



Ohio Administrative Code

Rule 5101:9-31-93 Workforce Innovation and Opportunity Act (WIOA) dislocated worker methodology.

Effective: [October 2, 2022](#)

(A) The Ohio department of job and family services (ODJFS) issues the department of labor (DOL) Workforce Innovation and Opportunity Act (WIOA) dislocated worker allocations to the WIOA local area fiscal agent on behalf of the WIOA local workforce development boards (LWDBs) to help job seekers access employment, education, training and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.

(B) These allocations are composed of one hundred per cent federal funds. The assistance listings number is 17.278.

(C) ODJFS communicates the funding and liquidation periods through the county finance and information system (CFIS). The WIOA local area can incur accruals through the funding period disburse and report expenditures no later than the end of the liquidation period. The LWDBs shall report expenditures as described in rule 5101:9-7-29 of the Administrative Code.

(D) ODJFS authorizes the WIOA dislocated worker funds to WIOA local areas on program year (PY) and/or a federal fiscal year (FFY) basis.

(E) Methodology.

Dislocated worker funding stream

(1) ODJFS distributes dislocated worker funds in accordance with Ohio's federally approved plan for workforce programs.

(a) ODJFS may reserve up to twenty-five per cent of the funds available in the state's dislocated worker funding stream for rapid response activities as described in the WIOA section 133(a)(2).



(b) ODJFS allocates the remaining funds based on a formula prescribed by the governor as designated in the state plan.

(2) Hold harmless provision

(a) ODJFS applies the "hold harmless" provision which states that the WIOA local area will not receive an allocation amount for a PY that is less than ninety per cent of the average allocation of the WIOA local area for the two preceding PYs.

(b) ODJFS calculates the amounts necessary for increasing allocations to WIOA local areas in accordance with the hold harmless provision by proportionately reducing the allocations made to other WIOA local areas.

(c) If the amount of the WIOA funds appropriated in a fiscal year are not sufficient to provide the amount specified in paragraph (E)(2)(b) of this rule to all WIOA local areas, ODJFS proportionately reduces the amounts allocated to each WIOA local area.

(3) Should the DOL issue a rescission of funds, ODJFS determines the level of adjustments needed to comply with the rescission.

(F) Allowable expenditures.

WIOA local areas shall comply with all office of workforce development (OWD) program policy regarding expenditure rates and recapture of unused funds. ODJFS will determine the level of adjustment needed if DOL should issue a rescission of funds.

(1) Career pathways

Career pathways provide participants education and training services that align with the skill needs of industries in the involved economy. The focus on career pathways enables individuals to participate in activities that support industry or sector partnerships and provide an increased focus on the attainment of industry-recognized certificates and credentials linked to in-demand occupations. Career pathways include:



- (a) Counseling that supports education and career goals;
- (b) Education and training for workforce preparation and specific occupation or occupation cluster;
- (c) Services that accelerate the educational and career advancement of the participant; and
- (d) Training that assists the participant's attainment of a secondary diploma or its recognized equivalent.

(2) Incumbent worker training services up to twenty per cent, as described in WIOA section 134(d)(4).

(3) Supportive services, including needs related payments as described in WIOA sections 133(b)(2)(B), 134(d)(2) and 134(d)(3).

(4) Under WIOA section 133(b)(4), a WIOA local area may utilize the WIOA dislocated worker funding for allowable services under adult employment and training activities. WIOA local areas electing to use a percentage of the WIOA dislocated worker grant for adult activities shall use the coding established in the CFIS.

(5) All funding is subject to the OWD program policy regarding expenditure rates and recapture of unused funds.

(G) Administration.

(1) The costs of administration are the costs associated with performing the following:

- (a) Accounting, budgeting, financial and cash management;
- (b) Procurement and purchasing;
- (c) Property and personnel management;



(d) Payroll;

(e) Audits and coordinating the resolution of findings arising from audits, reviews, investigations and incident reports;

(f) General legal services;

(g) Developing systems and procedures, including information systems, required for these administrative functions; and

(h) Fiscal agent responsibilities.

(2) In accordance with 20 C.F.R. part 683.215, the definition of WIOA administration specifies that all costs incurred for functions and activities of sub-recipients and contractors are program costs, unless the sub-recipient or contractor is performing only administrative functions.

(3) A WIOA local area may use up to ten per cent of the allocation amounts for the administrative cost of carrying out WIOA activities.

(4) Sub-recipients and contractors performing program functions that are funded with WIOA dislocated worker funds do not report the costs associated with performing these program functions as administrative costs against the area's ten per cent administration expense limit.

(H) Statewide activities

(1) The governor may set aside a portion of the funds for this allocation as defined in federal legislation for statewide activities, including five per cent for administrative activities.

(2) The governor may reserve fifteen per cent of funds for statewide workforce investment activities.

(3) The governor may use unobligated rapid response funds after one year, for statewide employment and training activities as described in WIOA section 134(a)(2)(A)(ii).



(4) The governor or the LWDBs may increase the on-the-job training reimbursement rate to seventy-five per cent under certain conditions as defined in WIOA section 134(c).

(5) ODJFS may provide career services through the one-stop system, either directly or via contracts with other providers.

(6) ODJFS may periodically allocate statewide funding for special projects.

(I) Allocated funds may not be used on construction or purchase of facilities, buildings, or foreign travel.

(J) The WIOA local area shall maintain documentation in accordance with the records retention requirements in rule 5101:9-9-21 of the Administrative Code. This documentation may be subject to inspection, monitoring, and audit by the ODJFS office of fiscal and monitoring services (OFMS) and the Ohio auditor of state (AOS).