



**Buffalo and Erie County
Workforce Investment Board, Inc.**

LOCAL POLICY BULLETIN

BECWIB BULLETIN # 1-16 DATE: 1/12/16

TO: Lavon Stephens, Administrative Director, WDC, Inc.
FROM: Heather Okoro, Executive Director, WIB, Inc.
SUBJECT: Individual Training Accounts and Supportive Services Policy
REFERENCES: Title I of the Workforce Innovation and Opportunity Act, Section 3(59), 3(60), Section 134(c) (3), Section 134(d)(2) and (3) and the proposed regulations at 20 CFR Subparts C and G.

EFFECTIVE DATE: January 26, 2016

Effective January 26, 2016, our Local Workforce Investment Area (LWIA) adopts the following policy concerning Individual Training Accounts and Supportive Services under Title I of the Workforce Innovation and Opportunity Act (WIOA).

This policy is effective for eligible WIOA Adults and Dislocated Workers who begin training through Individual Training Accounts on or after January 26, 2016.

POLICY STATEMENT

The Buffalo and Erie County Workforce Investment Board (BECWIB) is committed to providing funds for in-demand occupational skills training through Individual Training Accounts (ITAs) and to providing supportive services to eligible Adult and Dislocated Workers enrolled in ITAs, in accordance with the directives and guidelines of The Workforce Innovation and Opportunity Act and the regulations promulgated thereunder.

PART I

INDIVIDUAL TRAINING ACCOUNTS (ITAs)

PURPOSE OF AN ITA

The purpose of an ITA is to cover the Workforce Innovation and Opportunity Act (WIOA) customer's cost of training and training related expenses directly linked to a demand occupation. A Demand Occupation is any occupation listed on the Buffalo and Erie County Workforce Investment Board's List of Demand Occupations (Local WIB Policy Bulletin #6-15, 10/21/15). Training supported by an ITA must lead to employment of 30 hours or more per week.

A Demand Occupation List exception may be considered when an occupation aligns with targeted industry sectors of the Regional Economic Development Council. This exception may be granted on the approval of the WIB Director.

ITA AMOUNT

Up to \$3,000 per participant may be provided to fund an ITA, which includes any previous ITA funding. On a case-by-case basis and at the discretion of the BECWIB Executive Director, additional funding of up to \$3,000 may be provided where evidence demonstrates that (1) the participant is seeking a skills upgrade in a demand occupation along the previous training's career pathway, or (2) the participant's previous occupational training has not led to gainful employment or has limited employment opportunities, or (3) the training provider, who offered the previous training, ceases operations or discontinued the participant's training program before the participant's training was completed.

Note: For individuals eligible under the Trade Act Program, the maximum cap for a TAA funded ITA is \$10,000 for a training plan of up to 52 weeks and \$20,000 for a training plan of up to 104 weeks. For individuals eligible under the Health Profession Opportunity Grant (HPOG), the maximum cap for a HPOG funded ITA is \$5,000.

- Individuals must apply for any available financial aid before being considered for ITA sponsorship. As referenced in 20 CFR Section 680.230, the regulations promulgated under WIOA, one-stop operators must consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF) and State funded training funds, so that WIOA funds supplement other sources of training grants. Thus, if a course/program qualifies for financial aid, the individual must apply and be in receipt of financial aid or a financial aid interpretation letter before an ITA can be authorized.
- For Trade Act Participants, employer contributions, school scholarships, Tuition Assistance Program (TAP), and any other funds that can be used only to cover tuition are to be used in the first instance. Trade Adjustment Assistance (TAA) funds should be used next. If the total cost of training exceeds the combined total funds available through employer contributions, school scholarship, TAP, other funding sources that can only be used for tuition, and the TAA program, the training program can be approved only if other

funding streams, such as but not limited to WIOA, or ACCESS VR, are available to fully-fund the program. Trade-entitled customers cannot pay for any portion of their training program with funds personal to the trade-entitled customer, relatives, or friends. This includes personal or student loans, used to cover any portion of the training program, because the trade-entitled customer is required to pay back these loans. NOTE: Trade-entitled customers can take out personal or student loans for other expenses, but not to pay for any portion of the training program that is covered under the TAA program.

ELIGIBILITY

ITAs will be made available to employed and unemployed Adults and Dislocated Workers who a one-stop operator or one-stop partner determines, after an interview, evaluation, or assessment, and career planning, are: unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services; in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and have the skills and qualifications to participate successfully in training. The training should be clearly outlined in the individual's Individual Employment Plan. If an ITA is requested by a youth age 18 to 24, the need for an ITA must be clearly documented in their Individual Service Strategy. Residents of Erie County will receive preference for receiving ITAs. However, ITAs may be granted to non-residents of Erie County on a case-by-case basis.

Staff must input case note(s) into OSOS Comments to explain how a customer's eligibility for an ITA was determined.

Adult Eligibility

In order to be income eligible for an ITA under the Adult program, an individual must:

- (A) Receive, or be a member of a family that receives public assistance under a Federal, State, or local program; or
- (B) Have received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved that does not exceed the annual Federal 200% of Poverty Income Guidelines.

Dislocated Worker Eligibility

1. Has been terminated or laid off, or who has received a notice of termination or layoff from employment and is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate attachment to the workforce (defined as an individual who, at time of application, has been employed 15 out of the last 26 weeks), but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; and is unlikely to return to a previous industry or occupation. Unlikely to return to a previous

industry or occupation shall be defined as an individual who has: been Worker Profiled by the New York State Department of Labor, or self-certified that she/he has applied for positions with a minimum of four employers in a certain occupation and there were no openings; or

2. Has been terminated or laid off, or has received a notice of termination or layoff, from employment, as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; or, is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days;

Substantial Layoff shall be defined as: a reduction in workforce which is not the result of a plant closing and results in the employment loss at a single site of employment during any 30 day period which represents any one of the following:

- a. the closure of an entire department
- b. the elimination of an entire department
- c. cessation of production of a product line
- d. the termination of at least 25% of all employees
- e. the termination of at least 50 employees

or

3. Was self-employed but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or

4. Is a displaced homemaker;

Displaced Homemaker – The term ‘displaced homemaker’ means an individual who has been providing unpaid services to family members in the home and who - has been dependent on the income of another family member but is no longer supported by that income; is a dependent spouse of a member of the Armed forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty pursuant a provision of law, a permanent change of station or the service connected death or disability of the member; and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Underemployed shall be defined as an individual who:

- a) is employed but working part time and desires full time employment or,
- b) is working in employment not commensurate with the individuals demonstrated level of educational attainment and/or skill achievement.

or

5. Is the spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member.

TRAINING RELATED EXPENSES

Appropriate training-related expenses such as books, lab fees, tools, uniforms, and exam and license fees will be covered under the ITA policy, where these costs are not covered in the ITA provider agreement, and only if these expenses are listed in the provider's approved course offering on the Eligible Training Provider List (ETPL) under the category, additional cost. Any expense above the cap amount is the responsibility of the customer.

DEFAULTED LOANS

A customer may not be in default of a student loan or must be actively repaying the loan. Unusual circumstances will be reviewed on an individual basis.

ELIGIBLE TRAINING PROGRAMS/COURSES

An ITA will cover costs associated with occupational training leading to a certificate, license, or completion of a two year degree leading to employment in a demand occupation. An ITA may be used to cover the costs of completing a Baccalaureate degree (leading to employment in a demand occupation) provided that the customer only requires 30 credit hours or less of coursework to complete that degree.

Note: If a customer is eligible for an ITA under the Trade Act Program, the above applies with the exception that an individual may take up to 104 weeks to complete a Baccalaureate degree.

DENIAL OF TRAINING SERVICES

Training Services shall not be provided through an ITA if the following occurs:

1. The customer lacks the prerequisites for the course, or
2. The customer may not be able to cover anticipated training costs and training related expenses in excess of the cap limit, or
3. Training Services are not directly linked to occupations that are in demand.

CUSTOMERS PREVIOUSLY SERVED UNDER WIA/WIOA

Any customer who has dropped out of a WIA/WIOA funded training program without the approval of his/her counselor, will not receive additional ITA funding. This approval must be documented in the customer's Individual Employment Plan.

CUSTOMERS TAKING MORE THAN ONE APPROVED COURSE

A customer may take a number of related training courses as long as these courses are part of the original plan that leads to unsubsidized employment.

TRAINING AT DIFFERENT APPROVED TRAINING PROVIDERS

A customer may take training courses at different approved training providers as long as it's documented in the customer's individual employment plan and it can be justified to the original career goal.

TRAINING FOR AN EMPLOYEE OF AN APPROVED TRAINING PROVIDER

An employee of an approved training provider may seek WIOA training services as long as the employee is WIOA eligible and another training provider provides the training.

CUSTOMER RESPONSIBILITIES

Customer must provide all required documentation, including providing supporting documentation from the I-9 form in compliance with Section 188 (a)(5) of WIOA, as proof of identification and as justification of eligibility for WIOA services. Customers must receive center directed career services before an ITA will be issued. All documentation must be completed and received by Career Center staff two weeks before the start date of the proposed training program.

PART II

SUPPORTIVE SERVICES

PURPOSE

This policy addresses the use of Workforce Innovation and Opportunity Act (WIOA) Title I funds for supportive services and needs-related payments to support Adults and Dislocated Workers in the Buffalo and Erie County Local Area receiving occupational skills training through Individual Training Accounts (ITAs).

BACKGROUND

WIOA requires Local Workforce Development Board to establish a policy for the provision of supportive services that ensures resource and service coordination in the local area. Supportive services defined in WIOA Section 3(59) include services that are necessary to enable an individual to participate in activities authorized under WIOA Sections 134(c)(2) and (3). Program guidelines for supportive services for WIOA adults and dislocated workers are provided in 20 CFR Subpart G.

POLICY

BECWIB, through its One-Stop Operator, will make child care, transportation and meal allowances available to eligible WIOA Adults and Dislocated Workers who are enrolled in ITA occupational training and require these supportive services to address barriers that may prevent them from reaching their employment and training goals. Needs-related payments, cited as a form of supportive service under WIOA that may be provided to eligible WIOA participants in training, are not authorized by this policy.

Eligible participants are not automatically entitled to supportive services. Funds for supportive services are subject to availability of funding and based on the participant's personal and financial need.

WIOA supportive services must be coordinated with other community resources. In every instance of providing supportive services, case managers must ensure that no other resource exists or that the need is so urgent that referrals to other resources would delay the provision of the supportive service and create a hardship to the participant.

Supportive services may be paid to eligible ITA participants who are enrolled in WIOA as Adult or Dislocated Worker but whose skills training is being funded, in whole or in part, by other funding sources.

ELIGIBLE PARTICIPANTS

Supportive Services for child care, transportation and/or meal allowances may be provided to eligible WIOA Adult and Dislocated Workers who:

1. Are enrolled in an ITA occupational skills training program where the duration of the entire training program is more than 24 instructional hours in a demand-driven occupation, or its career pathway occupation;

2. Have a household income at or below 200% of the Lower Living Standard Income Level (LLSIL) of the annually issued Federal poverty guidelines;
3. Are in need of such supportive services to address barriers that prevent the attainment of training and employment goals; and
4. Are unable to obtain such supportive service through any other community resource or program, including the Erie County Department of Social Services (ECDSS), which provide such services.

ADDITIONAL ELIGIBILITY REQUIREMENTS FOR SPECIFIC SUPPORTIVE SERVICES, THEIR FUNDING AMOUNTS, AND DURATION

For the supportive services approved by BECWIB and provided through its One-Stop Operator, the additional eligibility requirements, specific funding amounts and their duration are as follows:

1. Child care

Supportive services for child care may be provided to eligible participants who are the custodial parent, legal guardian, foster parent or other person standing *in loco parentis* of at least one dependent that is 12 years of age or younger; or because of a documented disability or developmental delay exceeds 12 years of age.

The eligible participant must also demonstrate that there is no other responsible family member or adult in the household available to care for the dependent child during the hours of the training program, or that the special needs of the dependent child cannot be met by a responsible adult in the household.

Child Care supportive services may be provided (a) during scheduled occupational training days actually attended and documented, and (b) if demonstrated to be financially necessary, for up to 30 days from the date the participant is placed and engaged in unsubsidized employment of 30 or more hours per week; provided, however, that placement in employment is within 6 months of the completion of training in a training-related occupation.

Subject to availability of funding, each participant may receive up to \$12,000 in child care assistance. On a case-by-case basis and at the discretion of the BECWIB Executive Director, additional funding, up to \$2500, may be provided where evidence demonstrates that the participant is at near completion of a training program and without additional child care assistance the completion of training would be jeopardized.

Child Care supportive service payments will be made directly to New York State licensed and regulated providers of childcare services who are listed with the NYS Office of Children and Family Services and/or under contract with ECDSS. Payments to the child care provider will be made on a bi-weekly basis for participant attendance documented in the previous bi-weekly period.

2. Transportation

Subject to availability of funding, supportive services for transportation may be provided during the ITA occupational training period in one of the following forms: for public transportation, an NFTA monthly bus pass; for private transportation, a bi-weekly check in the amount of \$5.00 per scheduled training day actually attended in the previous bi-weekly period.

If requested within 6 months of the completion of training and documented to be financially necessary, an NFTA one-month bus pass may be provided, at the discretion of the One-Stop Center Manager, when the participant is first placed and engaged in unsubsidized employment in a training-related occupation consisting of 30 or more hours per week.

3. Meal Allowance

Subject to availability of funding, a meal allowance of \$10.00 per day may be provided for each day that the participant is in ITA occupational training for at least 4 consecutive hours per day.

NEEDS RELATED PAYMENTS (NRPS)

NRPs, which are a permissible form of supportive service under WIOA 134(d)(3) as available to eligible WIOA participants in training, are not authorized by this policy.

REQUIRED DOCUMENTATION

The One-Stop Operator is required to maintain documentation sufficient to satisfy the requirements of this Supportive Services policy, as well as those requirements promulgated by New York State Department of Labor Technical Advisories. At a minimum, this includes:

1. Documentation verifying that the participant is at or below 200% of LLSIL.
 2. A Comment in the participant's OSOS record stating that the participant is eligible for the supportive service(s) being provided and is unable to obtain such supportive service(s) through other programs providing supportive services.
 3. A cumulative and up-to-date supportive services log that tracks the type of supportive service being provided, and the dates and cost of such service(s), which shall be maintained as part of the participant's fiscal ITA file.
 4. Any other documentation that the BECWIB may require pursuant to this policy.
- c: Leslie Ayer, C.J. Banks, Terry Chatfield, Tamie Hollie-McGee, Christina Lopez, Deborah Miller, Jeff Nixon, Russell Sferlazza, Karen Simmons, Darrell Slisz, Demone Smith, Joe Sullivan, Kraven Weeks, Mary Zerpa and WIB staff.