

January 28, 2015

DIRECTIVE:	JOB CORPS PROGRAM INSTRUCTION NOTICE No. 14-24
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TO: ALL JOB CORPS NATIONAL OFFICE STAFF
ALL JOB CORPS REGIONAL OFFICE STAFF
ALL JOB CORPS CENTER DIRECTORS
ALL JOB CORPS CENTER OPERATORS
ALL NATIONAL TRAINING AND SUPPORT CONTRACTORS
ALL OUTREACH, ADMISSIONS, AND CTS CONTRACTORS

FROM: LENITA JACOBS-SIMMONS
National Director
Office of Job Corps

SUBJECT: Unauthorized Collection of Health/Disability or Other Personal Information

1. Purpose. To ensure only authorized forms are used to collect applicant/student health, and/or disability information, and/or other personal information.
2. Background. It is essential that Job Corps has a fair and unbiased admissions process for all applicants, regardless of the applicant's health condition or disability status. Applicant health and/or related disability information is collected during the admissions process after an applicant has met the Essential Admission Requirements (EARs), and has been conditionally enrolled in Job Corps. A center is not permitted to revisit an Admissions Counselor's (AC's) determination that an applicant meets an EAR and is qualified for Job Corps, even if the center disagrees with the AC's determination of the applicant's qualification(s) except in the following limited circumstance (Policy and Requirements Handbook [PRH] Section 1.4, R1). The center receives **new information** that:
 - a. Could not have been reasonably known at the time the applicant's qualification for admission;
 - b. Indicates the applicant offered enrollment may no longer meet an EAR.

Apart from the circumstance described above, the center may review the information in the applicant's file, such as on the Job Corps Health Questionnaire (ETA 653), the accompanying documentation that is medically related to the information on the questionnaire, or that the applicant has otherwise voluntarily disclosed, to determine the health needs of the applicant, and/or to determine whether the applicant has a disability, mental health, or medical condition that likely poses a significant risk of substantial harm to the health or safety of the individual or others.

As such, center file review teams may not revisit eligibility or request an applicant disclose additional medical and/or disability-related information that was not already voluntarily disclosed. However, some centers are using their own disability and/or health forms/questionnaires to gather and document additional health/disability information that is not related to previously disclosed health conditions or disability status.

For example, a center may not ask an applicant if he or she has a learning disability when the individual did not check an affirmative response to having a learning disability on the ETA 653, and/or did not provide any supporting documentation that a learning disability exists. The provision of an Individual Education Plan that documents one type of disability classification does not give license to the applicant file review or reasonable accommodation committees to inquire about “possible” additional conditions or classifications.

Additionally, some of these forms/questionnaires inadvertently pose questions that revisit eligibility criteria when there is no allowable justification to do so. The center may not ask questions that are either duplicates of those listed as EAR (PRH Exhibit 1-1), or close variations of those questions that essentially serve to recertify a particular requirement except in the new information circumstance described above.

For example, the center may not ask generally about an applicant’s court history background unless the applicant voluntarily discloses additional new information. The center may inquire if there have been any changes to the applicant’s status since he or she was found eligible, and explain the legal restrictions that might apply to actually obtaining employment in a specific career technical trade. Example: Their inability to be hired as a security guard if the applicant has certain prior convictions on his/her record.

3. Action Required. The use of any means, other than those forms approved by the National Office of Job Corps to collect health/disability and/or other personal information about Job Corps applicants or students is not authorized, and must cease immediately.
4. Expiration Date. Until superseded.
5. Inquiries. Inquiries should be directed to Carol Abnathy at (202) 693-3283, or via e-mail at abnathy.carol@dol.gov; or Johnetta Davis at (202) 693-8010 or via e-mail at davis.johnetta@dol.gov.