

# New Jersey

## Workforce Innovation Notice 10-16(A)

**TO:** Workforce Development Board Directors  
One-Stop Operators  
Employment Service Managers

**FROM:** John Bicica, Chief,  
Office of WIOA Technical Assistance and Capacity Building

**SUBJECT:** Supportive Services and Needs-Based Payments under WIOA Title I Programs

**DATE:** October 25, 2016

### **Purpose**

To provide guidance to local workforce development areas regarding the provision of supportive services and needs-related payment to participants served through the Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker programs. Please note that this guidance is subject to revision based on additional guidance from the United States Department of Labor. Guidance regarding the provision of supportive services under the WIOA Youth program will be issued separately.

### **Background**

WIOA Sec. 134 provides local workforce development areas with the option of providing supportive services and needs-related payments to adults and dislocated workers under certain conditions. The purpose of this option is to assist individuals who are receiving career or training services and require assistance to participate in those services. Additionally, the provision of accurate information about the availability of supportive services in a local area, as well as referral to such services, is one of the career services that must be made available to adults and dislocated workers through the One-Stop delivery system. Training and Employment Guidance Letter (TEGL) 3-15 provides additional guidance and requires that local areas develop documented policies regarding the provision of supportive services, including needs-related payments.

### **Supportive Services**

A key principle in WIOA is to provide local areas with the authority to make policy and administrative decisions and the flexibility to tailor the workforce system to the needs of the local community. To ensure maximum flexibility, this guidance provides local areas the

discretion to provide the supportive services they deem appropriate subject to the limited conditions prescribed by WIOA.

Local Boards must develop written policies and procedures to ensure coordination with other entities to ensure the highest quality, most comprehensive service provision possible; prevent duplication of resources and services; and establish limits on the amount and duration of these services. Local Boards are encouraged to develop policies and procedures that ensure that supportive services are WIOA-funded only when these services are not available through other agencies and that the services are necessary for the individual to participate in Title I activities. Supportive services may be made available to anyone participating in WIOA Title I career or training services.

Supportive Services may include, but are not limited to:

- Linkages to community services
  - Assistance with transportation
  - Assistance with child care and dependent care
  - Assistance with housing
  - Needs-Related Payments (available only to individuals enrolled in training services)
  - Assistance with educational testing
  - Reasonable accommodations for individuals with disabilities
  - Legal aid services
  - Referrals to health care
  - Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear
  - Assistance with books, fees, school supplies and other necessary items for students enrolled in post-secondary education classes
  - Payments and fees for employment and training-related applications, tests and certifications
- (20 CFR 680.900)**

Needs-related payments (NRPs) are designed to provide a participant with resources for the purpose of enabling them to participate in training services. ETA recognizes that many individuals in need of training services may not have the resources available to participate in the training. Needs-related payments can help individuals meet their non-training expenses and help them to complete training successfully. According to section 134(d)(3)(B) of WIOA, a participant must be enrolled in a WIOA training program in order to receive needs-related payments. **(TEGL 3-15)**

### **Eligibility for Supportive Services for Adult Program Participants**

- (a) Supportive services may only be provided to individuals who are:
- (1) Participating in career or training services as defined in WIOA secs. 134(c)(2) and (3); **and**
  - (2) Unable to obtain supportive services through other programs providing such services.
- (b) Supportive services may only be provided when they are necessary to enable individuals to participate in career service or training activities.
- Note:** WIOA career and training services are provided in the Adult and Dislocated Worker Eligibility Guidelines issued through ***New Jersey Workforce Innovation Notice (NJWIN) 1-16.***

## **Documentation**

The following are acceptable documentation that can be used to verify eligibility for supportive services:

(a)(1) **Participating in career or training services** - AOSOS record of career service(s) provided and or funded training service

(a)(2) **Unable to obtain supportive services through other programs** - Case notes entered into AOSOS documenting that attempts were made to use other resources before WIOA supportive services dollars are authorized.

(b) **Services are necessary to enable individual to participate in career or training activities** - Case notes entered into AOSOS documenting the determination that the participant requires the provision of supportive services to participate in career or training services.

## **Underemployed Individuals**

Participants who meet the definition of an underemployed individual (see below) may be provided supportive services other than needs-based payments.

**Underemployed Individuals** – The following are underemployed individuals:

- Individuals employed less than full-time who are seeking full-time employment
- Individuals who are employed in a position that is inadequate with respect to their skills and training
- Individuals who are employed who meet the definition of a low-income individual in WIOA Sec 3(6) (see below)
- Individuals who are employed but whose current employment earnings are 80% or less than their previous position.

## **Low-income Individual**

1) Individuals who receive, or, in the past six months received, or are a member of a family that is receiving or in the past six months has received, assistance through one or more of the following:

Supplemental Nutrition Assistance Program (SNAP); Temporary Assistance for Needy Families; Supplemental Security Income; State or local income-based public assistance

2) Is in a family with total family income that does not exceed the higher of—

- The poverty line; or
- 70 percent of the lower living standard income level;

3) Is a homeless individual as defined in the Violence against Women Act of 1994, or a homeless child or youth (as defined in the McKinney-Vento Homeless Assistance Act)

4) Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act;

5) Is a foster child on behalf of whom State or local government payments are made; or

6) Is an individual with a disability whose own income meets the income requirement of clause (2), but who is a member of a family whose income does not meet this requirement.

## **Limits on the Amounts or Duration of Funds for Supportive Services**

Local Boards may establish limits on the provision of supportive services or provide the one-stop center 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.

Procedures may also be established to allow one-stop centers to grant exceptions to the limits established under paragraph (a) of this section. (**20 CFR 680.920**)

### **Needs-Related Payments**

Needs-related payments (NRPs) provide financial assistance to participants (adults, dislocated workers, out-of-school youth (OSY) aged 18-24) for the purpose of enabling them to participate in training and are a supportive service authorized by WIOA sec. 134(d)(3). Unlike other supportive services, in order to qualify for needs related payments, a participant **must** be enrolled in training. (**20 CFR 680.930**)

#### **Eligibility requirements for adults to receive needs-related payments**

Adults must:

- 1) Be unemployed;
- 2) Not qualify for, or have ceased qualifying for, unemployment compensation; and
- 3) Be enrolled in a program of training services under WIOA sec. 134(c)(3). (**20 CFR 680.940**)

Participants may be provided while a participant is waiting to start a training class if the participant is enrolled in a program that is scheduled to begin within 30 calendar days. The Governor may authorize a local area to extend the 30-day period in appropriate circumstances. (**20 CFR 680.940**)

#### **Documentation for NRPs (Adults)**

Only one document per criterion is required. The following are acceptable documentation that can be used to verify eligibility for NRPs for adults:

- 1) **Individual is unemployed**-UI records such as LOOPS Basic 1 Screen Printout; Notice of layoff; Statement from employer or union; WARN notice; and AOSOS entry
- 2) **Not qualified for, or has ceased to qualify for unemployment compensation**-UI records, self-certification (not qualified for unemployment compensation as appropriate)
- 3) **Enrolled in a WIOA training program**- A funded training service must be entered in AOSOS.

**Also required:** Signature of participant attesting to their understanding of the NRP requirements and instructions.

#### **Eligibility requirements for dislocated workers to receive needs-related payments**

To receive needs-related payments a dislocated worker must:

- (a) Be unemployed and:
  - (1) Have ceased to qualify for unemployment compensation or trade readjustment allowance under Trade Adjustment Assistance (TAA); and
  - (2) Be enrolled in a program of training services under WIOA sec. 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**

(b) 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 sec. 134(c)(3). **(20 CFR 680.950)**

### **Documentation for NRPs (Dislocated Workers)**

Except where specified, only one document per criterion is required. The following are acceptable documentation that can be used to verify eligibility for NRPs for dislocated workers:

(a) **Unemployed**-UI records (for example, LOOPS printout)

(1) **Ceased to qualify for UI/TAA**- UI records or TAA records as appropriate and

(2) **Enrolled in WIOA training services**-Copy of Individual Training Account or training contract, and AOSOS record showing enrollment in training by the required time frame or

(b) **Unemployed and did not qualify for UI or Trade adjustment assistance and enrolled in training** -UI/TAA application; ITA/contract **and**

Copy of Individual Training Account or training contract, **and** AOSOS record showing enrollment in training

**Supportive Services Available from Other Programs**-WIOA requires that a person must be “unable to obtain supportive services through other programs” before WIOA funds can be used for such services. If a customer is eligible for supportive services through another program, those funds must be used instead of WIOA-for example, an Adult participant who receives TANF funds would use TANF Needs-Based Work Support instead of WIOA funds.

### **Training Services - may include—**

- Occupational skills training including training for nontraditional employment;
- On-the-job training;
- Incumbent worker training;
- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Transitional jobs;
- Job readiness training provided in combination with services described in any of clauses described above.
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

### **Work Support Activities**

WIOA Sec. 134(d)(1)(B) allows local areas to provide work support activities to low-wage workers. Low-wage workers are those individuals who are employed and eligible SNAP benefits. Work support activities are supportive services that enhance a worker’s, ability to

participate in training, such as services provided during nontraditional hours or the provision of onsite child care.

**Determining the level of needs-related payments-**The following are the methods used by the local area to determine needs-related payment levels.

- **Adults**-The payment level for adults must be established by the Local Board
- **Dislocated Workers**-For dislocated workers, payments must not exceed the greater of either of the following levels:

(1) 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**  
(2) 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 CFR 680.970)**

### **Supportive Services Matrix**

Each group described in the matrix below must meet the criteria provided in this guidance.

	<b>Adult/DW (Career Services Only)</b>	<b>Adult/DW (Training Services)</b>	<b>Underemployed Adult/DW</b>	<b>Low-Wage Worker</b>
<b>Supportive Services</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Needs-Related Payments</b>	<b>No</b>	<b>Yes</b>	<b>No</b>	<b>No</b>
<b>Work Support Activities</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>

### **Identifying and Recording Supportive Services**

The One-Stop Operator is required to conduct an interview, evaluation or assessment to determine if an individual is unlikely or unable to obtain employment through career services. (See the Adult and Dislocated Worker Program and Training Eligibility Guidelines for additional information). As part of the determination, the operator must identify what, if any, supportive services a customer requires to successfully complete training and from what sources they will obtain these services. This must be recorded in the participants America's One-Stop Operating System (AOSOS) record and their individual employment plan.

### **Local Supportive Services Policies**

Local policies must be developed per the guidance in this document. Policies must include the following elements for the adult/dislocated worker population and youth:

1	The process for determining the need for supportive services
2	Documenting provision of supportive services in AOSOS and the employment plan
3	Identifying and obtaining sources of supportive services other than WIOA funds
4	Specific policies related to needs-related payment, if the local area elects to provide them

5	Internal controls that ensure equitable treatment
6	Local limits on amount/duration of supportive services, and exceptions to limits, if any
7	Local policies on proving work support activities (hours, eligibility, types of services available)

### **Needs-Related Payment Policies**

Local areas who indicate through their supportive services policy that they will provide needs-related payments must also address the following:

1	Internal controls to ensure that payments are properly disbursed
2	How the level of needs-related payment is determined
3	Attendance and academic standards and verification process for payments to continue
4	The number of hours/credits for which participant must be registered to remain eligible
5	How Unemployment Insurance Benefits affect NRPs
6	Whether NRPs will be suspended during periods of earned income (and how that income will be calculated) and if participants have to requalify to start receiving NRPs again once that income is no longer earned.
7	Who has the authority to approve NRPs and a description of the approval process
8	Documentation requirements, including recording provision of NRPs in AOSOS
9	Coordination and documentation if participants receive NRPs at the same time as supportive services from another program
10	A thorough description of the payment processing system
11	Who is responsible for accounting and processing of NRPs
12	The maximum limit for NRPs per participant
13	The requirement to report alleged and suspected fraudulent activity identified during monitoring to be reported as per 20 CFR 683.620

Needs-related payments are classified as non-taxable income by the Internal Revenue Service.

### **Required Action**

Local areas must develop written policies and procedures, consistent with the guidance provided in this document, for the provision of supportive services for adults, dislocated workers and youth. The New Jersey Department of Labor and Workforce Development will ensure, through monitoring, that these policies have been developed, documented and implemented as per the guidance provided in this document. This guidance must be shared with all staff responsible for providing career planning services to WIOA participants.

### **References and Links**

WIOA Sec. 134; 20 CFR 680 et al

TEGL 3-15: [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_03-15\\_Acc.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_03-15_Acc.pdf)

### **Rescissions**

None

### **Authority**

New Jersey Department of Labor and Workforce Development	X
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**Questions**

For questions regarding this guidance, contact John Bicica, Chief, Office of WIOA Technical Assistance and Capacity Building at [john.bicica@dol.nj.gov](mailto:john.bicica@dol.nj.gov)