

WIOA Guidance Notice No. 10-16

TO: Workforce Development Boards

FROM: Angela Fry
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Workforce Programs

SUBJECT: Supportive Services/Needs Related Payments

EFFECTIVE DATE: December 1, 2016

- I. REFERENCE(S):**
Workforce Innovation and Opportunity Act (WIOA) Sections 3, 129, 134, and 171; WIOA Code of Federal Regulations, 20 CFR § 680.900, 680.910 through 680.970, 681.570, 688.120.
- II. PURPOSE:**
To provide guidance to local Workforce Development Boards on Supportive Services and Needs Related Payments (NRP).
- III. 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 20 CFR 680.900. These include services such as transportation, child care, dependent care, housing, and assistance with uniforms and other appropriate work attire and work-related tools, including such items as eye glasses and protective eye wear, and needs related payments needed to enable individuals to participate in WIOA Title I activities. Supportive services for youth as defined in WIOA section 129(c)(2)(G) and 20 CFR 681.570 can additionally include assistance with educational testing, reasonable accommodations for youth with disabilities, and referrals to health care.
- IV. ACTION:**
Local Workforce Development Boards (LWDBs), in consultation with the One-Stop partners and other community service providers, must develop guidance related to supportive services that ensures resource and service coordination. The guidance must include procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources. LWDBs must ensure that need-related payments are made in a manner consistent with 20 CFR 680.930, 680.940, 680.950, 680.960, and 680.970.

Supportive Services

To be eligible for supportive services, a participant must have been determined WIOA eligible and:

- Participating in career and training services. Limited supportive services may be provided to eligible applicants (e.g., paying for a birth certificate) before they are enrolled as participants to permit participation in assessment activities; and
- Are unable to obtain supportive services through other programs providing such services.

Supportive services include, but are not limited to, cash assistance or referral to the following:

- Transportation assistance and auto repairs;
- Child care and dependent care costs;
- Housing and utility assistance;
- Groceries and hygiene items (including haircuts);
- Assistance with medical and prescription (including eyeglasses) services;
- Interview clothing, uniforms, and other appropriate work attire;
- Tools or other work or training-related materials;
- Job-related adult basic education and English as a Second Language training;
- Translation services;
- Non-commercial driver's license training and assistance with driver's license fees;
- Work and training-related licenses, permits, and fees;
- Assistance with special services and materials for individuals with disabilities;
- Out-of-state job search and relocation to a new job; and
- Legal aid services meant to reduce barriers to employment and establish employment eligibility such as by helping secure a driver's license, expunging criminal records, and addressing debts or credit reporting issues.

Supportive services cannot be provided for:

- Fines and penalties such as traffic violations, late finance charges, and interest payments;
- Entertainment including tips;
- Contributions or donations;
- Vehicle payments;
- Refundable deposits;
- Alcohol or tobacco products;
- Pet products;
- Supplies for plants;
- Membership fees (e.g., fitness or social club memberships, annual fees on personal credit cards);
- Excessive or costly food purchases beyond normal dietary needs; and
- Out-of-state job search and relocation expenses that are paid for by the prospective employer or by the employer who has laid-off the individual.

Needs Related Payments

To be eligible for NRPs, a participant must:

Adults

- Be unemployed;
- Not qualify for, or have ceased qualifying for, unemployment compensation; and
- Be enrolled in a program of training services under WIOA section 134.

Dislocated Workers

- Be unemployed; and
 - Have ceased qualifying for unemployment compensation or trade readjustment allowance under TAA; and
 - Be enrolled in a program of training services under WIOA section 134 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 6 months; or
- Be unemployed and did not qualify for unemployment compensation or trade readjustment assistance under TAA and be enrolled in a program of training services under WIOA section 134

If a LWDB chooses to offer NRPs, they will need to submit their policy for approval to the WorkForce West Virginia before local implementation.

The policy must address the following issues:

- Determination of level of NRPs (payment amount).
- Can and/or will payments be made to participants on sick, vacation, or holiday leave?
- What attendance and academic standards will be required for payments to continue and how will this be verified?
- How many hours/credits must a participant be registered for in order to remain eligible for NRPs?
- Will NRPs be suspended during periods of earned income (how will income be calculated?) and will participants have to requalify to start receiving NRPs again once the income ends?
- Who will have the authority to approve participant requests for NRPs and how will the approval process be handled?
- Who will manage the NRP program?
- Who will respond to questions and complaints?
- Documentation requirements (see below)
- If an individual receives NRPs at the same time as supportive services from another program/partner, how will this be coordinated and documented?
- A thorough and complete description of the payment processing system must include:

- Who will handle NRP form distribution, payment accounting, and payment processing?
- What will the payment schedule be for NRPs?
- How will participants claim payments?
- What is the maximum limit for NRPs per individual?
- How will overpayments (or the potential for overpayments) be monitored and recovered? The policy must state that in the event of the discovery of fraudulent activity, all payments to the fraudulent party will cease and all funds paid will be recovered. All cases of fraud or suspected fraud will be forwarded to the appropriate legal authorities for prosecution. Needs-Related Payments have been classified as non-taxable income by the I.R.S.

Needs-Related Payments Documentation Requirements

Each LWDB will be required to specify in their local NRP policy how they will document the requirements for and payments from this program.

Required documentation includes:

- A copy of a UI entitlement decision or confirmation of UI benefits being exhausted.
- A copy of request for training classes for each period of training (quarter, semester, block, class, etc).

Verification of enrollment/registration, participation, grades, and completion of training classes (confirmation from Registrar's office and course instructor).

- A signature by the participant attesting to his/her understanding of NRP requirements and instructions.
- All eligibility determinations must be documented.
- A comprehensive reporting system of all NRPs.

V. IMPLEMENTATION DATE:

VI. INQUIRIES:

Please direct any questions regarding this Guidance Notice to WorkForce West Virginia/Workforce Programs Division.