

**OhioMeansJobs - Lorain County  
Workforce Area 4  
Serving Applicants with a Close Relationship to the Workforce Innovation &  
Opportunity Act (WIOA) Program**

**Approved by WIB - August 20, 2010  
Amended by WDB – August 31, 2017  
Amended by WDB – May 25, 2023**

**Background:**

The WIOA program, while not an entitlement, should be accessible to any individual who is eligible and suitable for services available in the local area, subject to local workforce development board (WDB) policies and procedures. However, when applicants have a close relationship to the WIOA staff, management, and other specific stakeholders of the workforce development system, attention must be given to ensure access to program services is not based upon this relationship or political influence. It is possible that even without an intention to misuse WIOA funds, the decision to enroll an individual in the program could be perceived as improper and cause potential non-compliance with state and/or federal law.

All subrecipients of WIOA funds agree, through rule 5101:9-31-01 of the Administrative Code (entitled, "General requirements for use and expenditures of WIOA funds for local areas'), that they will comply with the standards of conduct for maintaining the integrity of the program and avoid any conflict of interest in its administration including, but not limited to, 29 U.S.C. 2832 (g), chapter 6301 of the Revised Code, and Ohio ethics law.

Local elected officials, WDBs, designated fiscal agents, and administrative entities must help meet the objectives of the WIOA through effective policies, procedures, and safeguards that ensure the integrity of these public funds. Safeguards must be in place throughout the State that ensure all individuals served in the program are not only eligible and suitable, but also served in a manner that is free from the perception of any impropriety or conflict of interest.

**Summary:**

When applicants have a close relationship to WIOA staff, management, and other specific stakeholders of the workforce development system, attention must be given to ensure access to program services is not based upon this relationship or political influence. Although this determination may be simple if the applicant is a close family member or friend, it may be more difficult if the applicant has a close relationship with WIOA staff, management, and other stakeholders.

There is no bright-line test for the determination of such a relationship. WIOA staff, management, and other workforce development systems are advised to avoid the appearance of impropriety by abstaining from directly assisting and/or influencing the application process of friends, close family members, former and/or present colleagues, and persons with whom they have an ongoing social or business relationship.

An "arms-length determination" of eligibility must be conducted by a staff member that has no

relationship with the individual. Likewise, decisions relating to approving training, supportive services, job referrals, or other service needs must be made by the WDB director or an authorized designee with no such relationship to the applicant. Stakeholders identified in this issuance shall not use their position to influence a decision to enroll an individual in the WIOA program.

**Policy Statement:**

No staff shall directly serve, determine eligible, or assess a member of his or her family or an individual with whom a close relationship (personal or business) exists. Likewise, stakeholders as defined by this policy shall not use their position to influence a decision to enroll an individual into a WIOA program. Family member refers to a close, immediate, or other family member as defined in the definition section of the policy. A close relationship refers to a personal or business relationship as defined in the definition section of the policy.

Applicants must disclose at the time of application for WIOA services any known family or close relationship to any stakeholder or staff as defined in this policy. An applicant must identify the relationship and list the name of the individual on the registration form. Once it is documented, a staff member that has NO relationship to the individual will be assigned to conduct an arms-length determination of eligibility and assessment. Likewise, decisions related to approving training, supportive services, or other service needs must be made by an authorized manager with NO such relationship to the applicant.

When an applicant has disclosed a relationship, the staff member reviewing the application must notify either the Adult and/or Youth Program Manager, so a review can be made to determine if there is in fact a potential for a conflict based upon the individual(s) identified by the applicant. If a decision is made that there is a potential conflict, the manager(s) will make sure to assign the individual to a staff person that is NOT related to determine eligibility, assess and enroll in services. If the applicant identifies a close relationship with either of the managers performing the review, the Lorain County Workforce Development Director must be notified so they can assign the participant to further avoid any conflict. In the event, the identified relationship exists with the Lorain County Workforce Development Director, the Chair of the Workforce Development Board will be notified, and they will be required to approve any activity requiring approval of funding.

All staff and stakeholders have a responsibility to notify the WIOA Program Manager and/or the Lorain County Workforce Development Director if they discover that any applicants failed to disclose their close relationships to them and immediately request that they be removed from any process or contact related to their services.

A list of all applicants indicating a close relationship (family, personal, business) will be maintained by the Lorain County Workforce Development Director to be provided to the Ohio Department of Job & Family Services program monitors as required. Individuals who have been identified as having a close relationship will be tracked by the Adult and/or Youth Program Managers at each stage of funding request and reported to the Lorain County Workforce Development Director on an ongoing basis. The WDB reserves the right to question and/or inspect any application and/or case files to insure propriety.

Real or perceived violations of this policy shall result in referral, including but not limited to the Ohio Ethics Commission or prosecuting authority for investigation.

WIOA Area #4 will provide training on the local WDB approved policy to all staff directly involved with assessment and determining eligibility of participants.

**Definitions:**

Bright-line test: an objective rule that resolves a legal issue in a straightforward, predictable manner.

Close relationship: the applicant's prior and/or present social interactions and/or business dealings with stakeholders of the workforce development system gives a reasonable observer cause to believe that the applicant's access to WIOA program services would be based upon this relationship, as opposed to demonstrated need.

Close family member: parents, step parents, spouse, domestic partner, children, step-children, foster children, siblings, grandchildren, grandparents, and any immediate relatives by blood or marriage (i.e., in-laws, cousins, nieces, nephews, aunts, and uncles).

Stakeholders: individuals not related but have direct or indirect management or responsibility for managing the WIOA workforce system (including WIOA executive staff, supervisors, local elected officials, contractors (e.g., adult, dislocated worker, or youth program vendors), WDB and subcommittee members, WIOA employees, and OhioMeansJobs center partner staff).

I, \_\_\_\_\_, have read and understand the WIOA Area #4 policy on Serving Applicants with a Close Relationship to the Workforce Innovation & Opportunity Act and will follow the policy without exception.

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Printed Name: \_\_\_\_\_