



Summit
County



Medina
County

STATE OF OHIO WORKFORCE AREA 2
SUMMIT/MEDINA WORKFORCE DEVELOPMENT BOARD
RESOLUTION NUMBER 2016-01

The Area 2 Workforce Development Board of Ohio, representing Medina and Summit Counties, met in regular session on the Fourteenth of September, 2016, with the following Board members present:

Jeff Bissell	Sharlene Chesnes	Robert DeJournett	Bethany Dentler
Mark Derrig	Anthony Esposito	James Lake	Rick McIntosh
Michael Might	Michelle Moran	David Prentice	Joan Pritchett
Phil Ratcliff	Jennifer Stupica		

WHEREAS, Section 304.190 of the Amended Substitute House Bill 64 of the 131st General Assembly, of the State of Ohio’s biennial budget, creates the Comprehensive Case Management Employment Program (CCMEP), which utilizes Workforce Innovation and Opportunity Act (WIOA) Youth and Temporary Assistance for Needy Families (TANF) funds to provide employment, training, and other supportive services to low-income and out-of-school youth ages 16 to 24 based upon a comprehensive assessment of an individual’s employment and training needs;

WHEREAS, each local area Workforce Development Board must authorize, no later than September 30, 2016, use of WIOA youth funds for the Comprehensive Case Management Employment Program to ensure the workforce area will operate the program with the resources of Temporary Assistance for Needy Families and Workforce Innovation and Opportunity Act Youth allocations to support the program;

WHEREAS, the Area 2 Workforce Development Board expressed in its June 15, 2016 letter to the Ohio Department of Job and Family Services its intent to authorize the use of Workforce Innovation and Opportunity Act Youth funds for the State of Ohio's Comprehensive Case Management Employment Program;

WHEREAS, the Area 2 Workforce Development Board’s action is specifically and expressly conditioned on the State's implementation and operation of the Comprehensive Case Management Employment Program in the manner and fashion identified in correspondence to and from the Ohio Department of Job and Family Services and the Assistant Secretary of the U.S. Department of Labor dated June 6, 2016, and attached hereto as Exhibit “A” and dated June 9, 2016 regarding the implementation of and operation of the Workforce Innovation and

Opportunity Act in Ohio, and attached hereto as Exhibit "B", in particular the State's adherence to the several assurances identified in correspondence;

WHEREAS, this Resolution of the Area 2 Workforce Development Board is specifically and expressly conditioned on representations in correspondence dated June 8, 2016 regarding federal audit findings, from the Ohio Department of Job and Family Services and attached hereto as Exhibit "C";

WHEREAS, this Resolution from the Area 2 Workforce Development Board is specifically and expressly conditioned on the State's implementation and operation of Comprehensive Case Management Employment Program in a manner consistent with Workforce Innovation and Opportunity Act and any further guidance or directive received from the U.S. Department of Labor;

WHEREAS, the Area 2 Workforce Development Board will interpret the State's issuance/release of funds to implement the Comprehensive Case Management Employment Program to the Area 2 Workforce Development Board, its Fiscal Agent, and/or its member Counties- Summit and Medina- to constitute acknowledgment, acceptance and consent to the conditions and reliances set forth in this Resolution; and

NOW, THEREFORE, BE IT RESOLVED, the Area 2 Workforce Development Board hereby authorizes use of Workforce Innovation and Opportunity Act Youth funds for the Comprehensive Case Management Employment Program.

SECTION 1

The authorization for use of these funds is stipulated on the conditions and reliances outlined by the documents attached to this Resolution as Exhibit A, B, and C.

SECTION 2

Provided this resolution receives the affirmative vote of a majority of those Workforce Development Board Members present, it shall take effect immediately and within the parameters of actions already taken to implement the Comprehensive Case Management Employment Program.

SECTION 3

It is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Board and of its committees that resulted in such formal action, were in meetings consistent with Article IV, Section 6 of Summit/Medina County Workforce Development Board Bylaws.

Introduced: September 14, 2016

It was moved by Anthony Esposito and seconded by Jeffrey Bissell to adopt the foregoing.

A Roll Call Vote resulted as such:


Jeff Bissell	yea	Sharlene Chesnes	yea	Malcolm Costa	absent	Amy Davin	absent
Robert DeJournett	yea	Bethany Dentler	yea	Mark Derrig	yea	Anthony Esposito	yea
Jessica Heid	absent	James Lake	yea	Brian Malloy	absent	Rick McIntosh	yea
Michael Might	yea	William Moore	absent	Michelle Moran	yea	David Prentice	yea
Joan Pritchett	yea	Phil Ratcliff	yea	Jennifer Stupica	yea		



Anthony Esposito, Chair

Sept 14, 2016

Date



Sharlene Chesnes, Vice-Chair

Sept 14, 2016

Date

EXHIBIT A

U.S. Department of Labor

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



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.stm>.

EXHIBIT A

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 CDFJS 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.²

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.³ 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.

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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.

⁶ 103(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://human.services.ohio.gov/ccmepimplementation/CCMEP-program-FAQs-032416.stm>.

⁶ Dungey Letter, p. 2.

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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.*

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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/ccmeimplementation/WDB-letter-051916.sim>.

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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?").

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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.

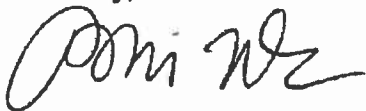
The Department requests assurances that CCMEP will be implemented in a manner that does not attempt to supplant or infringe the authority and responsibilities of the local board. In particular, the Department requests specific assurances regarding the following particular requirements. First, that the 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

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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", written in a cursive style.

Portia Wu
Assistant Secretary

EXHIBIT B

Ohio

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

EXHIBIT B

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.

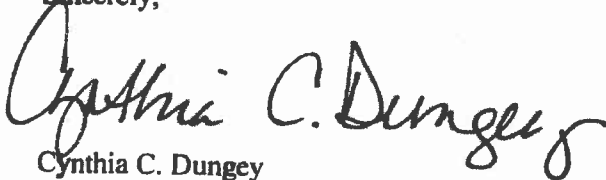
- 5. CCMEP will be implemented, as Ohio has proposed, by requiring ODJFS to allow each WDB the choice to either participate or not participate in CCMEP.**

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



**Department of
Job and Family Services**

EXHIBIT C

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

June 8, 2016

To: John Trott, Ohio Workforce Board Directors Association
Joel Potts, Ohio Job and Family Services Directors' Association
Suzanne Dulaney, County Commissioners' Association of Ohio

Re: DOL communications and local workforce board authority

Thank you for collaborating to find a new way to work for low-income Ohioans. Beginning July 1, the Comprehensive Case Management and Employment Program (CCMEP) will provide a common framework for delivering case management, employment and supportive services, starting with low-income 16- to 24-year-olds where early intervention can help break the cycle of poverty.

This innovative new effort leverages resources from the public assistance and workforce systems by integrating two federal programs:

- The Workforce Innovation and Opportunity Act (WIOA) youth program, administered by the U.S. Department of Labor (DOL); and
- Temporary Assistance for Needy Families, administered by the U.S. Department of Health and Human Services (HHS).

We believe that the alignment of workforce and public assistance programs is the best way to help more low-income Ohioans find and keep jobs. That is why we have been engaged with the DOL and HHS about our plans since early 2015.

CCMEP has been designed as a workforce program. Even though it brings two funding sources together, the program's framework follows WIOA law and requirements. Ohio's innovative use of workforce funds to help low-income youth is allowable under the DOL rules and consistent with the changes Congress made in its 2014 reauthorization of the workforce law.

Maintaining the autonomy and authority of the local area workforce boards is an important pillar of WIOA and central to the boards' role in building strong relationships with local employers and providing employment and training services in their communities. Even though CCMEP maintains the workforce boards' authority, as an added measure, we decided to allow local boards to choose to participate in CCMEP through a formal resolution.

When your local area authorizes its participation in CCMEP and fully complies with its terms, should there be any adverse federal audit finding, the Ohio Department of Job and Family Services will not exercise the state's discretion to pass that finding onto your local area.

Also, in the interest of transparency, we are sharing all of our correspondence with DOL. We will continue to work with our local and federal partners as we implement this program.

I hope this letter answers any final questions that have been raised. Together we can look forward to implementing this program as a model of innovation for serving low-income youth.

Sincerely,