

PUBLIC POLICY: WIOA AMENDMENT 24-001

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

I. SUBJECT:

Supportive Services and Need-Related Payments.

II. BACKGROUND:

Supportive services are services necessary to enable an individual to participate in activities authorized under WIOA. Under Title I of WIOA, supportive services will be provided to adult and dislocated worker program participants when these services meet their needs to facilitate their participation in activities permitted under section 134(c)(2) and (3). For youth program participants, supportive services as defined in section 129(c)(2)(G), are among the 14 required program elements.

III. PURPOSE OF THE AMENDMENT:

The Workforce Innovation and Opportunity Act (WIOA) allows for the provision of supportive (support) services to defray expenses incurred by a program client to train for, obtain or retain employment. The service is intended to facilitate job search, attend planned activities, attend work, retain employment, or attend training.

The purpose of this policy is to establish the use of funds provided by WIOA to provide supportive services (support) and need-related payments (NRP) to eligible participants under the WIOA Title I Adult, Dislocated Worker, and Youth programs. In addition, to ensure coordination of local area resources and services, as well as its mandated partners, community programs, among others.

To that end, the Guaynabo-Toa Baja Local Workforce Development Board (GTB-LWDB) promulgates the following public policy to establish the criteria for NRP and supportive services to be made available to the eligible population under WIOA programs and to ensure coordination with other entities to ensure non-duplication of resources and services.

IV. LEGAL BASIS

- Workforce Innovation and Opportunity Act (WIOA), (Public Law 113-128, July 22, 2014).
- Act to Establish the Film Industry Development Program, the Youth Development Program, and the Workforce Development and Training Program (Act No. 171-2014).
- Municipal Code of Puerto Rico (Act No. 107 of August 14, 2020, as amended).
- Administrative Bulletin No. OE-2022-034 of June 13, 2022, to Establish the State Labor Development Board and Repeal Administrative Bulletin No. OE-2014-064.
- 20 C.F.R. parts 680, 681 and 687.
- TEGL19-16 - Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rule, (March 1, 2017).
- TEGL 21-16 - Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance, (March 2, 2017).
- TEN 12-21 Practitioners Guide to Supportive Services, (October 15, 2021).
- TEGL 21-22 Increasing Equitable Service Access and Employment Outcomes for All Jobseekers in Workforce Innovation and Opportunity Act Adult and Dislocated Worker Programs, (June 9, 2022).
- DDEC-WIOA-02-20 Youth Program Elements Technical Assistance Guide.
- TEGL 9-22 Workforce Innovation and Opportunity Act Title I Youth Formula Program Guidance.

V. DEFINITIONS:

1. **Incumbent Worker Training¹**: training designed to meet the special requirements of an employer or group of employers to retain a skilled workforce. The purpose of this training

¹ 20 CFR § 680.790 What is incumbent worker training?

is to provide new skills and knowledge to existing employees² in order to increase their competitiveness and the productivity of the business. The training is conducted with the employer's commitment to retain or avoid layoffs of the trained incumbent workers.

2. **Adult³**: The term adult refers to a person over 18 years of age.
3. **Local Workforce Development Area (LWDA)**: The purpose of a local area is to serve as the jurisdiction within a geographic area for the administration of employment and training activities authorized under WIOA. In addition, it is the jurisdiction where partners align resources at the local level to design and implement overall workforce development system service delivery strategies.
4. **Pell Grant**: is the largest federal scholarship program offered to undergraduate college students and is designed to help students from low-income families.
5. **One-Stop Center ("OSC" or "AJC")⁴**: As described in WIOA section 121(e)(2) in each local area there must be at least one (1) accessible physical location where job seeker customers and employers can access the programs, services, and activities of all required partners. A One-Stop Center must have the physical presence of at least one Title I employee.
6. **Individual Training Account (ITA)⁵**: A payment arrangement for training services established with a provider for the benefit of a participant.
7. **Department of Economic Development and Commerce (DDEC)**: government agency of Puerto Rico designated by Administrative Bulletin No. OE-2022-034 of June 13, 2022, as the administrator and overseer of federal funds received by the Government of Puerto Rico, under Federal Public Law 113-128 of July 22, 2014, known as the Workforce Innovation and Opportunity Act (WIOA).
8. **Individual Service Strategy (ISS)⁶**: it is an individual plan for a youth that includes an employment goal, appropriate achievement objectives, and the appropriate mix of services for the participant based on objective assessment. The ISS is used as the basic tool for the local area to document the appropriateness of service mix decisions made, including referrals to other programs for specific activities.

² The definition of an incumbent worker is one who has been a regular employee of the same employer for six (6) months or more.

³ WIOA section 3(2)

⁴ 20 CFR 679.220

⁵ 20 CFR 680.300

⁶ WIOA section 129(c)((1)(B)

9. **Statewide Training Service Provider List (STSPL):** Official list containing the programs of training service providers certified as eligible to offer training with WIOA funds. The ETPL provides a description of training programs, information on training program costs, credentialing information, labor market information, and outcome or performance information to facilitate consumer choice.
10. **Individual Employment Plan (IEP)**⁷: it is an individualized career service, in accordance with WIOA section 134(c)(2)(a)(xii)(II), that is developed jointly by the participant and the career planner/case manager when determined appropriate by the OSC/AJC operator or partners. This plan is an ongoing strategy for identifying employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve employment goals.
11. **Workforce Development Program (WDP):** program attached to the DDEC, created by virtue of Law 171-2014, whose function is to administer, advise, coordinate, oversee and implement the public policy of the workforce development system.
12. **Trade Adjustment Assistance Act (TAA)**⁸: it is a federal program established under the Trade Adjustment Assistance Reauthorization Act of 2015 that provides assistance to workers who lose their jobs or whose work hours and wages are reduced as a result of increased imports.
13. **Supportive Services**⁹: shall mean services such as transportation, childcare, dependent care, housing, and related needs payments, which are necessary to enable an individual to participate in activities authorized under this Act.
14. **Participant Record Information System (PRIS):** PRIS is the tool for recording programmatic information on participants authorized under Title I (Youth, Adult, and Dislocated Worker Programs) and Title III (Employment Service) of the Workforce Innovation and Opportunity Act (WIOA).
15. **Trade Readjustment Allowance (TRA)**¹⁰: These are allowances that enable eligible participants under the TAA Program to continue to receive income while participating in a full-time training course. The amount of each weekly TRA payment is based on the weekly amount of unemployment insurance benefits received. To be eligible for TRA, you must have been entitled to unemployment insurance benefits and have exhausted your entitlement.

⁷ 20 CFR § 680.170 - What is the individual employment plan?

⁸ <https://www.dol.gov/general/topic/training/tradeact>

⁹ WIOA sección 3(59)

¹⁰ [Benefits and Services Under the 2021 Reversion | U.S. Department of Labor \(dol.gov\)](#)

Note: The masculine grammatical gender of the words will be used to facilitate reading, without affecting the meaning or excluding any gender.

VI. PUBLIC POLICY AND PROCEDURE

The Workforce Innovation and Opportunity Act (WIOA) requires the local Workforce Development Board (WDB) to develop a policy regarding supportive (supportive) services available to adults, dislocated workers, and youth. The term "supportive services" refers to services such as transportation, child or dependent care, housing, and needs-related payments (NRP) that are necessary to enable an individual to participate in activities authorized under WIOA.

The Guaynabo-Toa Baja Local Workforce Development Area (GTB-LWDA) establishes that, subject to the availability of funds for the corresponding program, a budget will be allocated for support services to eligible persons under the adult, displaced and youth program, who demonstrate that they have not been able to obtain support services through another state or federal government entity or agency. Supportive services must not duplicate a service that a participant may receive from another government or community program. If possible, cost-sharing with other service providers or mandated partners may apply.

The need for services will be recommended by the participant's Counselor or Case Manager and evidenced in the participant's Individual Employment Plan (IEP) or Individual Service Strategy (ISS). Services will be available while the participant is receiving services under one of the WIOA programs or in their follow-up phase for youth program participants, except for the NRP which will be to participants in training services only. The determination of whether to approve the service rests with the Coordinator of each Affiliated Office with proper authorization from the Executive Director.

VII. SUPPORT SERVICES

1. Transportation assistance: transportation support will be provided to eligible participants who are in career services, including job search activities. Transportation costs covered by this policy include:

- Public transportation reimbursement.
- Gasoline gift cards not to exceed \$150.00 per month for the full duration of the participant's training activity or job search activities.

This service will be provided if the study site is more than ten (10) miles from the participant's residence.

2. **Child or Dependent Care Assistance:** service will be provided to participants with dependents between the ages of two (2) months old to five (5) years old, up to a maximum of three (3) children. The participant must submit three (3) quotes for the service and payment will be made directly to the provider. The most economical quote will be authorized up to a maximum of \$350.00 for the first child and 50% of the cost of care for children 2 and 3, up to a maximum of \$175.00 per additional child.
3. **Housing related assistance:** service will be provided to those participants who are in a training activity. If the participant shares with his or her family the place of residence to be relocated or additional living expenses, payments will be prorated to the participant's portion. The Executive Director may evaluate the possibility of an increase in the amount depending on the merits of the case and the availability of funds.
 - a. **Lodging:** This service will be granted to a participant who resides more than 35 miles from the training site and needs to relocate. The maximum amount will be \$250.00 per participant per month.
 - b. **Internet Services:** This service will be provided to participants who require internet connection to participate in the activity offered remotely through the use of virtual connection applications. The maximum amount will be \$50.00 per month per participant and must present evidence for reimbursement.
4. Assistance with educational testing.
5. Legal assistance services.
6. Reasonable accommodation for individuals with disabilities.
7. Referrals to health care services necessary to obtain employment.
8. Costs related to work clothing or tools, including eyeglasses and goggles, protective equipment, among others, up to a maximum of \$300.00. Original receipts must be submitted for reimbursement.
9. Assistance with books, fees, school supplies and other necessary items for students enrolled in post-secondary education classes.

10. Payments and fees for employment and training related applications, tests, and certifications. Fees associated with the cost of taking an examination to obtain a certification, license for an occupation, or education.

- The costs of certifications or examinations will not be covered if the costs of such items are included in the tuition.
- ALCL-GTB will not cover retroactive balances at institutions or the cost of the same certification, license, or examination more than once per person.
- Certifications associated with ALCL-GTB authorized and sponsored vocational training, Incumbent Worker Training, Customized Training.

11. Need-related payments (NRP) under 20 CFR 680.930, 680.940, 680.950, 680.960, and 680.970. (See eligibility criteria and distribution of NRP payments below).

12. Other supportive services not described in this policy may be considered upon assessment by the Counselor or Case Manager. The determination will be made on a case-by-case basis as needs are evidenced, subject to the availability of funds.

VIII. STIPENDS

To encourage participation and retention of participants in short-term workshop activities, a stipend will be granted to cover participant expenses during their participation in the workshop under the youth, adult, and dislocated worker programs subject to fund availability. It will be distributed as follows:

CLASSIFICATION	ACTIVITY DURATION	SUPPORT AMOUNT (up to a maximum of)
Type I	One (1) day (not less than 4 hours)	\$100.00
Type II	Two (2) to Five (5) days	\$200.00
Type III	Six (6) to ten (10) days	\$300.00
Type IV	Eleven (11) to Twenty (20) days	\$500.00
Type V	Twenty-one (21) days or more, not exceeding two hundred ninety-nine (299) hours.	\$600.00

The distribution of this payment for "online" training services shall not exceed 50% of the daily or monthly stipend for the same courses in the face-to-face mode. The payment of these stipends will be subject to verification of the participant's attendance and progress.

IX. REFERRAL REQUIREMENT AND COORDINATION OF SERVICES

To minimize the potential duplication of the use of available funds and services to address the same need, any supportive services assistance recommended to GTB-LWDA participants will be provided after LWDA staff has documented all efforts to have the service provided by some of the required partners, organizations or service entities that have resources to provide similar services within the geographic area of the Local Area.

Arrangements for consultation with required partners or service entities in the community will be made through a referral process from the participant to the partners and/or entities or by written request for services on behalf of the participant.

LWDA staff will be responsible for providing information on the availability of supportive services available under WIOA and other agencies or partners.

At a minimum, the following will be documented in the client's file:

- Eligibility Requirements
- Referral to an organization that provides the support service you are requesting.

X. ELIGIBILITY CRITERIA FOR SUPPORT/SUPPORT

To be eligible to receive services through WIOA funds, participants must meet the following eligibility criteria:

- **Eligibility.** Meet eligibility requirements under adult, youth or displaced programs and participate in career services, training or program elements.
- **Access.** The client does not have access to needed support services because they are not available through mandated partners or other organizations and entities serving the geographic area; and
- **Need.** The participant has a real need for supportive services because, without them, he/she will not be able to participate in activities scheduled in his/her Individual Employment Plan (IEP) or Individual Service Strategy (ISS), obtain and/or retain employment, or continue his/her education.

XI. ELIGIBILITY CRITERIA NEED-RELATED SERVICES (NRP)

Need Related Payments (NRP) provide financial assistance to participants to enable them to participate in training and are a supportive service authorized by WIOA sec. 134(d)(3). Unlike the supportive services described in the previous section, to receive these payments, the participant must be enrolled in occupational skills training.

To be eligible to receive need-based payments through WIOA funds, participants must meet the following eligibility criteria:

A. Adult Program Participant:

1. Unemployed.
2. Not eligible for or have exhausted Unemployment Insurance assistance.
3. Participating in a training services activity under WIOA section 134(c)(3).

B. Dislocated Worker Program Participant

1. Be unemployed, **and**:
 - a. Have terminated your eligibility for Unemployment Insurance (exhausted your benefits) or trade readjustment allowance under Trade Adjustment Assistance (TAA) **and**;
 - b. Be a participant in a training activity under WIOA section 134(c)(3), by the end of the 13th week following the most recent layoff that produced the participant's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker has been informed that a short-term layoff will exceed six (6) months, or
2. Be unemployed and ineligible to receive Unemployment Insurance compensation or trade readjustment allowance under the Trade Adjustment Assistance (TAA) and be a participant in a training activity under WIOA Section 134 (c)(3).

Attendance and academic achievement applicable to the training will be an essential requirement in order to receive NRP services.

To encourage participation and retention of WIOA youth, adult, and displaced youth program participants in training activities, as described in WIOA section 134(c)(3), up to 30 days prior to the start of the activity.

The Needs Related Payment for participants attending training in a face-to-face modality will be a Needs Related Payment (NRP) of \$25.00 per day attended up to a maximum of \$500.00 per month for the duration of the training.

The distribution of NRP payments for "virtual" training activities shall not exceed 50% of the daily or monthly stipend for the same courses in face-to-face modality. The payment of these stipends will be subject to verification of the participant's attendance and progress. If the training is of virtual modality, the participant will receive the payment at the rate of 50% of the stipulated for the face-to-face modality.

In the case of dislocated workers, the payment cannot exceed the maximum of the following levels:

- a. Applicable weekly level of unemployment insurance compensation, for participants who were eligible for the benefit because of the displacement; or
- b. The poverty level, for those who were not eligible for unemployment compensation. The weekly payment must be adjusted according to family composition and income computed for that period.

Participants should communicate with their Case Manager monthly to report their progress in the course. The Institution shall certify the participant's contact hours and progress in the course. The institution or provider will forward such certification to the local board via email.

Support services and NRP are not guaranteed rights and are subject to budget availability at the time of application.

XII. SUPPORT SERVICES WHEN THERE IS CONCURRENT PARTICIPATION OR REQUIRED PARTNERS

Concurrent with more than one Title I program:

Access is allowed if:

1. A non-WIOA Title I program was selected and is paying the training tuition.
2. Participant is also eligible and enrolled in a WIOA Title I program.
3. The individual has received, or is receiving, at least one service that triggers participation provided by a Title I program.
4. The support service provided is an allowable support service.
5. The need for supportive service is included in the participant's individual plan of employment.

Non-concurrent, paid for by other Mandatory Partner programs:

Training expenses related to trainings paid for by non-Title I WIOA programs, such as Vocational Rehabilitation, YouthBuild, Trade Adjustment Assistance (TAA), other funds under DOL or other partners may be funded by Title I as supportive services if it meets the above requirements and:

1. A non-Title I program was selected which is paying tuition for the training,
2. The costs of allowable training-related expenses are not covered by the Pell Grant, other financial aid programs, or private scholarships, and
3. The case manager or career planner had no direct involvement in the training selection process, which precludes the award of a WIOA Title I funded Individual Training Account (ITA).

XIII. SUPPORT SERVICES NOT ALLOWED

It is prohibited to purchase or pay for the following under Supportive Services with WIOA Title I funds:

- a) Goods or services acquired or received prior to the appointment of participants in WIOA Title I programs.
- b) Fines and penalties, such as: traffic violations, late fees and interest payments.
- c) Entertainment, including tips.
- d) Contributions or donations.
- e) Vehicle loan payments.
- f) Child support.
- g) The purchase of cigarettes or marijuana, alcoholic beverages, or firearms.
- h) Taxes, except sales taxes and gasoline taxes.
- i) Pet food.
- j) Items for relatives or friends.
- k) Out-of-state job search and relocation expenses paid by the prospective employer.
- l) The purchase of illegal goods or services under any federal, state, local or municipal law or statute.
- m) Union dues.
- n) Debts that have been handed over to a collection agency.
- o) Any other items that are not required for the successful completion of the participant's training and employment objectives.

All costs will be considered unallowable, and funds used to pay for these items or services must be returned to the appropriate WIOA Title I funding source. When the provision of a supportive service is considered an unallowable cost, the participant's supportive service record and the record in the PRIS system must be updated to reflect this determination.

If policies promulgated and established by the Workforce Development Program or directly from the Federal Government represent a need to amend part or all the content of this public policy, the Local Workforce Development Board may amend this Public Policy to conform to the promulgated policies.

The quantity and term limits set forth in this policy may be amended based on the following criteria:

- during the planning process for the activities of the respective program year,
- the amount of funds allocated to the Local Area for the program year under the planning process; and
- the degree of need demonstrated by the types of support services available during the two (2) program years prior to the applicable program year.

XIV. METHODS OF PAYMENT

Need Related Payments will be paid directly to the participant by the payment mechanism selected by the participant (check or direct deposit) as established by GTB-LWDA. Support Services Payments will be payable to the service provider directly or by reimbursement, as applicable.

XV. CANCELLATION

Section 680.920 provides that local areas may establish limits on the provision of supportive or sustaining services as to the maximum period and amount of funding subject to the availability of funds and authorization by the Local Board.

Similarly, payments may be cancelled provided the Case Manager or Counselor determines the following:

- a. There is no need for the participant
- b. The participant shows absences greater than 25% within the period and there is no just cause for these absences.
- c. The participant is not making good use of the funds allocated to meet the identified need.
- d. The participant disenrolls or drops out of training.

XVI. DOCUMENTATION


In addition to the documentation requirements established by the GTB-LWDB, the following are established for payment of support services:

- a. A copy of the statement of eligibility for Unemployment Insurance benefits or confirmation that unemployment insurance benefits have been exhausted, if applicable.
- b. Evidence of training participation, such as a copy of the ITA(s) or attendance records for each training period (quarter, semester, year).
- c. Signature of participants certifying that they have understood the requirements and instructions for payment of the NRP.

XVII. EFFECTIVENESS

This Public Policy shall take effect immediately upon its approval. This policy overrides any previous policy regarding support services at GTB-LWDA.

In Toa Baja, Puerto Rico, this 18 day of abril 2024.


/s/ Mr. Oriel Ramirez Rodriguez
Chairman
Local Workforce Development Board
Guaynabo-Toa Baja