

## **Workforce Investment Act Frequently Asked Questions Vol. V**

Representatives from CCAO, Board of Commissioners, OJFSDA, ODJFS, Governor's Office and the 7<sup>th</sup> Area Board met with Byron Zuidema, DOL Region V and Mason Bishop, DOL Washington on September 17, 2002 about outstanding Workforce Investment Act compliance issues.

The meeting was intended to get answers around several questions counties submitted in writing in advance of the meeting. The two-hour meeting covered the questions listed below.

### **Workforce Investment Act Questions Presented To The Department of Labor**

#### **Issue #1**

We understand that Ohio's state plan for WIA needs to explain how the state will be helping and interacting with the local Workforce Policy Boards (WPB) and Workforce Investment Boards (WIB) as the local areas work toward a one-stop system where all customers may enter throughout the state and access quality services.

#### **Q1. Is it necessary for the state to certify local one-stop systems? We are all clear on the requirement to certify the One-Stop Operator.**

There is no federal requirement to certify "one-stop systems" although states may adopt such requirements. States have the authority to establish a certification process. With the upcoming WIA ReAuthorization, DOL will be looking at a certification component to help ensure consistency across the state and the nation.

A "one-stop system" is determined by the state and its definition of centers, partners.... The state plan defines the vision and responsibilities that the local workforce investment board will adhere to. By statute, the One-Stop Operator is selected or certified by the workforce board with consensus of the local elected official.

#### **Q2. What are the DOL requirements for a One-Stop system under the WIA?**

The establishment of a One-Stop delivery system for workforce development services is a basic cornerstone of the reforms contained in WIA. Sections 121 and 134 of the Act are clear on the requirements of a One-Stop system.

#### **Q3. What methodologies are considered best practices in other states to ensure this activity?**

DOL sent Ohio examples from IL, MI, CA, NY and IN. Each of these states used a different instrument to measure and evaluate success. Some use communication from the Governor's Board, monitoring reviews and checklists to verify the local workforce

investment boards meet the established criteria. Some have mechanisms in place to decommission LWIBs and reduce funding.

**Q4. What are the approved methods to deliver core services for non co-location that is acceptable to DOL? For example: electronic linkages (i.e. web camera, video technology), referral services, contractual agreements).**

The intent of WIA was to get people together into one location in the local workforce investment area, but also service integration. Co-location and partner participation will be part of the WIA ReAuthorization. DOL encourages and applauds areas/states that continue to find ways, such as technology to expand their customer service access around the workforce area, but that does not replace the requirements of the WIA for a physical One-Stop where all partners are present. A computer terminal representing a One-Stop is a good supplement, but there still needs to be hands-on activity. A virtual One-Stop or an Internet rich site that would capture all the partner services that are accessible in the One-Stop center is promising.

Access means services being available, where the customer can walk in and receive them and not be told that it can be scheduled later or that its down the street.

Ohio needs to figure out how many One-Stop centers it will need. The Governors Board in most states comes up with the vision and the number of One-Stop centers based upon a number of factors, such as: the available resources (TANF & WIA funds), commuting patterns, and Labor Market Areas, service network of the existing education system, the factors outlined in the Act.

Currently, State of Ohio's plan only calls for 8 full fledge One-Stops. You must determine if that is the proper amount considering the distance people would have to travel for specialized services. The One-Stop requirements can be found at sections 121 and 134.

DOL encourages state and local involvement on this topic during the upcoming WIA ReAuthorization.

## **Issue #2**

In Ohio, county job and family services department employees are certified by the same state merit system as state civil service employees. For over two decades it has been an acceptable practice for county merit staff to be recognized as state merit staff by other Federal agencies, such as: HCFA, HHS, and USDA.

**Q5. Is it an option for the State of Ohio to have state or county staff provide Wagner-Peyser services?**

NO, state merit staff only.

**Q6. Since Ohio is a Workflex state, does Ohio have the option to waive the requirement that Wagner-Peyser services be provided exclusively by state civil service Wagner-Peyser employees?**

No. The provisions of the Wagner-Peyser Act that are subject to workflex waiver by a governor do NOT include the state merit staff requirements.

### **Issue #3**

The Area 7 Board accomplishes the WIB responsibilities under WIA by delegation to local workforce policy boards.

Note: Under issue 3 and 4, DOL indicated the term grant or contract is used interchangeably.

**Q7. Is Ohio and the 7<sup>th</sup> Area Board in compliance with your letter to Director Hayes, dated October 31, 2001? If not, please explain what are the outstanding issues?**

Issue 3 and 4 is viewed together and is about governance. In order for an area to be eligible to receive local WIA funds it must be an approved Workforce Investment Board that meets WIA requirements. Area 7 is not different. To be legal, the WPB may receive funds as a subgrantee with the local WIB.

Each WIB must follow the provisions contained Section 117 of the WIA. Currently Area 7, is not operating as a Board by delegating all the activities. It is still responsible for all the dollars, the local plan for the area, and contractual requirements. The WIB can have subgrant agreements. Each sub-area would need to go through a competitive procurement process and have a full blown contract with the WIB. There needs to be a clear contractual flow from the Governor to the local area. A WIB must act as a Business Board of Directors would. The WIB needs to establish its requirements and desired results.

### **Issue #4**

The 7<sup>th</sup> Area Board currently receives comprehensive plans and policies that have been generated by local WPB's. The Area 7 Board is permitted to delegate responsibility for policy decisions to the local WPB's.

**Q8. Is there a requirement for the 7<sup>th</sup> Area Board to ratify the local WPB's policy decisions?**

The driver is the WIB. The WIB makes the policy not the reverse. The Area 7 Board is responsible and accountable for all of the roles and responsibilities that are given to all local workforce investment boards by the Act and Regulations. In DOL's October 31,

2001 letter to the state, ETA listed many of the key roles and responsibilities of the local workforce investment area boards. DOL expects to see Board 7 carry out these responsibilities. These responsibilities cannot be delegated to some other entity, such as a policy board.

Board 7 may exercise its responsibility to carry out its mandated role while passing on certain specified duties and activities to sub-area entities as its subrecipients, while still retaining overall responsibility for the activities as well as accountability for the final results. This conveyance takes the form of a subgrant agreement in which both parties agree to policies, a program plan, procedures, and other evidence of how the subrecipient intends to perform the specified duties and activities. By approving this bilateral agreement, Board 7 is ratifying the subrecipient's plan as meeting the standards that Board 7 has established for conducting those activities.

In conclusion, Board 7 must enter into subgrant agreements with its subareas, then officially approve each plan and agreement, and thereby adopt those agreements as its own. That is what constitutes taking responsibility as an local workforce investment board.

**Other DOL Comments:** In reference to HB 470, state law does not supersede federal law. One-Stop Centers are not just a TANF, Employment Services or Unemployment Office. It is a place that pleases employers and local workforce investment boards.

**Next Steps:** We are in the process of trying to identify a way to comply with DOL's latest WIA interpretation while preserving the core values of the Governor's vision for integrated services and local business/government control laid out in the Ohio Option.

Various proposals have been developed and reviewed. Representatives from ODJFS, CCAO and OJFSDA have been meeting to discuss options and work out details. As we move forward we will coordinate all activities with the Governor's Workforce Policy Board and the Area 7 Board. Once a final plan is developed and approved it will be shared widely. Our goal is to resolve this issue by the end of December.