



April 21, 2020

Workforce Innovation and Opportunity Act (WIOA) Policy Letter No. 19-03

To: Local Workforce Development Boards Directors, Fiscal Agents, and OhioMeansJobs Center Operators

From: Kimberly Hall, Director

Subject: Employer Service Delivery Under WIOA

I. Purpose

To outline the requirements for providing services to employers by the integrated OhioMeansJobs center system and WIOA program and to define employer service data reporting requirements.

II. Effective Date

Immediately

III. Background

WIOA establishes a comprehensive workforce development system that emphasizes the role of employers as a primary customer. The provision of employer services assists in meeting the needs of employers in overcoming recruiting and retaining challenges, as well as increasing the global competitiveness of the business by developing talent for the regional economy.

WIOA envisions an integrated system that is results oriented, flexible, and continuously improving. Each workforce development area (local area) completes a strategic four-year plan that assesses the needs of local employers and job seekers and establishes the services to be provided to employers in the local area or the region. Resources that support employer services are maximized through shared service delivery, non-duplication, and leveraging of funds across partner programs.

IV. Definitions

Customized Employer Services: Employer services tailored for specific employers.

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Employer: An individual, business, company, firm, agency, organization, etc. that employs one or more people.

Employer (Business) Services: Activities that assist employers with their employment needs. Services may include: customized training, pre-hire services, screening and referral of qualified applicants, and labor market information.

Employer (Business) Services Team: A formalized team responsible for ensuring the coordination of employer service delivery according to their local plan and in line with the combined state plan. The team is made up of cross-agency, cross-programmatic groups, comprised of representatives of each of the core partner agencies, economic development organizations, and other partners as appropriate.

Fee-for-Service: A fee that may be charged to employers, employer associations, and other such organizations for the provision of customized services.

Job Order: A structured record of an employer's requirements (wages, hours, working conditions, worksite location and benefits offered by the employer) for filling vacant positions with qualified workers.

Workforce specialist (WS): Employment Service staff who provides Wagner-Peyser services to employers.

V. Local Workforce Development Area Requirements

A. Provision of Employer Services

Local areas must establish and develop relationships and networks with large and small employers and their intermediaries. The provision of employer services necessitates that the local workforce system identify and meet the needs of businesses in the local area.

To assist in this, applicable OhioMeansJobs center partners must develop, offer, and deliver quality employer services. These services must assist businesses in overcoming the challenges of recruiting and retaining employees, as well as developing employee talent to benefit the regional economy.

To support area employers most effectively, local areas, including designated partner staff, must:

1. Have a clear understanding of industry skill needs;
2. Identify appropriate strategies for assisting employers, and coordinate employer service activities across the OhioMeansJobs center partner

- programs, as appropriate; and
3. Incorporate an integrated and aligned employer services strategy among OhioMeansJobs center partners to present a unified voice for the OhioMeansJobs center in its communications with employers.

The following employer services must be made available to employers:

1. Labor exchange activities including appropriate recruitment and other business services on behalf of employers; and
2. Provision of accurate workforce and labor market employment statistical information, including the provision of accurate information relating to local, regional, and national labor market areas, including:
 - a. Job vacancy listings in labor market areas;
 - b. Information on job skills necessary to obtain the vacant jobs listed; and
 - c. Information relating to local in demand occupations and the earnings, skill requirements, and opportunities for advancement in those jobs.

Customized Services

Customized employer services are services that may be provided to employers, employer associations, or other such organizations. Customized services are not required to be provided but may be provided based upon the local area's financial and administrative ability to provide or procure such services. These services should be tailored for specific employers and may include:

1. Customized screening and referral of qualified participants in training services to employers;
2. Customized services to employers, employer associations, or other such organizations, on employment-related issues;
3. Customized recruitment events and related services for employers including targeted job fairs;
4. Human resource consultation services, including but not limited to assistance with:
 - a. Writing/reviewing job descriptions and employee handbooks;
 - b. Developing performance evaluation and personnel policies;
 - c. Creating orientation sessions for new employees;
 - d. Honing job interview techniques for efficiency and compliance;
 - e. Analyzing employee turnover;
 - f. Creating job accommodations and using assistive technologies; and/or
 - g. Explaining labor and employment laws to help employers comply with discrimination, wage/hour, and health/safety regulations;
5. Customized labor market information for specific employers, sectors, industries, or clusters; and
6. Other similar customized services.

Customized services may be procured and provided through contracted partners working in conjunction with the local Workforce Development Board (WDB). Contractors must be competitively selected in accordance with federal, state, and local procurement rules.

Other Allowable Services and Activities

Local areas may also provide other employer services and strategies that meet the workforce development needs of area employers, in accordance with partner programs' statutory requirements and consistent with Federal cost principles. These employer services may be provided through effective business intermediaries working in conjunction with the local Workforce Development Board (WDB), or through the use of economic development, philanthropic, and other public or private resources in a manner determined appropriate by the local WDB.

All employer services and strategies must be reflected in the regional and/or local plan.

Allowable activities, consistent with each partner's authorized activities, include, but are not limited to:

1. Developing and implementing industry sector strategies;
2. Customized assistance or referral for assistance in the development of a registered apprenticeship program;
3. Developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, and other effective initiatives for meeting the workforce investment needs of area employers and workers;
4. Assistance to area employers for managing reductions in force in coordination with rapid response activities and with strategies for the aversion of layoffs;
5. The marketing of employer services to appropriate area employers, including small and mid-sized employers; and
6. Assisting employers with accessing local, State, and Federal tax credits.

Attachment A: OhioMeansJobs Center Employer Services to this policy lists the allowable employer services and connects them to their associated Ohio Workforce Case Management System (OWCMS) service name.

An Employer Services toolkit for local areas is available at: <http://jfs.ohio.gov/owd/WorkforceProf/Docs/Implementationtoolkit.stm>. This toolkit is designed to provide resources for employers and local area employer (business) service teams.

Fee for Employer Services

A fee may be charged for customized employer services. Additionally, employer services and strategies that go beyond the scope of services outlined in WIOA as mandatory may be provided on a fee-for-services basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local WDB. Fee-for-services are not required to be charged to employers.

Fees may not be charged for the following services:

1. Appropriate recruitment and other employer services on behalf of employers, including information and referrals to specialized employer services other than those traditionally offered through the workforce delivery system; and
2. Provision of workforce and labor market information, including the provision of statistical information relating to local, regional, and national labor market areas, including:
 - a. Job vacancy listings in labor market areas;
 - b. Information on job skills necessary to obtain the vacant jobs listed; and
 - c. Information relating to local in demand occupations and the earnings, skill requirements, and opportunities for advancement in those jobs.

The local WDB may examine the services provided compared with the assets and resources available within the workforce delivery system and through its partners to determine the appropriate cost structure for services, if any.

Any fees earned are recognized as program income and must be expended by the partner in accordance with the partner program's authorizing statute, implementing regulations, and Federal cost principles identified in 2 CFR Part 200.

B. Coordination with Partner Agencies

Each partner agency in the OhioMeansJobs center has statutory requirements for creating relationships with businesses and assisting clients receiving services in finding employment opportunities. All members of the employer (business) services team are expected to create relationships with businesses in the community in a coordinated and targeted manner.

At a minimum, at least one center in the local area must have a formalized employer (business) service team. The formalized employer (business) service team must include the area Employment Services (ES) Workforce Specialist as a required partner, if there is an ES Workforce Specialist located in the local area. The employer (business) team may be made up of other appropriate partners for an integrated business service delivery system.

The local area Memorandum of Understanding (MOU) should include a work-flow that identifies the role of each partner. The MOU should clearly demonstrate how the ES Workforce Specialist and other partners are included in the local business service delivery and should reflect the strategic goals of the local area.

C. Funding

Employer services may be funded using WIOA program funds or may be provided through intermediaries.

Local areas must not provide employer services funded with WIOA dollars that:

1. Result in displacement of currently employed workers by WIOA participants, including reductions in non-overtime work hours, wages, or benefits;
2. Are inconsistent with the terms of a collective bargaining agreement unless the labor organization and employer provide written concurrence with the services being provided;
3. Encourage relocation of a business within the United States.

VI. Performance

Section 116(b)(2)(A)(i)(VI) of WIOA requires that the Departments of Labor and Education establish a primary indicator of performance for effectiveness in serving employers. This indicator will be measured as a shared outcome across all six core programs within each State to ensure a holistic approach to serving employers. This performance measure is both a WIOA and CCMEP measure, calculated at the State, local area level and Lead Agency level.

Three approaches for measuring effectiveness in serving employers have been developed: Retention, Repeat Business Customers, and Employer Penetration Rate. DOL allows states to pick two approaches to be measured. Ohio will use the following methods to measure effectiveness:

1. Retention – This approach captures the percentage of participants who exit and are employed with the same employer in the second and fourth quarters after exit. This approach is useful in determining whether the workforce programs are serving employers effectively by improving the skills of their workforce and decreasing employee turnover.
2. Repeat Business Customers – This approach tracks the percentage of employers at the establishment level (e.g., by individual location or address) who receive employer services more than once within the previous three program years. This approach is useful in determining whether employers who receive services are satisfied with those services and become repeat customers. This approach also assesses the workforce system's ability to develop and maintain strong relationships with employers over extended periods of time.

VII. Reporting

OWCMS is the only system of record for performance and reporting compliance. Pursuant to Ohio Administrative Code 5101:9-30-04, employer services must be reported in OWCMS within thirty days of their delivery or implementation. Users must request access to the Employment Services (ES) (formerly known as Labor Exchange) side of OWCMS to accurately record employer services. For questions regarding ES access, please contact OWCMS-Help-Desk@ifs.ohio.gov. OhioMeansJobs Center Employer Services-Attachment A to this policy provides the list of employer services available in OWCMS.

Employer services are to be recorded in OWCMS at the establishment level for each employer (e.g., by individual location or address). If the employer is already listed, OWCMS users can add a new location. Users are required to search the OWCMS system for an employer at the select address before entering a new address for an employer to reduce the occurrence of duplicate entries. To add a new employer in OWCMS, it is required that users contact OWCMS-Help-Desk@ifs.ohio.gov with the employer's Federal Employer Identification Number (FEIN) Business Name, North American Industry Classification System (NAICS) Code and/or NAICS Description, and Employer Type and the employer will be added for the user.

Pursuant to WIOAPL 15-07.2 Source Documentation for Workforce Innovation and Opportunity Act Title I Program Eligibility, employer state and federal tax identification numbers are considered Personally Identifiable Information (PII) and as such, subject to a higher level of security. Guidelines for safeguarding PII are outlined in WIOAPL 15-07.2 and must be followed.

Performance outcomes for Employer Services are measured at the establishment level, so ensuring accurate employer counts is essential for measuring repeat services to the same establishment. For staff that provide services to more than one county, the office selection for proper reporting of Employer Services is critical. The office that the user is logged into in OWCMS will record the entry and the service will appear on that county's performance reporting. Data entry for employer services should be the responsibility of the person/partner who delivers the service.

BIC Cognos reports are available to monitor local area performance.

VIII. Monitoring

At the local level, the local area must conduct oversight of the implementation of the WIOA program to ensure that employers have been provided identified services.

Through the state's monitoring system, program monitors will review the local area's delivery of employer services, including a file review, during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

IX. Technical Assistance

For additional information, contact the Office of Workforce Development at WIOAQNA@JFS.OHIO.GOV .

X. References

2 CFR Part 200

20 CFR 683.270

20 CFR 683.260

20 CFR 678.435

20 CFR 678.440

OAC 5101:9-30-04

ODJFS, WIOAPL 17-01, Mandate Use of OhioMeansJobs.com for Labor Exchange Activities, (September 15, 2017).

ODJFS, WIOAPL No. 17-02, WIOA Adult, Dislocated Worker, and Youth Programs Performance Accountability, (September 21, 2017).

Attachment A: OhioMeansJobs Center Employer Services

Service Category	OWCMS Service Code	Employer Service Definition
Workforce Retention and Expansion Services	1. Employer Development, Planning, and Referral Services	Resources and services to help employers with marketing, consulting, networking, referral, and public relations efforts. This service also includes succession planning, such as executive transition, aging workforce organizational movement, or employer ownership.
	2. Workforce Retention	Analyzing causes and offer suggestions to reduce worker turnover and/or aim at keeping existing employers in the community. This includes activities which focus on employee growth and further performance.
	3. Employer Needs Assessment	Assistance to employers in identifying their business needs.
Workforce Recruitment Assistance	4. Job Order Assistance	Activities provided to help businesses post job openings on OhioMeansJobs.com or through business service assistance available through the OhioMeansJobs center.
	5. Participation in Job Fair	An employer's participation in an event in which employers give information to potential employees hosted by the OhioMeansJobs center.
	6. Participation in Workforce Special Events	An employer's participation in other workforce events, outside a job or career fair, which is hosted by the OhioMeansJobs center.
	7. Outreach Activities and Assistance	Provision of promotional activities generated on behalf of the employer to help recruit candidates for open positions and hiring events utilizing social media, media promotion, and electronic websites. This service includes workforce acquisition, which is the seeking of specific worker types and/or attracting new workers.
	8. Veteran Employer Contact	Information gathering activities pertaining to identifying employers seeking to hire veterans.
	9. Screening Assistance for Employers	Assistance to employers in processing employment applications for hiring needs (collect, review, and submit to employer). Proctoring pre-employment applicant assessments for groups or individuals as part of the screening assistance for employers. The process of searching and/or accessing, screening, and referring a job seeker's resume to an employer seeking talent. Communication with the employer to determine if an individual has been hired.

Service Category	OWCMS Service Code	Employer Service Definition
Workforce Incentives	10. Workforce Incentives	Provision of information regarding: <ul style="list-style-type: none"> • Incentives available to employers (e.g., WOTC, SYP, Minority, Veterans, other) • Various types of incentives, such as export/import programs, green programs (reuse, recycling, and green efforts), tax abatements, operating capital incentives, technology incentives, etc.
Trainings (Referrals to, and coordination with, other programs that fund such services.)	11. On-the-Job Training	Recruitment of employers who wish to participate in a training conducted by the employer who receives that is provided to a paid participant while engaged in productive work in a job.
	12. Customized Training	Training that is designed to meet the specific requirements of an employer or group of employers; is conducted with the commitment by the employer to employ an individual upon successful completion of the training; and for which the employer pays a portion of the cost of the training.
	13. Incumbent Worker Training	Seeking training to develop and enhance incumbent worker skills.
	14. Skills Enhancement	Training that assists employees learn specific knowledge or skills to improve performance in their current roles.
Work Experiences (Referrals to, and coordination with, other programs that fund such services.)	15. Internships	Seeking interns or internship information
	16. Apprenticeships/Youth Apprenticeship	Referral and information (via apprentice.ohio.gov) regarding programs that teach high-level skills by providing individuals structured on-the-job training and related technical instruction.
	17. Job Shadowing	Short-term unpaid activities which introduces a participant to the workplace and provides exposure to occupational areas of interest to increase career awareness.
	18. Transitional Jobs	A subsidized work experience that are time-limited and designed to assist individuals to establish a work history, demonstrate success in the workplace, and develop skills that lead to entry into and retention in unsubsidized employment.
	19. Work Experience	A planned, structured learning experience that takes place in a workplace for a limited time.

Service Category	OWCMS Service Code	Employer Service Definition
	20. Workplace/Industry Tours	Visiting an employer's facility, as part of a career awareness activity for students and/or job seekers.
	21. Mentoring	Matching a participant with an employer or employee of a company to build a working relationship with the participant and to develop necessary skills.
Labor Market Information	22. Provision of Labor Market Information	<p>The provision of labor market information, including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Affirmative Action Statistics • Regional and County Economic Information (employment, census, poverty levels, talent availability) • Economic Trends and Forecasts • Education and Training Outcomes • Job and Industry Growth Patterns • Non-Proprietary Employer Information • Occupational Descriptions • Population and Demographic Information • Skill Standards • Wage Levels for Various Occupations
Provision of Rapid Response Activities	23. Access to Services to Avoid Layoff	Strategies (e.g., SharedWork Ohio) that prevents and/or minimizes unemployment for employees of companies that have either announced layoffs, or are struggling and at risk of downsizing. This service also includes services provided to local businesses aimed at keeping the existing business in the community.
	24. Mass Layoff and Plant Closure Assistance	Activities provided in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible.
	25. WARN (Worker Adjustment Retraining Notification) Assistance	Activities provided to at-risk employers outlining the requirements of advanced notification of plant closings and mass layoffs.

<p>Employment Laws and Regulations</p>	<p>26. Employment Laws and Regulations</p>	<p>This service does not involve the provision of legal advice or legal counsel but does include the following:</p> <ul style="list-style-type: none"> • Assistance to employers to provide information and assist with UI laws and regulations • Activities provided to employers providing guidance on federal, state, and local employment laws and practices, including OSHA and EPA issues • Employee handbook needs, drug-free workplace assistance, healthcare information, etc. • Provision of translation services
<p>Other Employer Services</p>	<p>27. Ex-Offender Bonding Information and Assistance</p>	<p>Information provided to employers regarding employment of ex-offenders.</p>
	<p>28. Development of Career Pathways and Industry Sector Partnerships</p>	<p>Provision of information on the development of career pathways for a particular employer, group of employers, or an industry sector.</p>
	<p>29. Received OhioMeansJobs center orientation</p>	<p>An activity provided to introduce employers to the OhioMeansJobs center and the partners and services available to businesses through the center.</p>
	<p>30. Website Demonstration</p>	<p>Activities that provide guidance on how to navigate and use OhioMeansJobs.com.</p>