

Lake County Department of Job & Family Services
Employment & Training Division

Policies and Procedures

Identification of Eligible Providers of Training Services
and
Use of Individual Training Accounts

Workforce Investment Act

June 30, 2003

Customer Referral to Training Programs

Customers may receive training services, as described in Section 134 of the Workforce Investment Act. To receive training services, customers must meet the following criteria:

- Meet the eligibility requirements for intensive services;
- Unable to obtain or retain employment through intensive services;
- Are determined (after an interview, evaluation, or assessment, and case management) by the One-Stop operator to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services;
- Select a program of training services that are directly linked to th employment opportunities in the local area involved or in another area in which the customer is willing to relocate;
- Are determined to be eligible in accordance with the priority system used when funds allocated for adult and dislocated worker activities are limited;
- Are unable to obtain other grant assistance for such services, including federal Pell grants established under Title IV of the Higher Education Act of 1965, or require assistance beyond the assistance made available under other grant assistance programs, including federal Pell Grants.

Training services provided under Section 134 of the Workforce Investment Act will be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.

The Lake County Workforce Investment Board will make available, via the Lake County One-Stop Center, the State of Ohio list of eligible providers of training services, with a description of the programs through which the providers may offer the training services. Performance information and performance cost information relating to eligible providers will also be made available.

Consistent with the spirit of WIA, customer choice will be achieved through a comprehensive case management strategy that involves an assessment and the development of an individual employment plan that leads to training and self-sufficiency. In Lake County, the Employment Services Counselor (ESC) will help the customer make an informed choice after looking at the State's list, program and cost information, and taking into consideration the dollar amount of the ITA and policies set by the local board.

If a customer selects a training program which is on the State list but does not conform to the ITA policies set by the Lake County Workforce Investment Board, no WIA funding may be expended for training of customers in that program until such time as the program comes into compliance with the ITA policies of the Lake County Workforce Investment Board.

Individual Training Account Policies for Training Programs

- The training program must be included on the State of Ohio Eligible Training Provider List.
- A signed Training Provider Agreement must be in effect between the Lake County Department of Job & Family Services (as administrative entity for the Lake County Workforce Investment Board) and the entity providing the training program. The following steps are taken for a Training Provider Agreement to be developed:
 - Provider submits a copy of the State of Ohio or Lake County application form for the program in question;
 - Application is reviewed by the Program Review & Coordinating Committee of the Lake County Workforce Investment Board (WIB), to ensure the program is in accordance with the Lake County WIB's ITA policies;
 - The Program Review and Coordinating Committee makes a recommendation to the full Lake County WIB whether to issue a Training Provider Agreement;
 - The Lake County WIB (or Executive Committee of the WIB) makes a recommendation to the Lake County Board of Commissioners whether to issue a Training Provider Agreement;
 - The Lake County Board of Commissioners makes the final determination whether to issue a Training Provider Agreement.
- The training program must either:
 - Prepare the customer for entry-level employment in a specific occupation or group of occupations; or
 - Prepare the customer for a third-party certification which documents the achievement of an advanced level of competence in a specific occupation or group of occupations.

“Third party” certification means that the certification is granted by a licensing authority, professional association, or similar entity **other than** the training institution itself. The certification must document that the customer has demonstrated, through testing, a predetermined minimum competence level, and must not merely document that the individual has been in attendance for the duration of training.

- The training program must be in an occupation or occupational group which is in demand in the local area as defined by the Lake County Workforce Investment Board. Lists of demand/not in demand occupational groups and specific occupations within these groups are available on request.
- The training program should not exceed 104 weeks (two years) in length. Exceptions to this policy

may be approved by the Employment & Training Administrator on a case-by-case basis. Requests for exceptions must include evidence that financial support for the customer is available for the extended training period.

- The training program must meet **one** of the following three criteria:
 - Program is offered by a postsecondary educational institution that is eligible to receive Federal funds under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) **and** leads to an associate degree, baccalaureate degree, or certificate; **or**
 - Program is a program under the Act of August 16, 1937, commonly known as the “National Apprenticeship Act”, 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.; **or**
 - Program is accredited, approved, registered with, or licensed by an independent professional association, accrediting body, and/or government agency.
- Any training program that is required by law (Ohio Revised Code Chapter 3332, Ohio Administrative Code Chapter 3332) to obtain program authorization from the Ohio State Board of Career Colleges & Schools (formerly the Ohio State Board of Proprietary School Registration) must be currently authorized and in good standing with such Board.

"Program", for purposes of Board of Career Colleges & Schools authorization, means the complete body of study, whether offered in a specific place, or by correspondence using the mails, or by any other means of communication, designed to prepare students for potential employment in a recognized vocation, occupation, or profession and lead to a certificate, diploma, or degree.

Note: The Ohio State Board of Career Colleges & Schools has determined that short-term computer skills training programs leading to certifications, such as for Microsoft and Novell products, fall under the Board’s jurisdiction.

- The training program must not provide instruction above the associate degree level.
- Where a training program is available with both a certificate track and an associate degree track in the same occupational area, an ITA may be issued only for the certificate track. When a customer has successfully completed the certificate track and received a certificate, the Employment & Training Administrator may approve funding for further training on a case-by-case basis. Justification must be provided which supports that further training is needed in order for this individual to attain or retain self-sufficient employment

This policy does not apply to programs which only lead to an associate degree and do not have

a certificate track (e.g., registered nursing).

- ITAs will not be issued for the following types of activities:
 - Seminars, workshops, or similar programs which are not graded, do not provide credit, and/or do not prepare an individual for a certification examination;
 - Individual courses or classes, whether or not taken for credit, which are not part of the curriculum of a diploma, certificate, or degree program approved by the Lake County Workforce Investment Board for establishment of an ITA;
 - Courses or programs which, **standing alone, provide only:**
 - Job skill enhancement;
 - Management techniques;
 - Professional development or informational updates;
 - Personal development;
 - Continuing professional education; or
 - Educational development which is not occupation-specific.
- The training program must be provided to customers of the Lake County Workforce Investment Board at the same cost as it is provided to the general public. ITAs will not be issued to pay for training programs which are available at no cost to the general public (e.g., nursing aide training available free from nursing homes after hire).
- A maximum of \$7,000 per customer may be spent for training costs, i.e., tuition, books, fees, registration, etc. Exceptions will be made on a case-by-case basis following administrative review.

Training Provider Application Approval Process

- The provider must submit an application to the Lake County Department of Job & Family Services, Employment & Training Division, for the program in question. The Lake County Department of Job & Family Services (Lake County JFS) is the administrative entity for the Lake County Workforce Investment Board (WIB).
- When completed application is received, the Contract Evaluator will review for:
 - Completeness;
 - Labor market demand;
 - Criteria on Screening Form;
 - Criteria on Evaluation Form, if provider/program is not a Title IV eligible institution/ program granting a certificate or associate degree;
 - Conformity with ITA policies of the Lake County WIB.
- Contract Evaluator will prepare a summary of the application and make recommendation.
- The application will be presented to the Program Review and Coordinating Committee of the Lake County WIB for their recommendation to approve or disapprove a Training Provider Agreement.
- The Committee's recommendation will be transmitted to either the full WIB or the Executive Committee of the WIB for the WIB's recommendation.
- The WIB's recommendation will be transmitted to the Lake County Board of Commissioners for their final approval or disapproval.
- If the program is approved:
 - The provider will be mailed a Training Provider Agreement for signature and return to Lake County JFS. Upon its return, the Agreement will be transmitted to the Lake County JFS Director for signature.
 - If the program is not already on the State List of Approved Providers, Lake County JFS will transmit application information to the State in accordance with State policies.
 - If the provider is new to Lake County JFS, the provider will also be scheduled for an orientation meeting at Lake County JFS, to review policies and procedures for referrals, enrollments, ITA use, billing, etc.
- When the Training Provider agreement is fully executed by the provider and Lake County JFS and (if applicable) the program has been placed on the State Approved List, Lake County JFS staff will be authorized to make referrals to the program.
- If the program is not approved for a Training Provider Agreement, the provider will be notified in

writing.

Customer Process for Entering Training Services

- Training providers are requested to fax the Lake County Department of Job & Family Services (Lake County JFS), Employment & Training Division Administrator Donna Mona, with the individual's name if they are referring a potential customer to Lake County JFS. The fax number is (440) 350-4493.
- Customer comes to JFS office for service.
- Receptionist refers customer to Employment Services Counselor for initial interview, explanation of available services, and core self-service options.
- If the Employment Services Counselor determines that customer is in need of staff-assisted core services, or needs to move to intensive services, customer must be registered and his/her eligibility for intensive and training services will be determined.
- Customer eligibility criteria for intensive services:
 - **Unemployed**, received at least one core service, unable to obtain employment through core services, and determined to be in need of more intensive services to obtain employment; or
 - **Employed**, received at least one core service, determined to need intensive services to obtain employment "leading to **self-sufficiency**". In other words, an employed customer cannot enter intensive services (or proceed to receive training) unless his/her earnings are **below** a level which allows self-sufficiency.

Self-sufficiency is defined as follows:

For Adults: Annual family income of 120% of the Lower Living Standard. The current levels are:

As of 5/30/03

Family Size	1	2	3	4	5	6	6+ Each
Annual Income	\$12,960	\$21,240	\$29,160	\$36,000	\$42,480	\$49,680	\$7,200

For Dislocated Workers: Hourly wage rate of two-thirds or less of the individual's hourly wage at dislocation. Dislocation must have occurred within the past 24 months.

- Eligible customers who move to intensive services may receive testing, assessment, and Individual Service Strategy development.

- Before a customer may receive training services, Counselor must determine that:
 - Customer has met the eligibility requirements for intensive services; and
 - Customer has received at least one intensive service, and is unable to obtain or retain employment which permits economic self-sufficiency through intensive services; and
 - After an interview, evaluation, or assessment, and case management, Customer is in need of training services and has the skills and qualifications to successfully participate in the selected program of training services; and
 - Customer has selected a program of training services that is directly linked to employment opportunities either in the local area or in another area to which the individual is willing to relocate; and
 - Customer is unable to obtain grant assistance from other sources (including federal Pell Grants) to pay training costs, or requires WIA assistance in addition to other sources of grant assistance; and
 - Customer is eligible in accordance with the priority system for service where funding is limited, if applicable.
- Counselor writes a “Justification of Training” to explain why the customer is in need of training.
- Customer writes an “ITA Application” to explain his/her choice of training program and provider.
- Customer’s file is reviewed for approval by the Administrator. The Administrator will also review, on a case-by-case basis, where training cost is over \$7,000 and/or return on investment index is less than 5.0.
- After approval, file is routed to Employment Services Counselor.
- An Individual Training Account form is completed by the Employment Services Counselor¹ and sent to the Fiscal Department for review to verify that sufficient funds are available.
- After Fiscal Department approval, a copy of the signed ITA will be forwarded to the training provider. The ITA document serves as Lake County JFS’s formal written commitment to pay the training costs shown on the ITA.
- Formal enrollment of customer may take place after Fiscal Department approval of the ITA.

¹ The only exception is for Lakeland Community College, in which case staff of Lakeland will complete the ITA and return to JFS.

ADULT PRIORITY OF TRAINING SERVICES CHECKLIST

Customer: [Customer name]

Counselor: [Counselor name]

Date: [Today's date]

Check all which apply to the customer:

9 **Out-of-County Resident**

When a "limited funding" situation is in effect, non-Lake County residents will not be served with adult training services. Such individuals' requests will be put on a hold status until such time as the "limited funding" situation is no longer in effect.

Veteran:

- 9 Special Disabled Veteran
- 9 Vietnam Era Veteran
- 9 Disabled Veteran
- 9 Any Other Veteran
- 9 Other Eligible Person²

A veteran will receive preference in selection over a non-veteran who is similarly situated. Veterans' preference is applied after the initial selection is made based on income status and number of barriers.

9 **Recipient of Cash Public Assistance/Other Low Income Individual**

A recipient of cash public assistance or other low income individual will receive preference in selection over a person who is not a recipient of cash public assistance or other low income individual with an equal number of barriers.

Barriers to Employment

- 9 Age 50 and Over
- 9 Female
- 9 Minority Group Member
- 9 Limited English Speaking
- 9 Ex-offender/Probation/Parole
- 9 Reading Skills Below 8th Grade Level
- 9 Math Skills Below 8th Grade Level
- 9 Lack of High School Diploma or GED
- 9 Needs Child Care/Care of Other Family Member
- 9 Lacks Transportation
- 9 Needs Other Supportive Services (specify:) [Needs other supportive services]
- 9 Lacks Vocational Skills
- 9 Lacks significant Work History
- 9 Person with Physical/Mental/Emotional Condition that Limits Employability

²Spouse of: a person who died of a service-connected disability; a person on active military duty who is missing in action, a prisoner of war, or forcibly detained by a foreign government or power who has a permanent total service-connected disability or who died while such a disability was in existence.

9 Other (specify): [Other (specify)]

Total Barriers:

Occupational Areas in Demand

Accounting	Food Preparation/Cooking	Real Estate
Administrative Asst./Secretarial	Food Service	Respiratory Therapy Tech.
Advertising Services	Foundry	Roofing
Agricultural Products Processing	General Office/Clerical	Sheet Metal Worker
Air Cond., Heating, & Refrig. Tech.	Heavy Equipment Operator	Shipping & Receiving
Aircraft Maintenance	Horticulture	Telecommunications
Aircraft Piloting & Navigation	Hotel/Motel & Restaurant Mgt.	Tool & Die Making
Animal Care	Housekeepers/Health Aides	Transportation
Architectural/Construction Tech.	Human/Mental Health Services Tech.	Travel/Tourism Management
Auto Body & Fenders	Industrial Electronics	Truck Driver (CDL A)
Auto Mechanics	Industrial Engineering Technology	Truck Driver (CDL B)
Baker	Industrial Maintenance	Vocational Music
Building Maintenance	Insurance	Welding & Cutting
Bus Driver	Labor/Personnel Relations	Wholesale Trade
Business Admin. & Management	Law Enforcement/Criminal Justice	
Business Data Processing	Library Assisting	
Cabinetmaking	Machine Tool Operations	
Carpentry	Marketing	
Chemical Equipment Operation	Masonry	
Chemical Technology	Mechanical Engineering Technology	
Child Care	Medical Records Technology	
Civil Engineering Technology	Mining Technology	
Commercial Art	Nurse Assistant	
Commercial Photography	Nursing (RN)	
Computer Operator	Oil & Gas Driller	
Construction Helpers	Optical Technician/Assistant	
Custodial Services	Other Agriculture	
Data Processing	Painting	
Dental Assistant	Personal Services, Other	
Dental Hygienist	Petroleum Marketing	
Diesel Mechanics	Pharmacy Technician/ Assistant	
Diversified Cooperative Health	Physical Therapy Assistant	
Drafting	Plaster & Drywall	
Electrician	Plastics Technology	
EMT	Plumbing & Pipefitting	
Engineering Technology, Other	Power Transmission	
Farm Mgt. & Operations	Practical Nursing (LPN)	
Fashion Merchandising	Precision Metal Work	
Finance & Credit	Printing	
Firefighting	Pumping Plants	
Floor Layer	Radiologic Technology	

Occupational Areas Not in Demand

Appliance Repair	Performing Arts
Barber	Petroleum Technology
Biological Technician	Radio/TV Broadcasting
Business Machine/Computer Repair	Seamanship
Cardiovascular Technology	Small Engine Repair
Ceramics Worker	Surgical Technician
Coin & Vending Machine Servicer	Upholstering
Communication Electronics	
Cosmetology	
Court Reporter	
Dental Lab Technician	
EEG Technology	
Electric Power Plant	
Electrical/Electronic Technology	
Elevator Maintenance	
Fabric Service	
Farm Equipment Mechanics	
Forestry Production	
Funeral Services	
Glazing	
Ground Operations	
Instrument Repair	
Instrumentation Technology	
Insulation Installer	
Leatherworking	
Marine Maintenance	
Meat Cutter	
Medical Assistant	
Medical Lab Technician	
Medical Records Clerk	
Mobile Home Maintenance	
Natural Resources	
Occupational Therapy Assistant	
Paralegal	

Training Provider Appeal Process

This process is established to provide a formal means of dispute resolution for any provider or potential provider of training services (hereinafter “provider”) who is not satisfied with a decision of the Lake County Workforce Investment Board and/or Lake County Board of Commissioners concerning the denial of approval of an application to provide training services under the Workforce Investment Act (“WIA”) activities.

1. Through its WIA administrative entity, the Lake County Department of Job & Family Services, Employment & Training Division (“ETD”), the Lake County Board of Commissioners shall issue written notice to a provider when:
 - A potential provider has submitted a written application for a training program to the Lake County Workforce Investment Board (“Lake County WIB”) and Lake County Board of Commissioners in response to a formal application process, and such application has not received approval; or
 - The Lake County Board of Commissioners has determined to terminate approval of a training provider.

Such written notice shall state the basis for denying approval or for terminating approval, as applicable.

2. All informal means of dispute resolution shall be utilized before a formal appeal is filed.
3. If informal means of dispute resolution fail to satisfy the provider, the provider shall file a written appeal with ETD.
 - The written appeal must be filed within ninety calendar days of the date of the issuance of the written notice of contract denial or contract termination.
 - The written appeal shall be filed with ETD at 177 Main Street, Painesville, Ohio 44077, by mail or in person.
 - The written appeal must be signed by the provider or authorized representative.
4. If at any time during the process a resolution occurs or the provider wishes to withdraw the appeal, the provider must give written and signed notice of resolution or withdrawal to ETD.

5. Where the provider continuously fails to cooperate or is unavailable, the appeal may be dismissed on written notice (certified mail, return receipt requested) to the last known address of the provider. ETD shall document all attempts to resolve the appeal and indicate the circumstances for a dismissal of the matter.
6. Within ten working days of the date when the appeal was received by ETD, an informal conference will be held by the Chair (or designate) of the Lake County WIB. The purpose of the informal conference is for the provider and other involved parties to discuss the situation and, if possible, agree on a mutually satisfactory resolution. The Chair will provide written notice, by certified mail, of the date, time, and place of the informal conference.
7. If resolution has not been achieved at the conclusion of the informal conference, the provider may request a hearing before a hearing officer. This hearing must be held within twenty working days of the date when ETD received the appeal.
8. The Lake County Board of Commissioners will appoint an individual to serve as hearing officer. Such individual shall be an impartial third party who will have complete independence in obtaining facts and making decisions, and who is in no way involved with the issue giving rise to the appeal.
9. Responsibilities of the hearing officer will include to:
 - Receive and review a complete case file prior to the hearing.
 - Identify the nature of the action to determine if there is an alleged violation of the WIA Act, WIA Regulations, Lake County Five-Year Plan, or other agreements under the WIA Act.
 - Permit resolution at any point in the proceedings if requested by the provider.
 - Provide a hearing agenda.
 - Define rights of the provider and of the Lake County Workforce Investment Board and Lake County Board of Commissioners.
 - Direct parties to appear by certified mail, return receipt requested.
 - State the purpose of the hearing.
 - Receive evidence and reserve the right to exclude irrelevant or immaterial matters from evidence.
 - Dispose of procedural questions.
 - Elicit testimony from witnesses, but shall not act as an advocate for any party.
 - Consider and evaluate facts, evidence, and arguments to determine credibility.
 - Determine appropriate remedies.
 - Make a complete record of the hearing.
 - Render and disseminate the hearing decision to the provider, the Lake County Workforce Investment Board, and the Lake County Board of Commissioners.
10. The hearing shall be conducted in a manner that avoids unnecessary technicalities (e.g., legal requirements such as would be appropriate in court proceedings). Technical rules of procedure and of evidence need not be strictly observed.
11. Any involved party has the right to representation by an attorney, at the party's own expense.

12. Parties to the hearing will have the opportunity to:
 - Bring documentary evidence and witnesses;
 - Have records or documents relevant to the issue(s) to be decided at the hearing produced by their custodian;
 - Present testimony and oral arguments; and
 - Question all parties and witnesses.

13. The hearing officer must produce a written decision within thirty working days from the date when ETD received the appeal. The decision shall include the following:
 - A statement that a hearing was held on a specific date and time at which the involved parties, their representatives, and/or witnesses appeared and were heard;
 - A list of those in attendance;
 - A statement of the issue(s);
 - A synopsis of facts based on the entire record disclosed at the hearing;
 - The opinions and statements of reasons for the decision;
 - The conclusions based on the findings of fact;
 - A statement of remedies to be applied, if any; and
 - The signature of the hearing officer and date of the decision.

14. Deadlines for holding the informal conference and the hearing may be extended on the written and signed request of the provider filing the appeal.

15. The decision of the hearing officer may be appealed to the State.
 - Providers must follow the appeal process established by the Lake County WIB before appealing to the State.
 - If a provider does not follow local procedures, the State will deny any application for appeal submitted directly to the State and will return it to the Lake County WIB for action. However, if the State initiated the denial or removal of the training provider, the appeal must be filed directly with the State.

16. Submission of appeal to State:
 - Providers must submit a written appeal to the State within fifteen working days from their receipt of a final decision from the Lake County WIB or from the State notification of removal date.
 - The appeal must be signed by the provider.
 - The appeal must include the reasons or basis for the appeal, the remedy sought, and a copy of the Lake County WIB's decision and/or documentation of the State's decision.
 - Appeals should be submitted to:

Ohio Department of Job & Family Services
Bureau of Workforce Investment Act
145 South Front Street
P.O. Box 1618
Columbus, OH 43216-1618

17. State process:
 - The State will notify the Lake County WIB when it receives an appeal from a provider of a Lake County WIB decision.
 - The State will issue a final decision no later than thirty (30) working days from receipt of the appeal filed by the training provider.
 - The State will appoint a hearing officer who will be responsible for notifying the provider and the Lake County WIB in writing regarding the hearing date and the appeal's status, including the final disposition.
 - The hearing officer will review the provider's letter of appeal and supporting documentation.
 - If the provider fails to meet any of the time limits specified in State policy or fails to follow the policy of either the Lake County WIB or the State, that failure will constitute a forfeiture of the procedural rights to appeal to the State.
18. If an appeal is filed at the State level based on a decision of the Lake County WIB, and the State determines that the Lake County WIB did not follow its own process, the State will immediately notify the Lake County WIB via fax, e-mail, or phone call prior to issuing a written decision to the training provider.
19. Training providers have the option of withdrawing appeals filed at the State level at any time.
20. All decisions issued by the State are final and cannot be appealed to the U.S. Department of Labor.