

Workforce Investment Act

Frequently Asked Questions

Vol. I

This publication is intended to address some of the most frequently asked questions regarding the Workforce Investment Act, One-Stop systems, local authority and other program related interests. The questions listed are not exhaustive and often represent a series of questions around a specific topic. Answers have been developed that are consistent with federal and state rules and policy. References are included.

1. What is the role and function of a local Workforce Investment Board?

The role of the local Workforce Investment Board (WIB) is specifically referenced in the Workforce Investment Act of 1998 and is authorized to set policy for the portion of the statewide workforce investment system within the local area¹. This responsibility is carried out in partnership with the chief elected official(s) of the local area. The Local Board and chief elected officials may enter into an agreement that describes the respective roles and responsibilities of the parties. The Local Board and chief elected officials develop the local workforce investment plan and perform the functions described in WIA section 117(d).

If the local area includes more than one unit of general local government in accordance with WIA section 117 (c)(1)(B) the chief elected officials of such units may execute an agreement to describe the roles and responsibilities. If after reasonable effort, the chief elected officials are unable to reach agreement, the Governor may appoint the members of the Local Board from individuals nominated or recommended as specified in WIA section 117(b)².

Functions of a WIB in partnership with the chief elected officials in each area consist of but are not limited to the following:

- Develop and submit a local plan to the Governor
- Select and certify the local area One-Stop operator
- Terminate for cause the eligibility of such operator
- Select youth program providers utilizing area youth council
- Identify eligible providers of training services in local areas
- Develop a local WIB budget to carry out the duties of the local WIB
- Provide program oversight of programs and One-Stop operations
- Negotiate local performance measures with the Governor
- Assist the Governor in the development of statewide employment statistics system
- Coordinate employer linkages with economic development activities, etc.
- Act as an independent broker of programs and other linkages (including One-Stop systems) for the purpose of assisting area employers to meet hiring needs
- Adhere to sunshine law provisions

¹ Workforce Investment Act of 1998 (WIA) (Act) -Public Law 105-220 Aug. 7, 1998; Sec 117 (a)(b)(1)

² 20 CFR Part 652 et al. U. S. Department of Labor, Employment and Training Administration WIA; Final Rules (CFR Part...)

2. What is the role of the Local Elected Official?

The chief elected official in a local area is authorized to appoint the members of the Local Board for such area, in accordance with state criteria established under subsection (b) of WIA Section 177³. As mentioned in #1, above, the chief elected officials may execute an agreement with partner units of general local government as well as the local Workforce Investment or Policy Board, specifying the role and responsibilities related to policy development and implementation, program development, the selection of operators and providers, administration, etc. (See functions of the local WIB under #1, above.)

Local areas should establish policies, interpretations, guidelines and definitions to implement provisions of Title I of WIA to the extent that such policies, interpretations, guidelines and definitions are not inconsistent with the Act, federal statutes and regulations governing One-Stop partner programs, and with state policies.

3. What is the role and function of a local Workforce Policy Board?

The role of the local Workforce Policy Board (WPB) is specifically referenced in Ohio Law, under H. B. 470, ORC Chapter 6301⁴ and is authorized to provide policy guidance and recommendations to the chief elected officials of a local area and may consult local chief elected officials for any workforce development activities provided in a local area at any time. The chief elected officials of that area may expand duties of the WPB through assignment.

Functions of a WIB in partnership with chief elected officials in each area consist of but are not limited to the following⁵:

- Prepare a workforce development plan
- Identify workforce development needs of business
- Identify workforce development needs of the workforce
- Determine the distribution of workforce development resources
- Review minimum curriculum to certify training providers and other criteria to include in contracts between local elected officials and training providers
- Establish performance standards
- Describe other information chief elected officials may require

4. What is a One-Stop service delivery system under the Workforce Investment Act?

The WIA requires the state to establish a statewide One-Stop system that streamlines programs, has universal program access, empowers individuals, has great flexibility and is accountable. The services are clustered into three categories: core, intensive and training⁶. Each of the services has to be accessible within at least one physical site, within the One-Stop system, and may be electronically linked. The system must assure individuals that information on the availability of core services will be available regardless of where the individuals initially enter the statewide workforce investment system, including information made available through the access point described in sub-clause (I).

³ *ibid.*, PL 105-220 Sec. 117 (c)-(h); CFR Part 661.120

⁴ Ohio Revised Code Chapter 6301 (ORC)

⁵ *ibid.*, 6301.7

⁶ WIA Sec. 121, 122, 134/ Core, Intensive and Training services are clearly outlined in these sections

Local One-Stop systems must be consistent with the state plan. The Workforce Investment Board in agreement with the local elected officials must, with two exceptions, designate and certify the One-Stop operator through a competitive process. Specifically, if a local One-Stop system was established prior to the WIA, and there is agreement between the local WIB, elected officials and the Governor, that system may be continued. Or, an agreement may be reached between any three of the required partners and the WIB⁷.

5. Will the local areas be forced to regionalize? Can a local area reorganize?

There is no plan to force the regionalization of Local Boards. If local areas elect to aggregate into a single, larger area in order to increase the pool of funds required to support the minimum infrastructure necessary for the sustainable operation of a One-Stop system, it would be reasonable to expect that they would develop a common board for that new, larger area. However, the design of committees, delegation of authority to smaller planning committees, and related issues are items that may be addressed in various ways by intergovernmental agreement among the counties themselves. Issues related to the organizational structure of a multi-county area should be addressed thoughtfully with the affected county commissioners to ensure that structures adopted meet the individual service planning needs of each of the affected counties.

Wherever possible, it is our intent to accommodate the wishes of individual counties requesting reorganization, unless such reorganization creates additional barriers to financial stability and planning continuity for remaining counties.

6. How many certified One-stop systems will there be in Ohio?

The number of systems is limited only by budget restraints, the ability of the local system to develop the necessary partner service infrastructure, and the demonstrated financial sustainability of the One-Stop system.

7. What does “Work-Flex” (waiver) mean?

Work-Flex is short for the Workforce Flexibility Partnership Demonstration Program, which was a six-state demonstration program established in 1997. Currently, the Workforce Investment Act authorizes all Governors to receive Work-Flex authority upon approval of a Work-Flex plan⁸. Under Work-Flex, Governors are granted authority to approve requests from local areas to waive certain statutory and regulatory provisions of WIA described in their Work-Flex plan. States may also request from the Secretary of Labor waivers of some requirements of the Wagner-Peyser Act⁹ and provisions of the Older Americans Act¹⁰ that apply to state agencies. The main differences between Work-Flex waivers and general waivers¹¹ granted by the Secretary of Labor relate to the process by which the waivers are requested and what may be considered for waiver. In general, the range of authority under the general waivers may be slightly broader than Work-Flex because it allows for waiver of some state level requirements that are not authorized under Work-Flex. As applicable to a local area, however, both Work-Flex and general waivers are subject to the same 4.

⁷ *ibid.*

⁸ PL 105-220,(I),(E),(192)

⁹ PL 105-220,(I),(E),(192),(a),(2)

¹⁰ PL 105-220,(I),(E),(192),(a),(3)

¹¹ PL 105-220,(I),(E),(189),(i),(4)

limitations on specific provisions of the law and regulations that cannot be waived under any circumstance. Ohio is a Work-Flex state. Refer to workforce website: <http://wdsc.doleta.gov/waivers/>

8. What type of State technical assistance (capacity building) is going out for Request For Proposal (RFP)?

The Ohio Department of Job and Family Services (ODJFS) is requesting proposals from consultants for the brokering of specialized training for employees, local partners, and local governing board members in four primary areas:

- The specific requirements for implementation of the Workforce Investment Act¹²;
- Technical and skill-specific training identified through state and local assessment of One-Stop system need¹³;
- Training identified by the ODJFS Office of Workforce Development in collaboration with other Offices through oversight or monitoring functions as a part of the corrective action planning; and
- Capacity building activities designed to improve service quality and program outcomes at all levels of the workforce development system¹⁴.

9. Will they (training providers) be versed in Ohio law?

A requirement in the RFP ensures that all providers (particularly those outside of Ohio) be oriented thoroughly to the unique legal and structural framework under which workforce development programs are delivered in Ohio. While this process is in no way intended to limit the discussion of programmatic options or alter interpretations of regulatory controls or intent, it should ensure that all presenters understand the structural assumptions inherent to Ohio's systems.

10. What will the recently granted waiver for eligible training providers cover?

The waiver in question does not waive the requirement for the initial determination of eligibility of all providers on the state's eligible training provider list¹⁵. The Ohio policy governing the process for the initial determination is detailed in ODJFS WIA Policy Letter 8A-2000, dated March 15, 2000. The waiver, which was approved by the Assistant Secretary, United States Department of Labor, relates to the requirement for subsequent eligibility determination.¹⁶ The waiver was requested because of difficulties in establishing a statewide performance reporting system, which collected the information required to make the local determination of subsequent eligibility. As approved, the waiver will postpone the requirement to recertify existing eligible training providers until January 1, 2004. WIA Guidance Letter 3-2002 has been developed and sent to clearance to assist in clarifying several issues surrounding the option to utilize this particular waiver when sufficient data is not available for local recertification decisions.

11. Will data from ServiceLink/QuickLink be imported into SCOTI?

We are looking at several options for getting all the necessary data imported into the SCOTI database. These include a direct import of like data elements from ServiceLink; mapping and data file transfer

¹² Workforce Investment Act 1998; Aug 7, 1998; PL 105-220 (WIA)

¹³ PL 105-220,(I),(B),(1),(112),(b), (14)

¹⁴ PL 105-220,(I),(B),(6),(136)(e),(1)

¹⁵ PL 105-220,(I),(B),(3),(122),(a) and (b)

¹⁶ PL 105-220,(I),(B),(3),(122),(c) and (d)

from local third party systems; and direct keying of duplicate data into SCOTI. Because system development timelines will make reliance on the new system for PY2002 federal reporting risky, it is likely that we will rely heavily on the first option to get as much data as possible into ServiceLink/QuickLink while we continue to explore other options. We will then validate that data by comparison to local internal records or data tracking systems and correct errors before importing data to the new system.

12. What are the allowable ways to designate a local One-Stop Operator?

The Local Board, with the agreement of the chief elected official, is authorized to designate or certify One-Stop Operators and to terminate for cause the eligibility of such operators. The designation must meet the following criteria¹⁷:

- The entity is designated through a competitive process; or
- The designation is in accordance with an agreement reached between the Local Board and a consortium of entities that, at a minimum, includes 3 or more One-Stop required partners¹⁸; or
- The One-Stop delivery system had been established in the area prior to the enactment of WIA, and the Local Board, chief elected official and the Governor agree to designate the entity carrying out such One-Stop services as the One-Stop operator under the Workforce Investment Act.¹⁹

The designated entity may be a single public, private or not-for-profit entity or a consortium of such entities, of demonstrated effectiveness, located in the local area.²⁰

Elementary schools and secondary schools are specifically prohibited from designation as One-Stop operators except non-traditional public secondary and vocational education schools.²¹

¹⁷ PL 105-220,(I),(B),(3),(121),(d)

¹⁸ PL 105-220,(I),(B),(3),(121),(b), (1)

¹⁹ PL 105-220,(I),(B),(3),(121),(e)

²⁰ PL 105-220,(I),(B),(3),(121),(d), (2), (B)

²¹ PL 105-220,(I),(B),(3),(121),(d), (3)