

**Nevada Department of Employment, Training and Rehabilitation  
(DETR)  
Workforce Innovation and Opportunity Act  
State Compliance Policy (SCP)**

**Policy Number: 1.15**

**Originating Office:** DETR; Workforce Investment Support Services (WISS)

**Subject:** Adult/Dislocated Worker Support Services & Needs Related Payments

**Issued:** NEW; replacing WIA State Compliance Policy 1.15; Approved GWDB Executive Committee, 11-14-16; Ratified GWDB, 01-19-17

**Purpose:** To provide the Workforce Innovation and Opportunity Act (WIOA) requirements for Adult and Dislocated Worker Support Services & Needs Related Payments.

**State Imposed Requirements:** This directive contains some state-imposed requirements. These requirements are printed in ***bold, italic type***.

**Authorities/References:** Workforce Innovation and Opportunity Act P.L. 113-128; 20 CFR §680.900-970; TEGL 3-15.

**ACTION REQUIRED:**

Upon issuance bring this guidance to the attention of all WIOA service providers, local workforce development board (LWDB) members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

**Background:**

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 Title I career or training services.

Needs-related payments 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 training program described in section 134(c)(3) of WIOA in order to receive needs-related payments.

### **Policy and Procedure:**

#### **Support Services (WIOA sec. 134(d)(2))**

Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under [WIOA] section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively—

(A) who are participating in programs with activities authorized in paragraph (2) or (3) of subsection (c)[participating in career and training services]; and

(B) who are unable to obtain such supportive services through other programs providing such services.

#### **(WIOA sec. 3(59))**

The term “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 this Act.

NOTE: Needs related payments are available only to individuals enrolled in training services.

#### **Support Services for Adult and Dislocated Workers (20 CFR §680.900)**

Supportive services for adults and dislocated workers are defined at WIOA sec. 3(59) and secs. 134(d)(2) and (3). Local WDBs, in consultation with the one-stop [American Job Centers of Nevada] partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination in the local area. The 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. The provision of accurate information about the availability of supportive services in the local area, as well as referral to such activities, is one of the career services that must be available to adults and dislocated workers through the one-stop delivery system. (WIOA sec. 134(c)(2)(A)(ix) and [20 CFR]§ 678.430 of this chapter). Local WDBs must ensure that needs-related payments are made in a manner consistent with [20 CFR] § 680.930, 680.940, 680.950, 680.960, and 680.970. Supportive services are services that are necessary to enable an individual to participate in activities authorized under WIOA sec. 134(c)(2) and (3).

These services may include, but are not limited to, the following:

- (a) Linkages to community services;
- (b) Assistance with transportation;
- (c) Assistance with child care and dependent care;
- (d) Assistance with housing;
- (e) Needs-related payments, as described at [20 CFR]§ 680.930, 680.940, 680.950, 680.960, and 680.970;
- (f) Assistance with educational testing;
- (g) Reasonable accommodations for individuals with disabilities;
- (h) Legal aid services;
- (i) Referrals to health care;

- (j) Assistance with uniforms or other appropriate work attire and work related tools, including such items as eyeglasses and protective eye gear;
- (k) Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- (l) Payments and fees for employment and training-related applications, tests, and certifications.

**Support Services Participant Eligibility (20 CFR §680.910)**

- (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 only may be provided when they are necessary to enable individuals to participate in career service or training activities.

**Support Service Limitations (20 CFR §680.920)**

- (a) Local WDBs 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.
- (b) Procedures also may be established to allow one-stop centers to grant exceptions to the limits established under paragraph (a) of this section.

**Needs Related Payments (WIOA sec. 134(d)(3))**

(A) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (c)(3).

(B) ADDITIONAL ELIGIBILITY REQUIREMENTS.—In addition to the requirements contained in subparagraph (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services—

- (i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle; or
- (ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

(C) LEVEL OF PAYMENTS.—The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of—

- (i) the applicable level of unemployment compensation; or
- (ii) if such worker did not qualify for unemployment compensation, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.

**(20 CFR §680.930)**

Needs-related payments provide financial assistance to participants 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.

### **Adult Participant Eligibility Requirements (20 CFR §680.940)**

Adults must:

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

### **Dislocated Worker Participant Eligibility Requirements (20 CFR §680.950)**

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 Act] (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 6 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).

### **Training Delay (20 CFR §680.960)**

Needs related payments may be provided if the participant has been accepted in a training program that will begin within 30 calendar days. The Governor may authorize local areas to extend the 30-day period to address appropriate circumstances.

*If local areas choose to do so, the availability of such extension and circumstance must be noted in policy. Documentation for the extension must be noted in Management Information System (MIS) comments/case notes, and be kept in the participant's case file. Reference MIS Data and Performance Desk Reference Guide at*

*[http://detr.state.nv.us/workforce\\_investment\\_pages/workforceinvestment.htm](http://detr.state.nv.us/workforce_investment_pages/workforceinvestment.htm) for proper use of the HOLD tab as part of the training delay.*

### **Determining Level of Needs Related Payments (20 CFR §680.970)**

- (a) The payment level for adults must be established by the Local WDB. For statewide projects, the payment level for adults must be established by the State WDB.
- (b) 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 WDB policies.

Local boards must have written policy and ensure that needs-based payments are made in a manner consistent with 20 CFR §680.930 through 680.970. 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. 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.

### **SUPPORTIVE SERVICE PROHIBITIONS (2 CFR §200; WIOA sec. 181, 184)**

1. Payment toward goods or services incurred or received prior to the participant's enrollment in WIOA is prohibited.
2. Fines and penalties may not be paid with WIOA funds under any circumstances.
3. WIOA funds cannot be used to cover the cost of certain legal fees. *If this type of assistance is contemplated, and as appropriate per federal regulation, the LWDB must approve by entering a comment/case note into the MIS as appropriate.*
4. Bad debts cannot be paid with WIOA funds; debts meet this definition at the point they are turned over to a collection agency for further action.
5. Interest expense cannot be paid with WIOA resources. Revolving credit payments or other periodic loan payments are normally comprised of both interest and principal.
6. *Payments for real or personal property that bears title (i.e. - automobiles, homes, etc.) cannot be made with WIOA funds.*
7. The purchase of goods or services that are illegal under any federal, state, local, or municipal law or statute cannot be made with WIOA funds.
8. The purchase of tobacco products, alcoholic beverages or firearms is prohibited.
9. WIOA funds cannot be used to pay for union dues.
10. WIOA funds cannot be used to pay deposits, rental or otherwise.
11. WIOA funds may not be used for foreign travel *or training*.
12. Payments for participant memberships, dues and subscriptions are not allowed unless it is a specific requirement of a training program, or necessary and reasonable as a condition of employment.
13. Entertainment costs. Costs of entertainment, including amusement, diversion, and social activities and any associated costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable, except where specific costs that might be otherwise considered entertainment have a programmatic purpose and are authorized either in the approved budget for the federal award or with prior written approval of the federal awarding agency. (2 CFR 200.438, 2 CFR 215, 2 CFR 230)

### **LWDB Policy Requirements Summary**

Each item provided must be documented thoroughly in case notes and all accompanying paperwork retained in the participant case file. Description must provide enough information to determine what is being purchased or authorized, the price, duration if applicable and narrative documenting that the costs are reasonable and necessary.

**Boards Must Have Written Policy Defining the Following per 20 CFR §680.900 and TEGL 3-15, unless otherwise stated below:**

- Define all Support Service that are to be administered in the local area (reference list at 20 CFR §680.900 which may not be all inclusive), include an acceptable description of each support service.
- Define “necessary to enable an individual to participate” and how the need and rationale will be documented in Individual Employment Plan (IEP) and Management Information System (MIS) comments/case notes.
- Address coordination of available resources in the local area including referral procedures and how it will be documented in MIS Comments/case notes.
- Define how each type of support service will be funded. (WIOA sec. 184)
- Include LWDB limitations on maximum amount of funding and or maximum length of time, if applicable. Policy must include how the established limits will be applied consistently for all participants. (20 CFR §680.920)
- ***Address the procedure for use of MIS Sector Tab. Reference TAG 14-2 [http://detr.state.nv.us/workforce\\_investment\\_pages/TechnicalAssistanceGuides/TAG\\_14-2.pdf](http://detr.state.nv.us/workforce_investment_pages/TechnicalAssistanceGuides/TAG_14-2.pdf) where applicable.***
- Policy must include the procedure for handling unclaimed gift cards/items used in supplying support services and include a return policy addressing unopened and opened/used items. (WIOA sec. 184)
- Address what support services may be provided once participants have exited and entered follow-up service and include when participants are no longer eligible for support services.
- Address participant training attendance verification requirements before issuing support services.
- Define eligibility requirements for Needs Related Payments consistent with 20 CFR §680.930-970 as well as documentation requirements in MIS Services Screen and comments/case notes.
- Determine the payment levels of Needs Related Payments for participants in the Adult program including documentation requirements in MIS comments/case notes. (WIOA sec.134(d)(3))
- Address the payment level requirements for Needs Related Payments for Dislocated Worker participants including documentation requirements in MIS comments/case notes. (WIOA sec. 134(d)(3))
- Address prohibited items as listed above and as described in legislation. (2 CFR 200.100-521, WIOA sec. 181, 184)

***NOTE: Best financial practices include validation by signature of the participant for all support service items including receipts of goods.***

### **Participant Case File Requirements**

***The participant case file must contain at a minimum and per Local Board requirements;***

- ***All financial documentation including, quote if any, purchase order/requisition, receipts, time frames if applicable and additional documentation to support the purchase for this participant. (i.e. rental assistance would require some form of documentation to tie the individual to the rental property)***

### **Required MIS Case Note/Comment**

- *Reference MIS Data and Performance Desk Reference Guide for specific data entry requirements at:  
[http://detr.state.nv.us/workforce\\_investment\\_pages/workforceinvestment.htm](http://detr.state.nv.us/workforce_investment_pages/workforceinvestment.htm)*
- *MIS comments/case notes sufficient to determine what was purchased, from where, the cost, for what purpose the purchase was made and the date range, if applicable, it represents.*
- *The need and inability to obtain this service elsewhere in the community for the support service/needs related payment service.*
- *Co-enrollment details as to shared costs and services if any.*
- *Purchase Order/Invoice details sufficient to determine the need for the purchase, what was purchased, from where, time frames and costs.*

**Sector Tab**

**Reference TAG 14-2**