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Date: October 29, 2013
To: Workforce Development Board Directors
From: Scott Jansen
Division Administrator *SJJ*
Subject: 30-Day Review and Comment on Proposed Workforce Investment Act
Policy 13-05: Statewide Supportive Services Guidance

Purpose

To provide information and direction for the development of a local policy that defines the process for the provision of supportive services to eligible Workforce Investment Act (WIA) Title 1 Adult, Dislocated Worker (including Special Response and National Emergency Grant) and Youth participants.

Legislative/Regulatory References

- WIA Sections 101(46), 111(b)(C)(iii); 112(b)(9); 117(b)(2)(A)(iii); 118(c)(2); and 134(d)(2)(H)
- 20 CFR 662.240 and 663.800
- Preamble to WIA (pages 49319 and 493320)
- Part 664, Subpart D, Youth Program Design, 664.440
- OMB Circular No. A-122 Allowable Cost Principals for Non-Profits
- OMB Circular No. A-87 Allowable Cost Principals for State and Local Government

Background

The WIA defines supportive services as those services necessary to enable an individual to participate in activities authorized under WIA Title 1. Supportive services may include transportation, child care, dependent care, needs-related payments, emergency assistance, referrals to medical services and assistance with work attire and work-related tool costs. Assistive technology/equipment may be included in this definition if staff document that the participant needs this technology/equipment in order to participate in the WIA activity and is unable to obtain it from other resources. In addition, OMB Circular A-122, Attachment A states "that costs must be adequately documented, and that costs charged to federal grants must be reasonable and necessary." The extent of supportive services provided will vary based on the participant's needs and the area's availability of funds and resources.

Proposed Policy Requirements

Under WIA, the local workforce development board (WDB), in consultation with the One-Stop partners and other community service providers, must develop a policy for the Workforce Development Area (WDA) on supportive services that ensures resource and service

coordination in the local area. Attention should be given to developing policies and procedures that ensure that the supportive services provided are not available through other sources and that they are necessary for the individual to participate in Title 1 activities. The local policy must:

- Be developed by the WDB as a single policy for the entire area that applies to WIA Title 1 adult, dislocated worker (including Special Response and National Emergency Grant) and youth participants;
- Ensure coordination with all other available resources and services within the local area;
- Include referral procedures to services and how these services will be funded;
- Describe how supportive services will be funded when they are not otherwise available;
- Include an assessment process to determine the “needs” of the participant;
- Be reasonable in light of local conditions and the outcomes expected; and
- Ensure that staff make fair, consistent, and equitable supportive service determinations and that similarly situated participants have similar supportive services made available to them.

When developing a supportive services policy for program participants, the WDB must adhere to the following guidelines:

This policy applies to:

- Adult and Dislocated Worker programs (including Special Response and National Emergency Grant); and
- Youth program.

Supportive services are only to be provided to participants who:

- Are participating in core, intensive, or training services; or in the youth program (other than design framework);
- Are unable to obtain supportive services themselves or via their support network;
- Are unable to obtain supportive services through other programs including community agencies that provide these services; and
- Demonstrate a need for assistance to enable him/her to participate in Title 1 activities.

The area’s local policy must include the following information:

- Types of supportive services available to participants. These services can only be provided after it is proven necessary to enable him/her to participate in WIA funded activities. Examples include, but are not limited to:
 - Assistance with uniforms or other appropriate work attire;
 - Assistance with work-related tools, including such items as eyeglasses and protective eye gear;
 - Testing fees;
 - Assistance with transportation;
 - Assistance with child care and dependent care;
 - Linkages to community services;
 - Emergency housing; and
 - Referrals to medical services.
- Documentation the participant must submit when requesting supportive service(s).
- Documentation necessary to justify the need for supportive services (assessment, Employability Plan or other documentation).

- Documentation necessary to show that other resources are not available.
- Documentation requirements for participant file.
- Duration and maximum dollar amount for all supportive services.
- Procedures for coordinating with other funding sources such as the Trade Adjustment Assistance Act and National Emergency Grant programs.
- Procedures for exceptions to maximum dollar amounts or duration.
- Prohibition of reimbursing the participant for expenses incurred without prior approval (see Attachment B, scenario 10).
- Prohibition of using WIA funds for the following supportive services:
 - Business Capitalization – WIA funds cannot be used to capitalize a business. For example, the purchasing of tools as a post-employment/follow-up service for a participant who is or will become self-employed.
 - Deposits – WIA funds cannot be used to pay or reimburse for any type of deposits, e.g. rental, lease, etc.
 - Mortgage and Car Payments – program funds cannot be used to buy real estate or cars, e.g. cannot pay mortgage or car payments for participants.
- Mileage reimbursement calculation. If this reimbursement is the full IRS mileage, a statement must be included that no vehicle repairs can be paid.
- Allowable emergency assistance payments and procedures.
 - Determining emergency (eviction notice, disconnection notice, etc.)
 - Paying supportive service prior to due date
- Procedures on how the local area will pay supportive services for individuals who have accessed supportive services from another workforce development area.
- Procedures for referral to services including how the supportive services will be funded when they are not available from sources other than WIA funds and what documentation will be required to indicate that no other resources are available.
- Information on how the local area is utilizing community resources including faith-based organizations prior to using WIA funding. The local area should keep an up-to-date Resource Directory of these resources to make referrals to prior to paying for supportive services. Examples of possible community resources include:
 - Faith-based organizations
 - Non-profit organizations
 - Women’s shelters
 - Clothes closets
 - Food Pantry
 - FoodShare Program
 - Pro bono medical, dental, and legal services (may or may not need to be accessed through an organization)
 - Government assistance such as: local health departments; the Women, Infants and Children (WIC) program; assistive technology reimbursement programs; Badgercare, etc.
 - Local transportation programs, including the Wisconsin Employment Transportation Assistance Program (WETAP)
 - State and national organizations such as: United Way, Goodwill, Salvation Army, etc

Since WIA programs are not an entitlement, supportive service payments are made on a case-by-case basis only when determined necessary and reasonable. WIA funding should be used as a source of last resort. The supportive services must be necessary for the customer to achieve the goals outlined in the employment plan/individual service strategy. Therefore, it is imperative that the goals listed on the employment plan/individual service strategy are consistent with what the customer intends to achieve. Costs of supportive services must demonstrate a direct connection to participation in employment activities or education and training programs which will eventually lead to unsubsidized employment, and assist in building skills needed to succeed and advance in the workplace. Payments should not be made for non-WIA activities or for items that are not necessary for participation in the WIA activity. Attachment A provides definitions relating to providing supportive services and also identifies items the WDB should consider when developing their local policy. Attachment B of this policy provides numerous scenarios related to the provision of supportive services.

Monitoring

The WDB must have monitoring policies and procedures in place to ensure that service providers are complying with the WDB's supportive services policy. The Division of Employment and Training Local Program Liaisons will review the WDB's supportive services policies and procedures along with other program records (receipt of, and documentation of supportive services) as appropriate, during regular monitoring visits.

Automated System Support for Employment and Training (ASSET) Reporting

The provision of WIA supportive services is recorded in ASSET under Manage Services. Supportive services funded by other sources may be reported in ASSET. The dates recorded in ASSET should be relative to the type of supportive service provided. For example, a one-time supportive service payment would most likely be opened and closed on the same date. However, the service open and close dates for a participant receiving mileage reimbursement for attending school could be opened at the beginning of the semester and closed at the end of the school term. Once the participant is no longer receiving supportive services, the service should be closed in ASSET.

Action Required

This policy update is being distributed for local review and comment. Please send your comments, questions and suggestions to Karen Pfeil at karen.pfeil@dwd.wisconsin.gov. Comments must be received by December 1, 2013.

Questions and/or Technical Assistance and Training

If you need additional information regarding this guidance, please contact the Local Program Liaison assigned to your area.

Supportive Services Definitions

Childcare – to assist participants who are not able to participate in WIA services without such assistance and who are unable to obtain other childcare assistance. This includes participants who are in danger of dropping out or making less than satisfactory progress due to unsatisfactory or unreliable childcare arrangements. Policy considerations include:

- Use of licensed facility only
- Family and/or household members providing child care
- Attendance requirements/unexcused absences

Clothing/uniforms – to allow the participant to improve job search and interview potential or provide items required for training or as a condition of employment.

Education-related Application Fees – fees paid to determine a participant’s eligibility and acceptance at the educational institution and which will allow the client to obtain information on financial aid awards.

Emergency Assistance - a one time or rare expense paid to allow a customer to continue participating in WIA activities such as school, work experience, On-the-Job Training (OJT), etc. If the customer is having extreme financial difficulty, staff should be assisting him/her with needed financial information (development of a budget, credit counseling, debt management, etc.). Emergency assistance payments must be well documented in the case file. If there is confidential information, ASSET case note should be marked as “confidential”. Examples of emergency assistance include:

- Payment of utility bills (electric, water, heating, etc.)
- A rent payment

As with all other WIA funding, all other options should be sought first. For example, heating and cooling assistance could be pursued through resources such as: Low Income Home Energy Assistance Program, Salvation Army’s “Heat Share”, local programs, and faith-based organizations. Rent assistance could possibly be obtained through the U.S. Department of Housing and Urban Development. In addition, the possibility of setting up a payment plan with the utility company/landlord should be explored and documented.

Follow-up Services - the WIA Regulations (20 CFR 662.240) define “core services” as including follow-up services. Therefore individuals engaged in follow-up services can receive appropriate supportive services. The preamble to WIA (pages 49319 and 49320) further indicate that WIA allows supportive services as follow-up services. The language implies that post-placement training and supportive services may not be broadly used and must be in accordance with a participant’s Employment Plan.

Medical Exams/glasses – medical exams needed for training or employment; drug testing; fingerprinting; vision exam; eyeglasses or protective eyewear.

Medical Services – the regulations (Section 664.440) do not permit WIA funds to be used to provide medical services. Rather, the regulations state that “Referrals to medical services are

an allowable activity.” (Emphasis added). Therefore, WIA funds should not be used to pay for medical procedures, treatment, medication, or other medical services.

Mileage Reimbursement – for participants who must commute to and from a work site or training site for which no other form of transportation is available. The Internal Revenue Service (IRS) mileage reimbursement includes direct and indirect vehicle expenses. Therefore, if the local area is paying full IRS mileage reimbursement, no other vehicle expenses and/or mileage can be paid. If the local area pays less than full IRS mileage, vehicle repairs may be paid if determined by staff to be reasonable, necessary and allowable per local policy.

Relocation Assistance – funding or assistance relating to a participant moving from one community to another (beyond normal commuting distance) to continue participating in activities that lead to self-sufficiency or to start/continue a job that will lead to self-sufficiency. Allowable expenses include rent, moving vehicle rental and/or towing trolley, and gas reimbursement.

Trade Act Funding (TAA) - if a customer is enrolled in TAA, this funding source must be utilized prior to WIA funding. If the customer needs resources not covered by TAA, local policy should be followed to provide these wrap-around services.

Transportation – service provided to ensure mobility between home and location of employment, training and/or other supportive services. Examples are: mileage reimbursement, car liability insurance, bus or other transportation fares, vehicle registration fees, driver’s license fees and parking assistance.

Vehicle Repairs – preventive maintenance work (oil change, etc.) should not be covered unless it is necessary as part of a larger repair. Local policy considerations include:

- Need for the car for training or work-related participation
- Ownership of vehicle
- Current registration
- Valid driver’s license
- Number of estimates required

Work-related Supplies – tools, work boots, safety equipment, etc. required as a condition of employment.

- Must be required for all employees performing the same job
- Not provided by employer to any other employees
- List of required tools must be verified by employer

Supportive Service Scenarios

1. Pam states she needs work attire to attend interviews. When reviewing her needs, the staff determined she previously worked in an office setting and has the appropriate attire without paying this through supportive services; therefore, it is not appropriate to pay this expense.
2. Bill states he needs new tires for his truck to attend class. Staff reviewed his need and determined that Bill's budget allows for him to pay these expenses himself as he is currently employed and has discretionary income; therefore, it is not appropriate to pay this expense.
3. Jill states she needs scrubs for her nursing program. Staff reviewed her need and determined there are no other community resources and her budget does not allow for the expenses; therefore, it may be appropriate to pay this expense.
4. Tom states he needs mileage reimbursement to attend class. Staff reviewed his need and determined there are other community resources to pay for this expense; therefore, it is not appropriate to pay this expense.
5. John states he needs childcare to attend class. Staff reviewed his need and determined a portion of childcare is not paid for through federally funded childcare; therefore, it may be appropriate to pay the unsubsidized share of this expense.
6. Mark states he needs mileage reimbursement to attend training. Staff reviewed his need and determined he currently rides with a family member who does not ask for reimbursement; therefore, it is not appropriate to pay this expense.
7. Jane states she needs new brakes for school. Staff reviewed her need and determined she only takes online classes, so this expense is not directly related to her training; therefore, it is not appropriate to pay this expense.
8. Bob states he needs steel-toed work boots to attend training. Staff reviewed his need and determined his budget does not allow for this and there are no other resources to cover the cost, therefore; it may be appropriate to pay this expense.
9. Mary states she needs childcare to attend class. Staff reviewed her need and determined the childcare is completely paid for through federally funded childcare; therefore, it is not appropriate to pay this expense.
10. Fred is a dislocated worker and states that his unemployment payments have ended and he is having trouble paying his bills. He is requesting assistance with his rent so that he can pay his medical bills. Joe did not request supportive services and declined them at initial completion of the employment plan. Then, three months into training, he requested reimbursement for mileage costs. Mark is struggling with paying his bills. The case manager suggested he look at his bills and see what the case manager can assist with. The participant is reimbursed for car insurance that had been paid several months earlier.

The use of WIA funds for supportive services is allowable only if those services are necessary for the individual to participate in WIA Title 1 activities, and the individual is unable to obtain those supportive services through other programs. To document those two conditions retroactively would be very difficult. Most likely, any such attempt would lead to questioned costs. Here is the rationale:

First, if the individual has been participating in WIA Title1 activities to date without those supportive services, then it cannot be argued that those supportive services were necessary for the individual to participate in WIA activities. In the case of a participant requesting reimbursement for expenses not originally requested, it cannot be documented that the supportive service was needed since the individual already paid for the expenses without reimbursement.

Second, to document the lack of alternative sources of funding for a period of time that has passed would be difficult in some cases and impossible in others. For example, if asked whether they would have provided funds for something (e.g., travel, work clothes, child care, car repairs) at some past date, many organizations would have no way of being able to provide an answer because that determination could be made only in the context of the competing requests for funds or services at the time in question.

If the individual is in danger of dropping out of WIA-funded activities, it is recommended that addressing the new need created by the prior lack of supportive services be considered. For example, if the individual cannot afford the books and school supplies needed for the training because she or he spent that money on past transportation costs, rather than retroactively reimbursing those transportation costs, pay for the current books and school supplies.

On the other hand, if the individual no longer needs those supportive services but is requesting reimbursement to compensate for a missed opportunity, the only way to permit that would be through the use of non-WIA funds.

11. A participant requests supportive services while enrolled in OJT and earning an income. There are no federal or state prohibitions specific to providing supportive services to OJT participants; however, Section 663.810 allows local areas directly, or through their One-Stop Operators, to establish limits on the provision of supportive services.