

TO BE RESCINDED

5101:2-49-12 Failure or refusal to accept employability services or employment placement.

- (A) "Failure of a client in mandatory status to participate in an ORR-funded ESL or job-training program" is defined as attendance falling below seventy per cent of classes for two consecutive months without written medical documentation of illness.
- (B) "Refusal to participate in employability services" is defined as any one of the following:
- (1) Refusal or failure to register with the provider of employability services.
 - (2) Refusal or failure to apply for employment based on a referral from the provider.
 - (3) Failure to respond to the provider in person or in writing after three consecutive written contacts from the provider.
 - (4) Failure to cooperate in meeting the requirements of rule 5101:2-49-11 of the Administrative Code.
- (C) "Refusal to accept employment" means a refusal to accept an offer of employment without good cause as defined in rule 5101:2-49-16 of the Administrative Code.
- (D) When, without good cause as defined in rule 5101:2-49-16 of the Administrative Code, a recipient of RRP-FA who is not exempt under rule 5101:1-15-13 of the Administrative Code, has failed or refused to meet the requirements of rule 5101:2-49-11 of the Administrative Code, the provider of employability services shall initiate a conciliation period in order to resolve any disputes affecting the client's participation in employability services. The conciliation effort shall begin as soon as possible, but no later than ten days following the date of failure or refusal to participate, and may continue for a period not to exceed thirty days. The CDHS, its provider, or the recipient may terminate this process when any of the parties believe that the dispute cannot be resolved by conciliation. Issues pertaining to the conciliation process must be reflected in the case record.
- (E) When the conciliation period is terminated, the provider must send a memorandum to the CDHS documenting the nature of the failure or refusal to accept employability services or employment. If the issue is a refusal to accept employment, the memorandum shall contain case-identifying information, cite the source of the employment referral, the employer, the date of refusal and the reason, if any, put

forward by the client for refusing the offer.

- (F) In addition to contracted providers of employability services, the CDHS shall accept memoranda citing failure or refusal to accept employment services or employment from the Ohio bureau of employment services, and the resettlement agency responsible for the refugee's initial resettlement in the United States.
- (G) Reports of failure or refusal to accept employability services or employment placement received by the CDHS are to be directed to the refugee case manager. After making a duplicate for the service record, the case manager will attach an ODHS 7349 and forward the memorandum to the appropriate income maintenance unit for the issuance of prior notice of adverse action.

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CERTIFIED ELECTRONICALLY

Certification

06/20/2005

Date

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