

SOUTHWEST OHIO REGION WORKFORCE INVESTMENT BOARD

POLICY: WIOA Needs Related Payments (NRPs) Using Adult and Dislocated Worker Funds April 15, 2019

REFERENCE: WIOAPL 15-14.1

SWORWIB APPROVAL DATES:

- Approved by the Executive Committee 6/13/2019
- Ratified by the Board

PURPOSE: The purpose of this policy is to provide guidance on NRPs to eligible adults and dislocated workers by a local workforce development area. This policy applies to all eligible individuals served with formula and National Dislocated Worker Grant (NDWG) funds by local areas.

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- This WIOAPL update includes clarification in IV. Background related to the specific section of WIOA.
 - This WIOAPL update includes a new “Definitions” for Section v.
 - This WIOAPL update includes an updated Requirement Section specific to Needs Related Payments (NRPs) for adults and dislocated workers.
 - This WIOAPL update, in the Participant Training Requirements, includes an adjustment that any training program covered with these funds is related to 90 days for the calendar record not 30 days as in the 15-14 Version and furthermore details a structured regimen leading to recognized post-secondary credentials, industry-recognized credentials, employment and measurable skills gains toward credentials or employment.
 - This WIOAPL update includes a new section termed: Termination of NRPs.
 - This WIOAPL update includes further elaboration on the section “WDB Policy Requirements”, specifically allowing or prohibiting the payment of NRPs. SWORWIB’s historic policy has not supported NRPs due to other available resources with less federal auditing and potential financial consequences. This policy update continues that perspective. The inclusion of exposure for additional monitoring related to NRPs is now further detailed in this update under Section VII. Monitoring.
 - This WIOAPL update includes additional references noted in Section IX. References.

Action: Subsequent to Executive Committee approval and ratification by the Board, this policy summary and WIOAPL 15-14.1 as attached will be distributed to the One Stop Operator for implementation.

WIOAPL 15-14.1 (Needs-Related Payments (NRPs) Using Adult and Dislocated Worker Funds)

Workforce Innovation and Opportunity Act Policy Letter No. 15-14.1

April 15, 2019

TO: Workforce Innovation and Opportunity Act (WIOA) Local Workforce Development Boards (WDBs), Fiscal Agents, and OhioMeansJobs Center Operators

FROM: Kimberly Hall, Director

SUBJECT: Needs-Related Payments (NRPs) Using Adult and Dislocated Worker Funds

I. Purpose

The purpose of this policy is to provide guidance on NRPs that may be provided to eligible adults and dislocated workers by a local workforce development area (local area). This policy applies to all eligible individuals served with formula and National Dislocated Worker Grant (NDWG) funds by the local areas.

II. Effective Date

Immediately.

III. Rescission

ODJFS, [Workforce Innovation and Opportunity Act \(WIOA\) Policy Letter No. 15-14](#), Needs-Related Payments (NRPs) Using Adult and Dislocated Worker Formula Funds, (July 15, 2015).

IV. Background

NRPs provide financial assistance to eligible adults and dislocated workers for the purpose of enabling them to participate in training programs, and are one of the supportive services authorized by section 134(d)(3) and section 170 of WIOA.

V. Definitions

Lower living standard income level (LLSIL): As defined in section 3 (36)(B) of WIOA, the income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the United States Department of Labor (USDOL) based on the most recent lower living family budget issued by the USDOL.

Poverty line: The income level defined by the federal Office of Management and Budget and revised annually by the United States Department of Health and Human Services in accordance with section 673(2) of the Community Services Block Grant Act (42 U. S. C. 9902(2)).

Program of training services: One or more courses or classes or a structured regimen leading to a recognized post-secondary credential (RPC), employment, or measurable skills gains toward an RPC.

Supportive services: Services such as transportation, child care, dependent care, housing, and NRPs that are necessary to enable an individual to participate in WIOA activities.

Trade readjustment allowance (TRA): Income support paid to individuals who have exhausted Unemployment Compensation and whose jobs were affected by foreign imports as determined by a certification of group coverage issued by the United States Department of Labor.

Unemployment compensation (UC): Short-term insurance benefits paid by ODJFS to individuals who are involuntarily out of work through no fault of their own, and who meet all statutory eligibility criteria to qualify to receive benefits.

VI. Requirements

A. Eligibility for Needs-Related Payments

The parameters for determining programmatic eligibility for WIOA adults and dislocated workers are found in ODJFS WIOA Policy Letter No. 15-02, Adult and Dislocated Worker Eligibility. Participants must meet all financial and non-financial requirements, as set forth in law, regulation and policy, to be eligible to receive NRPs.

Adult NRP Eligibility

To be eligible for NRPs, an adult must:

- Be unemployed;
- Be ineligible for or ceased to qualify for Unemployment Compensation (UC); and
- Be enrolled in a program of training services under section 134(c)(3) of WIOA.

Dislocated Worker NRP Eligibility

To be eligible for NRPs, a dislocated worker must:

- Be unemployed;
- Be ineligible for or ceased to qualify for UC or TRA; and
- Be enrolled in a program of training services under section 134(c)(3) of WIOA within the timeframes described below.

The dislocated worker must be enrolled in a program of training services 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.

If, due to the lack of funds in the State or local area at the time of a dislocation, dislocated workers served by NDWG funds are not able to meet the 13th or 8th week deadline for enrollment in training, as set forth in section 134(d)(3)(B) of WIOA, then such individuals may be eligible for NRPs if they are enrolled in training by the end of the 6th week following the date of the NDWG award.

B. Level of Payments and Conditions

Adults

The level of NRP made to adults may not exceed the equivalent weekly amount of the local area's annual 100 percent LLSIL for a family of one.

Dislocated Workers

The level of NRPs for participants may not exceed the following:

1. For participants who were eligible for UC and who are no longer receiving benefits, the weekly payment may not exceed the applicable weekly level of the UC benefits; or
2. For participants who did not qualify for UC as a result of the qualifying layoff, the weekly payment will be equal to the poverty line based on family size and income for an equivalent period.

Weekly or biweekly NRPs may begin on the Monday after both eligibility and training enrollment criteria have been met without requiring proration of the benefit amount for a partial week of eligibility.

Note: Documentation verifying all UC or TRA payments, the amounts paid, and that the participant is no longer receiving benefits, must be maintained in the participant's WIOA program case file.

C. Participant Training Requirements

If the participant has been accepted into a training program that will begin within 90 calendar days of the determination of NRP eligibility, NRPs may be awarded prior to the start date of the training classes for the purpose of enabling the participant to enroll in the program.

All NRP participants must be enrolled in or attending full-time training as defined by the training provider and must remain in good standing with the training provider as defined in the local area's NRP policy, such as by maintaining a specified minimum grade point average for the types of training that issue interim grade reports.

When a participant has a break in training of 30 business days (not counting weekends or holidays) or less, the participant remains eligible for and will continue to receive NRPs. If the break in training is greater than 30 business days, the participant will not receive the NRPs for that period until the participant's training program begins again.

In the event that training is delayed, NRPs may be paid while a participant is waiting to start training classes provided that the participant has been accepted in a training program that will begin within 90 calendar days.

In the event a participant's circumstances prevent him or her from beginning training, or the training is further delayed (over 90 days), the case manager must make the participant aware of the need to disclose this information to avoid disallowed costs. The provider must also inform the case manager of delays to their training program.

NRP funds may be used only during the period in which an individual participates in WIOA training.

NRPs must be immediately terminated for any participant who fails to meet one of these training requirements.

D. Training Services

Types of training that qualify a participant for NRPs may include:

- Occupational skills training, including training for nontraditional employment;
- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skills upgrading and retraining;
- Entrepreneurial training;
- Job readiness skills;

- Adult education and literacy activities provided in combination with any other training service listed above; and
- Customized training with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

E. Termination of NRPs

NRPs must be terminated for a recipient who:

1. Fails to comply with reporting requirements defined in the local area's NRP policy and communicated to the recipient;
2. Notifies the local area that he or she no longer plans to attend the training classes;
3. Fails to attend or stops attending the training classes;
4. Fails to maintain a full-time training schedule as defined by the training provider;
5. Fails to remain in good standing with the training provider as defined in the local area's NRP policy;
6. Begins to qualify for TRA or UC benefits;
7. Becomes employed; or
8. Dies or becomes incarcerated, institutionalized, physically incapacitated, or otherwise unable to participate in current or future training services.

If a recipient's eligibility for NRPs was based on his or her false claims, provision of fraudulent documentation, or failure to disclose information affecting NRP eligibility within the local area's reporting time limit, the recipient may be held liable for repayment of NRPs received in error.

Under no circumstances will recipients be required to pay back NRPs that were issued incorrectly through no fault of the recipient, such as if the recipient reported changes resulting in termination of his or her NRPs within the local area's reporting time limit but the subsequent payment(s) could not be stopped in time.

Recipients who disagree with the decision to terminate their NRPs may file a programmatic complaint in accordance with the local area's WIOA complaint process. The initiation of the programmatic complaint process or subsequent appeal process, if applicable, shall not require continuation or reinstatement of the terminated NRPs by the local area. However, if it is determined during the complaint resolution or appeal process that the recipient/complainant was eligible for NRPs for some or all of the benefit weeks after NRPs were terminated, then payments for those missed benefit weeks shall be issued retroactively. The complaint resolution and appeal process shall also address the complainant's potential eligibility for reinstatement of NRPs for future benefit weeks.

F. WDB Policy Requirements

NRPs are an allowable support service where authorized by the local workforce development boards. It is a local WDB decision to allow or prohibit the payment of NRPs. The local WDB supportive service policy must indicate whether or not NRPs are available to eligible participants.

The local area's NRP policy may establish limits on the provision of NRPs including a maximum amount of funding and maximum length of time for NRPs to be available to participants. The local NRP policy may also establish parameters for determining a participant's financial need for

NRPs based on family income and a process for determining and verifying that the participant has enrolled in training.

The local policy may include reasonable reporting requirements to ensure participants intend to follow through with training and continue to meet NRP eligibility requirements. The local area may terminate NRPs for participants who fail to comply with the established reporting requirements. The local area must implement a procedure for informing NRP recipients of any reporting responsibilities that they have that may affect their ongoing eligibility for NRPs.

Additionally, the local NRP policy must include language requiring the participant to report the inability to participate in training due to unforeseen circumstances. Also, the policy must include the payment level determined for adults and dislocated workers.

VII. Monitoring

Through the State's monitoring system and during the annual onsite monitoring review, program monitors will review the local area's documentation regarding the provision of NRPs to ensure that the local area's actions and decisions have been consistent with the guidelines of this policy and with federal laws and regulations during the annual onsite monitoring review. If a local area issued NRPs during a program year, the local area's issuance of NRPs in accordance with federal laws and regulations, this policy letter, and the local WDB's policy may also be reviewed. Any issues will be handled through the State's monitoring resolution process.

VIII. Technical Assistance

For technical assistance, email to the Office of Workforce Development: WIOAQNA@jfs.ohio.gov.

IX. References

Workforce Innovation and Opportunity Act, Public Law 113-128.

20 C. F. R. §§ 680.930 – 680.970.

USDOL, Training and Employment Guidance Letter No. 19-16, 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 Rules (March 1, 2017).

USDOL, Training and Employment Guidance Letter No. 02-15, Operational Guidance for National Dislocated Worker Grants, pursuant to the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) (July 1, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-02, Adult and Dislocated Worker Eligibility (July 15, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08.1, Career Services for Adults and Dislocated Workers (June 6, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-19.1, Poverty Line and Lower Living Standard Income Level (June 28, 2018).