

**Policy for Special Grants
(Opioid Transition, and State Opioid Response Grants)
Northeast Ohio Consortium Council of Governments
Workforce Innovation and Opportunity Act Policy**

POLICY A-12

I. Introduction

The Ohio Department of Job and Family Services has secured the following three special grants to be used by the state's Workforce Development Boards to provide special programming to help address the effects of the state's opioid abuse epidemic.

1. State Opioid Response Grant (SOR).
2. Trade and Transition National Dislocated Worker Grant (Opioid#2).
3. Disaster Recovery National Dislocated Worker Grant (Opioid #3).

Area 19 is currently eligible for the SOR and Grant #3 grants. If the Area is successful in spending the SOR and/or Grant #3 grants, the Area will have the opportunity to pursue more of those grants, including possibly Grant #2. Should Trade and Transition Grants be secured by Area 19, the terms and conditions of that grant will also be covered by this Policy, unless and until Area 19 adopts a separate policy, or amends this policy.

II. Programming Services.

A. Outreach and Engagement of Referring Agencies.

Each of Area 19's OhioMeansJobs Centers will contact and engage agencies within their community known to rehabilitate and treat individuals that have substance-abuse and/or mental health issues. The goal will be to develop a referral relationship with as many of those agencies as possible that can identify and refer unemployed or underemployed individuals who:

1. have received or are/or are receiving assistance from the referring agency,
2. who are in the referring agency's opinion, are with some career services assistance from OhioMeansJobs center staff ready and able to be educated or placed into a position of employment.

Examples of such agencies include, but are not limited to:

- Alcohol, Drug, and Mental Health (ADAMH) boards to coordinate treatment for individuals with substance use disorder;
- Rehabilitation facilities and other providers of evidence-based drug and alcohol addiction treatment;
- Training providers including community colleges who can offer education, credentialing, and licensure in career fields that treat substance use disorder or provide related interventions;
- Drug courts and the criminal justice system to assist restored citizens with employment solutions to aid their transition back into society;

- Local libraries that can provide outreach and referral of potentially-eligible individuals; and
- BWC staff participating in the Safety Grant pilot program which educates employers on managing employees in recovery and adopting recovery-friendly human resource policies.

Priority of service will be given to those individuals referred from certain community partners who are willing to refer participants while continuing to actively treat/care manage them. See Section II. C. 4. of this policy.

Referring agencies will not be compensated for their referrals. A memorandum of understanding or some other written document will be entered into describing the terms and conditional related to the provision of referrals, and the OhioMeansJobs Center's provision of programming services to the same. No SOR funds can be expensed by an OhioMeansJobs Center unless and until a written agreement with one or more SOR approved agencies has been entered into in which those agencies agree to assume the responsibility for diagnosing, surveying, and continuing to case manage the participants with opioid syndrome.

An agreed upon protocol must be established by each OhioMeansJobs Center with its referring agencies. That protocol will address all of the following:

- Whether referrals will involve warm handoffs with an established appointment, and/or a general referral to the OhioMeansJobs Center, and the terms and conditions for all referrals.
- Some type of identification system, so that the OhioMeansJobs reception and/or other intake staff will know for general referrals the following:
 1. the source/referring agency so that OhioMeansJobs staff may inquire with the referring agency for any needed information;
 2. the fact that the individual is working with an agency who has identified s/he as having opioid syndrome and that s/he is being actively treated and surveyed by the referring entity.

The provision of outreach, establishing referral relationships, and intaking/determining eligibility are staff provided for services. OhioMeansJobs Center Staff that have contracts with the NOC COG/Area 19 WDB are expected to invoice for their staff time spent doing this work with costs/expenses to be established and invoiced in the same way that adult and/or dislocated worker staffing services are invoiced.

B. Eligibility

Any referred individual that wishes to receive services beyond non-triggering career services that are available for all universal customers, must first submit to and have their eligibility determined as set forth below.

1. SOR Eligibility.
 - a. Participant has base eligibility for Adult and Dislocated Worker programs.
 - 1) Legally authorized to work in the U.S.
 - 2) 18 years of age or older
 - 3) Properly registered for selective service

- b. Participant has been diagnosed as having an opioid use disorder by a participating SOR agency, and that diagnosis is a result of participant completing first survey.
2. Disaster Recovery National Dislocated Worker Grant (Opioid #3).

Participant has base eligibility for Adult and D.W. programs.

- a. Legally authorized to work in the U.S.
- b. 18 years of age or older
- c. Properly registered for selective service.

-Plus-

The participant meets one of the following four categories of eligibility:

- a. S/he meets one of the ten additional statutory eligibility requirements for dislocated workers per state and local policy A-01.
- b. S/he meets the state of Ohio's definition of long-term unemployed per state policy which means unemployed 15 or more weeks of the most recent 26 weeks (6 months).
- c. Individual who can demonstrate a causal relationship between the opioid emergency/crisis and a temporary or permanent lay-off. Real causal relationship between two events must be demonstrated by more than self-attestation.
- d. Self-employed individual who can demonstrate a causal relationship between the opioid emergency/crisis and their unemployment or underemployment. Real causal relationship between two events must be demonstrated by more than self-attestation.

C. Program Services.

Each of the different grants provides for different types of programming opportunities. The Area and the Sub-Areas reserve the right to provide any and all programming services that are permitted by each grant, for each individual determined to meet that grant's eligibility requirements.

Career and training services provided under this grant must prepare eligible participants for employment in high-growth sectors within the local economy. The industry sectors of focus into which investments of grant funding should be prioritized include: advanced and additive manufacturing; transportation; logistics and warehousing; healthcare practitioners; technical and healthcare support (especially related to mental health and addiction services); maintenance and repair including electricity, HVAC, and plumbing; business and administrative professionals; information technology; and other sectors targeted in each participating area's regional and local four-year WIOA plan.

The following will be the Area's primary program activities that result in grant expenditures, all of which are permitted via the SOR and Opioid #2 and #3 grants:

- 1. The provision of career services (both triggering and non-triggering) through the OhioMeansJobs Centers.

2. The provision of training services. Primarily occupational skills training provided through Individual Training Accounts; with On-the-Job Training available as well.
3. The provision of supportive services as provided for within Area 19 Policy A-13.

The following are the details associated with the three major categories of program services:

1. Career Services.

These services shall be provided in the same manner and method as career services are provided to universal customers, and adult and dislocated workers. All career services set forth within Area 19' policy A-02, may be provided. This includes placement into employment. All non-triggering career services are to be provided in the same manner and method as they would to all regular universal customers. All triggering career services are to be provided in the same manner and method as they would be to an adult and/or dislocated worker, with said services to be provided only after eligibility is determined, and with said participant to be enrolled/registered within an applicable special grant office available within OWCMS after that service is fully provided. No participant shall be co-enrolled and registered with OWCMS as an Adult or Dislocated Worker unless that eligibility has been established prior to the provision of services, and the OhioMeansJobs Center staff elect to so co-enroll the participant with the desire to own that participant for common performance measures.

The provision of career services for the most part are staff provided services. OhioMeansJobs Centers that have contracts with the NOC COG/Area 19 WDB are expected to invoice for their staff time spent working with the populations eligible for assistance using these grants, with costs/expenses to be established and invoiced in the same way that adult and/or dislocated worker staffing services are invoiced. This includes and permits invoicing for a reasonable portion of a third-party agency staffing contract, and/or via RMS hits or other acceptable and recognized ways for invoicing staff, management, and other indirect expenditures associated with the provision of staffed services.

2. Training Services.

Participants shall be eligible for all training services offered by Area 19 for Adult and Dislocated Workers; per those same policies. However, in light of Ohio's recognized "complete to compete" initiative, the primary focus will be on occupational skills training, using Individual Training Accounts, as set forth within Area 19's policies.

If Opioid Grant #3 funds are to be used to pay for any type of occupational skills training, there is training eligibility criteria that must be identified. Each Area 19 contactor staff will submit a form to those requesting training a form soliciting an answer to the following question:

"Your answer to this question is voluntary. Do you, a friend, or any member of your family have a history of opioid use? Please answer "Yes" or "No."

If the question is answered "yes", any training may occur. If the question is answered "no", or no answer is provided, occupational skills training is only permitted for the following fields:

- Addiction treatment
- Mental health treatment focused on conditions that lead to or exacerbate opioid addiction
- Pain management services and practices
- Emergency Medical Technician
- Healthcare; child, family & school; mental health & substance abuse social worker
- Nurse
- OR-
- Medical assistant (but only in Ashtabula and Portage counties not allowed in Geauga)

The Area's appropriateness policy still applies in determining to whom to award funding. However, for the purposes of these special grants, a participant's recent history of mental illness and/or use/abuse of intoxicating substances should not be considered or weighed as it customarily is.

3. Supportive Services.

Because the populations to be served by this grant typically have a lot of additional barriers and needs, the Area 19 WDB has established a separate special grant supportive services policy (Area Policy A-13) that is retroactive to July 1, 2019, that provides for a significant amount of varied supportive services that may be provided to eligible participants.

This separate supportive services policy will be available only to those participants who have been determined eligible and enrolled within one of the special grants within OWCMS, for one or more triggering career services, and/or training of any kind. Unlike supportive services for adults and dislocated workers, these supportive services are not reserved only for those receiving training services.

4. Miscellaneous.

a. Temporary-Disaster Relief Unemployment.

Because Area 19's economy currently has record low unemployment, and because many of our community stakeholders already have sufficient SOR resources, the Area at this time is electing to not provide for the placement and payment of wages for temporary, emergency, or disaster employment of any kind, but to instead focus on educating and placing participants into full-time permanent positions of employment, or into occupational skills training that leads to full-time employment. The demand of employers for full-time permanent employees and placing recovering individuals into those or educating them for the same, is viewed as a higher priority as opposed to placing individuals into temporary positions of employment that do not have a guarantee of resulting in permanent employment.

Should there be a change in this position because of a perceived community need, the Sub-Area OhioMeansJobs Center providers may begin to provide this as the service with the adoption of a temporary-disaster relief policy by the Area.

b. Priority of Services for Special Populations.

These special grants were provided by the Grantor agencies for the express goal and purpose of providing services to those effected by the opioid crisis within Area 19's three Sub-Area communities. Nevertheless, the Disaster Recovery or Opioid Grant #3 grant does not expressly require that only individuals incurring opioid syndrome or have an active or a history of opioid or other intoxicating substance use/abuse, or other mental illness or condition can be recipients. In fact, where there are sufficient funds available to serve all those seeking the program services identified in Section II., all eligible participants, including those that do not have a history of intoxicating substance use/abuse may be served, using Opioid #2 or Opioid #3 grant funding.

However, because of the underlying goals and purpose of these special grant(s), each contracting agent of the Area 19 WDB will establish a method that pools those seeking special grant services into cohorts, for a period of time to be determined by the contractor. Where there are sufficient resources to provide everyone within the pool or cohort, no priority of service for the population seeking services needs to be considered, services can and will be provided to all those for whom services are appropriate.

However, when a contracting agent reaches a point where it is low on special grant resources and it estimates it will not have enough resources to provide for all of the services sought by those within the pool seeking services, the contracting agent will:

- 1) notify the Area 19 WDB's fiscal agent to see if additional funds can be provided so that priority of service does not have to be triggered, and
- 2) if additional funds are not available, then to award all program services to those within this pool or cohort based upon the priority of service set forth below.

c. Confidentiality

Other than the individual's opioid syndrome diagnosis, and or asking participants seeking occupational skills training the question set forth within Section II. C. 2., of this policy, the OhioMeansJobs Center contracting staff shall not solicit protected health information from a referring agency or from a participant unless there is a need to do so. The OhioMeansJobs Center contractor may solicit protected health information only as needed, and if information is solicited shall protect the same, including not divulging the same to potential or actual employers.

All of Area 19's contractor staff shall treat protected health information as confidential, along with any other medical information obtained from applicants or participants or shared by partners, mental health providers, addiction recovery centers, or other organizations pertaining to the individual's health, disability, or medical conditions. If the Section II. C. 2. question is presented on a form, it must be kept separate from the WIOA intake or assessment forms. The confidential information must be:

- Used only for determining eligibility and appropriateness for services;
- Maintained in a separate file apart from the WIOA case file;
- Locked up or otherwise secured (such as through password protection if maintained in an electronic system); and
- Restricted from access by unauthorized individuals in accordance with 29 C.F. R. § 38.41(b)(3).

d. Priority of Service

Order of Priority of Service

Participant Category One:

Any eligible participant who is referred by or actively being treated/served by an agency that meets one, two, or all three of the criteria identified below:

1. The referring agency is in receipt of SOR funds, and the individual participant has been identified, surveyed, and will continue to be surveyed as an individual with opioid syndrome.
2. The referring agency has and will continue to secure negative substance testing results, at their cost, for referred individuals prior to their referral and while they pursue education and/or their probationary period of employment.
-And/Or-
3. The referring agency has and will continue to provide counseling, treatment, and/or assistance for their participant referrals while they pursue education and/or their probationary period of employment.

First tie-breaker. If there are not enough funds to serve everyone in category one, the tie-breaker shall be those that are referred by or being treated by an agency that meets all three, two, or just one of the criteria identified above.

Second tie-breaker. If there are not enough funds to service everyone after the first tie-breaker has been applied, veterans first.

Third tie-breaker. If there are still not enough funds to service everyone after the first and second tie-breakers, first come, first served.

Participant Category Two:

All other eligible participants, regardless of how they were referred or found to the OhioMeansJobs Center, who are not being treated/served by an agency as outlined above.

First tie-breaker. If there are not enough funds to service everyone, veterans first.

Second tie-breaker. If there are still not enough funds to service everyone after the first tie-breaker is applied first come, first served.

e. Subrecipients and Contractors

Area 19 and its contractors may enter into subrecipient agreements or contracts with public entities, not-for-profit organizations, and private-for-profit entities, including organizations that assist individuals in recovery from substance use disorder. The determination of subrecipient or contractor status must be based on the considerations in 2 C. F. R. § 200.330.

Competitive procurement of a provider that meets the definition of a subrecipient is not required but is recommended when feasible to increase the likelihood of obtaining the highest quality of services at the lowest cost.

Contractors must be competitively selected in accordance with federal, state, and local procurement rules. For-profit contractors and subrecipients may keep the profits earned from performance of grant activities. The amount of profit must be negotiated as a separate element of the overall price of the services with consideration given to the complexity, risk, past performance, and industry profit rates in the surrounding geographical area for similar work. Profits that are excessive or that are not justified using the aforementioned criteria will be disallowed and cannot be paid from grant funds.

f. Unallowable Expenses

Opioid transition grant funds may not be used to pay for:

- Testing of participants for the use of controlled substances;
- In-patient treatment for substance use disorder;
- Incentive payments to participants; or
- Strategic planning or related activities.

III. Fiscal Administration.

A. Allocations

1. SOR

There is no SOR allocation. ODJFS has approximately \$2 million as of July 1, 2019 through September 30, 2019. ODJFS anticipates receiving another \$2 million more on or after October 1, 2019. Sub-Areas will incur and advance their expenses using whatever WIOA or other local funds they deem fit. Sub-Areas will submit their invoices to the Area on a schedule to be determined no more often than twice a month. The Area will submit a combined invoice to ODJFS, which will include a 10% mark-up for administrative expenses, and receive payment on behalf of the Sub-Areas. The Area will issue payment to the Sub-Areas in a manner and method to be determined.

No Sub-Area may incur any expense.

2. Opioid Grant #3.

The Area's Opioid Grant #3 allocation is approximately \$315,000.00. The Area receives that allocation in installments. The first installment received was for \$105,632. The Area will issue this grant to its three Sub-Area recipients in the following allocation amounts in CFIS for the first installment:

- Ashtabula County \$37,076.00
- Geauga County \$17,398.00
- Portage County \$40,594.00
- \$95,068.00

The provision/division of additional installments will be determined by the Area 19 WDB/NOC COG in the future, based primarily on the Sub-Area's expenditure of the first allocation. If any Sub-Area has not accrued/expended 70% of their allocation within ninety (90) days prior to any planned claw-back by ODJFS, the Area reserves the right to redistribute the difference to another Sub-Area that has. Any monies not accrued or expended by the close of the month 90 days before any claw-back will be reclaimed by the Area and/or ODJFS and redistributed.

Once a Sub-Area determines that it has accrued or expended enough of its existing grant line and has a need for more, it shall contact the Fiscal Agent for Area 19 so that it may make arrangements to temporarily or permanently transfer/advance grant monies from other Sub-Areas and/or from ODJFS.

Each Sub-Area is permitted to draw, accrue and expense against this grant for permitted expenses through the CFIS system. The protocol for Grant #3 shall be identical to the terms and conditions associated with all other grants provided to the Sub-Areas through the CFIS system. As Sub-Areas book expenses, the Area's fiscal agent will mark up the services by 10% and draw and expense against these funds for administrative services.

3. Opioid Grant #2.

To be determined if Area 19 requests and receives this grant.

IV. Reporting Requirements

Area 19's Sub-Areas must enroll participants served under the opioid transition grant in the special grant office established for this project in the State's designated workforce case management system. Participants and services must be entered under the special grant office within 30 days. The outcomes of participants in the opioid transition grant will not affect the local area's WIOA performance measures, unless, the local area opts to co-enroll participants in local WIOA formula-funded programs.

The Area and Sub-Areas must request cash draws and report expenditures and other financial information using the State's designated financial reporting system, including the client tracking detail for participant-level direct service costs.

V. Monitoring

The Area shall monitor programming and expenditures pursuant to these special grants on a program year annual basis in the same manner and method that formula funds are monitored pursuant to Area 19's policies.

VI. Technical Assistance

To get questions answered and technical assistance regarding this policy or issues regarding administration of WIOA, you are urged to contact the Executive Director of the NOC COG at craigsernik@neohio.twcbc.com.

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

VII. References.

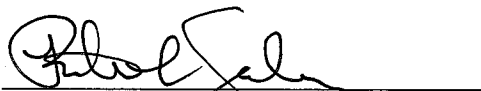
Workforce Innovation and Opportunity Act §§ 134 and 170, Pub. L. 113-128.

USDOL, Training and Employment Guidance Letter No. 2-18, Trade and Economic Transition National Dislocated Worker Grants, (August 8, 2018).

USDOL, Training and Employment Guidance Letter No. 4-18, National Health Emergency Phase Two: Disaster Recovery National Dislocated Worker Grants to Address the Opioid Crisis (September 14, 2018). Note: although certain provisions from TEGl 4-18 were used in this WIOAPL, the dislocated worker grants referenced in this policy are not disaster recovery grants.

2 C. F. R. § 200.330.
20 C.F.R. §§ 683.215 and 687.
29 C.F. R. § 38.41.

X. Signatures.



Richard Jackson
Area 19 WDB Chairperson

9/4/2019

Date



Casey R. Kozlowski
Ashtabula County Commissioner
Northeast Ohio Consortium Council of Governments,
Chief Elected Official

Date

Original Version Approved: September 4, 2019
Subsequent Revisions: