

Timeline

- March 18, 2016 DOL signed letter
- March 25, 2016 Letter and documentation sent to DOL
- April 26, 2016 Letter to DOL
- April 28, 2016 DOL Email
- May 20, 2016 Letter to DOL
- May 26, 2016 Email exchange with DOL
- June 6, 2016 DOL signed letter
- June 9, 2016 Letter to DOL

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210



MAR 18 2016

The Honorable John Kasich
Governor of Ohio
Riffe Center, 30th Floor
77 South High Street
Columbus, OH 43215-6117

Re: Concerns regarding the Ohio CCMEP and Ohio's Obligations Under WIOA

Dear Governor Kasich:

We understand that the Ohio legislature passed a law, in the summer of 2015, that created the Ohio Comprehensive Case Management and Employment Program (CCMEP). *See* Ohio Am. S. H.B. 64 (131st Gen. Assembly, 2015), at 2634-2640 (§ 305.190 *et seq.*). We have reviewed the Ohio law, and after thorough analysis we find the statute would violate fundamental Workforce Innovation and Opportunity Act (WIOA) requirements. WIOA funding must be allocated directly to local workforce development boards serving appropriately designated local areas. There is no other allowable allocation of WIOA funds. The Ohio statute, in its provisions for administering the CCMEP, improperly allocates funds. Our analysis is below.

The statute effectively requires certain individuals to participate in the CCMEP, which is a program which makes employment and training services available to participants in accordance with an individualized employment plan. All work-eligible individuals must participate in the CCMEP as a condition of participating in Ohio Works First, § 305.190(D)(1), and each low-income individual who is an adult, in-school youth, or out-of-school youth and who is considered to have a barrier to employment under WIOA must participate in the CCMEP as a condition of enrollment in workforce development activities funded by the TANF block grant or by WIOA funding. § 305.190(D)(4). We additionally understand that Ohio intends to implement CCMEP by initially focusing on youth.

We appreciate the efforts of the state to align TANF and WIOA programs and to integrate and leverage resources wherever possible. However, we are concerned that both particular procedures for administering and funding the CCMEP, as well as certain existing, unamended aspects of Ohio law, violate WIOA, especially to the extent that Ohio law delegates local authority over WIOA programs—which WIOA delegates exclusively to the local workforce development boards—to entities designated by the boards of county commissioners.

Ohio's CCMEP Law Locates Decisions and Oversight in County Governments, While WIOA Requires Administration through Business-Led Workforce Development Boards
Our first concern with the Ohio CCMEP is that its county government-centered structure seems to usurp the authority of the WIOA local boards by establishing an alternative structure to the WIOA local workforce development boards. The law then invests that alternative structure with many of the responsibilities and funding streams reserved to local boards under WIOA.

The Ohio CCMEP takes county structures as its starting point. Under the Ohio CCMEP, by May 15, 2016, each “board of county commissioners shall designate one of the local participating agencies [*i.e.*, the county department of job and family services and workforce development agency that serve a county] as the lead agency for purposes of the Comprehensive Case Management and Employment Program.” § 305.190(F)(1); *see also* § 305.190(A)(4) (defining local participating agencies). The role of this lead agency is to administer the CCMEP, *see* § 305.190(F)(1)(b), which may be done by the lead agency, or with or through subcontractors. *See* § 305.190(F)(1)(c).

In contrast, under WIOA, the required sub-State-level structure is the local workforce development area (“local area”), administered by a local workforce development board (“local board”) which is composed of a majority of representatives of business, led by a business chair, and which includes stakeholders from different workforce, education, and economic development partners. *See* WIOA secs. 107(a)-(b). Under WIOA, the Governor must designate local areas; the chief elected official of each local area then has the responsibility to select the members of the local board. The local board’s functions include selecting, through a competitive process, one-stop operators; identifying, on a competitive basis, eligible providers of youth workforce investment activities; and identifying eligible providers of training services and career services. *Id.* at sec. 107(d)(10)(B). The local board is also charged with ensuring appropriate use and management of funds, *id.* at sec. 107(d)(8); and directing the disbursement of grant funds for workforce investment activities by either the chief elected official or the entity designated by that official, *id.* at sec. 107(d)(12)(B)(i).

The Ohio CCMEP program is additionally problematic because the statute defines workforce development agencies in terms of “county programs,” which is not allowable under WIOA. In particular, the CCMEP statute defines a “workforce development agency” as “the public or private agency designated by any of the following to “administer county programs” under [WIA or WIOA]: a) [t]he board of county commissioners..., b) [t]he chief elected official of a municipal corporation..., c) [t]he chief elected officials of a local area.” § 305.190(A)(13); *see also* OHIO REV. CODE § 6301.01(D). The WIOA statute does not allow this method of designating a program operator. Only a properly appointed and constituted local workforce development board can exercise this authority under WIOA.

First, WIOA does not contain any category of programs explicitly administered on a county basis, because WIOA’s unit of administration is the local workforce development board within a local workforce development area. Second, the CCMEP statute does not accurately describe the authority of chief elected officials or of other government officials to make designations under WIOA. A chief elected official of a local area has the authority under WIOA to provide consultation to the Governor on local area designation, WIOA sec. 106(b)(1)(A)(ii), to appoint the members of the local boards, *id.* at sec. 107(c)(1), and to serve as the local grant recipient with liability for the misuse of funds, *id.* at sec. 107(d)(12)(B)(i)(I); however, only a local board has the authority to direct the disbursal of grant funds for workforce investment activities. *Id.* at sec. 107(d)(12)(B)(i)(III). Furthermore, WIOA contains no provisions that allow a sub-State entity, other than a designated local board, to administer and enforce workforce development activities. Finally, there is no necessary correlation between one-stop operators and youth service

providers, as selected by local boards through appropriate competitive procedures under WIOA, and the workforce development agency given certain responsibilities by a county or municipality.

We are therefore concerned that the CCMEP fails to reflect the Governor's designations of local area boundaries, fails to reflect the chief elected official's selection of members representing employers and employee groups on local boards, and proposes providing employment and training services to eligible youth outside of the competitive sub-grant or contracting structure required under WIOA. *See, e.g.*, Proposed Rule 5101.14-1-02(D)(1)(c) (failing to specify any competitive procurement of particular services). We are also concerned about the lack of detail, in either statute or the proposed regulations, describing how the CCMEP is aligned with the one-stop structure.

Ohio's CCMEP Law Centers on the Involvement of the Department of Job and Family Services Rather than on Business-Led Local Boards

Our next major concern is the degree and nature of involvement of the Ohio Department of Job and Family Services (ODJFS) in the administration, implementation, or oversight of the workforce system. The Ohio CCMEP law requires that the Director of Job and Family Services "shall" administer WIOA during program years 2016 and 2017. *See* § 305.190(B). This reference appears to assign ODJFS local board authority. Furthermore, existing Ohio law allows the Director of Job and Family Services to enter into agreements directly with one-stop operators and partners. *See* OHIO REV. CODE § 5101.201. While this may be permissible for state revenue, WIOA funds cannot be administered in this manner. This effectively usurps the authority of the local boards and invests it solely in the Director of Job and Family Services. Under WIOA, it is the local board for a local area, with the agreement of the chief local official, that enters into a memorandum of understanding with one-stop partners, designates or certifies one-stop operators, and conducts oversight of the one-stop system, and that also holds responsibility for funding the one-stop infrastructure. *See* WIOA secs. 121(a), (h).

Ohio's CCMEP Law Impermissibly Requires the County to Be Delegated the Authority for Expenditure of WIOA Funds

Our other major concern with the Ohio CCMEP law derives from the state law's choice of county, rather than local area, as the focal point, which has implications on the use of WIOA funds. In particular, we understand that Ohio is planning to require that all or nearly all of the WIOA youth funds allocated to the State be administered through this program. The CCMEP law establishes a structure in which WIOA funds will be required to be administered by the county workforce development agencies that are designated by the board of county commissioners, for the purpose of making specified employment and training services available to CCMEP participants. § 305.190(C) (emphasis added); *see also* § 305.190(E). Those specified employment and training services are the same fourteen youth program elements that WIOA requires to be made available to participants. *Compare* WIOA sec. 129(c)(2) with Proposed Rule 5101:14-1-02(E). This funding allocation conflicts with the funding requirements under WIOA, which explicitly requires that "funds allocated to a local area for eligible youth under section 128(b) shall be used to carry out" programs with the fourteen services or program elements.

We are therefore concerned that the Ohio law diverts WIOA youth funding to provide the same fourteen WIOA youth program elements through an alternative structure, *i.e.*, either one in which the local boards are required to pass youth activities funds to the local participating agencies as designated by the county commissioners or one in which WIOA youth funding entirely bypasses the local boards and goes directly to those agencies, so that those local participating agencies will provide employment and training services to youth. This eliminates competition among providers of services to eligible youth, and eliminates the local board's required role in determining how funds will be awarded. There is no provision of WIOA that permits such a diversion of funds to an agency designated outside of the competitive selection process.

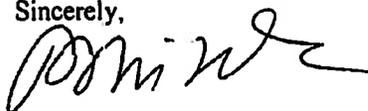
Conclusion

We write, therefore, to inform you that no federal WIOA funds may be used to implement the CCMEP program as currently structured. WIOA funding must be allocated directly to local workforce development boards serving appropriately designated local areas. There is no other allowable allocation of WIOA funds. WIOA funds cannot be diverted to a system of administration by the county workforce development agencies, as designated by boards of county commissioners. A county department of job or family services, or a county workforce development agency, cannot be deputized as a recipient of WIOA funds, unless it is so deputized by a local board under the procedures set forth in WIOA.

We reiterate that WIOA funds allotted to Ohio must be allocated, designated, and spent in accordance with the provisions of WIOA. WIOA youth funds must be allocated to the local areas, following which the local board must competitively select for funding eligible providers of youth workforce investment activities. No alternative procedure is permitted.

We ask that Ohio reply with a confirmation that the State understands and will comply with these requirements. The ETA Chicago Regional Office is available to provide technical assistance as needed. Please feel free to contact me with any questions, at (202) 693-2700.

Sincerely,



PORTIA WU



Department of
Job and Family Services

John R. Kasich, Governor
Cynthia C. Dungey, Director

March 25, 2016

Portia Wu
Assistant Secretary for Employment & Training
US Department of Labor
200 Constitution Ave, NW
Washington, DC 20210

Dear Ms. Wu:

This is a follow up letter to the phone conference and letter that was sent directly to Governor Kasich on March 24, 2016. Frankly, we were surprised and disheartened by both the call and letter.

We have always had a good working relationship with our federal partners. During this last year there have been numerous opportunities for U.S. Department of Labor (DOL) to communicate any potential concerns. For example: DOL received our draft State Plan on January 11, 2016, and attended a WIOA training event in October 2015 that included CCMEP workshops and informational material. In addition, we have made available to DOL law and draft rules and have been open to any discussion on this program. At no time were we informed of any concerns or issues from DOL.

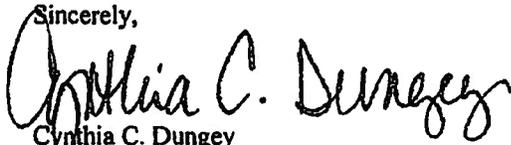
During yesterday's phone conference with my team, it was clear that any proposed action or decision by US DOL was based on language and rules that have been changed since your office received correspondence over a year ago from the WIB Directors, dated March 2, 2015.

The State of Ohio passed a framework of the CCMEP program in law. The operational aspect of the program is not driven by the law, however, but by administrative rules, policies and guidance that were developed and implemented in collaboration and consultation with stakeholders.

Based on yesterday's call, we don't believe that you have received the current documents. Any decision would be premature until they have been thoroughly reviewed. To assist you, we have attached all of the relevant documents. These attachments show that the program has not usurped any of the local boards' authority. Therefore, we respectfully request that you reconsider your position after review and contact us directly prior to any further communication to any interested parties.

Should you have any question in the interim, please contact John Weber at (614)466-9494 or via email at John.Weber@jfs.ohio.gov.

Sincerely,


Cynthia C. Dungey
Director



Department of
Job and Family Services

John R. Kasich, Governor
Cynthia C. Dungay, Director

April 26, 2016

Christine Quinn, Regional Administrator
U.S. Department of Labor
Employment and Training Administration
230 South Dearborn Street, 6th Floor
Chicago, Illinois 60604

Dear Ms. Quinn,

On March 18, 2016, a letter from the U.S. Department of Labor (USDOL) was sent to Governor Kasich in regards to concerns with the Ohio Comprehensive Case Management and Employment Program (CCMEP) and Ohio's obligations under the Workforce Innovation and Opportunity Act (WIOA). This letter indicated the law passed by Ohio's legislature in the summer of 2015, creating CCMEP, violates certain WIOA requirements. Ohio responded to this letter on March 25, 2016, by providing USDOL with more up-to-date, accurate, and complete information regarding CCMEP, with the purpose of further explaining CCMEP and its rules and requirements. After USDOL had an opportunity to review this new information, more discussions with USDOL, Region V were initiated.

After reviewing the March 18th letter and with the assistance of USDOL, Region V, five (5) issues concerning CCMEP were identified. Through discussions with Region V, Ohio presents the following recommendations to resolve each of these issues:

- 1. WIOA funding must be allocated directly to local workforce development boards serving appropriately designated local areas.**

Under CCMEP, all WIOA youth funds will be allocated to the local workforce development boards through the local area's fiscal agent, just like the WIOA Adult and Dislocated Worker funds. The local workforce development boards will maintain their responsibility for ensuring the appropriate use and management of the WIOA youth funds.

After review of further documentation and additional conversation, Region V agreed that Ohio has presented information that demonstrates that all WIOA youth program funding will be directed through the WIOA fiscal agent.

- 2. The Ohio CCMEP law requires that the Director of Job and Family Services "shall" administer WIOA during program years 2016 and 2017. This provision in Ohio law appears to assign to ODJFS authority that WIOA actually grants to the local board.**

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In the Ohio Revised Code, the term, "administer," does not equate to operate. This term simply assigns the responsibility for overseeing WIOA to the Ohio Department of Job and Family Services (ODJFS). However, after reviewing this paragraph in section 305.190 (B), it was determined that this language may not be necessary for the implementation of CCMEP. ODJFS will take any necessary steps to address this concern.

With this recommendation, Region V concluded that Ohio's resolution addresses the concern identified.

- 3. Existing Ohio law allows the Director of ODJFS to enter into agreements directly with one-stop operators and partners. WIOA funds cannot be administered in this manner as it effectively usurps the authority of the local boards and invests it solely in the Director of ODJFS.**

Section 5101.201 of the Ohio Revised Code pertains to the Director's representation of the Wagner-Peyser and Veteran programs as partners in the OhioMeansJobs (one-stop) centers. The intent of this language is to provide the Director of ODJFS the authority to sign the memorandum of understanding as a partner program. Ohio is recommending that the language in section 5101.201 of the Ohio Revised Code be amended to state, "The director of job and family services may enter into agreements with the local workforce development boards and OhioMeansJobs center partners for the purpose of implementing the requirements of section 121 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3151.

With this recommendation, Region V agreed that Ohio's resolution addresses the concern identified.

- 4. Ohio law delegates local authority over WIOA programs- which WIOA delegates exclusively to the local workforce development boards- to entities designated by the boards of county commissioners. The county government-centered structure seems to usurp the authority of the local boards by establishing an alternative structure to the WIOA local workforce development boards.**

Ohio has researched this issue extensively. CCMEP, through the Ohio Administrative Code rules, does not change the local board's authority to provide strategic and operational oversight of the WIOA youth program, including oversight for local youth workforce investment activities. Nor does CCMEP change the local board's authority to ensure appropriate use and management of WIOA youth program funds, to negotiate and reach agreement on WIOA local performance accountability measures, and to identify youth program providers.

USDOL even raised Ohio's use of the term "workforce development agency" as being problematic, even though this term has been widely used in Ohio law for many years preceding the enactment of CCMEP, and is simply a reference to the one-stop operator, which gets its authority from the local board.

Ohio, however, understands that the local board is responsible for establishing the WIOA youth program within the overall strategy of the workforce development system as envisioned by the local board. With this in mind, Ohio proposes the following modification to CCMEP to address this issue:

CCMEP implementation would require ODJFS to engage with each local workforce development board to allow them to either participate or not participate in CCMEP. The decision to operate CCMEP would be the local workforce development board's, which aligns with and is the intent of WIOA law. The local board's decision would then apply to all the counties that are contained within the local workforce development area that is governed by that local board.

By participating in CCMEP, the local board would agree to all the provisions of CCMEP as outlined in Ohio Revised Code and Ohio Administrative Rules. The decision would authorize WIOA funding to be used for CCMEP, and would indicate the local board's agreement with the designation of the lead agency.

By not participating in CCMEP, the local board would agree to continue to operate a WIOA-only youth program. And, by doing so, the local board and the counties contained within the local workforce development area would forgo any access to the additional temporary assistance for needy families (TANF) funds that are dedicated to CCMEP.

Ohio worked with Region V to identify this issue and come to an understanding regarding the role of the local workforce development board and the implementation of CCMEP.

5. **Although not explicitly stated in the letter Ohio received from USDOL, Region V also discussed with Ohio the extent to which the State could dictate the local workforce development board's priorities for administering the WIOA youth program.**

Ohio reviewed portions of section 101(d) of WIOA related to functions of the state board to assist the Governor in conducting the following activities:

- To review policies, statewide programs, and recommendations on actions to align workforce development programs to support a comprehensive and streamlined workforce development system;
- To identify barriers and means for removing barriers to better coordinate services;
- To develop policies related to roles of one-stop partner programs; and
- To develop policies to promote statewide objectives.

Section 102 identifies the requirements of the unified or combined state plan. The plans include a description of the State's strategic vision for preparing an educated workforce, including preparing youth and individuals with barriers to employment. The plan must also include a strategy for aligning the core programs as well as other

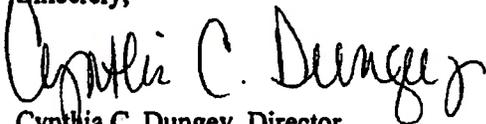
resources to achieve the strategic vision and goals and how the activities of the core programs will be aligned with activities of human services programs assuring coordination and avoiding duplication.

In reading these two sections, Ohio believes that the state board, through their own actions and decisions as well as through the state plan, has the ability to establish strategies for identifying priority populations to serve and for establishing programs to serve these priority populations.

In conclusion, Ohio is determined to work with USDOL to resolve identified issues with the implementation of CCMEP. CCMEP was not developed with the intent to violate fundamental WIOA requirements, including to usurp the local board's authority to make decisions regarding the administration of the WIOA youth program. Ohio believes that the identified strategies resolve the issues that USDOL identified in its March 18, 2016 letter. Therefore, Ohio is moving forward with the implementation of these strategies effective July 1, 2016.

If you have questions or concerns, please notify us directly, by contacting John Weber, Deputy Director, Office of Workforce Development, at John.Weber@ifs.ohio.gov or at (614) 466-9494.

Sincerely,



Cynthia C. Dungey, Director
Ohio Department of Job and Family Services

Cc: Bruce Madson, Assistant Director, Ohio Department of Job and Family Services
Ryan Burgess, Executive Director, Office of Workforce Transformation
Lewis George, Chief Legal Counsel, Office of Legal and Acquisition Services
John Weber, Deputy Director, Office of Workforce Development
Alice Worrell, Assistant Deputy Director, Office of Workforce Development
Amy Stollar, Chief, Bureau of Reemployment Services

George, Lewis

From: Quinn, Christine - ETA <Quinn.Christine@dol.gov>
Sent: Thursday, April 28, 2016 7:11 AM
To: Dungey, Cynthia
Cc: Madson, Bruce; Weber, John; George, Lewis; Richardson, Joyce; Burns, Susan; Bulluck, Corey - ETA
Subject: RE: Ohio's Response to DOL letter dated March 18, 2016

We are in receipt of your response and will get back to you if we have further questions. Thank you

Christine Quinn
Regional Administrator
U.S. Department of Labor
Employment and Training Administration
Region 5
230 S. Dearborn Street, Suite 638
Chicago, IL 60604
Phone: 312-596-5403

<https://wioa.workforce3one.org/>
<https://www.doleta.gov/#>

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-----Original Message-----

From: Cynthia.Dungey@jfs.ohio.gov [mailto:Cynthia.Dungey@jfs.ohio.gov]
Sent: Wednesday, April 27, 2016 4:38 PM
To: Quinn, Christine - ETA
Cc: Bruce.Madson@jfs.ohio.gov; John.Weber@jfs.ohio.gov; Lewis.George@jfs.ohio.gov; Joyce.Richardson@jfs.ohio.gov; Susan.Burns@jfs.ohio.gov
Subject: Ohio's Response to DOL letter dated March 18, 2016

Dear Administrator Quinn,

Attached, please find the state's written response to DOL's concerns regarding the implementation of Ohio's Comprehensive Case Management Employment Program. As you may already be aware, we have worked extensively with the regional office to resolve the issues identified by DOL. Should you have any questions or concerns, please do not hesitate to contact me directly. Or, in the alternative please feel free to contact Deputy Director John Weber at John.Weber@jfs.ohio.gov or at (614)466-9494.

Sincerely,

Cynthia C. Dungey, Director
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Ohio

Department of Job and Family Services

John R. Kasich, Governor
Cynthia C. Dungey, Director

May 20, 2016

Portia Wu
Assistant Secretary for Employment & Training
US Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Ms. Wu:

Ohio appreciates our ongoing partnership with U.S. Department of Labor (DOL) regarding the implementation of our new innovative youth employment program. In light of our July 1 implementation date, we have communicated with our area workforce board chairs and directors, asking them to provide a formal authorization to use Workforce Investment and Opportunity Act (WIOA) Youth funds for Ohio's Comprehensive Case Management and Employment Program (CCMEP).

As we explained in our letter dated April 26, 2016, and in further conversations with DOL representatives, we felt formal authorization was the best way to ensure Ohio's successful combination of WIOA Youth and Temporary Assistance for Needy Families (TANF) funds for our new program.

As you will recall, your letter dated March 18, 2016, expressed concerns about CCMEP implementation. In our follow-up discussion, we clarified the steps Ohio had taken to ensure that CCMEP fully complies with federal law, including administrative rules and policies concerning the program and supplemented our conversation with supportive documentation.

Since that time, DOL officials advised us on several occasions that Ohio could move forward with CCMEP implementation and that the March 18 letter was in no way a "cease and desist order." This was reiterated to Ohio's workforce leadership again in a conversation on May 19.

The additional step taken this week, requesting formal authorization of WIOA Youth funds, fully addresses the remaining concern expressed to us by DOL. Based on our recent discussions with DOL officials and the additional details provided, and the fact that we have received no additional questions, we believe all issues have been resolved.

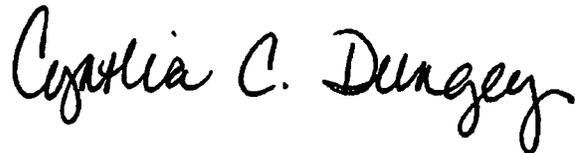
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We thank you for your work to help us resolve this important issue. We view this as an significant opportunity to align the investment of federal funds, reduce duplication and more efficiently focus on low-income youth entering employment. Our efforts focus on the critical goal of holistically engaging low-income youth facing serious barriers to employment and preparing them for full participation in a rapidly changing economy.

We all recognize that a job is the best anti-poverty program. Our goal is to become a national leader through our innovative work to align public assistance and workforce programs to move low-income individuals to meaningful employment. We look forward to full implementation of CCMEP beginning July 1, and are confident it will serve as a model for other states.

Sincerely,

A handwritten signature in black ink that reads "Cynthia C. Dungey". The signature is written in a cursive, flowing style.

Cynthia C. Dungey
Director

George, Lewis

From: Madson, Bruce
Sent: Thursday, May 26, 2016 8:38 AM
To: Dungey, Cynthia
Cc: George, Lewis; Richardson, Joyce
Subject: FW: DOL Response to Ohio CCMEP

FYI

Bruce R. Madson
Assistant Director
Ohio Department of Job & Family Services
(614) 728-4259



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From: Quinn, Christine - ETA [mailto:Quinn.Christine@dol.gov]
Sent: Thursday, May 26, 2016 4:21 AM
To: Madson, Bruce <Bruce.Madson@jfs.ohio.gov>
Subject: Re: DOL Response to Ohio CCMEP

That was not the intent of the wording. While we are still making sure the intent, funding, services and direction of WIOA is met as part of CCMEP, we do understand timing issues and the fact you need to continue to set the stage for implementation.

Christine Quinn
Regional Administrator
U.S. Department of Labor
Employment and Training Administration
Region 5
230 S. Dearborn Street, Suite 638
Chicago, IL 60604
Phone: 312-596-5403

From: Bruce.Madson@jfs.ohio.gov <Bruce.Madson@jfs.ohio.gov>
Sent: Wednesday, May 25, 2016 7:29:20 PM
To: Quinn, Christine - ETA
Subject: Re: DOL Response to Ohio CCMEP

Christine,

I appreciate your effort to provide something in writing but this digs a deeper hole. Using the "but" in the final paragraph as a counterpoint to our desire to proceed makes it appear that you are telling us that you expect us to wait on the uncertain deliberations that are ongoing among your legal folks, in essence supporting what the locals think we were told initially.

Sent from my iPad

On May 25, 2016, at 5:37 PM, Quinn, Christine - ETA <Quinn.Christine@dol.gov> wrote:

Good afternoon

As you know we have been working with you on addressing DOL concerns on the implementation of CCMEP and making sure we address WIOA requirements and authority over the programs run within the counties and the workforce system. We appreciate your assistance and patience as we work through our questions and concerns. As I mentioned today we are very close to sending our response based on conversations over the past weeks.

We understand that this timeline is critical for your implementation but we want to make sure that we are all on the same page and able to comfortably move forward.

Christine Quinn
Regional Administrator
U.S. Department of Labor
Employment and Training Administration
Region 5
230 S. Dearborn Street, Suite 638
Chicago, IL 60604
Phone: 312-596-5403
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JUN 06 2016

Cynthia C. Dungey, Director
Ohio Department of Job and Family Services
30 East Broad Street
Columbus, OH 43215

Re: Resolutions and Further Concerns regarding the Ohio CCMEP and Ohio's Obligations under WIOA

Dear Ms. Dungey,

This letter continues our correspondence regarding the Ohio law that created the Ohio Comprehensive Case Management and Employment Program (CCMEP). *See* Ohio Am. S. H.B. 64 (131st Gen. Assembly, 2015), at 2634-2640 (§ 305.190 *et seq.*). Under CCMEP, either the county department of job and family service (CDJFS) or the local workforce development agency (WDA) would be designated as both the Lead Agency for CCMEP in each county and as the WIOA Fiscal Agent.

In our initial letter of March 18, 2016, we expressed our concerns that CCMEP impermissibly attempted to supplant WIOA's statutory allocations of authority and responsibility for operations of the workforce system, which vest much authority and responsibility in the local workforce development board (local WDB). We emphasized that WIOA funding must be allocated directly to local WDBs serving appropriately designated local areas. Ohio responded to these concerns by an initial reply dated March 25, 2016, by a further reply letter dated April 26, 2016, and by a subsequent letter dated May 20, 2016.

The Department Requires Assurances That Ohio Will Not Implement CCMEP in a Manner That Infringes the Statutory and Regulatory Authority of Local Boards Under WIOA, and Requires Assurances that Operators of One-Stop Centers Will Be Selected by Local Boards through a Competitive Process

First, in our initial letter, we expressed concern that the Ohio CCMEP law requires that each "board of county commissioners shall designate one of the local participating agencies [*i.e.*, the county department of job and family services and workforce development agency that serve a county] as the lead agency for purposes of the Comprehensive Case Management and Employment Program." § 305.190(F)(1); *see also* § 305.190(A)(4) (defining local participating agencies).

Ohio has explained that designation as Lead Agency is an administrative designation, intended to provide oversight of Ohio's goal, through the CCMEP, of improving delivery of workforce and welfare services to WIOA youth participants and TANF recipients. The Lead Agency would retain a portion of the WIOA youth administrative funds, at the discretion of the local WDB, to support such CCMEP administrative activities.¹ The same entity could serve as Lead Agency and as a WIOA Fiscal Agent.² We note that it is

¹ Ohio Department of Job and Family Services, Office of Human Services Innovation, "Comprehensive Case Management and Employment Program Fiscal Frequently Asked Questions (CCMEP Fiscal FAQs)," p. 4 (Feb. 25, 2016) (responding affirmatively to "12Q: May a WIOA Fiscal Agent retain CCMEP WIOA Youth administrative funds?"), available at <http://humanservices.ohio.gov/ccmepimplementation/all-fiscal-FAQs-022616.sm>.

appropriate for the chief elected official for a local area to designate an entity to serve as a local grant recipient or as a local fiscal agent, pursuant to WIOA sec. 107(d)(12)(B)(i)(III). Therefore, under CCMEP, Ohio may require the board of county commissioners or other chief elected official, as appropriate to designate either of the two local participating agencies (*i.e.*, either the CDJFS or WDA) as a WIOA Fiscal Agent.

Ohio has also provided additional assurances about the role of the local WDBs in the context of CCMEP. In its response to the Department, Ohio asserted that:

CCMEP, through the Ohio Admin. Code rules, does not change the local board's authority to provide strategic and operational oversight of the WIOA youth program, including oversight for local youth workforce investment activities. Nor does CCMEP change the local board's authority to ensure appropriate use and management of WIOA youth program funds, to negotiate and reach agreement on WIOA local performance accountability measures, and to identify youth program providers.¹

Separately, in program guidance regarding CCMEP Fiscal FAQs, Ohio stated that:

As defined in federal law, the local Workforce Development Board has responsibility for the procurement of WIOA Youth service providers that will be used to deliver CCMEP WIOA Youth funded services.... [However,] WIOA Youth procurement must be done with input of the Lead Agency, which will be responsible for CCMEP implementation.⁴

We appreciate the assurances that CCMEP does not change the local WDBs' authority, and that local WDBs remain responsible for the procurement of WIOA Youth funded services. Given the questions that the implementation of CCMEP has raised, Ohio should provide clear directions to the local WDBs regarding the authority of local WDBs under WIOA.

Ohio has already taken certain important steps to accomplish this in its CCMEP Program FAQs, including by reiterating the responsibility of the local WDBs "for the procurement of program providers with WIOA youth funding being used to deliver WIOA-funded services in CCCMEP," for "identify[ing] eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis," and for oversight of local youth workforce investment activities and the appropriate use and management of such funds.⁵ While these are important responsibilities of the local

² *Id.*, p. 3 (explaining a Lead Agency's responsibilities to fulfill the duties of a WIOA Fiscal Agent, in response to "9Q: What are the main CCMEP responsibilities for the WIOA Fiscal Agent?").

³ Letter from Cynthia C. Dungey, Director, Ohio Department of Job and Family Services, to Christine Quinn, Regional Administrator, U.S. Department of Labor, 2 (Apr. 26, 2016) ("Dungey Letter").

⁴ CCMEP Fiscal FAQs, p. 3 (explaining the financial responsibilities of the fiscal agent for WDA as Lead Agency and for CDJFS as Lead Agency, in response to "9Q: What are the main CCMEP responsibilities for the WIOA Fiscal Agent?").

⁵ Ohio Department of Job and Family Services, Office of Human Services Innovation, "Comprehensive Case Management and Employment Program Program Frequently Asked Questions," p. 2 (Mar. 24, 2016) (describing certain responsibilities and authorities of the local WDB, as provided per statutory provisions, including WIOA sec.

WDBs, the responsibilities of the local WDBs are not limited to those that Ohio has identified in its CCMEP Program FAQs. The full responsibility and authority of local WDBs is set forth in WIOA.

Please note that while the Lead Agency may provide input about the selection of eligible providers of WIOA youth workforce investment activities, there is no requirement for the local WDB to accept or rely upon the Lead Agency's input. WIOA simply requires the local WDB to consider the recommendations of the youth standing committee, if one is established, when identifying such eligible providers. *See* WIOA sec. 107(d)(10)(B)(i). Nothing in WIOA elevates Ohio's decision to designate the Lead Agency for CCMEP purposes to the same level of input as the youth standing committee and does not obligate the local WDB to consider the Lead Agency's recommendations.

Second, in our initial letter, we also expressed concern that the CCMEP statute defines a "workforce development agency" as "the public or private agency designated by any of the following to administer county programs under [WIA or WIOA]: a) [t]he board of county commissioners..., b) [t]he chief elected official of a municipal corporation..., c) [t]he chief elected officials of a local area." § 305.190(A)(13); *see also* OHIO REV. CODE § 6301.01(D). As we explained then, such state elected officials cannot designate a program operator under WIOA. Only a properly appointed and constituted local workforce development board can exercise this authority under WIOA; while the local WDB designates or certifies the one-stop operator with the agreement of the chief elected official for the local area, the local WDB's participation is essential to this process. *See* WIOA sec. 107(d)(10); *see also id.* at secs. 121(d)(1) (authorizing the local WDB, with the agreement of the chief elected official, to designate, certify, or terminate for cause one-stop operators) and 121(d)(2)(A) (requiring that local WDB's selection of one-stop operators be made through a competitive process).

Ohio replied to this concern that "the term 'workforce development agency'... is simply a reference to the one-stop operator, which gets its authority from the local board."⁶ The Department appreciates the assurance that the one-stop operator, which Ohio refers to as the workforce development agency, obtains its authority from the local WDB. The Department requires assurances that Ohio, in accordance with WIOA's statutory requirements, will use a competitive process to select one-stop operators in the state. Sufficient assurances could include revising § 305.190(A)(13) to define "workforce development agency" as "the public or private agency designated by the local workforce development board to administer programs under the Workforce Innovation and Opportunity Act, 29 U.S.C. 3101." The Department further cautions that the requirement of using a competitive process for the selection of the one-stop operator cannot be subverted by subcontracting the position of one-stop operator on a noncompetitive basis.

103(23)(B), sec. 107(d)(5), sec. 107(d)(10)(A)(i), sec. 107(d)(10)(A)(ii), sec. 107(d)(10)(B)(i), and sec. 123), available at <http://humanservices.ohio.gov/ccmepimplementation/CCMEP-program-FAQs-032416.stm>.

⁶ Dungey Letter, p. 2.

Finally, to the extent that “[m]ore than three-quarters of Ohio’s counties currently designate the county department of job and family services as the workforce development agency,”⁷ *i.e.*, as the one-stop operator, the Department reminds Ohio that unlike the situation under WIA, WIOA only allows selection of a one-stop operator to be made through a competitive process. *See* WIOA sec. 121(d)(2)(A); *see also* 80 Fed. Reg. 20573, 20602 (Apr. 16, 2015).

Ohio’s Proposed Revisions to Its CCMEP Law Resolve Certain Concerns about the Involvement of the Department of Job and Family Services

In our initial letter, we expressed concern about the requirement, in § 305.190(B), that the Director of Job and Family Services ‘shall’ administer WIOA during program years 2016 and 2017. Ohio, in its response, explained that in the Ohio Rev. Code, “the term ‘administer’ does not equate to operate” and proposed revising its statute to delete this paragraph of 305.190(B).⁸ We appreciate Ohio’s explanation and proposal, as deleting this paragraph will resolve our concerns with it.

In our initial letter, we also expressed concerns that section 5101.201 of the Ohio Rev. Code law purports to allow the Director of Job and Family Services to enter into agreements directly with one-stop operators and partners. Ohio responded that the “language was intended to provide the Director of ODJFS the authority to sign the memorandum of understanding as a partner program,” and particularly related to Ohio’s representation of Wagner-Peyser and Veterans programs as partners in one-stop centers.⁹ Ohio also proposed to amend that section to read that “[t]he director of job and family services may enter into agreements with the local workforce development boards and OhioMeansJobs center partners for the purpose of implementing the requirements of” WIOA sec. 121.¹⁰

We appreciate Ohio’s proposal to revise its language. The ODJFS is an appropriate program to serve as a one-stop partner for a local area, and, with the approval of the local WDB and the chief elected official, may enter into such a memorandum of understanding as a partner program. *See* WIOA secs. 121(b)(2)(A); (b)(2)(B)(vii). This proposed revision resolves our concerns with section 5101.201 of the Ohio Rev. Code.

WIOA Requires that the Local Board Retains Decisional and Oversight Responsibility for Expenditure of WIOA Funds

In our initial letter, we expressed concerns that the CCMEP law establishes a structure in which WIOA funds will be required to be administered by the county workforce development agencies that are

⁷ Ohio Department of Job and Family Services, Office of Human Services Innovation, “Lead Agency for Comprehensive Case Management and Employment Program” (Feb. 5, 2016), available at <http://humanservices.ohio.gov/PDF/comprehensive-case-management.stm>.

⁸ Dungey Letter, p. 2.

⁹ *Id.*

¹⁰ *Id.*

designated by the board of county commissioners, for the purpose of making specified employment and training services available to CCMEP participants. § 305.190(C); see also § 305.190(E).

This was a concern because under WIOA, the local WDB is charged with ensuring appropriate use and management of funds, *see* WIOA sec. 107(d)(8); and directing the disbursement of grant funds for workforce investment activities by either the chief elected official or the entity designated by that official, *id.* at sec. 107(d)(12)(B)(i). Even where a fiscal agent is designated, that fiscal agent is required to “disburse the grant funds for workforce investment activities *at the direction of the local board...* immediately on receiving such direction from the local board.” WIOA sec. 107(d)(12)(B)(i)(III) (emphasis added).

Ohio’s response letter reflected its understanding that authority to direct the disbursement of WIOA funds rests with the local WDB:

Under CCMEP, all WIOA youth funds will be allocated to the local workforce development boards through the local area’s fiscal agent, just like the WIOA Adult and Dislocated Worker funds. The local workforce development boards will maintain their responsibility for ensuring the appropriate use and management of the WIOA youth funds.¹¹

We appreciate this confirmation of the local WDB’s authority.

Separately, and importantly, Ohio responded to our concerns with the structure of CCMEP with a proposal to make CCMEP implementation voluntary, rather than mandatory, at the local level. Each local WDB would decide whether or not to implement CCMEP, and the decision would apply to all counties governed by that local WDB. If a local WDB chooses not to implement CCMEP, it would lose access to the additional TANF funds dedicated to CCMEP. If a local WDB implements CCMEP, it would accede to the use of WIOA funding for CCMEP, and would agree with the county’s designation of Lead Agency.¹²

We appreciate Ohio’s suggestion, which, in accordance with the intent of WIOA, appropriately vests decisions about how to operate programs locally with the local WDB. This revision is obligatory for the Department to approve the use of federal WIOA funds to implement the CCMEP, as revised. We understand that Ohio has already communicated with the chairs or directors of local WDBs, seeking a formal resolution from each local WDB of its intention to implement CCMEP or not implement CCMEP.¹³

¹¹ *Id.*, p. 1.

¹² *Id.*, p. 3.

¹³ Letter from Cynthia C. Dungey, Director, Ohio Department of Job and Family Services, to Portia Wu, Assistant Secretary for Employment and Training, U.S. Department of Labor, p. 1 (May 2, 2016); *see also* Letter from Cynthia C. Dungey, Director, Ohio Department of Job and Family Services, to Area Workforce Development Board Chairs and Directors, “Formal Authorization of Use of WIOA Youth Funds,” (May 19, 2016), available at <http://humanservices.ohio.gov/ccmepimplementation/WDB-letter-051916.stm>.

We are concerned, however, by the statement that: “By participating in CCMEP, the local board would agree to all the provisions of CCMEP as outlined in the Ohio Revised Code and Ohio Administrative Rules.”¹⁴ That statement is true only to the extent that the provisions of CCMEP, as outlined in the Ohio Revised Rule and Ohio Administrative Rules, are consistent with WIOA and the final regulations implementing WIOA. A local WDB cannot agree to provisions that conflict with federal statutory or regulatory law.

Furthermore, we also understand that Ohio anticipates that local WDBs, which choose to participate in CCMEP, may decide to retain the CCMEP WIOA Youth program allocation at the Fiscal Agent level.¹⁵ We reiterate that, as Ohio has recognized in its CCMEP Fiscal FAQs, that local “Workforce Development Boards are responsible for the procurement of the CCMEP WIOA Youth funded services.”¹⁶ To the extent that local WDBs chose to procure WIOA youth workforce investment activities, the requirements for competitive procurement apply as set forth under WIOA sec. 123.

Finally, in our initial letter, we expressed concerns that CCMEP appeared to divert WIOA Youth funding to provide youth program elements through an alternative structure. The Department notes that, as described in this letter, Ohio has recognized that local WDBs are responsible for decisions on expenditure of WIOA Youth funds. Additionally, Ohio has, in discussions with the ETA Chicago Regional Office, responded that CCMEP does not establish a parallel youth program.

CCMEP Imposes Eligibility Requirements on Participants in Excess of WIOA

Ohio requires certain individuals, ages 16 to 24, to participate in CCMEP. Individuals who are required to participate include “[e]ach low-income adult, in-school youth, or out-of-school youth registered for a [WIOA] program who is considered to have a barrier to employment under the WIOA.” OHIO ADMIN. CODE 5101:14-1-02(B)(1)(b). Ohio then imposes upon these WIOA participants, who are required to participate in CCMEP, additional requirements, apparently derived from TANF, that are inappropriate for WIOA.

Ohio requires CCMEP participants to be “committed to participating in CCMEP for a minimum of twenty hours per week,” a period of time that can include homework and travel time, in addition to time in spent in activities and case management. OHIO ADMIN. CODE 5101:14-1-05(E)(1). WIOA does not require that participants spend a certain number of hours engaged in program activity, and does not contain any provisions explicitly permitting States to mandate the hours of activity of a program participant. Ohio also requires CCMEP participants to be “actively engaged in developing the individual service strategy, utilizing CCMEP service, and maintaining communication with the lead agency.” OHIO ADMIN. CODE

¹⁴ Dungey Letter, p. 3.

¹⁵ CCMEP Fiscal FAQs, p. 3 (responding to “11Q: May WIOA Fiscal Agents manage CCMEP WIOA Youth program allocations at the workforce area level or will they be required to establish CCMEP WIOA Youth program sub-awards to each county within its workforce area?”).

¹⁶ *Id.*, p. 5 (responding to “17Q: Can a Lead Agency contract with a contractor sub-recipient to perform CCMEP services?”).

5101:14-1-05(E)(2). WIOA neither contains such requirements, nor contains provisions authorizing States to create such requirements.

Ohio's regulations further provide that a program participant may be exited from CCMEP and the participant's eligibility for CCMEP terminated if the participant "has failed to utilize CCMEP services on multiple occasions without good cause," notwithstanding reasonable efforts by the lead agency to reengage the participant. OHIO ADMIN. CODE 5101:14-1-06(A)(3); *see also id.* at (B)(3)(b) (describing circumstances under which, after 90 consecutive days have passed, a "program participant is no longer eligible for CCMEP and shall be exited from CCMEP"); *c.f.* 5101:14-1-02(D)(1)(cc)(ii) (requiring the Lead Agency to collaborate with the other local participating agency and the local WDB to, *inter alia*, ensure the determination of eligibility for the WIOA youth program).

WIOA does not contain any provisions allowing a participant, who would otherwise be eligible for participation in a WIOA program, to be deemed ineligible to receive services on account of that person's past history as a participant. The requirements for youth eligibility are set forth in WIOA secs. 129(a)(1). Eligible youth explicitly include youth who require additional assistance to complete an educational program or to secure or hold employment, as well as youth with other educational or workforce disadvantages. Such youth may face difficulties committing to 20 hours per week of program participation, or remaining actively engaged with the workforce system. There is no provision under WIOA permitting a State to render an individual ineligible for WIOA participation, in the circumstances Ohio has described in OHIO ADMIN. CODE 5101:14-1-05.

Furthermore, Ohio's eligibility requirements conflict with direct guidance promulgated by DOL. Ohio restricts eligibility to U.S. citizen or non-citizen nationals, or qualified aliens. OHIO ADMIN. CODE 5101:10-3-01(I) (*citing* OHIO ADMIN. CODE 5101:1-2-30). This restriction is in conflict with TEGL 2-14, Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs (July 14, 2014).

Conclusion

The Department reiterates that WIOA funds allotted to Ohio must be allocated, designated, and spent in accordance with the provisions of WIOA. Unless specifically waived, Ohio must comply with all requirements of WIOA and the final rule. To the extent any provisions of CCMEP are inconsistent with WIOA and the final regulations implementing WIOA, including but not limited to provisions of CCMEP regarding procurement of services, performance accountability provisions, and participant eligibility, Ohio may not enforce such provisions.

The Department requests assurances that CCMEP will be implemented in a manner that does not attempt to supplant or infringe the authority and responsibilities of the local board. In particular, the Department requests specific assurances regarding the following particular requirements. First, that the local WDBs in Ohio will continue to select one-stop operators through a competitive process, and continue to hold responsibility for designating or certifying the one-stop operator. *See* WIOA secs. 107(d)(10); 121(d)(2)(A). The Department requests that Ohio revise § 305.190(A)(13) to clarify this procedure. Second, that the local WDBs will retain, in partnership with the chief elected official for a local area, the responsibility to conduct oversight for youth workforce investment activities, local employment and

training activities, and the one-stop delivery system in the local area. *See* WIOA sec. 107(d)(8). Third, that local WDBs will retain authority to identify eligible providers of youth workforce investment activities and will continue to conduct any procurements of youth workforce investment activities through a competitive process, as local WDBs, through their role in oversight, selection, and procurement, are tasked with ensuring the success of the WIOA Youth program. *Id.*, sec. 123(a). Fourth, that CCMEP does not establish divert WIOA Youth funding to an alternative, parallel youth program in which WIOA Youth program elements are provided through duplicative means. Fifth, that CCMEP will be implemented, as Ohio has proposed, by requiring ODJFS to allow each WDB the choice to either participate or not participate in CCMEP.

The Chicago ETA Regional Office is available to provide technical assistance as needed, including technical assistance with clarifying to local areas how CCMEP interrelates with, and respects, the responsibilities accorded to the local WDBs.

Sincerely,

A handwritten signature in black ink, appearing to read "Portia Wu". The signature is fluid and cursive, with the first name "Portia" written in a larger, more prominent script than the last name "Wu".

Portia Wu
Assistant Secretary



Department of
Job and Family Services

John R. Kasich, Governor
Cynthia C. Dungey, Director

June 9, 2016

Portia Wu
Assistant Secretary for Employment and Training
U.S. Department of Labor
200 Constitution Ave., N.W.
Washington, D.C. 20210

Dear Ms. Wu:

Thank you for your most recent letter dated June 6. We are excited to start our new youth employment program, and we appreciate our ongoing partnership with the Department of Labor in implementing this first-of-its-kind program. On July 1, Ohio begins serving low-income youth ages 16 to 24 through a new person-centered approach that combines the best of the public assistance and workforce programs to provide a clear path to self-sufficiency for this vulnerable population.

The Ohio Department of Job and Family Services (ODJFS) is providing the requested assurances that the Comprehensive Case Management and Employment Program (CCMEP) will be implemented in a manner that respects the authority and responsibilities of the local workforce development boards.

1. The local workforce development boards in Ohio will continue to select one-stop operators through a competitive process, and continue to hold responsibility for the designating or certifying the one-stop operator.

Ohio embraces section 121(d)(2) of the Workforce Innovation and Opportunity Act (WIOA) and supports the competitive procurement of the one-stop operators. Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-18, Local Workforce Development Area Governance, establishes the roles and responsibilities of the local workforce development board (WDB) and the local WDB director. Specifically, as it relates to procurement and oversight activities, policy language states that the local WDB is responsible for activities pertaining to the procurement and selection of the one-stop operator (in Ohio, called the OhioMeansJobs center operator). Additionally, Ohio released the "OhioMeansJobs Center Operator Procurement Guidance" to the WDB directors in October 2015. Training on the procurement of one-stop operators was provided at Ohio's training event in October 2015.

At this time, Ohio has not published a formal policy regarding the procurement of one-stop operators. We have been waiting for final WIOA regulations in order to do so and to ensure that all appropriate requirements are included in the formal policy. Ohio is prepared to move forward with the requirement to competitively procure one-stop operators once the final regulations are published. We anticipate the

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procurement process will begin in the fall of 2016 to ensure that procured one-stop operators are in place by July 1, 2017.

- 2. The local WDBs will retain, in partnership with the chief elected official for a local area, the responsibility to conduct the oversight for youth workforce investment activities, local employment and training activities, and the one-stop delivery system in the local area.**

CCMEP promotes the development and maintenance of partnerships between the lead agency and the local WDB to ensure that CCMEP is delivered in the manner that the WDBs envisioned in both the WIOA local plan and the WIOA regional plan, as well as in the CCMEP plan.

WIOAPL No. 15-18, Local Workforce Development Area Governance, establishes the roles and responsibilities for all entities that are involved in the administration and delivery of workforce development activities. One role of the local WDBs is to "conduct oversight of the adult, dislocated worker, and youth programs and the entire OhioMeansJobs delivery system..." The implementation of CCMEP does not remove this authority. Rule 5101:14-1-02 of the Ohio Administrative Code requires collaboration with the local WDBs for the procurement of services, the selection of a basic skills assessment, contract monitoring and compliance, and compliance with the relevant policies of the local WDB. This rule also requires cooperation with the WIOA fiscal agent in execution of fiscal agent duties. Rule 5101:14-1-03 of the Ohio Administrative Code requires the CCMEP plan to include a description of how the local WDB and the lead agency will collaborate in designing procured services. It also requires the CCMEP plan to include a list of all policies adopted by the local WDB relevant to the administration of CCMEP. Additionally, the CCMEP plan requires the signature of the local WDB chair or designee, indicating this collaborative effort.

- 3. Local WDBs will retain authority to identify eligible providers of youth workforce investment activities through a competitive process, as their role in oversight, selection, and procurement, are tasked with ensuring the success of the WIOA Youth program.**

We encourage the local WDBs to work with the lead agencies in the development of the youth program vision so that CCMEP is implemented as a collaborative effort. The local WDB and the lead agency can jointly design the program framework for the request for proposals (RFP) to ensure they share a common understanding of the roles and duties of the program providers.

WIOAPL No. 15-18, Local Workforce Development Area Governance, states that the local WDBs provide strategic and operational oversight, assist in the achievement of the state's strategic and operational vision and goals, and continue to improve the quality of services, customer satisfaction and effectiveness of services provided. To support this role, one of the many responsibilities of the local WDBs is to competitively procure providers of youth program services. The requirement for the local WDBs to procure youth program providers does not change under CCMEP. Both rules 5101:14-1-02 and 5101:14-1-03 of the Ohio Administrative Code require the local WDBs to procure youth program services.

The performance measures established for CCMEP in rule 5101:14-1-07 of the Ohio Administrative Code are the same performance accountability measures outlined in section 116 of WIOA. Therefore, the CCMEP design and the WIOA youth program design will have the same goals. This will foster a

strong working relationship between the local WDBs and the lead agencies, as the WDBs are tasked with ensuring the success of the WIOA youth program, and the lead agencies are tasked with ensuring the success of CCMEP.

4. CCMEP does not establish divert WIOA Youth funding to an alternative, parallel youth program in which WIOA Youth program elements are provided through duplicative means.

There will be no parallel youth programs. In other words, CCMEP will be the WIOA Youth program in those local workforce development areas whose WDBs authorized the participation in CCMEP. In these local areas, WIOA Youth participants will be served only through CCMEP. With the local WDBs' approval, all funding for program year (PY) 2016 and beyond will be used to serve eligible WIOA Youth participants through CCMEP.

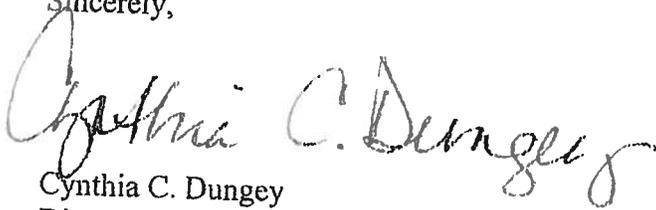
5. CCMEP will be implemented, as Ohio has proposed, by requiring ODJFS to allow each WDB the choice to either participate or not participate in CCMEP.

On May 19, 2016, ODJFS sent a memo to all local WDB directors, WDB chairpersons, and all county commissioners or executives stating that ODJFS has determined that the local WDBs have one additional responsibility in regard to implementation of CCMEP: to formally authorize the use of WIOA Youth funds for CCMEP. It was explained that declining to authorize WIOA Youth funds for CCMEP would mean that all counties within the workforce development area also will forgo any access to TANF funds dedicated to CCMEP because the law authorizing CCMEP requires that both TANF and WIOA Youth funds be available to operate the program. ODJFS also sent a letter to DOL on May 20, 2016, to provide an update to the additional steps ODJFS has taken toward implementation of CCMEP.

Due to the implementation date of July 1, 2016, ODJFS has asked that the local WDBs provide a letter of intent to commit or the decision not to participate in CCMEP by June 15, 2016. Formal resolutions regarding this decision are due to ODJFS by September 30, 2016. ODFJS staff are responding to any questions and are working with local WDBs to assist in getting necessary information by the deadlines.

Thank you again for your work to help us resolve these important concerns. We look forward to full implementation of CCMEP on July 1. We are confident this program will serve as a model for other states looking for innovative solutions to align the investment of federal funds, reduce duplication and move low-income individuals to meaningful employment.

Sincerely,



Cynthia C. Dungey
Director

Ohio Department of Job and Family Services