

# U.S. Department of Labor

Office of Inspector General—Office of Audit

**REPORT TO THE EMPLOYMENT  
AND TRAINING ADMINISTRATION**



## **JOB CORPS SHOULD IMPROVE ITS PRE-ADMISSION EVALUATION PROCESS**

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## BRIEFLY...

### JOB CORPS SHOULD IMPROVE ITS PRE-ADMISSION EVALUATION PROCESS

March 25, 2021

#### WHY OIG CONDUCTED THE AUDIT

Admitting applicants to the Job Corps program without sufficiently evaluating their ability to fit within the program can result in program disruptions and safety issues. The Job Corps program currently provides academic and career skills training to nearly 30,000 low-income, disadvantaged youth at 121 residential centers nationwide. Previous OIG audits and preliminary audit work on this project have identified issues with Job Corps Center student safety. We conducted the audit because we were concerned an insufficient evaluation to determine the suitability of students could lead to program disruptions and unsafe learning environments.

#### WHAT OIG DID

We conducted a performance audit to answer the following question:

Did Job Corps sufficiently evaluate the suitability of incoming students?

To answer this question, we reviewed Job Corps and center policy and procedures, and interviewed relevant stakeholders. We also observed student intakes, conducted stakeholder surveys, and tested student records.

#### READ THE FULL REPORT

<http://www.oig.dol.gov/public/reports/oa/2021/05-21-001-03-370.pdf>

#### WHAT OIG FOUND

**Job Corps did not sufficiently evaluate the suitability of incoming students.** The Workforce Innovation and Opportunity Act (WIOA) requires Job Corps to assess the suitability, or “fit,” of applicants for the program. However, Job Corps' admissions screening process does not allow Admissions Counselors to sufficiently inquire about an applicant's history to help them determine if applicants are ready for the Job Corps program. A large portion of Center Directors surveyed said they had observed an increase in the number of separations due to mental health and substance abuse issues during their tenure, and two-thirds of Center Directors reported an increase in the number of violent incidents they associated with mental health issues.

Job Corps management has been aware of such issues, but has not taken action in response. For example, in 2015, Job Corps convened a working group to explore the possibility of pre-enrollment drug testing of Job Corps applicants. However, the working group subsequently disbanded without any action taken. Additionally, Job Corps rolled out a system-wide applicant readiness tool in the summer of 2019, but we found that few Admissions Counselors were aware of it.

As a result, applicants who were not properly assessed during the admissions process have caused classroom disruptions and safety issues, as well as strained the resources of unprepared Job Corps Centers.

#### WHAT OIG RECOMMENDED

Given how essential it is to determine whether an applicant is suitable for the program, Job Corps must take action to develop a more robust pre-enrollment suitability assessment apparatus to identify applicants who might impact the safety of Centers and cause program disruptions, and identify strategies for assisting these students with their challenges. We made four recommendations to the Assistant Secretary for Employment and Training Administration (ETA) to address this issue. ETA generally agreed with our recommendations.

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## INSPECTOR GENERAL'S REPORT

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The Job Corps program provides academic training at 121 centers located nationwide and in the Commonwealth of Puerto Rico, and annually enrolls nearly 30,000 low-income, disadvantaged youth, who are defined as receiving public assistance and/or who are living below the poverty line and therefore face barriers to employment. The Department of Labor's (DOL) Office of Inspector General (OIG) conducted an audit of Job Corps' Outreach and Admissions (OA) policies and practices, with a specific focus on Job Corps' current Policy and Requirements Handbook (PRH) requirements to ensure OA providers can properly evaluate the suitability of incoming students.

Previous OIG audits and preliminary work on this audit identified issues with Job Corps Center student safety, in part due to substance abuse issues, as well as with program disruptions due to students with mental health issues. In response to these two issues, we conducted an audit to determine the following:

*Did Job Corps sufficiently evaluate the suitability of incoming students?*

We determined that Job Corps did not sufficiently evaluate the suitability of incoming students. The Workforce Innovation and Opportunity Act (WIOA) requires Job Corps to assess the suitability, or "fit," of applicants for the program. Our initial approach to this audit included all aspects of the Job Corps outreach and admissions processes. However, during our preliminary audit work, we

determined that the areas of greatest concern to Job Corps Center stakeholders were student mental health and substance abuse issues, including identifying and addressing these issues. During both our initial and subsequent audit work, we found Center staff reported a high prevalence of both mental health and substance abuse issues among students. We also found that Center personnel frequently attributed student and staff safety issues and program disruptions to students with substance abuse and/or mental health issues. Moreover, the number of students with substance abuse and/or mental health issues has steadily increased over the past several years. As a result, we narrowed our audit to focus specifically on the admissions screening process, or the suitability assessment that is required by both WIOA and Job Corps policy. We focused our findings in this report largely on information we collected from Job Corps Center stakeholders, who are the individuals dealing most closely with applicants and students.

Although it acknowledged student safety and program disruption concerns, the Employment & Training Administration's (ETA) Office of Job Corps has not provided sufficient guidance and tools to OA providers responsible for assessing the suitability of applicants.

We based our conclusions on audit work we conducted at Job Corps headquarters, interviews we conducted with all six Job Corps regional offices, visits and interviews with key stakeholders<sup>1</sup> at ten Centers, and interviews with stakeholders from seven OA providers. Additionally, we sent surveys to 119 Center Directors,<sup>2</sup> 112 Center Health and Wellness Managers, 82 OA Managers, and 481 Admissions Counselors in order to determine both the prevalence and behaviors of students with mental health and substance abuse issues, and determine if the PRH requirements provided sufficient guidance and tools to assess applicants' readiness for the program.

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<sup>1</sup> Stakeholders refer to employees at Job Corps Centers who are engaged in the day-to-day operations. We focused on those with the best understanding of admissions and student health, such as Center Directors, OA Managers, Admissions Counselors, and Health and Wellness Managers.

<sup>2</sup> We were unable to reach the two remaining Center Directors.

## BACKGROUND

Mental health and substance abuse issues are a growing crisis for young people in this country. For example, in 2018:

- Nearly 1 in 5 people aged 12 or older used an illegal drug in 2018, more than in previous years. This increase was driven primarily by marijuana use.<sup>3</sup>
- Job Corps students used drugs at rates higher than the general population; moreover, the rate of increase in drug use over the last 5 years was greater among Job Corps students than the general population (see Exhibit 2).
- From 2005 to 2017, symptoms of major depression increased by 52 percent among teens and 63 percent among young adults.<sup>4</sup>

The Journal of Abnormal Psychology reported that “[m]ore US adolescents and young adults in the late 2010s, versus the mid-2000s, experienced serious psychological distress, major depression, or suicidal thoughts, and more attempted suicide.”<sup>5</sup> Additionally, the American Medical Association reported in 2019 that about half the youths aged 6 to 17 did not receive treatment for their mental health conditions.<sup>6</sup>

Moreover, mental health and substance abuse issues frequently occur together. Substance abuse was more common among adolescents who had a mental health issue than among those who did not have a mental health issue.<sup>7</sup> Over

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<sup>3</sup> “Key Substance Use and Mental Health Indicators in the United States, Results from the 2018 National Survey on Drug Use and Health,” SAMHSA (Substance Abuse and Mental Health Services Administration), page 1 of 82, August, 2019,

<https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHNationalFindingsReport2018/NSDUHNationalFindingsReport2018.pdf>

<sup>4</sup> “Age, Period, and Cohort Trends in Mood Disorder and Suicide-Related Outcomes in a Nationally Representative Dataset, 2005-2017.” <https://www.apa.org/pubs/journals/releases/abn-abn0000410.pdf> AND <https://www.nimh.nih.gov/health/statistics/major-depression.shtml>

<sup>5</sup> The Journal of Abnormal Psychology, “More US adolescents and young adults in the late 2010s, versus the mid-2000s, experienced serious psychological distress, major depression, or suicidal thoughts, and more attempted suicide.” (<https://www.psychcongress.com/article/mental-health-issues-increasing-among-young-americans>)

<sup>6</sup> US National and State-Level Prevalence of Mental Health Disorders and Disparities of Mental Health Care Use in Children, Whitney & Peterson, Journal of the American Medical Association, February 2019. <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2724377?questAccessKey=f689aa19-31f1-481d-878a-6bf83844536a>

<sup>7</sup> Ibid, page 7 of 82

60 percent of adolescents in community-based substance abuse disorder treatment programs also meet diagnostic criteria for another mental illness.<sup>8</sup>

The nationwide increase in mental health and substance abuse issues is reflected in Job Corps' population. Seventy-one percent of Center Directors we surveyed stated that the number of students with substance abuse issues had been increasing. According to Job Corps data, this increase is also reflected in the percentage of student medical separations due to mental health issues, which have increased from 36 percent in Program Year (PY) 2014 to 53 percent in PY 2018. In this report, we focus on behavioral issues Center personnel reported to us as potentially connected to insufficient evaluations of applicants' mental health and substance abuse issues.

### **Use of Surveys to Gather Information**

Because ETA did not collect sufficient data relevant to the issues we reviewed, our audit work was based largely on surveys of Job Corps Center personnel. Our survey questions focused on the issues Center stakeholders communicated to us during our audit and were intended to further explore these areas of concern. Stakeholders made it clear to us that “fit” issues were causing serious safety and programmatic issues within their Centers that needed to be addressed. We worded our survey questions in an attempt to capture and quantify these concerns.

The OIG recognizes that WIOA and other statutes prohibit discrimination based on disabilities, including mental health conditions. However, WIOA also requires that ETA ensure incoming Job Corps students will not present safety concerns or otherwise materially disrupt the program. Job Corps Center stakeholders identified both safety and disruption issues with incoming students and, in part, associated these issues with inadequate pre-enrollment suitability assessments, as well as inadequate post-enrollment resources to help accommodate students who could benefit from the program with suitable assistance.

According to ETA, our survey respondents were “misinformed” as to their anti-discrimination responsibilities under both WIOA and other statutes. We attribute this statement to a lack of communication between ETA and Center stakeholders on this topic, an issue frequently raised with us by those stakeholders in the context of our audit. We did not report on this communication issue, as it was outside of our scope, but it appears to contribute to some of the issues we observed.

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<sup>8</sup> Common Comorbidities with Substance Use Disorders  
<https://www.drugabuse.gov/publications/research-reports/common-comorbidities-substance-use-disorders/part-1-connection-between-substance-use-disorders-mental-illness>

## RESULTS

Job Corps' OA providers did not sufficiently evaluate the suitability of incoming students with respect to mental health and substance abuse issues, largely because Job Corps did not provide sufficient guidance and tools to Center and OA personnel to help them identify applicants whose behavior might be problematic. Job Corps management has been aware of these issues for more than 5 years, but has not taken sufficient action to address the concerns. As a result, applicants who were not suitable for the Job Corps program were causing classroom disruptions and safety issues as well as straining Center resources.

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### **JOB CORPS' ADMISSIONS PROCESS DID NOT SUFFICIENTLY EVALUATE THE SUITABILITY OF INCOMING STUDENTS WITH RESPECT TO MENTAL HEALTH AND SUBSTANCE ABUSE ISSUES**

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Job Corps did not sufficiently evaluate the suitability of applicants with respect to mental health and substance abuse issues. The admissions screening process does not provide Admissions Counselors with a sufficient understanding of applicants' mental health and substance abuse issues. As a result, Job Corps, OA providers, and Center stakeholders all consistently told us that students were admitted with mental health and substance abuse issues and their behavior subsequently created both safety and disruption concerns for Centers. This occurred largely because Job Corps did not provide enough guidance and tools to properly assess the suitability of applicants in these two areas.

While Job Corps cannot legally exclude applicants on the basis of mental health issues, the program can develop mechanisms to help Centers deal with behaviors that may prove disruptive. At issue in this report is how Job Corps identifies and reacts to applicants who may present safety risks and behavioral challenges within the parameters of the law and once admitted to the program.

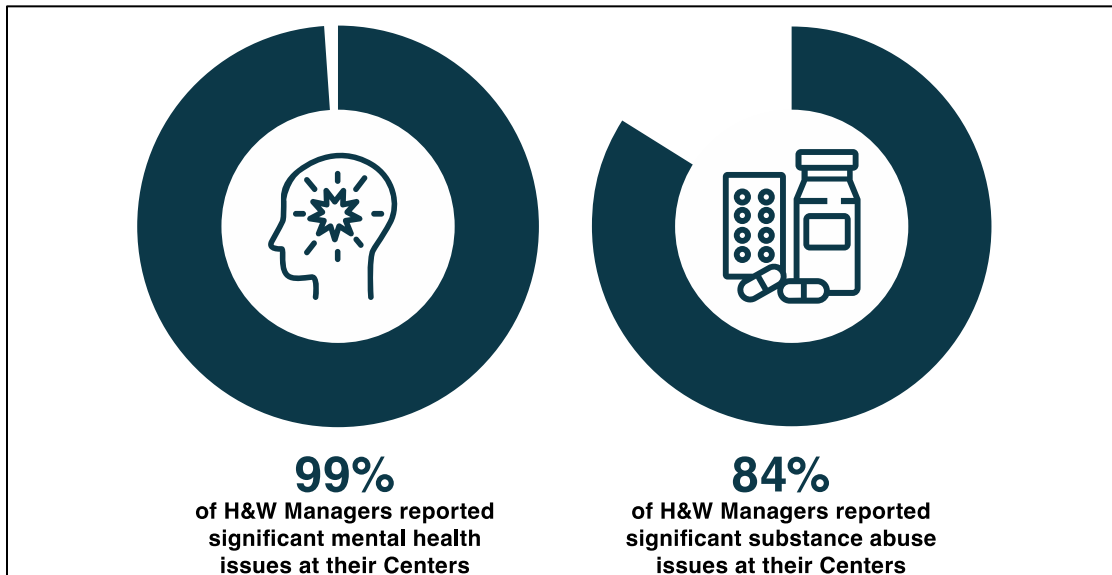
### **JOB CORPS' ADMISSIONS PROCESS DID NOT ENSURE APPLICANTS WERE SUITABLE FOR THE PROGRAM**

Job Corps Center stakeholders told the OIG that the onboarding process was not effective at identifying applicants with substance abuse or mental health issues (see Exhibit 3, Graph A). As a result, unsuitable applicants were admitted to the



program without ensuring Centers had the tools and resources needed to address the needs of these applicants. Seventy-eight percent of Center Directors who responded to our surveys told us that the onboarding process was either “not very effective” or “not effective at all” in identifying applicants with mental health issues. A majority of Center stakeholders told the OIG that they were unaware of applicants’ mental health and substance abuse issues until after they were enrolled.

The prevalence of both mental health and substance abuse issues at Job Corps Centers is both pervasive and increasing: 99 percent of Health and Wellness Managers reported students with “significant” mental health issues at their Centers, while 84 percent reported students with “significant” substance abuse issues. Almost three-quarters of Center Directors reported an increase in the number of students with substance abuse issues, and virtually all reported an increase in the number of students with mental health issues during their tenure (see Exhibit 3, Graphs B & C). Majorities of other Center stakeholders reported increases in both mental health and substance abuse issues.



Two comments from our survey of Center Directors underscore our finding:

“Mental Health issues are on the rise and are truthfully my biggest concern as I try to maintain a safe Center.”

“The amount of applicants who have mental health or substance abuse issues is so great that now it makes them [Center personnel] nervous when they don't see anything in a file on a given student.”

Significantly, a majority of Center Directors responded that they had observed an increase in the number of separations due to mental health and substance abuse issues during their tenure. Finally, two-thirds of Center Directors reported an increase in the number of violent incidents they associated with mental health issues.

The pervasiveness and continuing increase in mental health and substance abuse issues occurred because Job Corps has not provided sufficient guidance and tools to its OA providers and Centers to allow them to make adequate pre-enrollment assessments of applicants to identify behavioral issues and determine suitability. Moreover, our surveys and interviews of Center stakeholders associated these increases with increased behavioral issues on Center. A more comprehensive assessment process would better prepare Center personnel to accommodate the needs of incoming applicants who may face mental health or substance abuse issues.

### **Insufficient Control Structure to Mitigate Risk**

The Government Accountability Office's *Standards for Internal Control in the Federal Government* require management to design control activities to achieve objectives and respond to risks (i.e., develop policies which appropriately determine suitability of applicants). Furthermore, management is required to establish and operate activities to monitor the internal control system and evaluate the results.

WIOA and related regulations<sup>9</sup> require Job Corps to establish procedures to ensure applicants are suitable for the program, that they can participate successfully in group situations and activities, and are not likely to engage in behavior that would prevent other enrollees from receiving program benefits.

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<sup>9</sup> 20 CFR 686.400 and 686.410

Pursuant to the mandate in WIOA, Job Corps established 13 eligibility requirements in its PRH to ensure that applicants met the admission requirements detailed in WIOA. These include 11 objective criteria, such as educational and criminal background checks. We found that, in general, Job Corps properly evaluated applicants with respect to the 11 objective requirements by, for example, checking applicants' educational backgrounds and performing background checks on all applicants.

In addition to the objective requirements, the admissions process, as detailed in WIOA, requires an assessment based on two subjective criteria, such as an applicant's ability to follow rules and get along with others in a group setting. Job Corps' guidance for assessing these requirements is contained in PRH eligibility requirements 7 and 8, which instruct Admissions Counselors to assess whether an applicant will pose safety concerns or be disruptive to the program. These two requirements, although technically captioned "eligibility" requirements, are effectively suitability assessments. Both require the Admissions Counselor to determine if the applicant is a good "fit," i.e., to evaluate whether or not an applicant will be able to behave in a manner that will not disrupt program operations once admitted. In other words, this evaluation must determine whether applicants are suitable for the Job Corps program. WIOA also prohibits discrimination against applicants with disabilities, including those with mental health conditions. Job Corps, therefore, must evaluate applicants to determine whether they will pose a safety or disruption risk while protecting the rights of applicants with disabilities.

Requirement 7, "Group Participation," instructs Admissions Counselors to determine if applicants are likely to participate successfully in a group setting and live in a multicultural environment or are likely to display disruptive and/or threatening behavior. For example, to determine if an applicant is able to participate in group situations and activities, PRH 7 instructs Admissions Counselors to ask the following question:

Do you understand that in order to succeed in Job Corps, you will need to function as part of a group? For example, you will share a dormitory room, you will be responsible for cleaning your living area, and you will need to rely on staff and other students to complete tasks and assignments.

Requirement 8 asks Admissions Counselors to assess whether applicants demonstrate a basic understanding of program rules and the consequences of failing to follow these rules. Job Corps instructs Admissions Counselors to ask applicants a series of questions and make a determination based on the applicants' answers.

Interviews are the primary tool used by Admissions Counselors to evaluate applicants for PRH 7 & 8. Admissions Counselors typically have only two interactions with applicants: a phone interview and a 30-60 minute in-person interview. The series of questions suggested in PRH 7 and 8 combined with the phone call, in-person interview, and results of educational and background checks, form the basis of an Admissions Counselor’s assessment of an applicant. Although WIOA requires that DOL “take measures to improve the professional capability of the individuals conducting screening of the applicants,”<sup>10</sup> Admissions Counselors are not required to be trained as behavioral experts able to assess applicants’ propensity for violence or inappropriate behavior. Underscoring this, Center and Contractor stakeholders told us that it is difficult for Admissions Counselors to make an adequate determination using only these two interactions.

In addition, only about half of OA Managers and Admissions Counselors rated the guidance on PRH 7 & 8 they received from Job Corps as good, and only about half of OA managers believed Job Corps provided Admissions Counselors the tools they needed to help them assess applicants with respect to mental health and substance abuse (see Exhibit 3, Graph D). Some comments from Center stakeholders focused on this issue:

“ There is no screening process to determine the level of a student’s mental health issues. The student self-certifies ..., therefore, we do not find out about the depth of the ... mental health problems until after they are already on-boarded ... There are not enough hours for the mental health contractor, this should be a full time 40 hours a week position for our Center.”

“ ...the AC is not qualified/ trained to observe and interview to uncover [medical/learning disability issues], most often the depth of services a student needs is not uncovered until after enrollment, which put the Center at a disadvantage for being prepared to meet the student’s needs.”

Significantly, the PRH requires Centers to focus on the early identification and diagnosis of mental health issues, as well as to assess whether students pose a safety risk to themselves or others via a “Direct Threat Assessment.”<sup>11</sup> Despite this requirement, Direct Threat Assessments can only occur when applicants voluntarily disclose mental health issues. Center personnel we interviewed told us that applicants do not always disclose mental health issues for fear of a delayed or denied acceptance into the program. The DOL has interpreted various

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<sup>10</sup> WIOA Section 145(a)(2)(D)

<sup>11</sup> PRH Chapter 6.10.R3.b.3

disability protection and civil rights statutes to prohibit ETA from requiring applicants to disclose mental health conditions. As a result, only applicants who have disclosed mental health issues are subject to the Direct Threat Assessment.

The fact that mental health and substance abuse issues are often discovered after enrollment, coupled with the high prevalence of these issues in the Job Corps student population, indicates that the suitability assessment process needs improvement. Such an assessment process would better prepare Centers to identify and accommodate the needs of applicants with mental health or substance abuse issues.

### **JOB CORPS HAS BEEN AWARE OF SUITABILITY ISSUES**

Job Corps has long been aware of some Job Corps students' suitability issues. While it has instituted a disciplinary system to address behavioral issues, Job Corps has not taken sufficient action to better identify these behavioral issues during the application process.

In 2014, DOL commissioned a study to identify Center practices associated with performance outcomes.<sup>12</sup> The study concluded in part that higher-performing Centers had a more proactive approach to student disciplinary issues and better outreach practices, including, for example, inviting applicants to tour centers before enrollment.

In 2015, Job Corps convened, and subsequently disbanded, a working group exploring the possibility of pre-enrollment drug testing of Job Corps applicants. We were unable to gather any significant details about the deliberations of the working group.

In 2019, Job Corps published a Health and Wellness Report, which detailed the growing number of students with mental health and substance abuse issues. In addition to a number of findings regarding the increasing prevalence of these issues, the Report also reported the following facts:

- Most clinical interviews of applicants with mental health disorders occur over the telephone, which does not allow for a thorough mental status exam and evaluation.
- The average age (16 to 24 years old) of onset for many mental health conditions overlaps with the age range for students within the program.

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<sup>12</sup> U.S. DOL Job Corps Process Study Final Report, IMPAQ International, LLC., June, 2014, [http://www.impaqint.com/sites/default/files/files/jobcorps\\_process\\_study.pdf](http://www.impaqint.com/sites/default/files/files/jobcorps_process_study.pdf)

These conditions can be severe and require care that is beyond the scope of care offered at Job Corps, and therefore require separation from the program.

The Report recommended increased Center Mental Health Consultant hours to allow for better identification of students at risk for suicidal behavior or mental health crisis, and that Centers should be strongly encouraged to recommend enrollment denials when appropriate. However, Center stakeholders told us neither of these had occurred.

In its official responses to OIG queries during this audit, Job Corps management acknowledged student mental health and substance abuse were concerns. That being said, the program has the latitude to deny students, albeit not specifically for mental health issues. Center stakeholders, however, told the OIG that Job Corps rarely allows Centers to deny student enrollments. We do note that a denial of admission must comply with applicable disability rights law and requires adequate factual and other information justifying the denial.

Job Corps rolled out a system-wide readiness tool in the summer of 2019. While this tool might be responsive to some of the concerns we raise in this report, we found little evidence that Admissions Counselors were aware of it. Job Corps told the OIG that the new readiness tool incorporated additional questions that Admissions Counselors could ask applicants to support the screening process. We followed up with 16 Admissions Counselors we had previously interviewed to determine if they had received the tool, had been provided any training, or had received any follow-up from Job Corps regarding use of the tool. Of the ten who responded to our query, only half were aware of the existence of this new readiness tool and none indicated that Job Corps had followed up with them.

Finally, Job Corps' 2021 Congressional Budget Justification indicated it planned to "pursue an evaluation of the potential financial and programmatic impact of the increasing number of enrollees with physical, emotional, and mental health issues. Once completed, Job Corps will then develop a plan of action for how it could reasonably ensure that the program meets the skills training, educational, and other needs of this population."

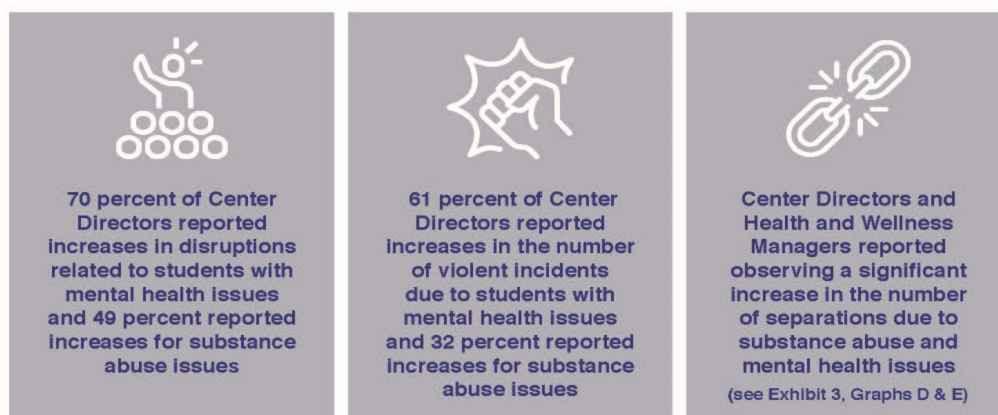
Aside from the actions described above, Job Corps has taken few concrete steps to address the mental health and substance abuse issues within its student population. Despite being aware of several potential solutions to, or at least actions it could take to mitigate, these issues, Job Corps has not taken actions to address them.

For example, Job Corps has not implemented one potential solution, a pre-enrollment drug-testing program for applicants. Job Corps told the OIG that it has “explored whether it is authorized to require applicants be tested for drugs prior to enrollment in the program in order to more quickly identify students that may need additional assistance prior to enrollment.” Further, Job Corps claims it has had informal discussions with the DOL Office of the Solicitor over the past five years about the permissibility of drug testing, but could not provide specific dates of these discussions. Despite these explorations, which have been ongoing since at least 2015, Job Corps has not reached any conclusions regarding the permissibility of pre-enrollment drug testing.

In addition, Job Corps has not implemented any type of academic readiness assessment that would allow it to determine if an applicant was suitable for the program. WIOA does not prohibit such an assessment, which, while not directly addressing mental health or substance abuse issues, would be one more tool in the overall assessment of a student’s readiness for the program. Using an academic readiness assessment would allow Job Corps to evaluate the applicant’s reading and math proficiency levels to determine if the applicant is equipped with the educational skills needed to complete the training program and, if not, refer them to alternative job training and placement resources such as American Job Centers. Although Job Corps has considered such a program, it has not yet decided whether to implement an in-depth diagnostic assessment for each applicant.

### **CENTER STAKEHOLDERS ASSOCIATED BEHAVIORAL ISSUES WITH MENTAL HEALTH AND SUBSTANCE ABUSE ISSUES**

Admitting Job Corps applicants with behavioral issues without appropriate support can lead to classroom disruptions and safety issues. In our surveys, significant majorities of Center Stakeholders connected mental health and substance abuse issues with behaviors causing safety and disruption concerns. Furthermore, in our surveys:



Center Directors reported they had observed increases in the number of disruptions they associated with mental health issues in a number of areas, including group participation, Center discipline, and compliance with rules.

One Center told us that the local fire department, which had been responding to 911 calls for these incidents, stated it could no longer handle the number of calls.

In addition, Center Directors reported disruptions by students with substance abuse issues had increased by almost 50 percent during their tenure. In addition, 48 percent of Center Directors reported separations for violence connected to these issues.

## **MENTAL HEALTH AND SUBSTANCE ABUSE ISSUES TAXED CENTER RESOURCES**

Center stakeholders expressed concerns about their ability to both prepare for and accommodate the number of students with mental health issues. Eighty-nine percent of Center Directors and 65 percent of Health and Wellness Managers stated their Centers did not have adequate resources to address the treatment and therapy needs of students with mental health issues. As one Center Director proposed,

“More training for staff and a full-time mental health expert on Center to help with this training. I would ask all to consider how many years does one have to attend college to become a psychologist, yet they want staff to be successful after watching a one-hour long video. Something is wrong with those priorities.”

These stakeholders also expressed concerns for the number of instances in which students who had “clean files” (did not disclose mental health issues) disclosed mental health issues during their first week on Center. Large majorities



of Center stakeholders emphasized that mental health issues were frequently not discovered until after enrollment.<sup>13</sup> Moreover, these stakeholders also reported that students with undiagnosed mental health issues had commonly never seen a mental health professional. As a Center Director stated:

Without the ability to see a student face-to-face and speak with them directly, it is difficult to assess a student’s appropriateness for the program. As this access has declined, the requirements for students to be ‘job ready’ has increased. This has resulted in both more students entering whom we cannot fully serve and more students getting terminated because our time to work with them is greatly reduced before they are terminated.

Additionally, Center stakeholders told the OIG that the medical file review process for incoming students was difficult to manage due to the large number of students with mental health issues. Five of the seven Centers we visited told us that at least 30 percent of their student population had varying degrees of mental health issues. Four of those Centers put the number of students in their populations with mental health issues at more than 50 percent. Six of the seven Centers we visited stated that it was difficult to accommodate this population with limited Center Mental Health Consultant and Health and Wellness official resources. Five Centers said it was difficult to retain staff for these positions due to the pay not being competitive within the health industry and the overload of work that is present on the Center, which creates long lag times in replacing staff.

Center stakeholders also expressed concerns about their Center’s ability to both prepare for and accommodate the number of students with substance abuse issues. Seventy percent of Center Directors and 48 percent of Health and Wellness Managers stated that their Centers did not have adequate resources to address the treatment and therapy needs of students with substance abuse issues. Students with substance abuse issues required substantial Center resources to address these matters, including intervention services, treatment, counseling, and referrals to off-center resources, among others.

## **CENTER STAKEHOLDERS WANT MORE ASSESSMENT TOOLS**

In our surveys and interviews with Center stakeholders, all stated the admissions process would benefit from more tools to help them determine if applicants are ready for the program.<sup>14</sup> This would assist in determining whether students may become a disruption or safety risk to the program, as well as better prepare

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<sup>13</sup> We note that Job Corps applicants are not required to disclose any mental health issues.

<sup>14</sup> For a comparison of other programs’ tools/requirement, please see Exhibit I.

Centers for, and accommodate students with, mental health or substance abuse issues.

We surveyed other organizations whose structure or mission were similar to Job Corps. We interviewed officials from the U.S. military, community colleges, and the YouthBuild program, among others. From those interviews, we compiled a list of tools and practices these organizations use to help guide their assessments and manage the needs of their populations (see Exhibit 1). From that list, we shared with Job Corps stakeholders pre-enrollment tools and practices that might be applicable to the Job Corps environment, including drug or mental health screenings, on-center trial periods, or informational visits to centers, among others. As a whole, stakeholders favored early interaction and engagement with prospective students for readiness purposes. Center stakeholders specifically favored tools, such as pre-enrollment drug and mental health screenings and trial periods, among others. See Table 1 below.

TABLE 1: PRE-ENROLLMENT TOOLS FAVORED BY STAKEHOLDERS

| Stakeholder      | Drug Screening | Trial Periods | Visits to Centers | Mental Health Screening |
|------------------|----------------|---------------|-------------------|-------------------------|
| OA Managers      | 79%            | 67%           | 64%               | 57%                     |
| ACs              | 54%            | 40%           | 51%               | 50%                     |
| Center Directors | 81%            | 82%           | 61%               | 86%                     |

Source: OIG survey data

Aside from drug screenings, one assessment tool stood out in particular: a pre-enrollment trial period. A clear majority of Center stakeholders supported this tool. One survey respondent said “this would afford the applicant a further chance to determine if the program ‘is a good fit for them,’ and determine what trades they might be interested in. It would allow center staff the opportunity to identify potential mental health issues so they can be better prepared.”

One Center we visited had already implemented a one-week, pre-enrollment trial period called the Career Readiness Program (CRP). The CRP required all applicants to attend a full week of in-classroom sessions for seven hours each day prior to enrollment into the center. CRP sessions were conducted in a classroom setting, similar to normal Job Corps operations, with an established syllabus for each day’s activities, and included group-building exercises, the Test of Adult Basic Education (TABE)<sup>15</sup> preparations, and personal assessment activities (e.g., Emotional Quotient Assessment, personality tests, etc.). The CRP

<sup>15</sup> The TABE is the [Test for Adult Basic Education](#). This is a test used to determine aptitudes and skill levels, as assessment exams in topics such as math, reading, and language.

also afforded applicants the opportunity to observe Center life and trades (e.g., plumbing, nursing, etc.) available for study.

According to Center officials, this approach allowed Center staff, including Trainee Employee Assistance Program Specialists and Mental Health personnel, extended contact with applicants. This interaction promoted both disclosure and discovery of substance abuse and mental health issues those applicants either did not disclose or were unaware of during the normal admissions process. In addition, the CRP enhanced prospects' chances for success. Prior to the CRP, students arrived with little or no information about Center life; the CRP helped their transition to an unfamiliar environment by allowing them to see Center operations first-hand. Center officials believed the CRP ultimately helped improve student retention rates.

The CRP is only one example of a number of tools that could be appropriate for use in the Job Corps environment. Ultimately, choosing the right mix of assessment and support tools should help Job Corps further its mission.

## **CONCLUSION**

Throughout this report, we cite concerns with the Job Corps admissions process, particularly for the critical assessment and screening stages. We formulated this conclusion, in part, from survey work, which provided a comprehensive narrative opinion from Center stakeholders. We noted that many Center stakeholders cited the shortcomings of the existing onboarding process. Stakeholders also cited tools they believe would be helpful in better assessing applicants, including improved pre-enrollment behavioral screening and pre-enrollment written essays to show motivation. These and other tools that might be useful in assessing applicants for suitability were not being utilized to assess applicants. In our view, Job Corps needs to take action to develop a more robust behavioral readiness assessment process to better ensure Center safety and further its training mission.

## **OIG'S RECOMMENDATIONS**

We recommend the Assistant Secretary for Employment and Training:

1. Make a final determination on the legality and permissibility of pre-enrollment behavioral assessment tools, such as drug screenings, trial periods, or personality or aptitude tests that would be appropriate for use within Job Corps.
2. Perform cost/benefit analyses to determine which, if any, of these pre-enrollment behavioral suitability assessment tools would be beneficial to Job Corps.
3. Incorporate the results of recommendations 1 and 2, as appropriate, in revising guidance to improve the assessment process.
4. Evaluate the funding needs of Center Mental Health Consultant and Trainee Employee Assistance Program Specialists Center functions to determine if adjustments are needed to adequately support students with mental health or substance abuse issues.

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## **SUMMARY OF ETA'S RESPONSE**

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ETA generally concurred with our four recommendations and is taking corrective actions in response to the results of this audit.

In response to recommendation 1, ETA noted it will explore permissible pre-enrollment assessment tools to improve the Job Corps admissions process. ETA has made a final legal determination on several of the tools the OIG suggested and will continue to explore the legality and permissibility of others. Where appropriate, ETA will make program and policy changes to implement tools and methods to enhance the assessment process. ETA notes that it has concluded that pre-enrollment drug testing would likely be unconstitutional because the government (Job Corps) would not be able to articulate a specialized need for pre-enrollment drug testing of applicants to the program.

ETA agrees with recommendations 2-4 and will explore the legal permissibility of incorporating these recommendations into their program, as well as the expected costs and benefits of these actions.

Management's full response to our draft report can be found in Appendix B.

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We appreciate the cooperation and courtesies ETA extended us during this audit. OIG personnel who made major contributions to this report are listed in Appendix C.



Carolyn Hantz  
Assistant Inspector General for Audit

**EXHIBIT 1: OTHER PROGRAMS' SUITABILITY ADMISSIONS APPROACHES AND PRACTICES**

*Other Programs' Suitability Admissions Approaches and Practices*

To help guide us on what a suitability evaluation could look like, we researched and interviewed officials from several programs that shared at least some characteristics with the Job Corps program, such as providing job training for potentially disadvantaged youth and being residential in nature. We extracted best practices for pre-enrollment suitability evaluations, such as more comprehensive suitability guidance, a variety of pre-enrollment checks including drug screenings, and pre-enrollment trial periods. We did not perform any audit procedures of these other programs to confirm these attributes, as we tried to learn of ideas that could work for Job Corps.

TABLE 1: SUITABILITY EVALUATION PRACTICES

| Practice                                   | Job Corps | US Military | Youthbuild/<br>American<br>YouthWorks | CCC | Challenge |
|--|-----------|-------------|---------------------------------------|-----|-----------|
| Comprehensive Suitability Guidance         |           | •           |                                       | •   | •         |
| Exclusive Face to Face Interviews          | •         | •           | •                                     | •   |           |
| Standardized Interview Requirements        | •         |             |                                       | •   | •         |
| Campus Staff Conduct Interviews            |           |             |                                       |     | •         |
| Program videos                             | •         |             |                                       |     | •         |
| Documentation Checks to Verify Eligibility | •         |             | •                                     |     |           |
| Referral System                            |           |             | •                                     |     |           |
| Pre-enrollment Background Checks           | •         | •           | •                                     | •   | •         |
| Pre-enrollment Drug Screening              |           | •           | •                                     | •   |           |
| Pre-enrollment Medical Screening           |           | •           | •                                     | •   | •         |
| Personality Testing                        |           | •           |                                       |     |           |
| Academic/Cognitive Ability Testing         |           | •           | •                                     |     |           |
| Dedicated Case Workers                     |           |             | •                                     |     |           |
| Attend Training Orientation Period         |           |             | •                                     | •   | •         |
| Student Probationary Period                |           |             | •                                     |     |           |

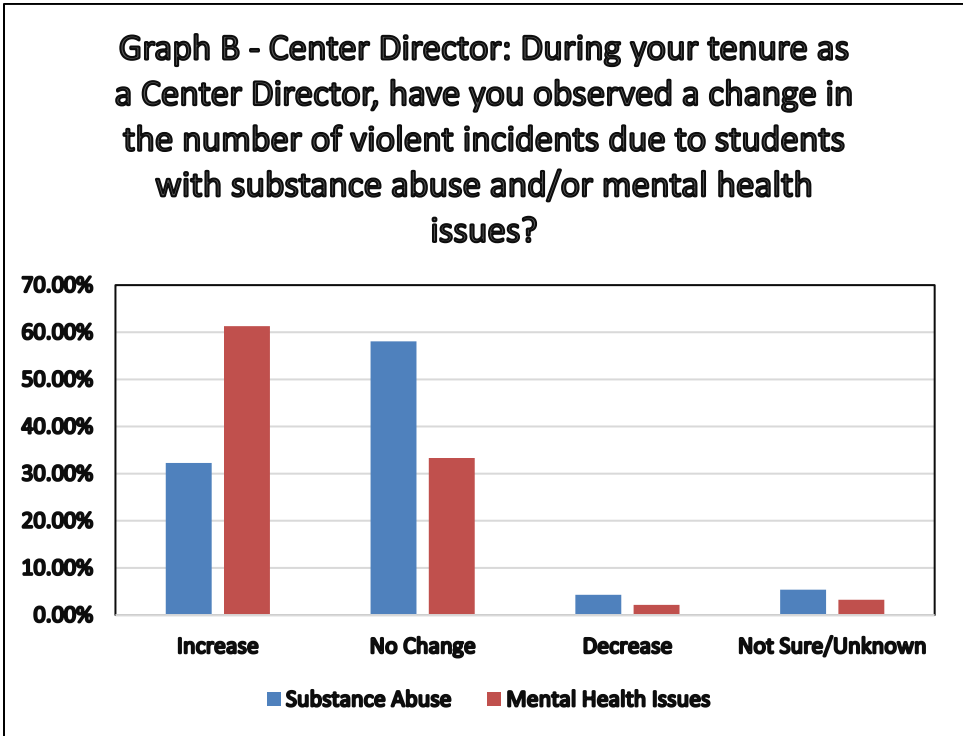
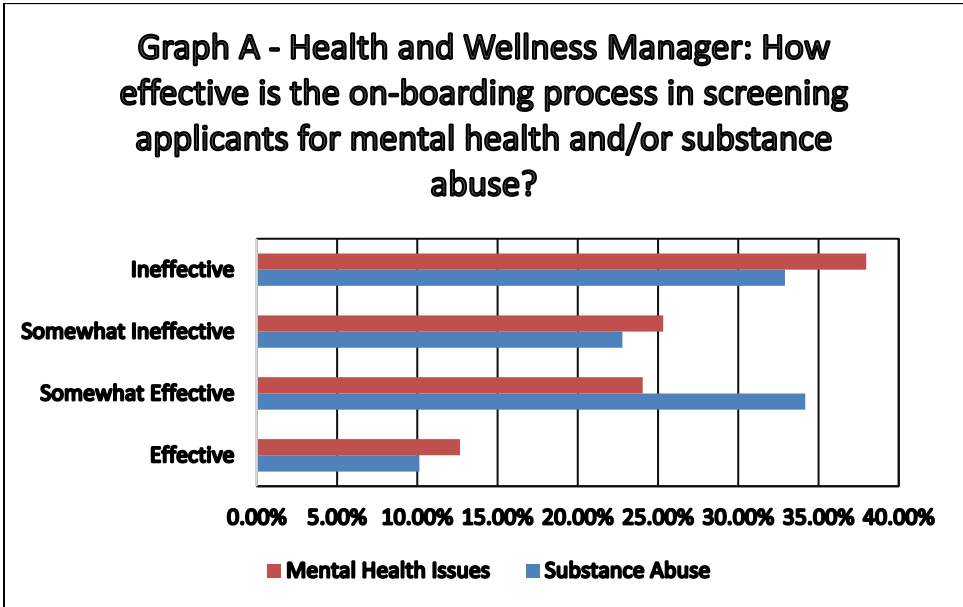
**EXHIBIT 2: JOB CORPS 2018 H&W REPORT**

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JOB CORPS 2018 HEALTH & WELLNESS REPORT

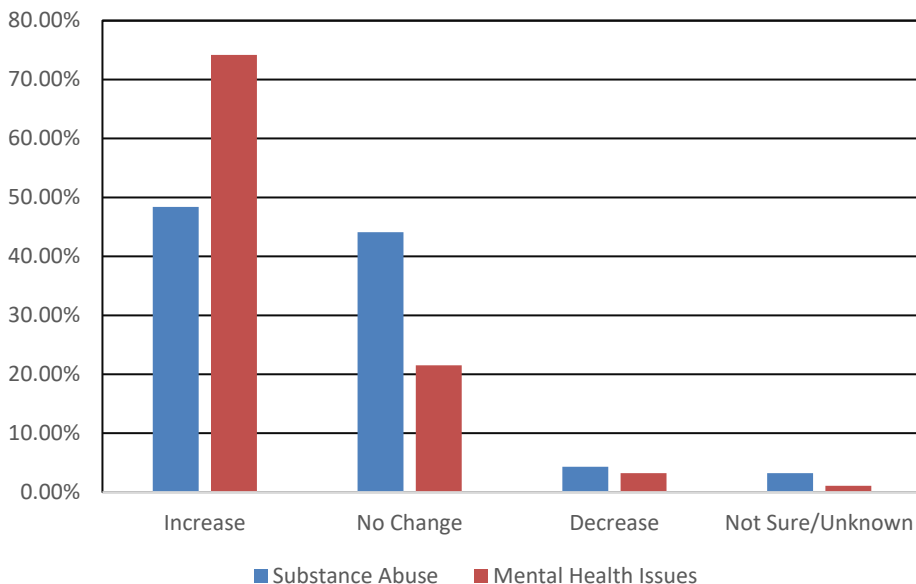
| Rate Of Drug Use     | 2018  | 2014  |
|----------------------|-------|-------|
| Job Corps Population | 31.7% | 27.0% |
| General Population   | 23.9% | 22.0% |

**EXHIBIT 3: SURVEY GRAPHS**

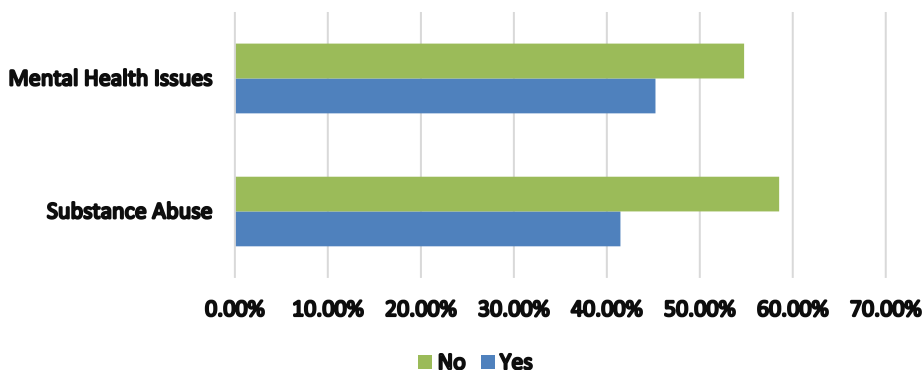




**Graph C - Center Director: During your tenure as a Center Director, have you observed a change in number of separations for violence due to substance abuse and/or mental health issues?**



**Graph D - Outreach and Admissions Manager: Do your Admissions Counselors have the tools necessary to help them identify applicants who suffer from substance abuse or mental health issues?**



**EXHIBIT 4: PRH REQUIREMENTS 7 & 8**

PRH Chapter 1: Outreach/Admissions

Exhibit 1-1 (Page 12)

**ELIGIBILITY REQUIREMENTS**

**CRITERION 7. GROUP PARTICIPATION**

It can be reasonably expected that the applicant can participate successfully in group situations and activities.

| Eligibility Requirement Details   | Documentation Requirement   |
|---|---|
| <p><b>The AC must assess the likelihood that the applicant appears willing to function as a part of a group and can successfully participate in group situations and activities.</b></p> <p>Ask the applicant:</p> <ul style="list-style-type: none"> <li>Do you understand that in order to succeed in Job Corps, you will need to function as part of a group? For example, you will share a dormitory room, you will be responsible for cleaning your living area, and you will need to rely on staff and other students to complete tasks and assignments.</li> <li>Knowing this about Job Corps, are you willing to go forward with your application?</li> </ul> | <p>The AC must document the questions asked and the responses that indicate that the applicant appears willing to function as part of a group.</p>                        |
| <p><b>The AC must assess whether the applicant appears willing to live in a multi-cultural environment.</b></p> <p>Provide the applicant with an example of a multi-cultural environment.</p> <p>Ask the applicant:</p> <ul style="list-style-type: none"> <li>Do you understand that if you are admitted to Job Corps that you will be living and working with members of various races, ethnic groups, political or religious affiliations or beliefs, sexual orientations, gender identities, and people with disabilities?</li> <li>Knowing this about Job Corps, are you willing to go forward with your application?</li> </ul>                                 | <p>The AC must document that that applicant either expresses willingness or does not express active hostility to or dislike of living in a multicultural environment.</p> |

**ELIGIBILITY REQUIREMENTS**

**CRITERION 7(A). INTERFERENCE WITH OTHER STUDENTS' PARTICIPATION**

It can be reasonably expected that the applicant is unlikely to engage in actions that would potentially prevent other students from receiving the benefits of the Job Corps program.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant's file in all cases.

| Eligibility Requirement Details  | Documentation Requirements   |
|--|--|
| <p><b>The AC must assess whether the applicant displays disruptive and/or threatening behavior during the application process.</b></p> <p>For example, during the application process:</p> <ul style="list-style-type: none"> <li>• Was the applicant involved in any altercation resulting in medical treatment?</li> <li>• Did the applicant assault or threaten assault with the intent to do bodily harm with or without the use of a weapon?</li> <li>• Did the applicant possess a gun or an illegal weapon during the application process?</li> <li>• Did the applicant display inappropriate sexual behavior including unwelcome:                             <ul style="list-style-type: none"> <li>○ Sexual advances; or</li> <li>○ Requests for sexual favors; or</li> <li>○ Other verbal statements of a sexual nature; or</li> <li>○ Physical contact of a sexual nature?</li> </ul> </li> <li>• Did the applicant destroy/steal or attempt to destroy/steal property?</li> </ul> | <p>Any behavior observed by the AC that would indicate an applicant is likely to prevent other students from receiving the benefits of the Job Corps program must be documented in detail.</p> <p>A signed Applicant Commitment Statement (Form 652) must be included in the applicant's file and noted on the Folder Inventory.</p> |

**ELIGIBILITY REQUIREMENTS**

**CRITERION 7(B). MAINTENANCE OF SOUND DISCIPLINE AND POSITIVE CENTER CULTURE**

It can be reasonably expected that the applicant’s behavior is compatible with the maintenance of sound discipline and positive center culture.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

| Eligibility Requirement Details   | Documentation Requirements  |
|---|---|
| <p><b>The AC must assess whether the applicant’s behavior is compatible with the maintenance of sound discipline and positive center culture.</b></p> <p>Ask the applicant:</p> <ul style="list-style-type: none"> <li>• Do you understand that violence, bullying, and harassment are not tolerated in Job Corps?</li> <li>• Do you understand that Job Corps is an alcohol- and drug-free environment and that in order to be admitted to Job Corps, you must commit to being alcohol and drug free?</li> <li>• Do you understand that when you arrive on center, you will be tested for illegal use of drugs?</li> <li>• Do you understand that if you test positive for illegal use of drugs on entry, the following steps will be taken:                             <ul style="list-style-type: none"> <li>○ You will be enrolled in a program to help you to become drug free; AND</li> <li>○ You will be given a specified period of time to become drug free?</li> </ul> </li> <li>• Do you understand that Job Corps has a Zero Tolerance policy for acts of violence; for use, sale or possession of a controlled substance; for abuse of alcohol; or for other illegal or disruptive activity?</li> <li>• Do you understand that Zero Tolerance policy means that you can be automatically dismissed from the Job Corps program?</li> <li>• Do you understand that you are prohibited from illegally using, selling, or possessing drugs while you are on center or under center supervision?</li> <li>• Do you understand that if you are convicted of illegal drug use, possession, or sale off center, you will have to leave the Job Corps program?</li> <li>• Do you understand that you will be required to leave the Job Corps program if you use alcohol while on center or under center supervision? In that case, do you understand that the following steps will be taken:                             <ul style="list-style-type: none"> <li>○ You will be enrolled in a program to help you become alcohol free; AND</li> <li>○ You will be given a specified period of time to become alcohol free?</li> </ul> </li> <li>• Do you understand that you will be required to leave the Job Corps program if you possess</li> </ul> | <p>The AC must document that the applicant acknowledges that:</p> <ul style="list-style-type: none"> <li>• Violence, bullying, and harassment are not tolerated in Job Corps.</li> <li>• Job Corps is an alcohol- and drug-free environment and that in order to be admitted to Job Corps, he or she must commit to being alcohol and drug free.</li> <li>• He or she will be tested for illegal use of drugs upon arrival to the center.</li> <li>• If he or she tests positive for illegal use of drugs on entry, he or she will be enrolled in a program to help him or her become drug free, and that he or she will be given a specified period of time to become drug free.</li> <li>• He or she is prohibited from illegally using, selling, or possessing drugs while on center or under center supervision.</li> <li>• He or she will have to leave the Job Corps program if convicted of illegal drug use, possession, or sale off center.</li> <li>• Possession of unauthorized goods is not tolerated in Job Corps.</li> <li>• All illegal and disruptive activity is prohibited in Job Corps.</li> <li>• He or she must abide by Job Corps rules and policies to stay in the program.</li> </ul> <p>A signed Applicant Commitment Statement (Form 652) must be included in the applicant’s file and noted on the Folder Inventory.</p> |

| Eligibility Requirement Details  | Documentation Requirements |
|--|----------------------------|
| <p>prohibited goods while on center or under center supervision?</p> <ul style="list-style-type: none"><li>• Do you understand that you will be required to leave the Job Corps program if you engage in illegal or disruptive activity while on center or under center supervision?</li><li>• Do you understand that you must abide by Job Corps rules and policies to stay in the program?</li></ul> |                            |

**ELIGIBILITY REQUIREMENTS**

**CRITERION 7(C). COMMUNITY RELATIONS**

It can be reasonably expected that the applicant is not likely to engage in actions that would impede satisfactory relationships between the Job Corps center to which the individual might be assigned and its surrounding communities.

| Eligibility Requirement Details   | Documentation Requirements   |
|---|--|
| <p><b>The AC must assess the applicant’s willingness to participate in community service activities at least twice per year.</b></p> <p>For example, students might:</p> <ul style="list-style-type: none"> <li>• Help build, clean up, or repair local community facilities;</li> <li>• Provide companionship and/or services to people in the community; and</li> <li>• Participate in environmental cleanup.</li> </ul> <p><b>The AC must assess the applicant’s willingness to participate in job shadowing during which they follow a worker around on the job and learn what he or she does.</b></p> <p>Ask the applicant:</p> <ul style="list-style-type: none"> <li>• Are you willing to participate in these kinds of activities?</li> <li>• Do you understand that while you participate in these activities, you are representing the Job corps program and must behave in a manner that reflects positively on Job Corps?</li> </ul>  | <p>The AC must document that the applicant expresses a willingness to:</p> <ul style="list-style-type: none"> <li>• Participate in community services; and</li> <li>• Behave in a manner that reflects positively on Job Corps.</li> </ul>   |
| <p><b>The AC must assess the applicant’s willingness to refrain from the use of gang paraphernalia, symbols, gestures, handshakes, and colors or dress while in the Job Corps program.</b></p> <p>Ask the applicant:</p> <ul style="list-style-type: none"> <li>• Do you agree that you will not participate in any gang activity while you are in the Job Corps program?</li> <li>• Do you agree that you will not display or use gang paraphernalia, symbols, gestures, handshakes, colors, dress, and/or any other gang-related activities or items while you are in the Job Corps program?</li> </ul> <p>If the AC observes the use or display of any gang paraphernalia, symbols, gestures, handshakes, and colors or dress, say to the applicant:</p> <ul style="list-style-type: none"> <li>• I see that you have (describe gang-related behavior, symbol, activity). Do you agree that if you are admitted to Job Corps, you will not (use/wear/display) (list behavior or symbols, etc.)?</li> </ul> | <p>The AC must document that the applicant acknowledges that gang paraphernalia, symbols, gestures, handshakes, and colors or dress are not allowed in the Job Corps program and agrees that he or she will not participate in and/or display gang paraphernalia or symbols while enrolled in Job Corps.</p> |

| Eligibility Requirement Details   | Documentation Requirements |
|---|----------------------------|
| <p>If the AC observes that the applicant is displaying a gang symbol in the form of permanent body art, including but not limited to tattoos or scars, say to the applicant:</p> <ul style="list-style-type: none"><li>• Do you agree that if you are admitted to Job Corps, you will keep (the symbol) covered to the best of your ability throughout your participation in the program?</li></ul> |                            |

**ELIGIBILITY REQUIREMENTS**

**CRITERION 8. UNDERSTANDING AND AGREEING TO COMPLY WITH THE RULES**

The applicant demonstrates a basic understanding of the rules of the Job Corps program and the consequences of failure to follow the rules. The applicant’s agreement to comply with the rules is documented.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

| Eligibility Requirement Details   | Documentation Requirements  |
|---|---|
| <p><b>The AC must assess an applicant’s understanding of center rules and the consequences for not following those rules.</b></p> <p>Example of behavior and verbal statements that would make the applicant qualified for admission include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• The applicant states that he or she is willing to follow the rules of the Job corps program and/or to accept instruction and direction.</li> <li>• The applicant demonstrates compliance with the outreach and admissions process by following rules and complying with timelines.</li> </ul>  | <p>At the end of the process, the applicant will sign the Applicant Commitment Statement (Form 652). It must be included in the applicant's file and noted on the Folder Inventory.</p> |
| <p><b>The applicant must clearly state that he or she is willing to follow the rules of the Job Corps program and/or to accept instruction and direction, and does not make statements that he or she is not willing to do so.</b></p> <p>Ask the applicant:</p> <ul style="list-style-type: none"> <li>• Do you understand that if you are accepted into Job Corps, you will be expected to comply with the rules and regulations of Job Corps?</li> <li>• For example, if you live on center, you will have to follow a curfew, your center will have rules about cell phone use, you may not be permitted to smoke on center, and you may be required to wear a uniform.</li> </ul> <p>The applicant should not make statements such as, “No one tells me what to do,” or express strong objection to the rules.</p> <p>Ask the applicant:</p> <ul style="list-style-type: none"> <li>• Knowing this about Job Corps, are you willing to go forward with your application and sign a statement acknowledging that you understand and will follow the rules?</li> </ul> | <p>The AC must document that the applicant acknowledges authority and expresses or demonstrates willingness to follow directions.</p>   |



## **APPENDIX A: SCOPE, METHODOLOGY, & CRITERIA**

### **SCOPE**

This report reflects our audit work that addressed whether Job Corps sufficiently evaluated the suitability of incoming students, particularly with respect to mental health and substance abuse issues. Our fieldwork commenced April 2018 and completed March 2020.

To perform this audit, we conducted work at Job Corps headquarters, all six Job Corps regional offices, visited and conducted interviews with key stakeholders at ten Centers, interviewed stakeholders from four different OA providers, and sent surveys to 119 Center Directors, 112 Center Health and Wellness Managers, 82 OA Managers, and 481 Admissions Counselors. We performed this work to determine both the prevalence and behavior of students with mental health and substance abuse issues in the Program, and to determine if PRH requirements provide Admissions Counselors with sufficient tools to assess applicants' suitability for the Program.

### **METHODOLOGY**

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

To answer our objective, we performed walk-throughs of the admissions and enrollment processes, reviewed and analyzed Job Corps and Center policy and procedures, interviewed relevant stakeholders at ETA's National Job Corps Office, OA providers and Centers, observed student intakes, conducted surveys of relevant Job Corps Center and OA personnel, and performed compliance checks on a sample of student folders.

We reviewed applicable federal laws, regulations, and Job Corps policies and procedures, including Job Corps' Policy and Requirements Handbook. We interviewed Job Corps National Office staff as well as Job Corps staff for all six Job Corps Regions to gain an understanding of Job Corps' monitoring of OA activities. We also interviewed ETA Office of Contracts Management staff to obtain an overview of how OA contracts are administered.

We visited six OA providers and ten Centers, and conducted interviews with Center Directors, Health and Wellness Managers, OA Managers, Admissions Counselors, and other key center stakeholders to obtain an understanding of the admissions and enrollment process for Job Corps students. We asked them for their concerns for the program, and recommendations they have for changing the program. We also reviewed 63 applicant files from three different OA providers to ensure they met the documentation requirements laid out in the PRH. For all ten Centers and six regions, we developed separate Statements of Understanding to document our understanding of each entity. We also visited the Job Corps Data Center in Austin, TX to obtain an overview of OA data.

We also researched documentation and interviewed officials from twelve other youth employment and training programs at the federal, state, and local levels to identify best practices that could possibly be applicable to Job Corps. To find best OA practices in the youth training programs, we selected and analyzed several programs on the federal, state, and local levels that we believed had some characteristics similar to the Job Corps program.

We sent surveys to four stakeholder groups – Job Corps Center Directors, Health and Wellness Managers, OA Managers, and Admissions Counselors to obtain data on the extent of substance abuse and mental health issues and their effect on the Job Corps Program. In all, we sent out 758 surveys and received 397 responses broken out as follows:

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SURVEY DATA

| Stakeholder                  | # of Surveys Sent | # of Responses | Response Rate % |
|------------------------------|-------------------|----------------|-----------------|
| Center Directors             | 119               | 93             | 78%             |
| Health and Wellness Managers | 110               | 80             | 73%             |
| OA Managers                  | 80                | 42             | 53%             |
| Admissions Counselors        | 449               | 182            | 41%             |
| <b>Totals</b>                | <b>758</b>        | <b>397</b>     | <b>52%</b>      |

Our surveys with these key employees focused on the agency’s policies, procedures, and guidance for administering the program, and any recommended improvements. Specifically:

1. Utilizing Survey Monkey, we designed and administered survey questionnaires to the identified stakeholders.
2. We compiled, organized, and summarized the results.
3. Drew conclusions from the surveys for our report.

To help us determine youth training programs that shared characteristics with the Job Corps program, we performed the following steps:

- Researched other youth training programs that have an OA element.
- Developed and finalized a list of these programs, reached out, made contact with, and conducted interviews with program officials.
- Determined what OA policies and procedures exist for these other training programs, by:
  - conducting an overview of the program and OA process
  - examining their outreach/recruiting/marketing
  - evaluating how they screen applicants/candidates
  - how they conduct admissions/hiring
  - querying them on their challenges/best practices

We analyzed and determined the existing OA practices, and how those could be applied to Job Corps.

We performed fieldwork and documented our understanding of the New Orleans Center's Career Readiness Program. We assessed program documents and documented interviews with key management and staff during our fieldwork site visit. Key areas assessed were prospects' commitment and suitability for the program. We also observed how prospects are allowed to experience center operations, and how this program enables center personnel to observe prospects for behavioral issues and other suitability concerns.

We utilized correspondences and communications in an effort to capture the critical legal interpretations for how Job Corps management is applying and implementing the relevant laws as related to disclosures of medical and disability concerns for applicants to the Job Corps program.

We summarized fieldwork conducted to determine the prevalence and effect of students with mental health and substance abuse issues in the Job Corps Program. We coupled this work with an evaluation of the relevant criteria, which was used to request Job Corps' feedback on key issues, and with an emphasis on approaches or reforms ETA may have conducted for pre-enrollment screenings.

Based on this analysis and feedback from Job Corps, we summarized recommendations. We documented how these issues had their origins, specifically the preliminary work conducted that provided the genesis for why this became a focal point of our audit, including summary documents, and specific narratives quoting stakeholders we interviewed in that preliminary fieldwork. We

provided the results of the substantive fieldwork conducted, including comprehensive surveys of stakeholders, for the prevalence of and the effects of students with mental health and substance abuse issues.

## **INTERNAL CONTROLS**

In planning our audit, we identified the internal control standards relevant to the performance audit of the Job Corps OA process, and provided the criteria required for us to perform our controls assessment. The relevant internal control audit standards pertinent to the audit objectives, primarily found in GAO Yellow Book and the DOL Office of Audit Handbook 'Bluebook,' define the considerations to be applied and criteria to be utilized in these efforts. In addition, we employed the Federal Managers' Financial Integrity Act of 1992, Office of Management and Budget (OMB) Circular A-123, Standards for Internal Control in the Federal Government, and the GAO Internal Control Management and Evaluation Tool.

We identified and documented the internal control audit standards pertinent to the audit's objective. The standards are identified and addressed in the following:

- GAO Yellow Book Sections 7.16 to 7.22
- Federal Managers' Financial Integrity Act of 1992
- OMB Circular A-123
- Standards for Internal Control in the Federal Government
- GAO Internal Control Management and Evaluation Tool
- Office of Audit Handbook "Blue Book"

We incorporated from the Project Proposal key issues already found in the initial evaluation of the program, and established the processes we utilized to help us identify internal control weaknesses for the purposes of our audit. We identified control weaknesses, which were subsequently analyzed, detailed, and listed in the Internal Control Identification step.

We assessed the following critical areas relevant to the audit objective:

- Control Environment
- Entity Risk Assessment
- Information & Communications
- Monitoring
- Control Activities

We determined the impact the results of these assessments had on the design of our testing. Specifically from the 'Known Program Weaknesses' area, there were

several program vulnerabilities related to these control elements for which we designed our testing.

We evaluated the controls that Job Corps had in place, including whether activities are designed accordingly. To conclude if internal control activities are designed accordingly to contribute to the achievement of the agency's missions, goals, and objectives, we examined the extent of these issues cited in these critical areas, and we believe revealed substantive program vulnerabilities related to control activities, for which we designed our testing. We believe there is HIGH RISK for the effectiveness of controls and determined significant controls are not effective. Our consideration of internal controls would not necessarily disclose all matters that might identify significant deficiencies. Because of the inherent limitations on internal controls, or misstatements, noncompliance may occur and not be detected.

### **CRITERIA**

- Workforce Innovation and Opportunity Act (WIOA) of 2014
- Job Corps Policy and Requirements Handbook (PRH)
- Program Instruction Notices (PIN) number 16-38, 16-42, 17-07 and 17-10
- 29 CFR 1630.14 b

**APPENDIX B: AGENCY'S RESPONSE TO THE REPORT**


U.S. Department of Labor

Employment and Training Administration  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210



March 5, 2021

MEMORANDUM FOR: CAROLYN R. HANTZ  
Assistant Inspector General for Audit

FROM: SUZAN G. LEVINE   
Principal Deputy Assistant Secretary

SUBJECT: Response to Office of Inspector General Draft Audit Report  
Number 05-21-001-03-370, *Job Corps Should Improve its Pre-Admission Evaluation Process*

Thank you for the opportunity to respond to the Office of Inspector General's (OIG) draft audit report, *Job Corps Should Improve its Pre-Admission Evaluation Process*. The Employment and Training Administration (ETA) is committed to continuous improvement of the Job Corps program and will explore opportunities to improve its pre-admission assessment process in a manner consistent with applicable federal nondiscrimination and equal opportunity statutes and regulations.

As discussed in the executive summary section (see *Briefly...*) of the draft audit report, the OIG conducted its audit with the objective of determining "Did Job Corps sufficiently evaluate the suitability of incoming students?" The OIG concludes that "Job Corps did not sufficiently evaluate the suitability of incoming students," because "Job Corps' admissions screening process does not allow Admissions Counselors to sufficiently inquire about applicants' history to help them determine if applicants are ready for the Job Corps program." The OIG elaborates further on page 5 of the draft audit report, saying more specifically that the process does not provide Admissions Counselors with "sufficient understanding of applicants' mental health and substance abuse issues, which could lead to related behavioral issues." The OIG's conclusion relies on Center Directors' observations noting an increase in the number of student separations due to mental health and substance abuse issues and the number of violent incidents that Center Directors associated with mental health issues.

ETA has communicated to the OIG that there are significant legal concerns with linking a Job Corps applicant's "suitability" for enrollment with "mental health issues." Job Corps is generally prohibited from denying eligible applicants enrollment into the program based on any real<sup>1</sup> or perceived mental disabilities and is prohibited from requiring applicants to disclose such disabilities as part of the admissions process. While ETA appreciates the OIG's recommendations to the extent that they can lead to improvements in Job Corps' pre-admission assessment process, it will only do so within the parameters of applicable law.

<sup>1</sup> Except in narrow, tightly prescribed circumstances. See 29 C.F.R. §§ 38.4(p), 38.4(ww), 38.4(yy), 38.14.

In preparing this response, ETA shared the OIG's January 28, 2021 draft audit report with the Civil Rights Center (CRC), the U.S. Department of Labor (DOL) agency responsible for enforcing the nondiscrimination laws that apply to Job Corps. CRC also reviewed an earlier version of this draft audit report, which the OIG issued to ETA for response on September 10, 2020, and communicated to the OIG the significant legal concerns mentioned in the preceding paragraph at that time as well. CRC agrees with ETA's concern that the current January 28, 2021 version of the draft audit report continues to base its conclusions on the assumptions that applicants with "mental health issues"—or what could be considered "psychiatric disabilities" within the meaning of applicable nondiscrimination law—will have behavioral problems and, conversely, that applicants and students with behavioral problems must necessarily have "mental health issues"/psychiatric disabilities. CRC emphasizes that these assumptions are directly contrary to the provisions of the disability nondiscrimination laws that DOL itself enforces. Although it is entirely lawful—indeed, it is required by the regulations governing the Job Corps program—for Job Corps to inquire into whether a potential student is likely to engage in disruptive behavior, such inquiries cannot lawfully be associated with pre-enrollment inquiries about issues related to "mental health"/psychiatric disabilities. CRC also emphasizes that applicable law prohibits Job Corps from asking any questions about disability before an applicant is extended a conditional offer of enrollment. CRC strongly believes that this OIG draft audit report will lead to confusion and misinformation in the Job Corps program, because it directly contravenes nondiscrimination laws applicable to the Job Corps program.

ETA also notes that on January 20, 2021, President Biden signed an Executive Order (EO) on *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. The EO states that "the Federal Government should pursue a comprehensive approach to advancing equity for all, including people... who have been historically underserved [including individuals with disabilities]... and agencies must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity." Job Corps continues to be committed to equitable treatment of individuals with disabilities and ensuring that its policies and practices are consistent with applicable law and the EO.

The remainder of this memorandum summarizes the actions that the Office of Job Corps (Job Corps) plans to take to implement the recommended actions, as applicable.

#### **ETA Responses to the OIG's Recommendations**

**Recommendation 1: Make a final determination on the legality and permissibility of pre-enrollment behavioral assessment tools, such as drug screens, trial periods, or personality or aptitude tests that would be appropriate for use within Job Corps.**

**ETA Response:** ETA will explore permissible pre-enrollment assessment tools to improve the Job Corps admissions process. As explained below, ETA has made a final legal determination on several of the tools the OIG suggested and will continue to explore the legality and permissibility of others. Where appropriate, ETA will make program and policy changes to implement tools and methods to enhance the assessment process.

*Academic Aptitude Assessments* – As Job Corps explained in previous communications with the OIG, Job Corps may conduct pre-enrollment academic readiness assessments, as long as the results are considered in light of all of the eligibility criteria. Basic skills deficiency is an eligibility criterion for Job Corps. 29 U.S.C. § 3194(a)(3)(A). The term “basic skills deficient” is generally defined as an individual with English reading, writing, or computing skills at or below the eighth-grade level on a generally accepted standardized test or as an individual who is unable to compute or solve problems or read, write, or speak English at a level necessary to function on the job, in the individual’s family, or in society. 29 U.S.C. §3102(5). The Workforce Innovation and Opportunity Act (WIOA) requires Job Corps to establish procedures, as part of the admissions process, to determine whether an applicant’s “educational and career and technical education and training needs . . . can best be met through the Job Corps program or an alternative program in the community in which the applicant resides.” 29 U.S.C. § 3195(a)(2)(C)(i).

Currently, as part of its program design, Job Corps centers typically enter into contracts or memoranda of understanding with high school diploma or equivalency programs to help students who are basic-skills deficient improve their math and/or reading levels while enrolled in the Job Corps program. Job Corps is also assessing, subject to funding availability, implementing a pre-enrollment academic assessment for reading and math, such as the Standardized Test for the Assessment of Reading (STAR) assessment, to identify levels of proficiency in each of these areas. STAR is a reliable assessment that is used by many school systems throughout the country. Proficiency levels can be assessed and compared with skill levels needed to participate successfully in Job Corps training to determine if an applicant has academic remediation needs that may be better met through other programs or partner resources prior to enrollment in Job Corps.

*Trial Periods* – Job Corps is exploring the legality and permissibility of establishing an on-site center pre-enrollment trial period to determine whether the program is a good fit for the applicant. The appropriate center staff may be able to objectively evaluate the applicant’s behavior as a supplemental assessment of the applicant’s ability to meet criteria 7 and 8 of Job Corps’ Policy and Requirements Handbook (PRH) and 20 CFR 686.410 (b) and (c) (i.e., *whether the applicant can participate successfully in group situations and activities and whether the applicant can comply with the rules*). In addition to determining legality and permissibility, Job Corps must also determine how to balance a pre-enrollment trial period with other pre-enrollment processes and staff resources. Additionally, considerations must be made to ensure objective behavioral assessments are conducted and that discriminatory actions are not taken against applicants, particularly against individuals in a protected class (e.g., students with disabilities).

As explained in prior communications to the OIG, Job Corps is prohibited from denying otherwise eligible applicants admission based on their real or perceived disabilities under Section 188 of WIOA and its implementing regulations. Such disabilities include, for example, “any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.” 29 CFR § 38.4(q); *see* 29 CFR § 38.12(a)(1). Furthermore, Job Corps may not “impose or apply eligibility criteria that screen out or tend to screen out individuals with disabilities or any class of individuals with disabilities from fully and equally enjoying any aid, benefit, service, training, program, or activity, unless



such criteria can be shown to be necessary for the provision of any aid, benefit, service, training, program, or activity being offered.” 29 CFR § 38.12(i). Under the regulations implementing Section 504 of the Rehabilitation Act of 1973, Job Corps also may not require applicants to disclose their disabilities. See 29 CFR § 32.15. Ultimately, Job Corps must have objective evidence that the applicant does not meet eligibility criteria or would create a “significant risk of substantial harm” to others, even with a reasonable accommodation. 29 CFR § 38.4(p); see 29 CFR §§ 38.4(ww), 38.4(yy), 38.14.

*Personality Tests* – Job Corps has determined that personality assessments create legal risks of violating anti-discrimination laws and potentially introducing unreliable indicators for assessing eligibility. Therefore, Job Corps will not be assessing their use as a pre-enrollment screening tool.

*Pre-Enrollment Drug Screening* – Pre-enrollment drug testing of Job Corps applicants presents significant legal risks by infringing upon applicants’ constitutional rights under the Fourth Amendment’s protection against unreasonable searches. Urinalysis drug testing is a search under the Fourth Amendment. *Skinner v. Railway Labor Execs. Ass’n*, 489 U.S. 602, 617 (1989). Warrantless searches are generally impermissible except under limited circumstances, such as for circumstances in which “special needs, beyond the normal need for law enforcement, make the warrant and probable-cause requirement impracticable.” *National Federation of Federal Employees-LAM v. Vilsack*, 681 F.3d 483, 489 (D.C. Cir. 2012) (quoting *Vernonia School Dist. 47J v. Acton*, 515 U.S. 646, 653 (1995)). Where the government invokes the special needs doctrine and expresses special government needs, beyond the normal need for law enforcement, “courts must ‘balance the individual’s privacy expectations against the government’s interests to determine whether it is impractical to require a warrant or some level of individualized suspicion in the particular context.’” *Vilsack*, 681 F.3d at 489 (quoting *Nat’l Treasury Emps. Union v. Von Raab*, 489 U.S. 656, 665-66 (1989)). The Supreme Court has permitted suspicionless drug testing only in limited circumstances—where the government’s need addresses a public safety concern (such as applicants for employment in sensitive positions) or where the government is acting in its role as guardian of public school children engaged in athletics or extracurricular activities. ETA has concluded that pre-enrollment drug testing would likely be unconstitutional because the government (Job Corps) would not be able to articulate a specialized need for pre-enrollment drug testing of applicants to the program.

Job Corps has a compelling need to ensure a safe and productive living and learning environment while also ensuring that the program complies with statutory requirements. To fulfill that government interest and with the exception of the flexibility allowed under the Consolidated Appropriations Act, 2021, due to the coronavirus pandemic, Job Corps conducts drug testing for students participating on-site *after* enrollment and has a zero tolerance policy, as required by statute and set forth in the PRH. Pub. L. 116-260, Title VI, Sec. 601(a); 29 U.S.C. §§ 3195(a)(2)(A), 3203(b)(2). The statutory requirement is to test Job Corps “enrollees” and receive drug test results “within 45 days after the enrollees enroll in the Job Corps.” 29 U.S.C. § 3192(3); 29 C.F.R. § 686.480. New enrollees must be tested within 48 hours of arrival on center. PRH 2.3, R5(e)(1). Enrollees with a positive drug test “must receive intervention services and a follow-up drug test. If the entry test is positive, then the student must be retested between the 37th and 40th day after arrival on center. The results of the follow-up drug test must be received on center

prior to the end of the intervention period. To remain in the program, students who test positive on entry must have a negative drug test result at the end of the intervention period.” PRH, 2.3, R5(e)(3). Students who test positive a second time are immediately dismissed from the program. In addition, under the statutory zero tolerance policy and the Job Corps discipline policy, any use of drugs (as evidenced by a positive drug test conducted on the basis of reasonable suspicion) or possession/distribution of drugs on center or under center responsibility is a level one infraction and results in automatic discharge from the program. PRH, Exhibit 2-1. In light of Job Corps’ drug testing and zero tolerance policies, an applicant’s privacy interest would almost certainly outweigh any remaining interest the government might have in conducting pre-enrollment drug testing. Therefore, ETA will not be exploring this option further.

**Recommendation 2:** Perform cost/benefit analyses to determine which, if any, of these pre-enrollment behavioral suitability assessment tools would be beneficial to Job Corps.

**ETA Response:** ETA agrees with this recommendation to the extent that such assessment tools are legally permissible. Before deciding to adopt any pre-enrollment assessment tools, Job Corps will perform a cost-benefit analysis to assess the tools’ costs, usefulness, and likely impact on the program. Alternative tools and approaches will be explored if Job Corps determines that the return on investment cannot be justified.

**Recommendation 3:** Incorporate the results of recommendations 1 and 2, as appropriate, in revising guidance to improve the assessment process.

**ETA Response:** ETA agrees with this recommendation. Any pre-enrollment assessment tools and procedures that Job Corps chooses to adopt will be incorporated into the PRH, Instruction Notices, and/or Standard Operating Procedures, as appropriate.

**Recommendation 4:** Evaluate the funding needs of Center Mental Health Consultant and Trainee Employee Assistance Program Specialists Center functions to determine if adjustments are needed to adequately support students with mental health or substance abuse issues.

**ETA Response:** ETA agrees with this recommendation. ETA values the importance of increased Center Mental Health Consultant and Trainee Employment Assistance Program Specialists and the key role they play in identifying and providing support to at-risk students. ETA will evaluate the funding needs of these center functions to determine if budgetary adjustments are needed and then work to secure and provide this funding, to the extent possible.

## **APPENDIX C: ACKNOWLEDGEMENTS**

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