG-funded NRPs for this target group of workers.

A. Initial Eligibility for Needs-Related Payments
Eligibility for needs-related payments is not an entitlement for eligible participants. This supportive service is based upon the family's financial need, as well as the participant's enrollment into training and ineligibility for unemployment compensation (UC) and Trade Readjustment Allowance (TRA) assistance. This two-part determination is described below.

Part 1 - Financial Need

1. Dislocated workers must have a three-month family income of less than the Lower Living Standard Income Level (LLSIL).
2. Determination of financial need may be determined up to ninety days prior to the start of training. This initial determination of eligibility is based on the family income from the prior three months.

Part 2 - Training & UC/TRA Status

1. Be unemployed, and:
   a. Have ceased to qualify for UC or TRA; and  
   b. Be enrolled in a program of training services under WIA by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

If, due to the lack of formula or emergency grant funds in the State or local area at the time of dislocation, unemployed dislocated workers served by the project are not able to meet the 13 or 8 week deadline for enrollment in training, as set forth in WIA section 134(e)(3)(B), then such individuals may be eligible for needs-related payments if they are enrolled in training by the end of the 6th week following the date of the emergency grant award.

2. Be unemployed and did not qualify for UC or TRA.

If the participant is not initially eligible and his or her financial situation changes during the course of training, eligibility may be re-determined throughout the course of participation. However, the timeframe requirements for beginning training (if applicable) and the family income requirements must be met in order to begin issuing needs-related payments.

Note: Verification demonstrating proof of Unemployment Insurance (UI) payments, amounts paid, and the fact that the participant is no longer receiving benefits, all need to be part of the participant's file. Refer to WIATL No. 27 for documentation required to be kept on file.

B. Level of Payments and Conditions

The level of needs-related payments for Wilmington Airpark workers will not exceed the following:

1. For participants who were eligible for unemployment compensation (UC) as a result of the qualifying dislocation, and who are no longer receiving benefits, the weekly payment may not exceed the applicable weekly level of the unemployment compensation benefits; or
2. For participants who did not qualify for unemployment compensation as a result of the qualifying layoff, the weekly payment will be equal to the poverty level based on family size and income for an equivalent period.

Weekly payments may begin on the Monday after both eligibility and training enrollment criteria have been met.

If the participant has been accepted into a training program that will begin within 30 calendar days of the determination of NRP eligibility, payments may be awarded prior to the start date of training classes for the purpose of enabling the participant to enroll in the program. All training participants
must be enrolled and attending full-time training as defined by the school, and maintain a minimum GPA of 2.0 in order to continue receiving NRPs.

When a participant has a break in training of less than 30 business days (not counting weekends or holidays), the participant is still eligible for NRPs and will receive the weekly NRP. If the break in training is greater than 30 business days, the participant will not receive NRPs for that period until the participant’s training program begins.

**Needs-related payments must be immediately terminated for any participant who fails to meet one of these requirements.**

**C. Continuing Eligibility to Receive NRPs**

Participants receiving NRPs must re-qualify for these benefits during the period of the training program every ninety days from the date of the original determination. This re-determination shall be based on the family income for the previous ninety day period. Any income from needs-related payments will not be included. The total revised family income so determined shall continue to be annualized to determine the participant’s current eligibility for needs-related payments. Where the revised family income exceeds the LLSIL, the eligible participant shall not be eligible for needs-related payments. Where the revised family income does not exceed the LLSIL, the eligible participant shall continue to receive needs-related payments. NRPs are not allowable for participants receiving UC, TRA, OJT, and relocation assistance.

**D. Training Services**

A program of training services is one or more courses or classes, or a structured regimen that upon successful completion, leads to:

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

Types of training include:

- Occupational skills training, including training for nontraditional employment;
- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Job readiness skills;
- Adult education and literacy activities provided in combination with any other training services listed above; and
- Customized training with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

**E. Limitations**

In the event that training is delayed, NRPs may be paid while a participant is waiting to start training classes provided the participant has been accepted in a training program that will begin within thirty (30) calendar days.

NRP funds may be used only during the period in which a dislocated worker participates in WIA training.
F. Reporting

All participants served under this NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

G. Local Implementation of NEG Policies

In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.

H. Using Formula Funds

Local WIBs may elect to serve eligible workers under this NEG using local formula funds if desired. However, in order to ensure consistent and equitable service delivery, local WIBs must modify existing local policies to adopt the statewide NEG policies when serving this population. WIBs would then be authorized to serve eligible workers using local formula funds following the statewide NEG policies rather than the locally-approved WIB policies.

Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a unique code entered in the local use field in the basic intake screen as an individual covered under this NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS Office of Workforce Development.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQA@JFS.OHIO.GOV.

VI. References

Federal Register / Vol. 69, No. 81 / Tuesday, April 27, 2004 / Notices


20 CFR Part 652 et al. Sections §663.815, §663.820, §663.825, §663.840, §667.272(c), §671.140

TEGL No. 17-05

USDOL approved National Emergency Grant, Wilmington Airpark
I. **Purpose**

This policy establishes guidelines to be used within the areas affected by the Wilmington Airpark closure when determining self-sufficiency of an individual to participate in activities authorized under the Workforce Investment Act (WIA).

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 - Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington transition center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds, as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers. Non-project operators may follow their local policies when using their local formula funds for impacted workers.

II. **Effective Date**

October 1, 2008

III. **Background**

NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent and efficient services from the One-Stop center network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

IV. **Guidance Statement**

The Workforce Investment Act requires that in order for employed adults and dislocated workers to move from core services to intensive services, they must be in need of such services in order to obtain or retain employment that allows for self-sufficiency. USDOL recognizes that dislocated workers may require a wage higher than a self-sufficiency standard for the adult population.
For purposes of NEG self-sufficiency eligibility, project operators must determine that the dislocated worker is in need of intensive services to achieve self-sufficiency. 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 a review of self-sufficiency.

Determination of self-sufficiency status requires a two-step assessment of the worker's 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 85% or higher than the wage at dislocation.

**Interim Employment**

Interim employment is employment that has been accepted for income maintenance prior to, and/or during, participation in intensive or training services with the intention of ending such employment at the completion of the intensive 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 from which the individual was laid off.

An eligible worker who is in interim employment following dislocation is not considered self-sufficient even if the hourly wage exceeds 85% of the dislocation wage.

**Wage Standard for Non-Interim Employment:**

Employed workers whose hourly wage is at least 85% of the dislocation wage are considered to be "self-sufficient," unless the employment is considered to be "interim employment." Workers who are determined to be "self-sufficient" may be served in core services only (either registered or non-registered core).

A. **Documentation**

Documentation to demonstrate self-sufficiency is required for all employed individuals. This would include verification of current hourly wage and dislocation wage, unless employment is categorized as "interim." If employment is interim, an applicant statement and/or related documentation must be obtained that verifies this condition.

B. **Reporting**

All participants served under this NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

C. **Local Implementation of NEG Policies**

In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.

D. **Using Local Formula Funds**

Local WIBs identified as project operators for this NEG may elect to serve eligible workers under the NEG using local formula funds if desired. However, in order to ensure consistent and equitable service delivery, local WIBs must modify existing local policies to adopt the statewide NEG policies when serving this population. WIBs would then be authorized to serve eligible workers using local formula funds following the statewide NEG policies rather than the locally approved WIB policies.
Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a unique code entered in the local use field in the basic intake screen as an individual covered under this NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS, Office of Workforce Development.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
USDOL approved National Emergency Grant, Wilmington Airpark
20 CFR 671.140
Workforce Investment Act Policy Letter No. 08-06.1

February 19, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: National Emergency Grants (NEGs) / On-The-Job Training (OJT) for the Wilmington Airpark Dislocated Workers

I. Purpose

To outline the process for establishing and providing On-The-Job-Training (OJT) to participants being served under National Emergency Grant (NEG) funds in areas impacted by Wilmington Airpark downsizing.

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 - Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington Airpark Transition Center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers. Non-project operators may follow their local policies when using their local formula funds for impacted workers.

II. Effective Date

October 1, 2008

III. Background

NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent and efficient services from the One-Stop center network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

IV. Guidance Statement

OJT is one type of training offered in the mix of services for training opportunities. This type of training is an option for individuals when formal skill training is not desired, not suitable, or not possible on a full-time basis. OJT is defined as 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;
- Provides reimbursement to the employer of up to fifty percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; 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 (See WIA section 101 (31)).

A. Limitations

OJT can be provided under a contract with both public and private sector (for-profit and non-profit) employers. OJT participants must be provided with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and who are doing the same type of work. The local WIB must not contract with an employer who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment.

The duration of OJT contracts shall not exceed one thousand forty regular hours of on-the-job experience. OJT payments shall not exceed fifty percent of hourly wages paid. Payments made are reimbursement for regular "straight" time, for actual hours worked with no overtime premium, holiday pay, or fringe benefits included.

OJT participants may not assist, promote, or deter union organizing or engage in political activities during work hours. OJT participants are prohibited from being employed in the construction, operation, or maintenance of any facility that is used for religious instruction or worship.

OJT participants are not permitted to work or train in buildings or surroundings under working conditions that are unsanitary, hazardous, or dangerous to the trainee’s health or safety.

OJT participants are not eligible to receive needs related payments (NRPs).

B. OJT Considerations

1. Generally, consideration of high turnover jobs should be avoided. In certain situations, where the returns on investment, potential earnings, or needs of the specific customer warrant it, such opportunities may be the subject of negotiation.

2. Individuals who have a significant barrier to employment, such as a disability defined in the American with Disabilities Act (ADA), may be considered for longer contract duration. Contract duration may be fifty percent longer for disabled workers participating in OJT.

3. Individuals who have completed formal training via an Individual Training Account (ITA), but are at risk of not achieving employment within 90 days of training completion, may be considered for OJT if it creates an opportunity for a positive outcome.

4. When matching customers to OJT opportunities, attention should be given to self-sufficiency based on family/household size.

C. OJT Pre-Award Review

Prior to the placement of an OJT participant, a pre-award review must be conducted to ensure that a business, or part of a business has not relocated from another location in the United States, if the relocation results in any employee losing his or her job at the original location.

The pre-award review must include the following information:

1. Names under which the establishment does business, including predecessors and successors in interest;

2. Name, title, and address of the company official certifying the information;
3. Whether WIA assistance is sought in connection with past or impending job losses at other facilities; and
4. Review of whether WARN notices relating to the employer have been filed.

The pre-award review may include consultation with labor organizations and others in the affected local areas.

The pre-award review must be maintained for monitoring purposes to ensure compliance with the requirement. If during the pre-award review it is determined that a business has relocated and caused dislocation at the original location, OJT's may be available at the new location after the business has been operational for 120 days.

D. Required Components
   1. Pre-award review;
   2. An OJT contract with general assurances that outline both parties responsibilities;
   3. Job order for OJT participant;
   4. Training outline with goals, gaps to be addressed, or other learning objectives;
   5. An objective process to determine the necessary duration of the contract;
   6. An assessment of candidates to determine skill gaps as they may relate to employer custom requirements/qualifications;
   7. A locally defined monitoring process to ensure satisfactory progress of the participant; and
   8. A payment process with provision for employees and employer comments.

E. Reporting

All participants served under thisNEG will be counted in statewide performance and must be entered inSCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

F. Local Implementation of NEG Policies

In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.

G. Using Local Formula Funds

Local WIBs identified as project operators for this NEG may elect to serve eligible workers under the NEG using local formula funds if desired. In order to ensure consistent and equitable service delivery, local WIBs must, at a minimum, follow the guidelines of the NEG policies that apply to the targeted workers. If local policies exceed the financial caps for services or broaden the array of services, the local policies may be utilized when serving participants with local funds.

Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a unique code entered in the local use field in the basic intake screen as an individual covered under this NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS, Office of Workforce Development.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652
USDOL TEGL 17-05, et al.
20 U.S.C. 1087uu
USDOL approved National Emergency Grant, Wilmington Airpark
I. **Purpose**

To outline the process for establishing and providing On-The-Job-Training (OJT) to participants being served under National Emergency Grant (NEG) funds in areas impacted by Wilmington Airpark downsizing.

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 - Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington Airpark Transition Center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds, as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers.

II. **Effective Date**

October 1, 2008

III. **Background**

NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent and efficient services from the One-Stop center network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

IV. **Guidance Statement**

OJT is one type of training offered in the mix of services for training opportunities. This type of training is an option for individuals when formal skill training is not desired, not suitable, or not possible on a full-time basis. OJT is defined as 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;
• Provides reimbursement to the employer of up to fifty percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; 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 (See WIA section 101 (31)).

A. Limitations

OJT can be provided under a contract with both public and private sector (for-profit and non-profit) employers. OJT participants must be provided with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and who are doing the same type of work. The local WIB must not contract with an employer who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment.

The duration of OJT contracts shall not exceed one thousand forty regular hours of on the job experience. OJT payments shall not exceed fifty percent of hourly wages paid. Payments made are reimbursement for regular "straight" time, for actual hours worked with no overtime premium, holiday pay, or fringe benefits included.

OJT participants may not assist, promote, or deter union organizing or engage in political activities during work hours. OJT participants are prohibited from being employed in the construction, operation, or maintenance of any facility that is used for religious instruction or worship. OJT participants are not permitted to work or train in buildings or surroundings under working conditions that are unsanitary, hazardous, or dangerous to the trainee's health or safety.

OJT participants are not eligible to receive needs related payments (NRPs).

B. OJT Considerations

1. Generally, consideration of high turnover jobs should be avoided. In certain situations, where the returns on investment, potential earnings, or needs of the specific customer warrant it, such opportunities may be the subject of negotiation.

2. Individuals who have a significant barrier to employment, such as a disability defined in the American with Disabilities Act (ADA), may be considered for longer contract duration. Contract duration may be fifty percent longer for disabled workers participating in OJT.

3. Individuals who have completed formal training via an Individual Training Account (ITA), but are at risk of not achieving employment within 90 days of training completion, may be considered for OJT if it creates an opportunity for a positive outcome.

4. When matching customers to OJT opportunities, attention should be given to self-sufficiency based on family/household size.

C. OJT Pre-Award Review

Prior to the placement of an OJT participant, a pre-award review must be conducted to ensure that a business, or part of a business has not relocated from another location in the United States, if the relocation results in any employee losing his or her job at the original location.

The pre-award review must include the following information:

1. Names under which the establishment does business, including predecessors and successors in interest;

2. Name, title, and address of the company official certifying the information;

3. Whether WIA assistance is sought in connection with past or impending job losses at other facilities; and
4. Review of whether WARN notices relating to the employer have been filed.

The pre-award review may include consultation with labor organizations and others in the affected local areas.

The pre-award review must be maintained for monitoring purposes to ensure compliance with the requirement. If during the pre-award review it is determined that a business has relocated and caused dislocation at the original location, OJTs may be available at the new location after the business has been operational for 120 days.

D. Required Components
1. Pre-award review;
2. An OJT contract with general assurances that outline both parties responsibilities;
3. Job order for OJT participant;
4. Training outline with goals, gaps to be addressed, or other learning objectives;
5. An objective process to determine the necessary duration of the contract;
6. An assessment of candidates to determine skill gaps as they may relate to employer custom requirements/qualifications;
7. A locally defined monitoring process to ensure satisfactory progress of the participant; and
8. A payment process with provision for employees and employer comments.

E. Reporting
All participants served under this NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

F. Local Implementation of NEG Policies
In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.

G. Using Local Formula Funds
Local WIBs may elect to serve eligible workers under this NEG using local formula funds if desired. However, in order to ensure consistent and equitable service delivery, local WIBs must modify existing local policies to adopt the statewide NEG policies when serving this population. WIBs would then be authorized to serve eligible workers using local formula funds following the statewide NEG policies rather than the locally approved WIB policies.

Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a unique code entered in the local use field in the basic intake screen as an individual covered under this NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS, Office of Workforce Development.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652, Section § 663.700 and 667.268
USDOL approved National Emergency Grant, Wilmington Airpark
To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Lisa Patt-McDaniel, Director

Subject: National Emergency Grants (NEGs) - Supportive Services for the Wilmington Airpark Dislocated Workers

I. Purpose

To establish guidelines to be used within the areas affected by the Wilmington Airpark downsizing when providing supportive services that are necessary to enable an individual to participate in activities authorized under the Workforce Investment Act (WIA).

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Green, Fayette; Local Area 12 - Butler, Clermont, Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 – Ross, Fairfield and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington Airpark Transition Center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG for the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds, as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers.

II. Effective Date

January 1, 2010

III. Background

NEG are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent services from the One-Stop center network providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

Supportive services for dislocated workers are defined in WIA Sections 101(46). Included are services such as transportation, childcare, dependent care, and housing. These services may be necessary to enable an individual to participate in activities authorized under the NEG. A recipient of supportive services must be an eligible dislocated worker and either enrolled in registered core, intensive, or training services in SCOTI WIA, Special Grants.

IV. Requirements
In order to assist customers in obtaining or retaining gainful employment, it may be necessary to provide supportive services as an effort to reduce or eliminate barriers to the goal of self-sufficiency. Areas or project operators participating in NEG-funded activities will provide these services either directly or indirectly through referral to other community entities so the customer may make the best use of all available resources. The provision of such services is subject to available funding and shall be based upon a thorough review of the individual's needs.

1. Supportive services may be provided to dislocated worker participants who are:
   - Participating in registered core, intensive, or training services
   - Unable to obtain or afford such supportive services through other programs providing such services in the community.

2. Supportive services may only be provided when they are reasonable and necessary for individuals to find or retain employment or participate in training or education that will lead to employment.

3. Supportive services paid with WIA funds may include but are not limited to:
   - Mileage reimbursement* (to and from training and other structured services)
   - Transportation (bus passes or tokens)
   - Vehicle repair
   - Child care
   - Emergency services (reasonable and necessary to gain or retain employment)
   - Work-related expenses (i.e. uniforms, tools when absolutely necessary for the training.)
   - Payment for vocationally necessary exams or certificates, including GED
   - Training allowance**

*The mileage reimbursement rate shall be as follows: under 50 miles roundtrip $10.00; over 50 miles roundtrip $20.00.

**Training allowances are addressed in separate NEG policies.

A. Limitations

The funding maximum for supportive services is $8,000 for any participant. Exceptions may be made by a WIB designee or committee. Please refer to OMB Circulars A-87 and A-122 for fiscal provisions.

The purchase of vehicles is not permitted with NEG funds.

B. Reporting

All participants served under this NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

C. Local Implementation of NEG Policies

In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.

D. Using Local Formula Funds

Local WIBs may elect to serve eligible workers under this NEG using local formula funds if desired. In order to ensure consistent and equitable service delivery, local WIBs must, at a minimum, follow the guidelines of the NEG policies that apply to the targeted workers. If local policies exceed the financial
caps for services or broaden the array of services, the local policies may be utilized when serving
participants with local funds.

Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a
unique code entered in the local use field in the basic intake screen as an individual covered under this
NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS,
Office of Workforce Development.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development:
WIAQNA@JFS.OHIO.GOV.

VI. References
Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652
29 CFR PT 97-22
OMB Circulars A-87 and A-122
Federal Register Vol. 65, No. 156, Friday, August 11, 2000
USDOL approved National Emergency Grant, Wilmington Airpark
To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: National Emergency Grants (NEGs) - Supportive Services for the Wilmington Airpark Dislocated Workers

I. Purpose
To establish guidelines to be used within the areas affected by the Wilmington Airpark downsizing when providing supportive services that are necessary to enable an individual to participate in activities authorized under the Workforce Investment Act (WIA).

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 - Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington Airpark Transition Center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers. Non-project operators may follow their local policies when using their local formula funds for impacted workers.

II. Effective Date
October 1, 2008

III. Background
NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent services from the One-Stop center network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

Supportive services for dislocated workers are defined in WIA Section 101(46). Included are services such as transportation, child care, dependent care, and housing. These services may be necessary to enable an individual to participate in activities authorized under the NEG. A recipient of supportive services must be an eligible dislocated worker and either enrolled in registered core, intensive, or training services in SCOTI WIA, Special Grants.

IV. Guidance Statement
In order to assist customers in obtaining or retaining gainful employment, it may be necessary to provide supportive services as an effort to reduce or eliminate barriers to the goal of self-sufficiency. Areas or project operators participating in NEG-funded activities will provide these services either directly or indirectly through referral to other community entities so the customer may make the best use of all available resources. The provision of such services is subject to available funding and shall be based upon a thorough review of the individual's needs.

1. Supportive services may be provided to dislocated worker participants who are:
   - Participating in registered core, intensive, or training services; and
   - Unable to obtain or afford such supportive services through other programs providing such services in the community.

2. Supportive services may only be provided when they are reasonable and necessary for individuals to find or retain employment or participate in training or education that will lead to employment.

3. Supportive services paid with WIA funds may include but are not limited to:
   - Mileage reimbursement* (to and from training and other structured services);
   - Transportation (bus passes or tokens);
   - Vehicle repair;
   - Child care;
   - Emergency services (reasonable and necessary to gain or retain employment);
   - Work-related expenses;
   - Payment for vocationally necessary exams or certificates, including GED;
   - Training-related expenses, including books, fees, and tools; and
   - Needs-related payments (NRPs).**

   *The mileage reimbursement rate shall be as follows: under 50 miles roundtrip $10.00; over 50 miles roundtrip $20.00.

   **NRPs are addressed in a separate NEG policy. The financial cap listed in this policy does not apply.

A. Limitations

The funding maximum for supportive services is $6,000 for any participant. Exceptions may be made by a WIB designee or committee. Please refer to OMB Circulars A-87 and A-122 for fiscal provisions.

The purchase of vehicles is not permitted with NEG funds.

B. Reporting

All participants served under this NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

C. Local Implementation of NEG Policies

In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.
D. Using Local Formula Funds

Local WIBs identified as project operators for this NEG may elect to serve eligible workers under the NEG using local formula funds if desired. In order to ensure consistent and equitable service delivery, local WIBs must, at a minimum, follow the guidelines of the NEG policies that apply to the targeted workers. If local policies exceed the financial caps for services or broaden the array of services, the local policies may be utilized when serving participants with local funds.

Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a unique code entered in the local use field in the basic intake screen as an individual covered under this NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS, Office of Workforce Development.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652
29 CFR Part 97.22
OMB Circulars A-87 and A-122
Federal Register Vol. 65, No. 156, Friday, August 11, 2000
USDOL approved National Emergency Grant, Wilmington Airpark
**Workforce Investment Act Policy Letter No. 08-05**

January 5, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Jan Allen, Interim Director

Subject: National Emergency Grants (NEGs) - Supportive Services for the Wilmington Airpark Dislocated Workers

I. **Purpose**

To establish guidelines to be used within the areas affected by the Wilmington Airpark downsizing when providing supportive services that are necessary to enable an individual to participate in activities authorized under the Workforce Investment Act (WIA).

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 - Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington Airpark Transition Center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds, as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers.

II. **Effective Date**

October 1, 2008

III. **Background**

NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent services from the One-Stop center network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

Supportive services for dislocated workers are defined in WIA Section 101(46). Included are services such as transportation, child care, dependent care, and housing. These services may be necessary to enable an individual to participate in activities authorized under the NEG. A recipient of supportive services must be an eligible dislocated worker and either enrolled in registered core, intensive, or training services in SCOTI WIA, Special Grants.

IV. **Guidance Statement**
In order to assist customers in obtaining or retaining gainful employment, it may be necessary to provide supportive services as an effort to reduce or eliminate barriers to the goal of self-sufficiency. Areas or project operators participating in NEG-funded activities will provide these services either directly or indirectly through referral to other community entities so the customer may make the best use of all available resources. The provision of such services is subject to available funding and shall be based upon a thorough review of the individual's needs.

1. Supportive services may be provided to dislocated worker participants who are:
   - Participating in registered core, intensive, or training services; and
   - Unable to obtain or afford such supportive services through other programs providing such services in the community.

2. Supportive services may only be provided when they are reasonable and necessary for individuals to find or retain employment or participate in training or education that will lead to employment.

3. Supportive services paid with WIA funds may include but are not limited to:
   - Mileage reimbursement* (to and from training and other structured services);
   - Transportation (bus passes or tokens);
   - Vehicle repair;
   - Child care;
   - Emergency services (reasonable and necessary to gain or retain employment);
   - Work-related expenses;
   - Payment for vocationally necessary exams or certificates, including GED;
   - Training-related expenses, including books, fees, and tools; and
   - Needs-related payments (NRPs)**

*The mileage reimbursement rate shall be as follows: under 50 miles roundtrip $10.00; over 50 miles roundtrip $20.00.

**NRPs are addressed in a separate NEG policy. The financial cap listed in this policy does not apply.

A. Limitations

The funding maximum for supportive services is $6,000 for any participant. Exceptions may be made by a WIB designee or committee. Please refer to OMB Circulars A-87 and A-122 for fiscal provisions.

The purchase of vehicles is not permitted with NEG funds.

B. Reporting

All participants served under this NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

C. Local Implementation of NEG Policies

In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.

D. Using Local Formula Funds

Local WIBs may elect to serve eligible workers under this NEG using local formula funds if desired. In order to ensure consistent and equitable service delivery, local WIBs must, at a minimum, follow the
guidelines of the NEG policies that apply to the targeted workers. If local policies exceed the financial caps for services or broaden the array of services, the local policies may be utilized when serving participants with local funds.

Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a unique code entered in the local use field in the basic intake screen as an individual covered under this NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS, Office of Workforce Development.

V. Technical Assistance
For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References
Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652
29 CFR Part 97.22
OMB Circulars A-87 and A-122
Federal Register Vol. 65, No. 156, Friday, August 11, 2000
USDOL approved National Emergency Grant, Wilmington Airpark
Workforce Investment Act Policy Letter No. 08-04.2

January 1, 2010

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Lisa Patt-McDaniel, Director

Subject: National Emergency Grants (NEGs) - Individual Training Account (ITA) for the Wilmington Airpark Dislocated Workers

I. **Purpose**

To identify the parameters for providing training through ITAs leading to employment and resulting in self-sufficiency for workers impacted by the Wilmington Airpark downsizing and served under the National Emergency Grant (NEG).

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 – Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington Airpark Transition Center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers. Non-project operators may follow their local policies when using their local formula funds for impacted workers.

II. **Effective Date**

January 1, 2010

III. **Background**

NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent services from the One-Stop center network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

IV. **Guidance Statement**

An ITA is established on behalf of a dislocated worker to purchase a program of training services from eligible providers selected in consultation with the case manager. A program training services is defined by the Federal Register as one or more courses or classes, or a structured regimen that upon successful completion, leads to:

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

Training must lead to occupations that are in demand in the local area or an area where the participant is willing to relocate as approved by the board.

A participant services flow process that is responsive to NEG participants is a critical point to the success of serving these participants. The goal is to aid NEG participants’ access to the services they want and need as quickly and easily as possible when the need for training has been identified. Although WIA requires a specific sequence of services (core, intensive, training), there is no mandated timeframe for them to be provided.

A. Time Limit

The maximum duration of an ITA may not exceed a 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
- Cancellations of classes
- Unforeseen illness

Four-year degree programs may be funded when the customer can document that he or she is in the last two years of the program (i.e., remaining hours are equal to or less than fifty percent of the total hours required for the degree).

B. Fund Limitation

The maximum amount for an ITA may not exceed $16,000 in WIA funds for a two-year program for tuition, books, and fees. Costs must be reasonable and necessary pursuant to 29 CFR, part 97.22. The cap does not include any supportive services related to the ITA such as supplies (i.e. uniforms, tools when absolutely required for the training). Exceptions to the financial cap may be made when the training program is a demand occupation in the medical field. Exceptions must be approved by the WIB designee or committee.

C. Demand Occupation

ITAs will be limited to occupations in demand within the local area or in the area in which the participant is willing to work or relocate. ITAs may also be issued to participants for occupations that are not in demand when there is a written guarantee of a job upon completion of training.

D. Access to Training

WIA is not an entitlement program. The issuance of an ITA must be based upon what is identified from the comprehensive assessment. If the worker is assessed and it is decided that training is required in order to obtain employment, an ITA may be issued.

ITAs are available to dislocated workers who have completed one or more intensive services and are unable to obtain employment leading to self-sufficiency. Training providers of occupational skills training and their programs of training services must be on the state eligible training provider list.

Key goals are:

- To ensure all eligible participants have the ability to benefit from services;
- Participants can successfully complete the program available;
- The services are aligned with the participants’ career goals and objectives; and
- Participants make successful transitions into the workforce in competitive employment.
Participants in training must maintain a cumulative Grade Point Average (GPA) of 2.0 and must be considered full-time status as defined by the school. Part-time status may be approved if classes are unavailable or if extenuating circumstances exit with approval by a WIB designee or committee. Should a participant's GPA fall below the minimum 2.0, the participant will be considered on "academic probation" during the following term. If at the end of that term, the participant remains below a 2.0 GPA, the ITA will be terminated.

E. Assessment Requirements
A comprehensive assessment shall be conducted that includes at a minimum, a review of the following:

- Interests - Has the worker expressed a level of interest in the field or industry and is willing to complete the training necessary to transition into that type of employment?
- Basic skills - Does the worker have the reading, math, and other essential knowledge base to successfully complete the training?
- Occupational skills - Does the worker lack employment-specific skills needed to enter a new, in-demand occupation or industry, and will the approved training help address this deficiency?
- Prior work experience - Does the worker lack significant employment history that would limit his or her ability to obtain employment without additional training?
- Marketable skills - Does the worker possess skills that enable him or her to obtain desired employment that is available within a reasonable commuting area or an area in which the worker is willing to relocate?
- Aptitudes - Does the worker have the capacity to complete the training and perform the duties required of a particular occupation of interest?
- Supportive services needs - What type of support is needed to assist the worker in successfully completing the training program? What will the worker's means of support be should training be approved? Are sufficient childcare accommodations available?
- Barriers - Are there other barriers to employment that would increase the chances the worker will not successfully complete the training? What assistance is necessary to minimize any barriers that would prevent successful completion of training?

F. Pell and Other Applicable Grants
All available sources of funds, excluding loans, should be considered when determining the need for WIA funds. Participants must apply for Pell and all other applicable grants for qualifying programs. The WIA staff and the WIA participant should work collectively to calculate the total funding resources available as well as to assess the full education and education-related costs by creating a budget. The budget should include the amount of the training costs, supportive services, and the participants' living expenses. Based on the information gathered in the budget process, WIA staff can determine the amount of WIA funds and supportive services that will be necessary for the participant to complete the training successfully. This also ensures that duplicate payments of training costs are not made. The amount of WIA funded training may not simply be reduced by the amount of Federal student financial assistance as this is a violation of 20 U.S.C. 1087uu.

G. Reporting
All participants served under this NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

H. Local Implementation of NEG Policies
In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.

I. **Using Local Formula Funds**

Local WIBs identified as project operators for this NEG may elect to serve eligible workers under theNEG using local formula funds if desired. In order to ensure consistent and equitable service delivery, local WIBs must, at a minimum, follow the guidelines of the NEG policies that apply to the targeted workers. If local policies exceed the financial caps for services or broaden the array of services, the local policies may be utilized when serving participants with local funds.

Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a unique code entered in the local use field in the basic intake screen as an individual covered under this NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS, Office of Workforce Development.

V. **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. **References**

Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652
USDOL TEGL 17-05, et al.
20 U.S.C. 1087uu
USDOL approved National Emergency Grant, Wilmington Airpark
Workforce Investment Act Policy Letter No. 08-04.1

February 19, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: National Emergency Grants (NEGs) - Individual Training Account (ITA) for the Wilmington Airpark Dislocated Workers

I. Purpose

To identify the parameters for providing training through ITAs leading to employment and resulting in self-sufficiency for workers impacted by the Wilmington Airpark downsizing and served under the National Emergency Grant (NEG).

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 - Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington Airpark Transition Center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers. Non-project operators may follow their local policies when using their local formula funds for impacted workers.

II. Effective Date

October 1, 2008

III. Background

NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent services from the One-Stop center network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

IV. Guidance Statement

An ITA is established on behalf of a dislocated worker to purchase a program of training services from eligible providers selected in consultation with the case manager. A program training services is defined by the Federal Register as one or more courses or classes, or a structured regimen that upon successful completion, leads to:

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

Training must lead to occupations that are in demand in the local area or an area where the participant is willing to relocate as approved by the board.

A participant services flow process that is responsive to NEG participants is a critical point to the success of serving these participants. The goal is to aid NEG participants’ access to the services they want and need as quickly and easily as possible when the need for training has been identified. Although WIA requires a specific sequence of services (core, intensive, training), there is no mandated timeframe for them to be provided.

A. Time Limit

The maximum duration of an ITA may not exceed a 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
- Cancellations of classes
- Unforeseen illness

Four-year degree programs may be funded when the customer can document that he or she is in the last two years of the program (i.e., remaining hours are equal to or less than fifty percent of the total hours required for the degree).

B. Fund Limitation

The maximum amount for an ITA may not exceed $15,000 in WIA funds for a two-year program for tuition only. Costs must be reasonable and necessary pursuant to 29 CFR, part 97.22. The cap does not include any supportive services related to the ITA such as books, fees, and related supplies. Exceptions to the financial cap may be made when the training program is a demand occupation in the medical field. Exceptions must be approved by the WIB designee or committee.

C. Demand Occupation

ITAs will be limited to occupations in demand within the local area or in the area in which the participant is willing to work or relocate. ITAs may also be issued to participants for occupations that are not in demand when there is a written guarantee of a job upon completion of training.

D. Access to Training

WIA is not an entitlement program. The issuance of an ITA must be based upon what is identified from the comprehensive assessment. If the worker is assessed and it is decided that training is required in order to obtain employment, an ITA may be issued.

ITAs are available to dislocated workers who have completed one or more intensive services and are unable to obtain employment leading to self-sufficiency. Training providers of occupational skills training and their programs of training services must be on the state eligible training provider list.

Key goals are:

- To ensure all eligible participants have the ability to benefit from services;
- Participants can successfully complete the program available;
- The services are aligned with the participants’ career goals and objectives; and
Participants make successful transitions into the workforce in competitive employment. Participants in training must maintain a cumulative Grade Point Average (GPA) of 2.0 and must be considered full-time status as defined by the school. Part-time status may be approved if classes are unavailable or if extenuating circumstances exist with approval by a WIB designee or committee. Should a participant's GPA fall below the minimum 2.0, the participant will be considered on "academic probation" during the following term. If at the end of that term, the participant remains below a 2.0 GPA, the ITA will be terminated.

E. **Assessment Requirements**

A comprehensive assessment shall be conducted that includes at a minimum, a review of the following:

- Interests - Has the worker expressed a level of interest in the field or industry and is willing to complete the training necessary to transition into that type of employment?
- Basic skills - Does the worker have the reading, math, and other essential knowledge base to successfully complete the training?
- Occupational skills - Does the worker lack employment-specific skills needed to enter a new, in-demand occupation or industry, and will the approved training help address this deficiency?
- Prior work experience - Does the worker lack significant employment history that would limit his or her ability to obtain employment without additional training?
- Marketable skills - Does the worker possess skills that enable him or her to obtain desired employment that is available within a reasonable commuting area or an area in which the worker is willing to relocate?
- Aptitudes - Does the worker have the capacity to complete the training and perform the duties required of a particular occupation of interest?
- Supportive services needs - What type of support is needed to assist the worker in successfully completing the training program? What will the worker's means of support be should training be approved? Are sufficient childcare accommodations available?
- Barriers - Are there other barriers to employment that would increase the chances the worker will not successfully complete the training? What assistance is necessary to minimize any barriers that would prevent successful completion of training?

F. **Pell and Other Applicable Grants**

All available sources of funds, excluding loans, should be considered when determining the need for WIA funds. Participants must apply for Pell and all other applicable grants for qualifying programs. The WIA staff and the WIA participant should work collectively to calculate the total funding resources available as well as to assess the full education and education-related costs by creating a budget.

The budget should include the amount of the training costs, supportive services, and the participants' living expenses. Based on the information gathered in the budget process, WIA staff can determine the amount of WIA funds and supportive services that will be necessary for the participant to complete the training successfully. This also ensures that duplicate payments of training costs are not made. The amount of WIA funded training may not simply be reduced by the amount of Federal student financial assistance as this is a violation of 20 U.S.C. 1087uu.

G. **Reporting**

All participants served under this NEG will be counted in statewide performance and must be entered in SCOTI WIA, Special Grants. Participants may be co-enrolled in local formula funded
WIA programs. Co-enrolled participants will be counted in both statewide and local performance.

H. Local Implementation of NEG Policies

In order to access NEG funds for targeted individuals, local WIBs must pass a resolution to adopt the statewide NEG policies for targeted individuals or modify existing policies to adopt the statewide NEG policies.

I. Using Local Formula Funds

Local WIBs identified as project operators for this NEG may elect to serve eligible workers under the NEG using local formula funds if desired. In order to ensure consistent and equitable service delivery, local WIBs must, at a minimum, follow the guidelines of the NEG policies that apply to the targeted workers. If local policies exceed the financial caps for services or broaden the array of services, the local policies may be utilized when serving participants with local funds.

Affected workers served with local formula funds must be enrolled in SCOTI WIA, and identified by a unique code entered in the local use field in the basic intake screen as an individual covered under this NEG. Separate reporting requirements to further explain this process have been issued by the ODJFS, Office of Workforce Development.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development:
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VI. References

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20 U.S.C. 1087uu

USDOL approved National Emergency Grant, Wilmington Airpark
Workforce Investment Act Policy Letter No. 08-04

January 5, 2009

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities, and One-Stop Operators

From: Jan Allen, Interim Director

Subject: National Emergency Grants (NEGs) - Individual Training Account (ITA) for the Wilmington Airpark Dislocated Workers

I. **Purpose**

To identify the parameters for providing training through ITAs leading to employment and resulting in self-sufficiency for workers impacted by the Wilmington Airpark downsizing and served under the National Emergency Grant (NEG).

This NEG policy applies to all targeted participants served by the following Project Operators: Local Area 7 - Clinton, Montgomery, Highland, Greene, and Fayette; Local Area 12 - Butler, Clermont, and Warren; Local Area 1 - Scioto, Adams, Brown, and Pike; Local Area 13 - Hamilton; Local Area 11 - Franklin; and Local Area 20 - Ross, Fairfield, and Pickaway. In instances where a local WIB policy conflicts with this issuance, the NEG policy shall be followed when the service is paid with NEG funds. Workers impacted by the downsizing of the Wilmington Airpark who reside outside of the aforementioned areas should be referred to the Wilmington Airpark Transition Center to access available services. Out-of-area One-Stops may also make arrangements to access available NEG services through any one of the project operators.

NEG services are available to eligible dislocated workers identified in the approved NEG resulting from the downsizing of the Wilmington Airpark regardless of their counties of residence. Local WIBs outside of the project operators listed above may use local funds, as appropriate, to serve this targeted group if accessing NEG-funded services is not feasible for the workers.

II. **Effective Date**

October 1, 2008

III. **Background**

NEGs are discretionary awards intended to temporarily expand service capacity at the state and local levels by providing time-limited funding assistance in response to significant dislocation events. In August 2008, the Ohio Department of Job and Family Services, Office of Workforce Development applied for NEG funds to aid the areas and workers affected by the downsizing of the Wilmington Airpark in Wilmington, Ohio. Due to the number of workers and counties impacted in Ohio, the state wants to ensure that workers will receive consistent services from the One-Stop center network, thereby providing a seamless transition regardless of the county of residence or local workforce investment area of the workers.

IV. **Guidance Statement**

An ITA is established on behalf of a dislocated worker to purchase a program of training services from eligible providers selected in consultation with the case manager. A program training services is defined by the Federal Register as one or more courses or classes, or a structured regimen that upon successful completion, leads to:

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

Training must lead to occupations that are in demand in the local area or an area where the participant is willing to relocate as approved by the board.

A participant services flow process that is responsive to NEG participants is a critical point to the success of serving these participants. The goal is to aid NEG participants’ access to the services they want and need as quickly and easily as possible when the need for training has been identified. Although WIA requires a specific sequence of services (core, intensive, training), there is no mandated timeframe for them to be provided.

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G. Reporting
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H. Local Implementation of NEG Policies
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I. **Using Local Formula Funds**

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V. **Technical Assistance**

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VI. **References**

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Workforce Investment Act Final Rules, 20 CFR Part 652
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