

September 19, 2014

DIRECTIVE:	JOB CORPS PRH CHANGE NOTICE NO. 14-05
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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
ALL EQUAL OPPORTUNITY OFFICERS

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

SUBJECT: Policy and Requirements Handbook (PRH) Chapter 6, Section, 6.4, R4, Separations, Section 6.6, R4, Local Transportation, Section 6.11, R4, Family Planning Program, Section 6.11, R5, HIV/AIDS, Section 6.12, R11, Medical Separations, and Exhibit 6.1, Duty/Pay/Leave Status Chart

1. Purpose. To revise current PRH requirements by updating Job Corps' Family Planning Program, and medical separation policies.
2. Background. Job Corps pregnancy policies have been revised to ensure applicants/students who are pregnant and/or experiencing pregnancy-related medical conditions equal access to the Job Corps program.

These revisions abolish mandatory entrance and separation time frames for pregnant students, and remove the requirement that Job Corps staff members assess a pregnant student's level of motivation to continue in the program. This revision further authorizes Job Corps staff to provide transportation for the pregnant student who undergoes a medical test or procedure – which is consistent with the provision of transportation to students undergoing non-pregnancy-related tests or procedures.

Previously, Job Corps policy required a pregnant student to be separated if she were more than 12 weeks pregnant on entry, and required all enrolled pregnant students to be separated at 28 weeks gestation. A student more than 12 weeks pregnant on entry was separated because it was believed that she would be unable to complete the Job Corps program before giving birth. Pregnant students were separated at 28 weeks gestation so they would be able to travel home before giving birth.

Job Corps policies have been updated to provide pregnant students and students with pregnancy-related medical conditions with the same education and training opportunities as other students. The center physician and/or obstetrical provider and the pregnant student will agree on

a care management and separation plan that considers the health and safety of the student before and after childbirth.

Students who are pregnant and/or those experiencing high-risk medical conditions related to pregnancy shall be treated the same as participants with high-risk medical conditions and be separated only when their medical condition “significantly interferes with or precludes further training in Job Corps, or the health problem is complicated to manage, or the necessary treatment will be unusually costly.”

Under the previous policy, Health and Wellness staff members were required to determine whether a pregnant student was “sufficiently motivated” to continue in Job Corps. Assessing the level of motivation is not required for students with medical conditions. Therefore, the requirement to make such an assessment of pregnant students has been removed.

Transportation for pregnancy-related medical services shall be provided to the same extent as transportation for other medical services. Center staff, to the extent that other students in Job Corps are provided transportation to undergo a medical test or procedure, shall provide transportation to students for pregnancy-related medical services, or approve a student’s request to be transported by a friend, partner or family member rather than center staff. Also, leave status for students with pregnancy-related medical conditions, including students experiencing medical conditions related to the termination of a pregnancy, will be paid administrative leave.

In addition, the policy on medical separation has been clarified. Centers now must ensure that Health and Wellness staff approves a student’s transportation plan for medical separation. Centers will submit a request with supporting documentation to extend a Medical Separation with Reinstatement Rights (MSWR) for extenuating circumstances through the Regional Office. This will enable center staff to seek an extension of an MSWR for a student with a pregnancy-related medical condition, including those related to the termination of a pregnancy, if an additional period of separation is deemed necessary by the student’s medical provider.

Finally, apart from tests administered to all students generally, center staff will no longer require an additional test for HIV infection when a student discloses that she is pregnant, or when center staff otherwise learns that a student is pregnant. Moreover, pregnancy alone should not give rise to “reasonable suspicion” of student exposure to HIV.

3. Explanation of PRH Changes. The PRH provisions identified below are being revised in accordance with this Change Notice. Any provisions not listed will remain in their current form.

Section 6.4, R4. Separations

Revising Subsection 6.4, R4 (c,5); “Medical Separation – Student is no longer able to participate in Job Corps due to medical (including pregnancy-related conditions), dental, substance use, or mental-health reasons; documentation of the student’s medical condition must be provided. If at the time of medical separation, the student is determined to be eligible for reinstatement once the medical condition is resolved, the student is then separated as a Medical Separation With Reinstatement rights (MSWR), and may be reinstated within 180 days. See section 6.12 R11(c) and (g).”

Section 6.6, R4. Local Transportation

Adding Section 6.6, R4 (d); “Provide transportation for students to and from off-center medical/dental appointments. In lieu of the center providing transportation, the center may approve a student’s request to be transported by a friend, partner or family member.”

Section 6.11, R4. Family Planning Program

Revising Section 6.11, R4 (a); after “medical services” insert “including birth control.”

Deleting Section 6.11, R4 (b) and replacing with: “(b) Students who are pregnant and/or experiencing pregnancy-related medical conditions shall be afforded the same access to medical services, leave and medical separation as any other student experiencing a medical condition, unless otherwise provided by law.”

Deleting Section 6.11, R4 (c) and replacing with: “(c) Once a center learns that a student is pregnant, pregnancy-related services shall include:

1. Prenatal services on center and/or in the community until separation, to include a comprehensive gestational record.
2. The center physician, in conjunction with an obstetrical/gynecological provider and the student, will agree upon a care-management and separation plan that takes into account the health and safety of the pregnant student before and after childbirth.
3. The center shall identify available community health/social resources and services, and will make arrangements for transportation for the purpose of obtaining such resources and services consistent with PRH 6.6, R4 (d). In lieu of the center providing transportation, the center may approve a student’s request to be transported by a friend, partner or family member.
4. The center shall not pay for an abortion unless the pregnancy is the result of rape or incest or unless a physician has certified that the student suffers from a physical disorder, injury, illness, or condition that places her in danger of death unless an abortion is performed.¹
5. A student who is experiencing a pregnancy-related medical condition may be placed on paid administrative leave in accordance with PRH Exhibit 6-1. See Pay status: Paid, Duty status: Not Present for Duty-Administrative Leave with Pay.”

Revising Section 6.11, R4 (d); delete “Pregnancy program services at a minimum” and insert “Pregnancy-related services.”

Deleting Subsections 6.11, R4 (d, 1) and (d, 2).

¹ The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2014, Title 5, Sec. 507(a) (P.L. 113-76) provides that the prohibition on the use of Federal funds for abortions described in Section 506 “shall not apply to an abortion (1) if the pregnancy is the result of an act of rape or incest; or (2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.”

Adding Section 6.11, R4 (e); “If required by applicable state laws in which the center is located, the center shall notify the student’s parent/guardian of her pregnancy if she is a minor, and if required by applicable state law, inform the student of this requirement prior to the disclosure.”

Section 6.11, R5. HIV/AIDS

Deleting Subsection 6.11, R5 (a, 5); “When student is discovered to be pregnant.”

Renumbering subsequent requirements.

Section 6.12, R11. Medical Separations

Revising Section 6.12, R11(c); at the end of the second sentence insert “unless the MSWR is extended pursuant to PRH 6.12, R11 (g).”

Adding Section 6.12, R11 (f); “Health and Wellness staff approve a student’s transportation plan for medical separation.”

Adding Section 6.12, R11 (g); “Center staff must submit a request to the Regional Office to extend an MSWR beyond 180 days for extenuating circumstances. The request should be accompanied by supporting documentation from the student’s health-care provider verifying that extension of leave is medically necessary. Requests will be reviewed on a case-by-case basis.”

Exhibit 6-1, Duty/Pay/Leave Status Chart

Revising the bullet “Securing medical/dental treatment as concurred by center health staff” by replacing “as concurred by” with “(including for pregnancy-related conditions) with any required concurrence of” under the column entitled “Uses” where pay status is “Paid,” Duty status is “Not Present for Duty-Administrative Leave with Pay,” “CIS Leave Type” is “Administrative Leave with Pay.”

4. Action. Addressees are to ensure this PRH Change Notice is distributed to all appropriate staff, and that pertinent materials and Web sites are promptly modified to reflect the change in this policy.
5. Effective Date. Immediately.
6. Inquiries. Inquiries should be directed to Carol Abnathy at (202) 693-3283, or abnathy.carol@dol.gov; or Johnetta Davis at (202) 693-8010, or davis.johnetta@dol.gov.

Attachments

- A – PRH Chapter 6
- B – PRH Exhibit 6-1