

**Adult and Dislocated Worker Training Services Policy for the
Northeast Ohio Consortium Council of Governments
Workforce Innovation and Opportunity Act Policy A-03**

I. Purpose.

This policy governs the terms and conditions associated with the provision of training services. The Area Workforce in procuring and contracting with its OhioMeansJobs Center operators, partners, and providers, shall determine which training services it will and will not offer, and pursuant to what terms and conditions the same will be made available to individuals.

II. Effective Date.

August 5, 2015.

III. Background.

The Workforce Innovation and Opportunity Act (“WIOA”) program is designed to provide employment and training opportunities to those who can benefit from, and who are in need of such opportunities. However, WIOA is not an entitlement program and WIOA is a funding source of last resort. This requires the Area Workforce to ensure that eligible individuals are determined to be appropriate for program enrollment based upon a consistent equitable assessment that is relevant to the level of services for which the individuals are applying.

WIOA services for Adults and Dislocated Workers are grouped into two categories: career services and training services. See Area **Workforce WIOA Policies A-02**, for the Area’s policies regarding career services.

IV. Requirements.

A. Eligibility for Training Services.

Pursuant to section 134 (b)(3)(A) of WIOA, training services may be provided to Adults and Dislocated Workers who:

1. After an interview, evaluation or assessment and career planning, have been determined by OhioMeansJobs staff or OhioMeansJobs center partner staff to be:
 - unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;

- in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - have the skills and qualifications to successfully participate in the selected program of training services.
2. Selects a program of training services that are directly linked to the employment opportunities in the local area, or the planning region, or in another area, to which the adults or dislocated workers are willing to commute or relocate; and
 3. Are 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.
 4. Are appropriate to engage in the training services selected.

B. Miscellaneous Training Requirements.

1. Two Individualized Career Services Required to be Provided Prior to the Provision of Training.

An individual must, at a minimum, receive the first two individualized career services, (**Workforce Area Policy A-02**), which includes comprehensive and specialized assessments, and the development of an Individual Employment Plan (“IEP”), so staff can obtain enough information to make a determination of the individual's appropriateness for training services.

2. Documentation.

The case files for adult and dislocated worker participants must document the participant’s eligibility for training services and explain how this determination was made. In addition to eligibility, appropriateness, and a number of other issues must be considered and addressed. **See Area Workforce WIOA Policy C-01 through C-12.** It is important that WIOA staff gather enough information, by whatever means, be they through an interview or through career services, to justify the need for training services.

3. Use of Previous Assessment.

When determining the services needed for an individual to obtain or retain employment, the local area or an OhioMeansJobs center partner shall not be required to complete a new interview, evaluation, or assessment of a participant if the local area or OhioMeansJobs partner determines it is appropriate to use a recent interview, evaluation, or assessment (within six (6) months) of the participant conducted pursuant to another education or training program. This may include evaluations completed by a secondary

school, Vocational Rehabilitation, ABLE, Veteran Program, or other education or training providers.

4. Priority for the Adult Program.

Priority for training services funded by and provided through the adult program shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of training services determined appropriate to obtain or retain employment. **See Area Workforce WIOA Policy C-08.**

C. Training Services.

1. Types of Training Services Available.

Providers may consider, but do not have to provide for, all of the following types of WIOA Workforce training services. The training services offered will be controlled by the terms and conditions of the Area Workforce's policies, the Area Workforce's Subgrant Agreement with providers, and the Area Workforce's Memorandum of Understanding with partners. Where the precise types of training are not dictated or restricted by policy or by agreement, the provider may exercise its discretion the provision of the following types of training, at the provider's established terms and conditions.

- Occupational skills training, including training for nontraditional employment;
- On-the-job training;
- Incumbent worker training;
- 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;
- Transitional jobs;
- Job readiness training;
- Adult education and literacy activities; and
- Customized training

2. Linkage to Occupations in Demand.

Training services provided shall be directly linked to an in-demand industry sector or occupation or a high potential for sustained growth in the local Workforce area or planning region. To receive an ITA, a participant must select a training program that is directly linked to employment that is either considered high demand or considered critical as identified by state strategic priority as follows:

a. State In-Demand Occupations and Critical Jobs (85%).

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 monthly.

Critical jobs are determined through state strategic priority and considered critical to the health and well-being of Ohioans. Some examples of critical jobs may include those outlined by RecoveryOhio that educate employers about hiring individuals in recovery and addressing substance use in the workplace, as well as, children's initiatives focused on pediatric mental health.

Each program year, at least 85% of new ITA enrollments for the local area must be in an in-demand occupation or critical job 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 and critical jobs data: <https://topjobs.ohio.gov/wps/portal/gov/indemand/list>.

b. Local Area In-Demand Occupations (15%).

The remaining 15 percent of ITA enrollments for the local area may be for occupations defined as in-demand by the Workforce Area. For the Area's definition of the same See Area Policy C-11.

3. Eligible Training Providers.

Training services shall only be provided by providers who have met the criteria to be eligible and have been identified as being on the State of Ohio's list of eligible providers of training services pursuant to section 122 of WIOA, and pursuant to any requirements set forth within **Area Workforce WIOA Policy C-11**.

4. Informed Customer Choice.

Training services shall be provided in a manner which maximizes consumer choice in the selection of an eligible provider of such services. Each Area Workforce OhioMeansJobs center shall make available the list of eligible providers of training services and accompanying performance

information to the extent it has been made available by the State of Ohio. Based upon the available information, participants will be asked to make informed workforce decisions with the assistance of Workforce staff.

5. Individual Training Account (“ITA”).

An ITA is one of the primary methods through which training is financed and provided for adults and dislocated workers. ITAs are established on behalf of a WIOA participant to purchase a program of training services from eligible training providers. **See Area Workforce WIOA Policy C-11.**

So long as individuals are allowed to choose whether or not to enroll, and have a choice in other providers for training if **Area Workforce WIOA Policy C-11** allows for it, the Area Workforce may directly contract with a single provider for training services. The Area may do this, and enroll individuals with that training provider instead of utilizing the ITA process, to provide for training services if **any one** of the following exceptions is met:

- If such training services are on-the-job training (including placing participants in a registered apprenticeship), customized training, incumbent worker training, or transitional jobs. **OR**
- Where the Area Workforce determines there are an insufficient number of eligible providers of training services in the local area to accomplish the purposes of a system of individual training accounts as described in the local plan. **OR**
- If the Area Workforce determines that there is a training services program of demonstrated effectiveness, through criteria developed by the Area Workforce, offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment. **OR**
- If the training is for multiple individuals in in-demand industry sectors or occupations, as long as the contract does not limit the individual's customer choice. **OR**
- The contract is a pay-for-performance contract.

6. Needs Related Payments.

WIOA fund may be used to provide needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services. At this time, the Area Workforce does not allow for the provision of Needs Related Payments. **See Area Workforce WIOA Policy A-05.**

D. Determination of Self-Sufficiency.

Pursuant to section 134 (b)(3)(A)(i)(I) of WIOA, for adults and employed dislocated workers to receive training services, they must be in need of such service to obtain or retain employment that allows for economic self-sufficiency. **See Area Workforce WIOA Policy C-03.**

The Workforce Area must also review "family self-sufficiency" for participants seeking a WIOA adult-funded ITA. WIOA adult-funded may only be approved for those who have been determined to be below a locally defined standard of "family self-sufficiency." This requirement is intended to ensure that adult participants seeking adult-funded ITAs are those whose families lack or have limited ability to pay for training and supportive services needed in order to obtain or retain employment. **See Area Workforce WIOA Policy C-03.**

E. Determination of Dependent Status.

Additionally, all young adults, ages 18-24, who are seeking WIOA adult-funded ITAs, must also be screened for dependency status. If an adult, ages 18-24, is determined to be dependent, "family self-sufficiency" would include the income(s) of all family members, including the young adult's parent(s). **See Area Workforce WIOA Policy C-05.**

F. Determination of Appropriateness for Training Services.

Pursuant to WIOA, for adults and dislocated workers to receive training services, they must be deemed appropriate to receive the same. **See Area Workforce WIOA Policy C-04.**

V. Reporting Requirements.

Program participation begins when the participant is determined eligible, receives the staff-assisted basic career service, individualized career service, or training service which is funded by the adult or dislocated worker program. Pursuant to rule 5101:9-30-04 of the Administrative Code, the Workforce Area shall ensure the timely and accurate reporting of WIOA participants, activities, and performance information by using the Ohio Workforce Case Management System (OWCMS).

VI. Definitions.

Appropriateness: the possession of qualities which are right, needed, or suitable for training services.

Customized training: training that is designed to meet the specific requirements of an employer (including a group of employers), that is conducted with the commitment

by the employer to employ an individual upon successful completion; and for which the employer pays:

- A significant portion of the cost of training, as determined by the local board involved taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees, relation of the training to the competitiveness of the participant, and other employer-provided training and advancement opportunities; and
- In the case of customized training involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

Critical jobs: jobs determined through state strategic priority and considered critical to the health and well-being of Ohioans. Some examples of critical jobs may include those outlined by RecoveryOhio that educate employers about hiring individuals in recovery and addressing substance use in the workplace plus children's initiatives focused on pediatric mental health.

Extenuating circumstances: an economic hardship that is beyond the reasonable control of the person(s) responsible for providing financial assistance to the WIOA participant for training.

Family: 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:

- Two spouses and dependent children.
- A parent or guardian and dependent children.
- Two spouses.

Family Self-Sufficiency: the use of the combination of family members' incomes to determine whether or not the participant has the means to fund training services.

Incumbent worker training: training to employed workers who are in need of additional skills to support job retention and career development.

In-demand industry sector: an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, and local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors as listed on the State In-Demand Occupations list or as defined by the local area per the Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 14-XX, Use of Individual Training Accounts (ITA).

In-demand occupation: an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy as listed on the State In-Demand Occupations list or as defined by the local area.

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 career or training services with the intention of ending such employment at the completion of the career or training services and entry into permanent, unsubsidized employment as a result of the services. Interim employment is accepted because the affected workers have lost the primary occupation for which their training, experience, or work history qualifies them. Interim employment can be part-time or full-time and must not be with the same employer from which the affected workers were dislocated.

Occupational skill training: an organized program of study that provides specific vocational skills that lead to proficiency in performing actual task and technical functions required by certain occupational fields at entry, intermediate, or advance levels and results in attainment of a recognized postsecondary credential.

On-the-job training (OJT): training by an employer that is provided to a paid participant while engaged in productive work in a job that:

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

Program of training services: a structured regimen leading to recognized post-secondary credentials, industry-recognized credentials, employment, and measurable skill gains toward credentials or employment.

Pay-for-performance contract strategy: a procurement strategy that uses pay-for-performance contracts in the provision of training services and includes:

- Contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider based on the achievement of specified levels of performance on primary indicators of performance for target populations within a defined timetable, and which may provide for bonus payment to such service provider to expand capacity to provide effective training;
- A strategy for independently validating the achievement of the performance; and

- A description of how the State or local board will reallocate funds not paid to the provider because the achievement of performance did not occur for further activities related to such a procurement strategy.

Primary occupation: the customary work for which the dislocated worker's training, experience, or work history qualifies them.

Transitional jobs: subsidized work experiences that are time-limited and designed to assist individuals to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

VII. Monitoring.

The area will conduct oversight and monitoring of the implementation of all WIOA programming by all OMJ Center operators, partners, and/or providers pursuant to **Area Workforce Policy D-03**. Any issues discovered will be handled through the area's monitoring resolution process.

VIII. Technical Assistance.

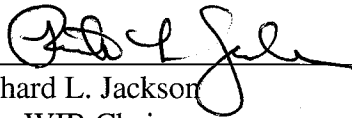
To get questions answered and technical assistance regarding this policy or issues regarding administration of WIOA, you are urged to contact the Executive Director of the NOC COG at craigsernik@neohio.twcbc.com.

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.

IX. References.

- Workforce Innovation and Opportunity Act, Pub. L. 113-128.
- 20 CFR Parts 603 et al.
- 29 U.S.C. 3101 et seq.
- Ohio Administrative Code rule 5101:9-30-04, Mandated Use of Ohio Workforce Case Management System (OWCMS).
- WIOAPL No. 14-XX, Determination of Dependent Status.
- WIOAPL No. 14-XX, Needs-Related Payments Using Adult and Dislocated Worker Funds.
- WIOPL No. 14-XX, Use of Individual Training Accounts.
- WIOPL No. 14-XX, Career Services for Adults and Dislocated Workers.

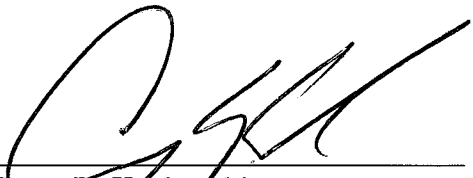
X. Signatures.



Richard L. Jackson
Area WIB Chair

9/21/20

Date



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

9/18/20

Date

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