

## Appendix 107

### Applicant File Review Process Guidance

#### Purpose

To provide additional information and guidance on the center file review process outlined in PRH Chapter 1, Section 1.4.

#### Background

Congressional and administrative mandates require Job Corps to enroll and serve applicants who meet the admissions requirements imposed by Congress (as interpreted by USDOL in the Job Corps regulations), regardless of a particular applicant's disabilities, and to provide reasonable accommodations for applicants and students with disabilities. This guidance will assist the center's applicant file review team in understanding

- The team's roles and responsibilities in the applicant file review process;
- The components of the applicant file review process; and
- The documentation requirements associated with the applicant file review process.

#### Policy

Centers can only recommend denial of enrollment because of direct threat, new information demonstrating that the applicant does not meet one of the Essential Admission Requirements (EAR), or if the center cannot meet the health-care needs of the applicant. All files that are recommended for denial by the center must be forwarded to the Regional Office for final disposition. Centers must follow the appropriate regional procedure for preparing and submitting files recommended for denial. Center responsibilities in the applicant file review process are described in detail in PRH Chapter 1, Section 1.4.

#### Standard Operating Procedure (SOP)

Each center is required to have a written procedure describing the center's process for reviewing applicant files. This policy should describe in detail how an applicant file is processed from the time it arrives on center until the applicant is accepted into the program and assigned a start date, or recommended for denial and a final disposition made by the Regional Office.

All center policies must address the following requirements:

- Location where files are sent and logged in upon arrival to the center;
- Responsibilities and roles of applicant file review team members;
- Time frame the center establishes to complete the file review process;
- Method of tracking the movement of the file;

- All files must be forwarded to the Health and Wellness Manager (HWM) for a direct threat and health-care needs review; and
- Storage and maintenance of the applicant file information (see PRH Appendix 607).

See the “Process” section of this appendix for detailed information on the requirements listed above.

### **Timelines for Review**

The applicant file review process must be completed within 30 days of the receipt of the file on center. Taking excessive amounts of time to review a file for a person with a disability may be construed as discriminatory when compared to the amount of time it takes to review a file of an individual without a disability.

### **Storage and Transmission of Disability Information**

When filing, storing, and transmitting Individualized Education Programs (IEP), Section 504 plans, IEP/special education diplomas, similar documents, or any documents indicating that a particular applicant has such documents, strictly comply with the following legal requirements related to medical and disability-related information, as explained in PRH Appendix 607.

- Place these records in separate "health records file" that, until they are sent to the center, are kept and stored separately from all other information about the applicant.
  - Carefully limit access to these documents. For example, keep hard copies of the documents in locked files; ensure that electronic copies of the documents are password-protected. Be vigilant about who is permitted to know the password, or to have access to the key or combination that opens the lock. PRH Appendix 607 explains what categories of persons are legally authorized to have access to the documents.
- Transmit hard copies of the documents in sealed envelopes in accordance with PRH Appendix 607. Make the best effort to ensure that the copies are delivered only to persons who are authorized to have access to those specific types of documents.

### **Disability Determination for Age and Income**

In general, Admissions Counselors (AC) may not ask whether an applicant is an individual with a disability or about the nature and severity of a disability prior to conditional enrollment in Job Corps. (An applicant is conditionally enrolled in Job Corps when additional documentation or information is needed to confirm that the applicant meets all the admissions requirements.) At two points in the process of determining eligibility, however, ACs may invite an applicant to disclose whether he or she has a disability:

1. If the applicant is, or will be, over 24 years old on the date of enrollment, the maximum age limit may be waived if he or she is a person with a disability.
2. If the applicant would not meet the low-income requirement unless the applicant is considered a “family of one” because of disability.

The AC will not determine whether or not an applicant is a person with a disability. Appropriate center staff will do this since the AC does not review health and medical information. The AC will gather the documentation and place it in a sealed envelope with the applicant file that is then forwarded to the center for review.

- The center reviews the documentation of disability. If the documentation supports that the applicant is a person with a disability, the file review process continues.
- If the center determines that the applicant is not a person with a disability, then the center packages up the file and a summary of its findings, and submits to the Regional Office for review. The Regional Office makes one of two determinations:
  - The Regional Office concurs that the documentation and/or supporting information submitted by the center does not support that the applicant is a person with a disability, and then the applicant will be notified that she or he is not eligible for the program.
  - If the Regional Office does not concur with the center's findings, the center will be directed to resume the applicant file review process.

### **Application Outcomes**

Once application has been made to the Job Corps program, it must result in one of the final dispositions listed below:

- Enrollment;
- Applicant withdrawal; or
- Recommendation for denial - A center file review team may determine that the Job Corps program is not suitable for an applicant if:
  - She or he poses a direct threat to self or others;
  - The center cannot meet basic health care needs; or
  - The file review team receives new information that indicates that the applicant may no longer be eligible.

### **Withdrawals of Application**

#### **Processing a withdrawal – applicant request**

Document the applicant's request for withdrawal of his or her application and return the file to Outreach and Admissions if a recommendation of enrollment or denial has not yet been made.

#### **Processing a withdrawal – center is unable to reach applicant**

The routing of the applicant's file is dependent upon what part of the process the application is in when the staff is unable to reach the applicant.

- If the center has requested additional documentation about an applicant and it does not receive that information, the center must make a decision on the information that is available to it.
- If the center is unable to reach the applicant to conduct clinically related interviews, then the center would document the attempts to contact and the file would be returned to Outreach and Admissions.
- If the application has entered the regional review process, then the region will process the withdrawal, administratively or follow-up (whichever it chooses).
- If a file has been returned to a center for completion of the file review process, then it must be returned to the Regional Office, regardless of inability to contact the applicant.

The center must document its good faith effort in making these contacts, via letters, phone, via AC, etc. The applicant should be afforded a reasonable amount of time to respond to such requests.

### **Direct Threat**

Job Corps requires that applicants not have conditions, disabilities, or behaviors that pose a direct threat to the health or safety of themselves, other students, or staff; and behaviors that cannot be eliminated by reasonable accommodations or modifications. In the case of an applicant, a direct threat assessment typically will occur:

- After the applicant has received conditional assignment to a Job Corps center and has completed the 6-53 Health Questionnaire; and
- If an initial review of the specific information that has been received about that applicant (including the 6-53, the medically related information that has been collected by the AC, and the results of the background check) indicates that he/she may have a medical condition or disability that poses a significant risk of substantial harm to the health or safety of the individual or others.

If the specific information in the folder appears to meet the standards described above, the HWM will forward the applicant's information to the appropriately qualified licensed health provider employed by the center for a detailed direct threat assessment.

### **Reasonable Accommodation in the Direct Threat Process**

If the applicant's condition rises to the level of disability, then the center needs to engage the applicant in the interactive reasonable accommodation process (see PRH Appendix 605). The applicant must be a participant in this discussion. The goal is to determine whether or not reasonable accommodation will sufficiently reduce or eliminate the barriers to enrollment.

The centers are encouraged to collaborate with the AC in situations where center staff is having difficulty contacting the applicant

The Form for Individualized Assessment of Direct Threat found in PRH Appendix 609 must be used to complete the direct threat assessment. PRH Appendix 609 also contains detailed information and guidance for conducting a direct-threat assessment.

### **Health-Care Needs**

If the center staff believes that the health-care needs of an applicant is beyond what the Job Corps health and wellness program can provide as defined as basic health care in PRH Exhibit 6-4, then it would complete the Form for Individualized Health-Care Needs Assessment in PRH Appendix 610. A component of the process will be to determine whether or not reasonable accommodation would sufficiently reduce or eliminate the barriers to providing the necessary health-care needs. If so, the center would enroll the applicant. If not, the center will forward the Form for Individualized Health-Care Needs Assessment in PRH Appendix 610 and any supporting documentation along with the applicant file to the Regional Office as a recommendation of denial.

### **Reasonable Accommodation in the Health-Care Needs assessment process**

If the applicant's condition rises to the level of disability and documentation of the disability has been provided, then the center needs to engage the applicant in the interactive reasonable accommodation process (see PRH Appendix 605). The applicant must be a participant in this discussion. The goal is to determine whether or not reasonable accommodation will sufficiently reduce or eliminate the barriers to enrollment.

The assessment form found in PRH Appendix 610 must be used to complete the health care needs assessment. PRH Appendix 610 also contains detailed information and guidance for conducting a health-care needs assessment.

### **New Information**

Neither the center file review team nor its individual members may revisit the determination that an applicant is qualified for admission unless:

- There is new information presented that the AC could not have reasonably known at the time the applicant's qualification for admission was established, and
- This new information indicates that the applicant offered enrollment may not meet one of an EAR.

### **Revisiting Qualification for Admission**

The center will only be able to revisit the relevant EARs if new information is presented that the AC could not have reasonably known at the time that the applicant's qualifications were established.

For example, an applicant may have committed a felony crime after the file was sent to the center and the center learned of this when the applicant told the HWM that he couldn't make a visit to the center on a particular day because he had to be in court. This information prompted the HWM to question the applicant further and he disclosed he was being charged with a felony crime. If the applicant doesn't meet the initial admission criteria for court involvement after the

adjudication of his charges, then the center submits the file to the Regional Office as a recommendation for denial based upon review of new information.

### **Center Applicant File Review Process**

Applicant file review is the process by which the center reviews health, medical and disability-related information, and other information about the applicant that was not reasonably available to the AC, to ensure that the applicant meets the essential admissions requirements under applicable statutes, regulations, Executive Orders, and policies.

File review can be a complex process at times and in those and all situations, it is essential that we use and document an appropriate, uniform process. An effective file review process requires cooperation between ACs, records staff, wellness staff, and possibly other staff.

#### **Step 1**

Applicant file(s) arrive on center.

All applicant files come from Outreach and Admissions, and should be immediately forwarded to the center's Records Department. Upon receipt of the file, the records staff must record the arrival of the record in a tracking log, and maintain the movement of the record until a final disposition of the application has been reached.

The records log should contain:

- The date the file arrived on center;
- To whom each file was sent;
- How long a file has been with a particular department or staff member;
- How long the file has been on center;
- Notes/explanation of any delays in the process; and
- The start date.

For those files sent to the Regional Office for review, the records log should contain:

- The date the file was sent;
- To whom each file was sent; and
- The final disposition of the application.

#### **Step 2**

The Records department forwards the sealed medical, health, or disability-related information unopened to the HWM.

#### **Step 3**

The HWM completes a review of the 6-53.

The information on ETA Form 6-53 and the medically related documentation is reviewed to:

- Determine the health care needs of the applicant;
- Determine whether Job Corps can meet the health-care needs of the applicant;
- Determine if the applicant presents a direct threat to self or others; and
- Obtain consent for required routine medical assessments and/or consent to receive basic health-care services. The HWM opens the sealed information and conducts a health-documentation review and initial direct threat review of the applicant's file.

#### **Step 4**

If the center does not have a file review team meet collectively to review applicant files, then the HWM involves other staff based upon their need to know.

The HWM determines who else may need to review the protected information based upon his or her determination of "need to know." This is essentially your File Review Team (FRT).

- Academic manger would review IEPs, 504 plans, educational reports including special-education assessment.
- Center Mental Health Consultant (CMHC) reviews mental-health related information.
- Center physician reviews medical information.
- Center dentist reviews dental information.
- TEAP Specialist reviews substance-related information.

#### **Step 5**

The appropriate members of the file review team determine if a health-care needs or a direct-threat assessment is necessary or if there is a need to revisit the eligibility factors. If there is no health-care needs or direct threat assessment necessary, skip to step 11.

#### **Step 6**

Convene the Reasonable Accommodation Committee (RAC) if completing a direct threat assessment or a health-care needs assessment and the applicant's impairment rises to the level of disability in order to identify accommodations that may reduce the barriers to enrollment to a level that allows for the applicant to be enrolled in the program.

In these scenarios, the RAC would only be comprised of those staff members with a need to know and would likely consist of the center clinician, the Health and Wellness Manager/Disability Coordinator, and must include the applicant. See "Direct Threat and Health-Care Needs" sections of this document. Document the participants in the meeting, list the

accommodations agreed upon, if that is the case, and indicate how the applicant was engaged in the interactive process.

### **Step 7**

The RAC then provides the FRT with its list of accommodation recommendations.

### **Step 8**

Once the accommodations have been identified, the qualified licensed professional who conducted the original assessment must re-review the factors.

- Direct Threat
  - Consider if accommodations and/or modifications would remove the barriers to enrollment by sufficiently reducing the threat to below a level of direct threat or eliminating the direct threat.
- Health Care Needs
  - Consider if accommodations and/or modifications would remove the barriers to enrollment and make condition manageable at Job Corps as defined by basic health services in PRH Exhibit 6-4.

If the RAC (inclusive of the license professional) cannot identify any appropriate accommodations to eliminate or reduce the level of threat, then the RAC must document the process that was taken to identify the accommodations (i.e., called Job Accommodation Network, reviewed individual's previous IEPs, etc.). Every effort should be made to identify appropriate accommodations, however, and RAC's are encouraged to use identified resources (e.g., Job Accommodation Network) to assist them, as appropriate.

### **Step 9**

If the individual is a person with a disability and accommodations or modifications that could either eliminate the risk or reduce it to an acceptable level have been listed by the center's reasonable accommodation team, the Center Director is responsible for making a determination as to whether such accommodations or modifications would be "reasonable." Guidance on how to make this determination is available in the "Evaluating a Request and Denying a Request" sections of PRH Appendix 605.

Unreasonableness may only be due to:

- The accommodation(s) being unduly costly; or
- The accommodation resulting in a fundamental alteration to the program.

If the Center Director does believe that an accommodations or accommodations requested are reasonable, then the "Accommodation Recommendation for Denial and Justification Analysis/Documentation Form" must be completed. The team may assist the Center Director as needed in gathering the necessary data to make this determination.

## **Step 10**

The center FRT must determine its recommendation of the application. The FRT, whether it meets collectively or individually, must make a recommendation as to the disposition of the file (i.e., accept, deny, etc.).

Any applicant file recommended for denial at the center level is packaged up with supporting information and forwarded to the Regional Office for a final disposition. The Center Recommendation of Denial Form should be placed in a separate envelope entitled “Regional Review.” All other documents containing protected information must be placed within the sealed medical and/or disability documentation envelope.

## **Step 11**

If an applicant requests reasonable accommodation or information/documentation in the applicant file indicates accommodation may be necessary, the center must engage the applicant in an interactive process to determine reasonable accommodation needs prior to assigning the applicant a start date.

*A flowchart depicting this process is available at the end of this Appendix. See PRH Appendix 605 for detailed information about reasonable accommodation process requirements.*

## **Reasonable Accommodation Process**

### **When completing the direct-threat or health-care needs assessments**

If the applicant’s condition rises to the level of disability and documentation of the disability has been provided, then the center needs to engage the applicant in the interactive reasonable accommodation process. In other words, the applicant must be a participant in this discussion. The goal is to determine whether or not reasonable accommodation will sufficiently reduce or eliminate the barriers to enrollment.

See PRH Appendix 609 for detailed information on the direct-threat assessment and PRH Appendix 610 for detailed information on health-care needs assessments.

### **When enrolling**

Whenever the center intends to enroll an applicant, he or she must be engaged in an interactive process to determine reasonable accommodation needs prior to assigning the applicant a start date in cases where an applicant requests reasonable accommodation or information/documentation in the applicant file indicates accommodation may be necessary.

See PRH Appendix 605 for detailed information about reasonable accommodation process requirements.

## **Consistency in Documentation**

If a center physician, CMHC, or other health staff disagrees with an opinion provided by an outside clinician or related professional regarding Job Corps’ ability to provide basic health care needs of the applicant, the current condition of the applicant, or the applicant’s ability to manage relatively independently, the center physician and/or the CMHC (as appropriate) should contact

the outside professional to attempt to resolve the difference in opinion as well or be able to sufficiently document the reasons for it.

## **Who Secures Documentation**

### **Outreach and Admissions**

The OA counselor should obtain the needed information if the:

- Applicant has checked an affirmative answer on the 6-53 for some type of medical, mental health or learning impairment;
- Applicant has requested accommodations to participate in the program; or
- Applicant has indicated that he or she may need accommodations to participate in the program.

### **Center**

The center should obtain the needed information if the center staff discover additional medical information that is needed to complete the direct threat or health care needs assessment or to be able to assist the individual on center should he or she be enrolled.

## **Who Pays?**

If a center wants additional tests or evaluations from the applicant and this information is necessary to make an enrollment decision, the center may request the applicant obtain these if they have insurance and/or access to a facility that can provide the testing or evaluations at a rate the applicant can afford. The center will need to work with the applicant and OA counselor to identify specific resources. If applicant cannot afford to obtain additional tests or evaluations, or has not provided the additional health information requested within a reasonable amount of time, the center must make its best recommendation based on the information available.

## **Regional Review**

### **Preparing documentation for regional review**

If an applicant is being recommended for denial of enrollment, the applicant's file and supporting documentation must be packaged up and sent to the Regional Office for review. If the recommendation of denial is due to an assertion of direct threat or that the center cannot meet the health care needs of the applicant, include the following information:

1. Reason for recommendation for denial;
2. Members of file review team by name and title;
3. Members of the RAC by name and title (whenever it applies);
4. Indicate how the applicant participated in this discussion (i.e., by phone, in person, video-conference, etc.);

5. List of accommodations considered and agreed upon;
6. File review team's summary including their consideration of the RAC's recommendations and whether those accommodations sufficiently mitigate or eliminate the barriers to enrollment and any final summarizing statements;
7. If for direct threat, form for direct-threat assessment from PRH Appendix 609; and
8. If for health-care needs, form from PRH Appendix 610.

If the recommendation of denial is due to new information, submit the following documentation along with the applicant file to the Regional Office for review:

1. Statement about what information triggered the re-review (i.e. statement made during health interview, discharge summary, etc.);
2. Identification of the specific EAR from Exhibit 1-1 that is being revisited;
3. The questions from Exhibit 1-1 that were asked and each response to those questions.

Once the file reaches the Regional Office, it will be logged and forwarded for an administrative file review.

### **Administrative File Review**

A regional disability support staff conducts an administrative review of applicant files submitted for the following reasons:

- Center has recommended denial because the applicant is believed to pose a direct threat,
- Center has recommended denial because the health-care needs of the applicant exceed those provided by the Job Corps program; and
- Center has recommended denial because the appropriate center staff did not find the applicant to be a person with a disability (for applicants whose age exceeds those required for Job Corps enrollment and/or the applicant met the income eligibility requirement as a family of one).

The administrative file review of these files is completed to ensure that all required procedures have been completed and all required documentation is included with the request. If the file review process is incomplete or the documentation is insufficient, the file will be returned to the center with instructions as to what part(s) of the process must be completed and/or what documentation is needed. The corrected documentation and file should be returned to the Regional Disability Coordinator within 10 business days of receipt of the file.

The Regional Office will conduct the administrative review of applicant files recommended for denial based on new information.

### **Clinical Review**

Once the administrative review is complete, the Regional Disability Support staff forwards the file to the appropriate regional health specialists for a clinical review. The health specialist documents his or her support or disagreement with the center's recommendation, and the file is submitted to the Regional Director for a final determination.

### **Regional Director Decision**

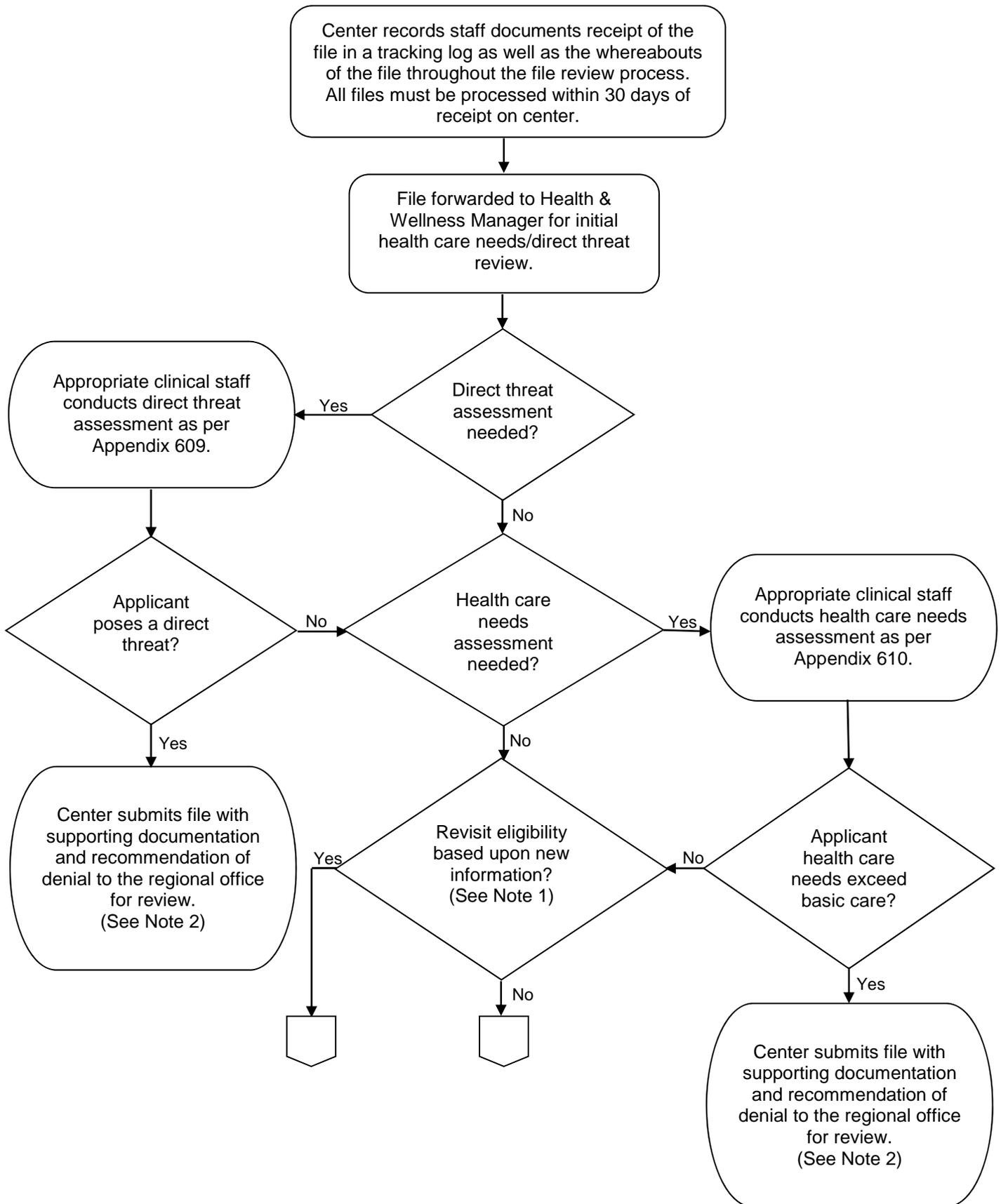
The Regional Director may either uphold the file review team's recommendation of denial, or may overturn it.

If the Regional Office supports the center's recommendation for denial, a clear, documented, written decision regarding the recommendation of denial must be completed and issued by the Regional Office within 60 days of the date on which the file was received.

If a denial recommendation is rejected by the Regional Office and the applicant's file returned to the center for enrollment, that applicant must be scheduled for arrival based on the date on which the application first arrived on center, not the date on which it was returned from the region.

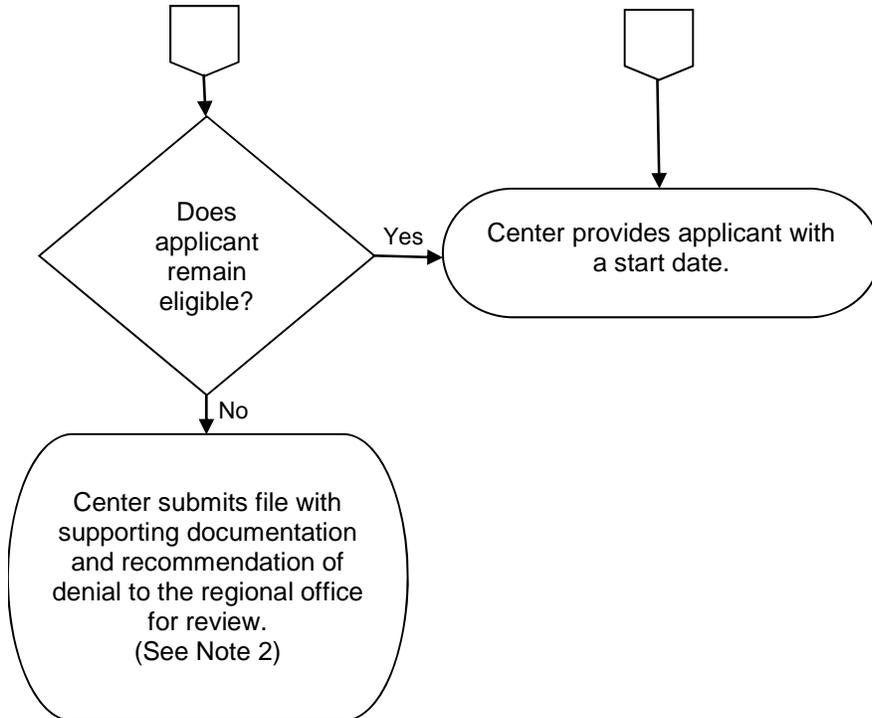
If center staff is unsure about how to support or work with the applicant with a disability whose recommendation for denial was overturned at the Regional Office, then it is encouraged to contact the appropriate regional disability coordinator for assistance.

# CENTER APPLICANT FILE REVIEW PROCESS



## CENTER ROLES IN APPLICATION FILE REVIEW PROCESS

(continued)



### NOTES

1. The center file review team may not revisit the eligibility determination unless there is new information that was presented or available that the AC could not have reasonably known at the time eligibility was established.
2. For files requiring regional review, see flowchart in Appendix 108, Regional File Review Process.