

Preliminary Policy on Supportive Services

Reference:

Workforce Innovation and Opportunity Act (WIOA) Sections 3, 129, 134, and 171; [WIOA Notice of Proposed Rulemaking](#) (NPRM), 20 CFR §§ 680.900, 680.910 through 680.970, 681.570, 688.120.

Background:

The Workforce Innovation and Opportunity Act (WIOA) provides supportive service program guidelines for WIOA eligible participants.

Action:

This policy takes effect July 1, 2015. Local boards, in consultation with the One-Stop partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination. This policy should address the criteria set forth in this policy.

Policy:

The State Plan must describe how NDOL will implement a strategy for aligning core programs, including a description of how the entities carrying out the respective core programs will coordinate activities and provide comprehensive high-quality services, including supportive services.¹

Definitions

“Supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under WIOA.²

In relation to youth participants and YouthBuild activities, supportive services **also** include, but are not limited to, linkages to community services; assistance with educational testing; reasonable accommodations for youth with disabilities; referrals to medical services; and assistance with uniforms and other appropriate work attire and work-related tools, including such items as eye glasses and protective eye gear.³ Linkages to community services include, but are not limited to, free legal aid to help with the expungement of criminal records, securing government identification, and linkages to

¹ WIOA Section 102(b)(2)(B)(iii)

² WIOA Section 3(59)

³ 20 CFR §§ 681.570 and 688.120

organizations that provide youth the opportunity to develop their leadership skills through service to their respective communities.⁴

Local Policy on Supportive Services

Local boards, in consultation with the One-Stop partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination. Such policy should address procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources.⁵ Such policy must include whether or not needs-related payments will be authorized and, if they are, establish the payment level for adults.

Local boards may establish limits on the provision of supportive services or provide the One-Stop operator with the authority to establish such limits, including a maximum amount of funding and maximum length of time for supportive services to be available to participants.⁶

Procedures may be established to allow One-Stop operators to grant exceptions to the limits established.⁷ If the local policy allows for needs-related payment exceptions when there is a training delay (described below) beyond thirty days, the policy should address the special circumstances that would qualify for the exception basis.⁸

Providing Supportive Services

Adults and Dislocated Workers Employment and Training Activities

Supportive services may only be provided to individuals who are:

- Participating in career or training services; and
- Unable to obtain supportive services through other programs providing such services.⁹

Supportive services for adults and dislocated workers may only be provided when they are necessary to enable individuals to participate in career service or training activities.¹⁰

Funds provided for adult and dislocated worker employment and training activities shall be used to provide career services, which shall be available to adults and dislocated workers through the One-Stop delivery system and shall include the provision of information, in formats that are usable and understandable to One-Stop center customers, relating to the availability of supportive services, including child care, child support, medical or child health assistance under Title XIX or XXI of the Social Security

⁴ WIOA NPRM Section-by-Section Discussion of Proposal

⁵ 20 CFR § 680.900

⁶ 20 CFR § 680.920(a)

⁷ 20 CFR § 680.920(b)

⁸ Strategic Five-Year State Workforce Investment Plan, p. 75-76

⁹ WIOA Section 134(d)(2)(A) and (B), 20 CFR § 680.910(a)

¹⁰ 20 CFR § 680.910(b)

Act, benefits under the Supplemental Nutrition Assistance Program (SNAP), assistance through the earned income tax credit, and assistance under a state program for Temporary Assistance for Needy Families (TANF), and other supportive services and transportation provided through funds made available through such programs, available in the local area.¹¹

Youth Workforce Development Activities

The provision of supportive services is one of fourteen program elements required by WIOA in order to support the attainment of a secondary school diploma or its recognized equivalent, entry into post-secondary education, and career readiness for youth participants.¹²

YouthBuild Program

An entity that receives a YouthBuild grant shall use the funds to provide supportive services and provision of needs-based stipends necessary to enable individuals to participate in the program and to assist individuals, for a period not to exceed twelve months after the completion of training, in obtaining and retaining employment, or applying for and transitioning to post-secondary education or training.¹³

Needs-Based Payments

Local boards must ensure that needs-based payments are made in a manner consistent with 20 CFR §§ 680.930 through 680.970.¹⁴ Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training and are one of the supportive services authorized by WIOA. Unlike other supportive services, in order to qualify for needs-related payments a participant must be enrolled in training.¹⁵ The provision of needs-related payments is a discretionary local area activity.

Funds allocated to the local area may be used to provide needs-related payments to adults and dislocated workers, respectively, who meet eligibility requirements.

Eligibility

Adults must meet all of the following conditions:

- be unemployed;
- not qualify for, or have ceased qualifying for, unemployment compensation; and
- be enrolled in a program of training services under Sec. 134(c)(3) of WIOA.¹⁶

¹¹ WIOA Section 134(c)(2)(A)(ix)(I)

¹² WIOA Section 129(c)(2)(G)

¹³ WIOA Section 171(c)(2)(A)(vii)

¹⁴ 20 CFR § 680.900

¹⁵ 20 CFR § 680.930

¹⁶ 20 CFR § 680.940

Dislocated Workers must:

- Be unemployed, and:
 - Have ceased to qualify for unemployment compensation or trade readjustment allowance under Trade Adjustment Assistance (TAA); and
 - Be enrolled in a program of training services under Sec. 134(c)(3) of WIOA 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;¹⁷ **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 Sec. 134(c)(3) of WIOA.¹⁸

Payments

Adults

The payment level for adults must be established by the Local Board.¹⁹

Dislocated Workers

The payment level for dislocated workers must not exceed the greater of either of the following:

- The applicable weekly level of the unemployment compensation benefit for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; **or**
- The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income as determined by Local Board policies.²⁰

Training Delay

Needs-related payments may be paid while a participant is waiting to start training classes provided the participant has been accepted in a training program that will begin within thirty (30) calendar days. Local areas may extend the 30 day period on an exception basis to address appropriate circumstances.²¹ If local areas choose to do so, the availability of such extension must be noted in the local plan. Documentation for the extension should be kept in the participant's case file.

¹⁷ 20 CFR § 680.950(a)

¹⁸ 20 CFR § 680.950(b)

¹⁹ 20 CFR § 680.970(a)

²⁰ 20 CFR § 680.970(b)

²¹ 20 CFR § 680.960

Disclaimer:

This policy is based on NDOL's reading of the statute along with the Notice of Proposed Rulemaking released by USDOL. This policy may be subject to change as additional federal regulations and TEGs are released. This policy is not intended to be permanent and should be viewed as a placeholder until final federal regulations are released in early 2016.