



## American Recovery and Reinvestment Act (ARRA) Frequently Asked Questions (Updated 6/5/09)

(Note: Please reference our materials regarding the ARRA funding that are located at [http://jfs.ohio.gov/workforce/workforceprof/Stimulus\\_Activities.stm](http://jfs.ohio.gov/workforce/workforceprof/Stimulus_Activities.stm). These include research items, samples, and the presentations from the various training sessions that have occurred.)

### YOUTH PROGRAM

**YQ1. I would like a clarification. Is the age limit 14 - through the age of 23, OR 14 through the age of 24? Policy states up to the age of 24, but another section addresses appropriate work for a 24 year old.**

A. TEGL 14-08 states that the Act increases the age of eligibility to a maximum of 24 years of age. That includes Youth who are 24 but are not yet 25 when they start their participation.

**YQ2. Are there a required number of weeks the Summer Employment program must run? Does it have to run that entire time, or for a certain number of weeks?**

A. Summer Employment has been defined to occur between May 1, 2009 and September 30, 2009 under (ARRA).

If a local area follows the (14-08) requirements, then they can take advantage of the program design flexibility and report only work readiness performance outcomes during summer period.

The activities don't have to start on May 1st or end exactly on Sept. 30th. However, these activities can't be outside those time periods.

Ohio is seeking a waiver exception for 18-24 and out-of-school, who only participate in work experience Oct. 1, 2009 to March 31, 2010.

**YQ3. For regular WIA Youth work experience, are golf courses and pools eligible as work sites?**

A. These work sites are eligible using your regular formula funds, and there is no restriction on using golf courses or swimming pools using formula funds. These work sites are not eligible using ARRA funds.

**YQ4. Is it possible to work with the existing statewide Youth programs and have them do pre-employment drug screening for those older Youth who may be placed in an occupation/work site where they will be responsible for operating machinery?**

A. Currently, drug screening is only allowable using statewide WIA funds. Ohio needs to develop a policy to allow local areas to pay for drug screening. This topic will be presented to our Interagency Policy Committee for their consideration.

**YQ5. Where does it state that we do not pay unemployment compensation on the Youth that end their ARRA paid work experience? Our concern is that we have had to pay unemployment for Youth in work experience through our regular WIA formula programs. We ended up paying a portion of the unemployment costs at that time.**

A. A copy of the Ohio Administrative Code that relates to this topic was provided by our Unemployment Compensation staff is below. You will not have to pay Unemployment Compensation for Youth who participate in Work Experience/Summer Work Experience if it meets the requirements below. Wages paid to individuals participating in a program meeting the requirements shown below should not be included on your quarterly Report of Wages filed with ODJFS.

OAC: 4141-5-05 Work relief or work training program exclusion.

(A) "Employment" does not include service performed for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training.

(B) In order for services to be excluded from employment under an unemployment work-relief program that is financed or assisted in whole or in part by any federal agency or an agency of a state or a political subdivision of a state, such program must have as a minimum the following characteristics:

(1) The employer-employee relationship is based more on the participants' and communities' needs than normal economic considerations such as increased demand or the filling of a bona fide job vacancy;

(2) Qualifications for the jobs take into account as indispensable factors the economic status, i.e., the standing conferred by income and assets, of applicants; and

(3) The products or services are secondary to providing financial assistance, training, or work-experience to individuals to relieve them of their unemployment or poverty or to reduce their dependence upon various measures of relief, even though the work may be meaningful or serve a useful public purpose.

(C) In order for services to be excluded from employment under an unemployment work-training program that is financed or assisted in whole or in part by any federal agency or an agency of a state or a political subdivision of a state, such program must have as a minimum the following characteristics:

(1) The employer-employee relationship is based more on the participants' and communities' needs than normal economic considerations such as increased demand or the filling of a bona fide job vacancy; and

(2) The products or services are secondary to providing financial assistance, training, or work-experience to individuals to relieve them of their unemployment or poverty or to reduce their dependence upon various measures of relief, even though the work may be meaningful or serve a useful public purpose.

(D) Such an unemployment work-relief or work-training program must also have one or more of the following characteristics:

- (1) The wages, hours, and conditions of work are not commensurate with those prevailing in the locality for similar work;
- (2) The jobs did not, or rarely did, exist before the program began (other than under similar programs) and there is little likelihood they will be continued when the program is discontinued;
- (3) The services furnished, if any, are in the public interest and are not otherwise provided by the employer or its contractors;
- (4) The jobs do not displace regularly employed workers or impair existing contracts for services.

**YQ6. Please clarify the significance of the difference between "summer employment" and "work experience only" with regard to the waiver of Youth performance measures.**

**TEGL 14-08 provides the following language regarding the Youth program:**

**"The work readiness portion of the skill attainment rate will be the only indicator used for Youth that participate in "summer employment" only, and "Summer employment" may include any set of allowable WIA Youth services that occur during the above referenced summer months as long as it includes a work experience component." This would appear to indicate that a Youth could be enrolled in two discrete activities (e.g., Occupational Classroom Training and Work Experience) during the summer and still be subject to the performance waiver for "Summer Employment"**

**In the ODJFS waiver request, we are requesting stipulating that the only performance outcome for Youth who participate in work experience only beyond the period defined as the "Summer months" under the Act will be the work readiness indicator.**

**In the scenario described above, under the requested waiver, would the continuation of the identical program mix including occupational training activities beyond the summer month cutoff date then eliminate that student from the waiver population?**

**It would seem that the definition of "work experience" from 20CFR 664.460 would apply for "work experience only" and would consequently not include the above scenario to exclude the student from the waiver population unless you are specifying that the additional activity is, by definition, "Other elements designed to achieve the goals of work experience". Is it correct that, in this situation, the waiver would not apply?**

**A. Summer Employment will be activities:**

**May 1, 2009 through September 30, 2009 and will include any set of allowable WIA Youth services that occur during these months as long as it includes a work experience component. This will include Summer Work Experience and Work Experience.**

The Summer Employment can include Occupational Skills Training if it is paired with Work Experience or Summer Work Experience and occurs between May 1, 2009 and September 30, 2009. This would still be considered "Summer Employment" and the individual would only be subject to the Work Readiness performance measure.

The Youth Waiver is for out-of-school Youth who are 18 – 24. Under this waiver, only the "Work Readiness" measure will apply for these Youth who only participate in work experience. This is different than the "Summer Employment" program time period.

**YQ7. I understand that the age limit is 14-24. If a local area decided to use Youth 15-24, is this allowable or is it mandatory that 14 year olds be included?**

A. It is not mandatory to serve 14 year olds.

**YQ8. How are we to determine the 5% for Summer Stimulus funding? Is it based on the existing number enrolled in the program (we can have four (4) but only one (1) enrolled currently) or based on the number that will be enrolled in the Summer Stimulus work program? That would be two separate groups, or based on the total population enrolled?**

A. It is based on the number of Youth enrolled in your Youth Stimulus program as a whole. It would not be limited to your Summer Program alone unless you spend all of your Youth Stimulus funds during the summer period.

The ARRA Youth funding is a separate funding stream and the 5% requirements apply to it separately. Your normal Youth formula funded program is accounted for separately and will have its own 5% requirement.

**YQ9. The area vocational school has a pre or post test for their kids - can we use that for test scores; it is called Fast ForWord by Scientific Learning?**

A. The local area can use any objective assessment instrument that they believe can provide the results that meet the requirements for skill goals found in TEGL 17-05.

**YQ10. If you have a 19 year old going to college who will be coming home for the summer, do you have to use their parent's income if they have been doing college work study all year?**

A. If the Youth is a dependent, then the family income will be used to determine if the Youth is low-income. Please look at Workforce Investment Act Policy Letter No. 08-11 at: [http://jfs.ohio.gov/workforce/docs/workforceprof/WIAPL\\_08-11.pdf](http://jfs.ohio.gov/workforce/docs/workforceprof/WIAPL_08-11.pdf).

**YQ11. Can Youth be enrolled in one WIA program for services in spring 2009 and then in a different one for summer stimulus?**

A. It is possible for a Youth to be enrolled in the local formula Youth program prior to the Youth Stimulus program and then enroll in the Summer Employment program after May 1. However, Common Measures will apply if they are enrolled in the local formula Youth program.

**YQ12. Can Youth be paid for work by stipend?**

A. It is possible for some work experiences to be paid by stipend. Please see WIATL 18 Youth Work Experience, to determine when stipends are appropriate and when wages should be paid. This document can be found at <http://jfs.ohio.gov/workforce/docs/workforceprof/WIATL18.pdf>.

**YQ13. Is there a definition of a disability for Youth eligibility?**

A. In Ohio, we have adopted the definition of "disabled" in the Americans with Disabilities Act (ADA) for the WIA program. Additional information is available at <http://jfs.ohio.gov/workforce/workforceprof/ADAGuidance.stm>.

**YQ14. Is it possible to modify or broaden barriers for Youth? If so, does it take a modification to the business plan?**

A. The USDOL will not waive or change the eligibility requirements for ARRA stimulus programs. The barriers to Youth are part of the eligibility requirements. However, local areas have the ability to define the "sixth" barrier found in WIA Law Section 101 (13) as follows:

(13) Eligible Youth.\_\_Except as provided in subtitles C and D, the term "eligible Youth" means an individual who\_\_

- (A) is not less than age 14 and not more than age 21;
- (B) is a low-income individual; and
- (C) is an individual who is one or more of the following:
  - (i) Deficient in basic literacy skills,
  - (ii) A school dropout,
  - (iii) Homeless, a runaway, or a foster child,
  - (iv) Pregnant or a parent,
  - (v) An offender, or
  - (vi) An individual who requires additional assistance to complete an educational program, or to secure and hold employment.

If you change your locally defined "sixth" barrier, then "yes". This would require a modification to your local plan.

**YQ15. WIATL 19-A is a waiver for Youth ITAs through 6/30/09. Has this been extended or a request made to extend it?**

A. Ohio is requesting to extend all of our current waivers including ITAs for Youth.

**YQ16. Can WIA Youth who are in follow-up be enrolled in ARRA-funded WIA activities without further eligibility determination?**

**At the 4/9/09, Youth Work Experience Program Training in Columbus, the speaker seemed to suggest that youth who are in follow-up are not eligible for ARRA. Could you please clarify this eligibility question?**

If a youth is in follow-up for the formula program, then they could receive ARRA funded youth services without a re-determination of eligibility. A youth who is in follow-up is exited from the formula program, and therefore, we would not be able to track services and report outcomes.

During the Youth work experience training, it was recommended that if the youth was otherwise eligible for the formula program, then the local area should consider re-determining eligibility and enrolling the youth in the ARRA program. Re-enrolling them would allow the state and federal government to track services and outcomes for this individual.

**YQ17. Can youth be enrolled in one WIA program for services in Spring 2009 and then in a different one for summer stimulus?**

A. A youth can be enrolled in the formula program and then enrolled in the ARRA program for summer work experience. However, this youth is still part of the Common Measures since they were enrolled in the formula program.

**YQ18. Can existing youth who are participating in year-round activities receive expanded hours through Summer Work Experience/ARRA? If so, would current youth have to register, be determined eligible etc., or would they be automatically eligible for ARRA activities?**

- A. Yes, the youth can receive expanded hours through ARRA work experience. If they are already enrolled in the formula program, you do not need to re-determine or document eligibility for ARRA, but you must add the "program affiliation" in SCOTI and apply Common Measures for the ARRA program.

**YQ19. Are there prevailing wage requirements under ARRA for summer work experience?**

A. The requirements outlined in the Fair Labor Standards Act apply to the ARRA work experience program. These requirements may be found at: <http://www.com.ohio.gov/laws/>.

**YQ20. Are there hour's limitations (e.g., 40 hrs per week)?**

A. These requirements are also outlined in the Fair Labor Standards Act and apply to the work experience program. These requirements may be found at: <http://www.com.ohio.gov/laws/>.

**YQ21. Can other youth skill development activities be provided (e.g., resumes) related to work experience and still not be required to report on all the common measures?**

- A. If the youth is:
- not enrolled in WIA prior to May 1, 2009;
  - and does not participate beyond September 30, 2009;
  - and has one of their activities as Work Experience or Summer Youth Work Experience,
  - and have all of their activities reported as the ARRA program.

Then the only performance measure will be work readiness. The youth can participate in other activities in addition to Work Experience or Summer Youth Work Experience in the ARRA program during this time period, and Common Measures would not apply.

**YQ22. For in-school youth, does the work experience need to end by the return to school in the fall? Can an in-school youth continue in work experience with limited hours until 3/31/09?**

A. In-school youth can continue ARRA funded work experience beyond 9/30/2009, but the youth will be reported under Common Measures.

Ohio is seeking a waiver that limits the performance measure to work readiness for out-of-school youth ages 18-24, who continue work experience from October 1, 2009 through March 31, 2010. A scanned copy of this letter is available at: [http://jfs.ohio.gov/workforce/docs/workforceprof/Letter\\_DOL\\_WaiverRequest.pdf](http://jfs.ohio.gov/workforce/docs/workforceprof/Letter_DOL_WaiverRequest.pdf).

Youth under age 18 who continue work experience past September 30, 2009 are under Common Measures.

### **YQ23. Can out-of-school work experience be extended until 3/31/09 without limitations?**

A. The waiver for out-of-school youth is very restrictive:

- must be 18-24;
- must be out-of-school;
- \*must participate in ARRA work experience only from October 1, 2009 through March 31, 2010; and
- must follow the policy in WIATL 18.

\* Note: The out-of-school youth can also participate in work experience from May 1, 2009 to September 30, 2009.

### **YQ24. Can 30% of existing allocations be reserved for year-round services with youth being served under our existing contract and therefore, extend services for youth in year round beyond 3/31/10? If so, could that extension be until 12/31/2010?**

- A. The ARRA funds cannot replace your funds for your regular programming. You must continue your regular WIA Youth program and expand your services to youth with ARRA funds.

### **YQ25. Under what conditions can a youth be placed at a work site that has a collective bargaining agreement?**

Sec. 667.270 What safeguards are there to ensure that participants in Workforce Investment Act employment and training activities do not displace other employees?

(a) A participant in a program or activity authorized under Title I of WIA must not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

(b) A program or activity authorized under Title I of WIA must not impair existing contracts for services or collective bargaining agreements. When a program or activity authorized under title I of WIA would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins.

(c) A participant in a program or activity under title I of WIA may not be employed in or assigned to a job if:

- (1) Any other individual is on layoff from the same or any substantially equivalent job;

(2) The employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIA participant; or

(3) The job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.

(d) Regular employees and program participants alleging displacement may file a complaint under the applicable grievance procedures found at Sec. 667.600. (WIA sec. 181.)

## **FISCAL AND PROCUREMENT**

**PQ1. Our local area has issued contracts to Youth providers through an RFP process for the 2009 calendar year. Can we amend these contracts for the ARRA Youth program since these services were recently procured? Does the increase in the age to 24 affect this?**

A. All procurement activity must comply with FISCAL ADMINISTRATIVE PROCEDURE LETTER (FAPL) No. 2 and Ohio Administrative Code (OAC) 5101:9-4-07 Procurement requirements. These documents may be found at:

[http://jfs.ohio.gov/workforce/workforceprof/Stimulus\\_Activities.stm](http://jfs.ohio.gov/workforce/workforceprof/Stimulus_Activities.stm).

The procedures for consideration of requests for prior approval of noncompetitive proposal from ODJFS are as follows:

1. The county shall submit a detailed request to ODJFS thoroughly describing the area/county desired purchase, the complete circumstances surrounding the proposed purchase, the county's compelling and substantial business reason for requesting the prior approval of a noncompetitive proposal, a cost analysis, and any other details relevant to the ODJFS decision on the request. ODJFS may request clarification or additional required information in its consideration of any such request.
2. Once all required information has been received by and any clarifications provided to ODJFS, ODJFS shall have thirty (30) business days to approve or deny a request.
3. Requests must be addressed to:  
Ohio Department of Job and Family Services  
Deputy Director for Office of Legal and Acquisition Services  
30 East Broad Street, 31st Floor  
Columbus, Ohio 43215-3414

The answer depends on how the RFP and current contracts are written. Did the RFP include specific dates and allow for an expansion and/or extension?

If you determine that you need to issue a new RFP, then you may want to capitalize on other area's efforts and borrow some RFP language to expedite issuing a new one for your area. You may access other local area web sites via our ODJFS site at <http://jfs.ohio.gov/workforce/localboard/index.stm>.

**PQ2. If we would bring in program income from a recycling project under the ARRA program, can we use that program income to buy supplies to do another project? For example, can we buy boards to build or repair a fence?**

A. The program income provision in WIA section 195(7) (A) and 20 CFR 667.200 requires that program income be added to available program resources. Program income must be spent on an allowable cost under the program that earned the money.

As to the question on the fence, how does building or repairing a fence on public property, such as a park, benefit the WIA program?

**PQ3. I have a question from the training materials titled "The American Recovery and Reinvestment Act: WORKFORCE INVESTMENT ACT, Formula Funding to Local Areas" from ODJFS dated April 3, 2009. Under the section "Leveraging Local Resources - Local Area WIA Competitive Grant Process" on Page 19 there are two boxes. The first one says "Leveraging Local Resources – Accountability", and the second box says "Leveraging Local Resources – Transparency" further stating:**

**"All providers that submit proposals that are responsive to a local area's solicitation must also have a corresponding expression of interest in applying for recovery funds on the State of Ohio Federal Stimulus Initiative web site at <http://recovery.ohio.gov/>". Providers that do not submit an expression of interest on this web site shall not be awarded ARRA related grants."**

**My questions are:**

- **Is this expression a requirement for providers responding to a state RFP?**
- **Is this a requirement for any provider responding to a local WIA Area RFP?**
- **If so, is there a deadline for the expression of interest?**

A. The State of Ohio has created [www.recovery.ohio.gov](http://www.recovery.ohio.gov) as a virtual headquarters for information regarding the ARRA programs. Individuals and organizations have been invited to submit expressions of interest for the use of stimulus funds, including WIA.

Submissions include a broad range of projects and services, some of which have a state level scope. Other submissions are more locally oriented. ODJFS is reserving a portion of statewide ARRA funds to issue an RFP for state level services and will require local areas to do the same. The requirement for applicants to register at the state web site will apply to the state and local RFPs.

Please note, this requirement only applies to procurement using WIA ARRA funds, not WIA formula funds.

The closing deadline for an "expression of interest" has not yet been established but will be set based upon a number of factors including allowance of sufficient time for local area procurement.

**PQ4. I understand we will have RMS codes to use if we run this program in-house. Are we getting more administrative dollars on this stimulus money?**

A. Yes, administrative dollars will be awarded for the ARRA programs.

**PQ5. Is the state going to ask for a waiver of the procurement process?**

A. Ohio is going to pursue the procurement waiver similar to the waiver request from Missouri. Missouri's procurement waiver request can be found at: [http://jfs.ohio.gov/workforce/docs/workforceprof/Missouri\\_Waiver\\_Request.pdf](http://jfs.ohio.gov/workforce/docs/workforceprof/Missouri_Waiver_Request.pdf).

**PQ6. Can we combine the regular WIA Youth monies with the ARRA funds and do one contract? If so, can we choose to use the ARRA funds first (5/1/09 thru 9/30/09) and then the regular Youth funds (10/1/09 thru 6/30/10)? If for some reason we do not expend our entire allocation from the ARRA the first summer, could we continue the program a second summer 5/1/10 thru 9/30/10 to spend the remaining allocation.**

A. Yes, you may use one contract for both formula Youth funds and ARRA funds. However, you will be required to report expenses for the funds separately to ODJFS.

Your proposal to only provide ARRA programs from May through September and then formula Youth programs from October through June 2010 does not meet federal requirements. The ARRA funded programs must supplement (add to) the regular WIA Youth program and not replace it.

The local areas must spend 100% of their ARRA funds by June 30, 2010. The state expects 70% of the ARRA Youth funds to be spent during the summer work experience program. However, local areas can spend ARRA Youth funds beyond September 30, 2009. ARRA Youth funds can be spent on any of the ten (10) program elements.

### **ADMINISTRATION**

**AQ1. Can upcoming stimulus funding be used to fund Small Business Capitalization waiver participation if all other criteria are met?**

A. No, USDOL has stated clearly that the Small Business Capitalization Waiver does not apply to the ARRA funds.

**AQ2. The current policy allows locals to do Adult/DW transfers (up to 20%) for Incumbent Worker activities. The effective end date of the last policy is 6/30/2009. Is there a decision or even discussion to continue this waiver authority into next program year?**

A. Ohio has applied to USDOL to extend the current waivers through PY 2009. A scanned copy of this letter is available at: <http://jfs.ohio.gov/workforce/>.

**AQ3. Is it allowable to use ARRA funds for incumbent worker training?**

A. Yes, local ARRA funds may be used for incumbent worker training.

Ohio has a waiver to use Rapid Response funds for incumbent worker training. However, Rapid Response funds derived from ARRA may not be used for incumbent worker training.

**AQ4. The Business Plan Amendment contains two questions about Needs Related Payments (NRPs) and Needs Based Payment (NBPs). At the WIB directors' meeting, ODJFS representatives stated that guidance will be coming from the state on this. Is this correct?**

**Also, if there is more than a 15% variance on the Participant Planning Summary (PPS) and Budget Information Summary (BIS), will it require us to adjust the plan?**

A. The definition of NRPs and NBPs is included in the ARRA Local Plan Amendment document which was sent out the local area Directors during the week of April 13<sup>th</sup>.

John Chamberlin also provided training on NRPs and NBPs on 4/13/09. John's presentations are posted at [http://jfs.ohio.gov/workforce/docs/workforceprof/Chamberlin\\_ARRA.pdf](http://jfs.ohio.gov/workforce/docs/workforceprof/Chamberlin_ARRA.pdf).

Further guidance is under development. Also look for upcoming video conference training on this subject. The DHL Wilmington NRP policy can be found at: [http://jfs.ohio.gov/workforce/docs/workforceprof/WIAPL\\_08-08.1.pdf](http://jfs.ohio.gov/workforce/docs/workforceprof/WIAPL_08-08.1.pdf).

A variance threshold for PPS and BIS has not been set. Both the General Accounting Office (GAO) and the USDOL are monitoring ARRA program implementation. ODJFS staff will be monitoring actual participants and expenses against the local area's PPS and BIS.

A policy for spending ARRA funds will be established soon. Look for the draft policy in clearance at <http://www.odjfs.state.oh.us/clearances/public/index.aspx>.

**AQ5. At the WIB Directors' meeting someone mentioned being able to pay for "classroom size training" up front. Can you give me any info on whether this is allowed and how it would work? Or did I not hear correctly?**

A. This option has been mentioned in a number of venues, most lately, the John Chamberlain training, as an innovative way of the dealing with the stimulus funding expediency and demand for certain types of training and the flexibility with the institutions of higher learning. As addressed in TEGL 14-08, there is a provision for local areas to purchase classroom training as follows:

**6. Key Recovery Act Provisions and Emphases of Note.**

- **Contracts with Institutions of Higher Education and Other Training Providers.** To increase the availability of training to workforce system customers, the Recovery Act allows Local Workforce Investment Boards (LWIB) to award contracts to institutions of higher education, such as community colleges, or other eligible training providers, if the board determines, it would facilitate the training of multiple individuals in high-demand occupations and if the contracts do not limit customer choice. This provision of the law is in addition to the current methods for providing training and is intended to help increase education and training enrollments and capacity in a time when many states and educational institutions are experiencing budget shortfalls, by allowing LWIBs to pay for the full cost of training at the beginning of the course. Direct contracts with institutions of higher education and eligible training providers also allow LWIBs to quickly design training to fit the needs of the job seekers and employers. Training services include the full range of occupational skills training, adult education and literacy services, and customized training as described in WIA section 134 (d)(4)(D). Before entering into such contracts, ETA encourages LWIBs to assess current training offerings to ensure that the contracts are not duplicating existing training courses and curricula. These training contracts can be performance-based to ensure that they result in real outcomes for the students. As part of the contract, the institution of higher education or eligible training provider could develop curriculum for emerging sectors and enhance the capacity of

the institutions to ensure quality training within limited timeframes. As such, the development of curriculum by institutions of higher education can be considered a training activity under WIA if it is developed in the context of providing training to WIA participants. To be consistent with the timely spending of Recovery Act funds, curriculum activities should focus on adapting existing or creating new curriculum that will result in a short-term increase in training capacity, rather than long-term curriculum development activities. Institutions of higher education, such as community colleges, need not be on a state list of eligible providers of training services in order to be awarded a contract with Recovery Act funds. Other providers of training that are not institutions of higher education must be on the state list of eligible providers in order to be awarded a contract.

**AQ6. If my agency purchases classroom services to supplement not compete with the existing ITA service, do we need to procure/RFP for services if we use existing and local state-approved eligible training providers?**

A. We are assuming you are referring to the ability to purchase classroom training through ARRA funds. TEGL 14-08 allows for the local area to purchase classroom services, but those services must be procured as would any other service using WIA funds.

Please see question PQ1. or go to [http://jfs.ohio.gov/workforce/workforceprof/Stimulus\\_Activities.stm](http://jfs.ohio.gov/workforce/workforceprof/Stimulus_Activities.stm).

If you use the existing state-approved eligible training providers, an RFP is not required.

**AQ7. If the County Executive is the grant recipient and opts to "run" the program internally through an existing Youth program under his Communications Department (not currently WIA funded), does the DJFS still have to be the fiscal and administrative entity?**

A. These ARRA monies are WIA funds so the fiscal agent and administrative entity must remain the same for both formula and ARRA programs. If the chief elected official designates an alternate administrative or fiscal entity, then the WIA Area grant agreement will need to be modified.

All procurement activity must comply with Fiscal Administrative Procedure Letter (FAPL) No. 2 and Ohio Administrative Code (OAC) 5101:9-4-07 Procurement requirements. These documents may be found at: [http://jfs.ohio.gov/workforce/workforceprof/Stimulus\\_Activities.stm](http://jfs.ohio.gov/workforce/workforceprof/Stimulus_Activities.stm).

**AQ8. If the County is administering Youth payroll, can Public Employees Retirement System (PERS) contributions be excluded? Are we allowed to pay PERS with WIA dollars?**

A. We asked PERS your question, and they responded that if the county is administering the Youth program payroll, then PERS has to be included.

Yes, WIA formula and ARRA funds may be used to pay for PERS contributions as well as applicable Workers' Compensation payments, etc.

**AQ9. If the County "runs" the program; I assume they are responsible then for Workers' Compensation and insurance?**

A. If the County runs the program, they would be responsible for the payments for Workers' Compensation, Insurance, etc.

**AQ10. Can you clarify whether an internship is allowable and what limited internship would mean?**

A. WIATL 17 allows for paid and unpaid work experience for adults and dislocated workers. In the policy it states that work experience may include internship and job shadowing. According to the WIATL 17, the local area needs policy to establish several things regarding work experience. One of those is the duration of the work experience. I have copied the part of that section below:

A. Local Workforce Investment Board Policy

The WIB is responsible for directing policy and a service delivery strategy to the administrative entity for administering both paid and unpaid work experience. We recommend that work experience be paid. Local policy should ensure that paid work experience does not result in the loss of public assistance benefits. In developing local policy, the needs, circumstances and characteristics of the adult and dislocated worker population should be taken into consideration.

At a minimum, the WIB's policy should cover the following:

- The goal of the work experience - Work experience designed to aid participants in learning good work habits should be assigned more hours than work experience which is designed for career exploration.
- Duration of work experience - The duration of paid and unpaid work experience should be stated in the policy. A minimum and a maximum limitation may be set on the number of hours assigned for any single work experience. When assigning hours, consider the needs of the participant and the job duties to be performed.
- Past work experience - More hours are justified for a participant who has not worked before or who has a poor work history, and fewer.
- Hours should be assigned to participants who possess good work histories.
- Participant barriers - Participants with multiple barriers may benefit from more hours, and those with fewer barriers may require fewer hours.
- The complexity of the job tasks - Jobs with tasks of higher complexity will need more hours assigned, and jobs of lesser complexity require fewer hours.

WIATL 17 is available at <http://jfs.ohio.gov/workforce/docs/workforceprof/WIATL17.pdf>.