

5101:1-2-40.5 Refugee social services program: voluntary participants.

Effective Date: July 1, 2005

(A) General Requirements.

(1) A voluntary participant is a refugee who meets the requirements of paragraphs (C)(1)(c), (C)(1)(d) and (C)(2) of rule 5101:1-2-40.2 of the Administrative Code.

(2) All refugees receiving refugee social services program (RSSP) services must participate in employability service programs. An appropriate provider of such service must also be available in the county in which the refugee resides. The employability services are listed in the refugee's employability plan as described in paragraph (B) of this rule.

(B) Employability plan.

The employability plan is the primary document of accountability for a refugee's participation in RSSP. The employability plan is a mutual agreement between the refugee and the county department of job and family services (CDJFS).-

(1) In developing an employability plan, the CDJFS shall consider the following:

(a) The plan must be developed for each refugee receiving RSSP employability services as set forth in paragraph (E) of rule 5101:1-2-40.3 of the Administrative Code;

(b) Plans developed by the refugee resettlement agency (RRA) which sponsored the refugee may be accepted by the CDJFS if such plans meet the requirements of this rule;

(c) The plan must be designed to lead to the earliest possible employment and not be structured in such a way as to discourage or delay looking for employment or accepting offers of employment; and

(d) The plan must contain a definite goal, attainable in the shortest time period consistent with the employability of the refugee in relation to job openings in the area.

(2) The minimum elements of an employability plan are as follows:

(a) Agency, worker and the date that the plan was completed;

(b) Identifying information, including the refugee's:

- (i) Name;
- (ii) Address;
- (iii) Telephone number;
- (iv) Date of birth;
- (v) Nationality;
- (vi) Date of arrival in U.S.;
- (vii) CRIS-E case number;
- (viii) Alien-number from the U.S. citizenship and immigration (U.S.C.I.S.) identification card; and
- (ix) Social security number.
- (c) Current income, current status of benefits being provided by the CDJFS and job search status;
- (d) Education;
- (e) Household composition if different than refugee assistance group; employment status of adults in household;
- (f) Ability to speak and write English. Scores on "basic English skills test;"
- (g) Barriers to employment;
- (h) Whether or not a multiple wage-earner plan is indicated;
- (i) Support service requirements for employment; e.g., transportation, child care, health-related services, English as a second language (ESL);
- (j) Whether or not a disabling factor is present; if a factor is indicated, indicate referral date to bureau of vocational rehabilitation;
- (k) Current participation in training, education or other employment programs;
- (l) Immediate and long-range employment goals;
- (m) The following statement which, if the refugee does not speak English, must be explained in the refugee's native language; and

"The information contained on these pages is true and correct to the best of my knowledge. I understand that this plan is intended to help me find employment. I will report any changes in employment status, income or family composition to my caseworker/counselor. I also authorize the provider of employability services to notify the county CDJFS in regard to any employment which is found for me."-

(n) Signatures of refugee and employment counselor, and dates of the signatures.

(3) Job search activities must be included in the employability plan, unless a good cause reason exists as defined in paragraph (H) of Administrative Code rule 5101:1-2-40.3. Job search activities shall be recorded on a separate case recording sheet which shall be headed "job search activity log," and attached to the employability plan in the provider case record. The requirements of job search are as follows:

(a) The refugee must attend job interviews arranged by the CDJFS or the RRA responsible for the initial resettlement of the refugee. The RRA shall ensure that each refugee in job search status will have a minimum of one assisted job interview each week, or two referrals to non-assisted interviews with employers each week. An assisted interview is an interview where the refugee is accompanied by an interpreter or employment counselor. During the third month of job search, all job interviews must be assisted interviews;

(b) The refugee must accept at any time from any source, an offer of employment determined to be appropriate by the CDJFS, or the RRA. This is regardless of whether such job would interrupt a program of services planned or in progress unless:

(i) The refugee is currently participating in a program in progress of on-the-job training or vocational training which meets the requirements of paragraphs (E)(4) and (E)(6) of rule 5101:1-2-40.3 of the Administrative Code and is included in the employability plan; or

(ii) The refugee is enrolled full-time in a professional recertification program which meets the requirements of paragraph (E)(7) of rule 5101:1-2-40.3 of the Administrative Code.

(c) The refugee shall enter the job search phase:

(i) No later than four months after entry into the U.S.; or

(ii) Within thirty days of the approval of refugee cash assistance (RCA) if the refugee has been in the U.S. more than three months at the time of eligibility determination.

(4) Employability plans shall include ESL testing to determine whether or not the refugee is able to benefit from an available ESL program:

(a) Refugees who test at a level above the available level of ESL instruction are exempt from further participation in ESL;

(b) Refugees who test at a level below the available level of ESL instruction shall participate in ESL classes. In order to maintain satisfactory attendance, the refugee must attend at least seventy-five per cent of classes for two consecutive months or have a written medical documentation of illness; or

(c) When testing is completed, the refugee shall be authorized for ESL or exempted from enrollment upon confirmation from the provider.

(C) Failure or refusal to comply with a provision contained in the employability plan.

(1) "Failure to participate in ESL or job-training program" is defined as attendance falling below seventy-five per cent of classes for two consecutive months without written medical documentation of illness.

(2) "Refusal to participate in employability services" could include the following provided they are included in the employability plan:

(a) Refusal or failure to apply for employment based on a referral from the CDJFS; or

(b) Failure to respond to the CDJFS in person or writing after three consecutive written contacts.

(3) "Refusal to accept employment" means the refusal to accept an offer of employment without good cause as defined in paragraph (B)(3)(b) of this rule.

(D) Consequences for a failure or refusal to comply with a provision of the employability plan.

(1) Failure or refusal to comply with a provision of the employability plan, without good cause as set forth in paragraph (H) of rule 5101:1-2-40.3 of the Administrative Code, shall result in the sanction or termination of RCA for a voluntary registrant in accordance with rule 5101:1-2-40 of the Administrative Code.

(2) When a voluntary participant has failed a provision of the employability plan without good cause, and the CDJFS has determined that good cause does not exist, the participant will be deregistered for ninety days in accordance with rule 5101:1-2-40 of the Administrative Code.

Replaces: 5101:2-49-11, 5101:2-49-12, 5101:2-49-14, 5101:2-49-15

Effective Date: July 1, 2005

R.C. 119.032 review dates:

Certification: Certified Electronically

Promulgated Under: 111.15

Statutory Authority: 5101.49

Rule Amplifies: 5101.49

Prior Effective Dates: 9/1/1984 (Emer.), 11/17/1984, 10/1/1989 (Emer.),
12/16/1989, 9/1/1984 (Emer.), 11/17/1984, 10/1/1989 (Emer.), 12/16/1989,
10/1/1989 (Emer.), 12/16/1989, 10/1/1989 (Emer.), 12/16/1989