Workforce Innovation and Opportunity Act Policy
Employment System Administration and Policy

Washington envisions a nationally recognized fully integrated One-Stop system with enhanced customer access to program services, improved long-term employment outcomes for job seekers and consistent, high quality services to business customers. In order to achieve this vision, Employment System Administration and Policy sets a common direction and standards for Washington's WorkSource system through the development of WorkSource system policies, information memoranda, and technical assistance.

Policy Number: 5602, Revision 4

To: Washington WorkSource System

Effective Date: January 3, 2023

Subject: Supportive Services and Needs-Related Payments

1. Purpose:

This policy addresses the use of Workforce Innovation and Opportunity Act (WIOA) Title I funds for supportive services and needs-related payments (NRPs) to support adults, dislocated workers, and youth participating in WIOA Title I activities.

2. Background:

The Workforce Innovation and Opportunity Act (WIOA) provides program guidelines for supportive services for adults and dislocated workers defined in WIOA Sections 3(59) and 134(d)(2) and (3). These include services such as transportation, childcare, dependent care, housing, and assistance with uniforms and other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye wear, assistance with books, fees, and school supplies, and NRPs needed to enable individuals to participate in WIOA Title I activities. Supportive services for youth as defined in WIOA Section 129(c)(2)(G) can additionally include assistance with educational testing, reasonable accommodations for youth with disabilities, and referrals to health care.

3. Policy:

a. Supportive Services

All WIOA-enrolled adults, dislocated workers, and out-of-school and in-school youth are eligible for supportive services as defined in WIOA Section 3(59). The exception is NRPs, which are a form of supportive service available only to adults, dislocated workers, and out-of-school youth (OSY) ages 18-24 who are enrolled in training.

The WorkSource System is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge.

Accordingly, information regarding the availability of supportive services in the Workforce Development Area and referral to those services must be provided to adults, dislocated workers, and youth through the workforce delivery system.

Local Workforce Development Boards (LWDBs), in consultation with WorkSource partners and other community service providers, must establish:

- internal controls that result in equitable treatment;
- documentation requirements; and
- assurance of coordination with other community resources

Limits may be placed on supportive services, including maximum amount of funding, length of time, and exceptions to the limits subject to availability of funds.

NOTES:

Per TEGL 19-16 supportive services cannot be provided as stand-alone Title I services for adults and dislocated workers.

Per TEGL 21-16 and WorkSource System Policy 1020, Revision 1, supportive services can be provided to youth participants either during participation as Program Element 7 (Supportive Services) or after exit as a component of Program Element 9 (Follow-Up Services), though the former triggers and extends participation while the latter does not.

For appropriate supportive services during follow-up, see state WIOA Title I Policy 5620, Revision 1, Follow-Up Services for Adults and Dislocated Workers.

Allowable Training Expenses as Supportive Services

Allowable training expenses affiliated with training paid by programs other than WIOA Title I (such as Vocational Rehabilitation (VR), Trade Adjustment Assistance (TAA) or community and technical colleges through Worker Retraining (WRT)) can be funded by WIOA Title I as supportive services if:

- The participant is also eligible for and enrolled in a WIOA Title I program.
- A non-WIOA Title I program selected and is paying the tuition for the training.
- Costs for allowable training expenses are not covered by Pell, other financial aid programs or private scholarships.
- The WIOA Title I program and case manager had no direct involvement in the process of selecting the training, which precludes the establishment of a WIOA-funded ITA.

However, since supportive services do not trigger or extend participation for adults and dislocated workers (see **NOTES** above), there must be an accompanying Title I-funded career service to trigger a participation episode.

Documentation of training-related expenses as supportive services through case notes will prevent the appearance of duplicate spending between WIOA and other federally funded programs (see WorkSource System Policy 1020, Revision 1, Section 1.3 on Case Note Guidance).

Changing Circumstances

Changing circumstances (e.g., ending scholarships or financial aid) may necessitate reassessment of funding sources and training providers by the case manager and the participant, which may result in consideration of an ITA. Per 20 CFR 680.300 and Section 7 of TEGL 19-16, an ITA is triggered through an intentional process between a WIOA Title I participant and the participant's WIOA Title I case manager. That process, which leads to the selection of a training provider eligible to receive WIOA Title I funds via an ITA, is a condition of establishing a WIOA-funded ITA. (See WIOA Title I Policy 5601, Revision 2, Individual Training Accounts).

b. Needs-Related Payments

LWDBs must state through local policy whether or not NRPs will be provided. Attachment A details the requirements for local policy if LWDBs provide NRPs to adults, dislocated workers, and OSY ages 18-24 enrolled in WIOA-funded training.

Training Support Analysis Forms (Attachment B) must be completed and kept in participant files when NRPs are provided. NRPs should be provided when it is determined that ongoing resources and income from all other sources are insufficient to support participants in WIOA-funded training. The Personal Resource Worksheet Desk Aid (Attachment C) may further assist in documenting need. Weekly payment levels must be adjusted to reflect changes in total family income as established through local policies. Limits may be placed on NRPs subject to availability of funds.

NOTE: Dislocated workers enrolled in WIOA-funded training who are unemployed but receive payments as members of a reserve component of the U.S. armed services or the Washington National Guard for periods of duty of 72 consecutive hours or less are considered unemployed for purposes of NRP eligibility.

4. Definitions:

Needs-related Payments (NRPs) - Financial assistance to participants for the purpose of enabling them to participate in training and a supportive service authorized by WIOA Section 134(d)(3) for adults and dislocated workers and 20 CFR 681.570 for youth. Unlike other supportive services, in order to qualify for needs-related payments, a participant must be enrolled in training. Based on payment levels established by LWDBs and intended to provide cash assistance to participants. [20 CFR 680.930]

Public Assistance - Federal, state, or local government cash payments for which eligibility is determined by a needs or income test. [WIOA Section 3(50)]

Supportive Services - Services such as transportation, childcare, dependent care, housing, tools, payment for employment and training-related applications, tests, certifications, books, fees, and school supplies, and NRPs necessary to enable individuals to participate in activities authorized under WIOA Title I. [WIOA Section 3(59)] Note: A housing-related supportive service can include assistance with mortgage payments.

DOL commented on page 56182 of the WIOA Final Rules that "`groceries and on-site meals for program participants are beyond the scope of WIOA." Further, neither TEGL 19-16 nor TEGL 21-16 include groceries, including food, on their respective listings of allowable supportive services. Though both state that the lists are not exhaustive, DOL opined that its Final Rule commentary

represents an explicit prohibition, so groceries are therefore not an allowable supportive service for WIOA Title I adults, dislocated workers, or youth.

In 2020, DOL clarified that food may be purchased with Title I-B fund for eligible youth on a limited and reasonable basis if necessary to assist or enable them to participate in allowable youth program activities and reach their employment and training goals. However, Local Workforce Development Boards (LWDBs) must first coordinate the purchase of food for Title I-B youth with other community, state, or federal services that provide food to low-income individuals and document the coordination efforts undertaken. This includes pursuing food assistance available through the Supplemental Nutrition Assistance Program (SNAP), which is a required WIOA one-stop partner, as well as through local food banks and at-risk youth organizations whether or not they are partners in local one-stop systems.

If Title I-B funds are ultimately used to purchase food, DOL expects case files to amply document:
(1) unsuccessful efforts to first secure food for the youth through federal, state, and community food assistance programs and services; and
(2) the immediate need for Title I-B funds to be used to purchase food for the youth to enable effective participation in youth program activities.

Before using Title I-B funds to provide food as a supportive service for Title I-B youth participants, LWDBs are encouraged to review local policies regarding internal controls and documentation requirements and assess or establish partnerships with entities that can provide food to Title I-B youth participants.

Aside from NRPs, supportive services are usually provided through a voucher system (e.g., transportation) or payments made directly to vendors (i.e., clothes, rent, or utilities).

Unemployed Individual - An individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for purposes of this paragraph, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed. [WIOA Section 3(61)]

5. References:

Supportive Services:

- WIOA Section 3(59)
- WIOA Section 134(d)(2) – Adults and Dislocated Workers
- 20 CFR 680.330, 680.900, 680.910, and 680.920 – Adults and Dislocated Workers
- WIOA Section 129(c)(2)(G) – Youth
- 20 CFR 681.570 – Youth
- Training and Employment Guidance Letter (TEGL) 19-16, Section 14
- Training and Employment Guidance Letter (TEGL) 21-16, Section 7
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- WorkSource System Policy 1020, Revision 1

Needs-related Payments:

- WIOA Section 134(d)(3) – Adults and Dislocated Workers
- 20 CFR 680.300, 680.930, 680.940, 680.950, 680.960, and 680.970 – Adult and DW
- 20 CFR 681.570 – Youth

- Training and Employment Guidance Letter (TEGL) 19-16, Section 14
- Training and Employment Guidance Letter (TEGL) 21-16, Section 7

6. Supersedes:

- WIOA Title I Policy 5602, Revision 3
- WorkSource Information Notice (WIN) 0111, Change 6
- WorkSource Information Notice (WIN) 0078, Change 1

7. Website:

https://wpc.wa.gov/policy/state/WIOA

8. Action:

Local Workforce Development Boards and their contractors must distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

9. Attachments:

Attachment A – Requirements for Issuing Needs-Related Payments
Attachment B – Training Support Analysis Form
Attachment C – Personal Resource Worksheet Desk Aid

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Attachment A - Requirements for Issuing Needs-Related Payments

The following defines the policy, eligibility, level of payment, and documentation requirements of needs-related payments (NRPs) for adults, dislocated workers, and out-of-school youth (OSY) ages 18-24 under WIOA Title I.

1. NRPs Policy Requirements:

a. LWDBs must announce through local policies whether or not NRPs will be provided.

b. If an LWDB provides NRPs, the local supportive services or NRPs policies must address the following:

- How the level of NRPs (payment amount) is determined.
- How payments will be made to participants on sick, vacation, or holiday leave while in training, if at all.
- Attendance and academic standards and verification process for payments to continue.
- The number of hours/credits for which participants must be registered to remain eligible for NRPs.
- How Unemployment Insurance (UI) benefits affect receiving NRPs.
- If NRPs will be suspended during periods of earned income (and how that income will be calculated) and if participants have to re-qualify to start receiving NRPs again once the income ends.
- Who has the authority to approve participant requests for NRPs and a description of the approval process.
- Documentation requirements.
- Coordination and documentation if participants receive NRPs at the same time as supportive services from another program/partner.
- Who handles NRPs accounting and payment processing.
- The maximum limit for NRPs per participant.
- The requirement that any alleged and suspected fraudulent activity identified while monitoring be reported immediately to the DOL Office of the Inspector General as provided in proposed 20 CFR 683.620.

Note: NRPs are classified as non-taxable income by the Internal Revenue Service (IRS).

2. Eligibility Requirements

a. Adults and OSY ages 18-24 must:

- Be unemployed;
- Not qualify for (or have ceased to qualify for) UI; and
- Be enrolled in a program of training services under WOIA Section 134 (c)(3) for adults and WIOA Section 129(c)(2) for OSY ages 18-24.

b. Dislocated Workers must:

- Be unemployed;
- Have ceased to qualify for unemployment insurance or Trade Readjustment Allowances (TRA) under TAA;
- Be enrolled in a program of training services under WIOA Section 134(c)(3), by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a

dislocated worker; or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed six months; or
- Be unemployed and not qualified for unemployment insurance compensation or TRA.

If these eligibility requirements are met, individuals may be awarded NRPs prior to the start date of training classes for the purpose of enabling them to participate in programs of employment and training services that begin within 30 calendar days. Local policies may extend the 30-day period to address appropriate circumstances.

3. Level of Payment Determination

a. The payment level for Adults and OSY ages 18-24 must be established by LWDBs. WIOA does not specify a minimum level of payment.

b. The level of an NRP made to a Dislocated Worker shall not exceed the greater of:

- The applicable weekly level of unemployment insurance compensation (for participants who were eligible for unemployment insurance compensation as a result of a qualifying dislocation), or
- If the worker did not qualify for unemployment insurance, the weekly payment may not exceed the poverty level (100 percent of the Lower Living Income Standard Level) for an equivalent period.

c. The weekly payment level must be adjusted to reflect changes in total family income as determined by LWDB policies.

4. Documentation Requirements

a. Each LWDB is required to specify in its local supportive services or NRPs policy how it will document the requirements for and payments from this program.

b. Required documentation includes:

- A copy of a UI entitlement decision or confirmation of UI benefits being exhausted, if applicable;
- Evidence of participation in training, such as a copy of ITA(s) or attendance records for each period of training (quarter, semester, class, etc.);
- Signature by participants attesting to their understanding of NRPs requirements and instructions; and
- All eligibility determinations.

Attachment B - Training Support Analysis Form

1. Are you unemployed or have you received notification of layoff?

   □ Yes □ No

2. Do you currently qualify for UI benefits?

   □ Yes □ No

3. Do you currently qualify for additional state or extended UI benefits (e.g., Training Benefits)?

   □ Yes □ No

4. Do you currently qualify for Trade Readjustment Allowances (TRA)?

   □ Yes □ No

5. Are you receiving any other federal or state income support? *Examples: TANF, Training Completion Aid?*

   □ Yes □ No

6. Have you considered all other resources available that will help you successfully participate in your full-time training program? *Examples of other resources include, but are not limited to, Pell grants, severance pay, other family income (e.g. spouse's income).*

   □ Yes □ No

7. Do you need income support beyond these other resources in order to participate in training full-time?

   □ Yes □ No

NRPs are not intended to provide the entire amount of income support you need to complete your training. If you are awarded an NRP, it will be based on this support analysis and the weekly NRP level will be determined by the LWDB. These payments are made to help you while making satisfactory progress while attending school. NRPs are subject to your eligibility for the program and total funds available.

All answers and statements are true and complete to the best of my knowledge. I understand that providing untruthful or misleading answers are cause for denial of NRPs. Any overpayments or fraud based on my false or misleading answers could result in my repayment of any NRPs provided.

Signature: _____ *Date:* _____

Attachment C - Personal Resource Worksheet Desk Aid

Monthly Income			Monthly Expenses	
Personal			Rent/Mortgage	
Spouse/Partner			Electricity	
Other Family Members			Heating	
Child Support			Water/Garbage/Sewage	
Social Security			Telephone	
Maintenance/Alimony			Monthly Auto Payments	
Retirement			Day Care	
Workers Compensation			Medical	
Social Security			Monthly Credit Card Pymt	
Unemployment Insurance			Monthly Loan Payment	
Public Assistance			Food	
Other:			Clothing	
			Fuel	
			Public Transportation	
			Other:	
Total Monthly Income			**Total Monthly Expenses**	
Participant's Net Income (Income Minus Expenses):				
Participant's Financial Contribution:				

I certify that the above is true and accurate to the best of my knowledge. I further understand that any receipt of support services is contingent upon the availability of funds.

_____ _____

Participant Signature Date

_____ _____

Case Manager Signature Date