

September 8, 2000

WORKFORCE INVESTMENT ACT (WIA)
STATE ADMINISTRATIVE ENTITY (SAE)
SAE INFORMATION NOTICE 48-00
(SIN NO. 48-00)

SUBJECT: GUIDELINES FOR PROVISION OF WIA SUPPORTIVE SERVICES AND CLARIFICATION OF SERVICE PROVIDER ROLES IN CERTIFYING TIME/ATTENDANCE AND RELATED ISSUES.

1. **PURPOSE:**

- a. To provide New Mexico Workforce Development Areas/Local Workforce Development Boards (NMWDAs/LWDBs) general guidance regarding the development and implementation of procedures for payment of supportive services to participants enrolled into WIA programs beginning July 1, 2000;
- b. To provide prototype forms: Supportive Services Request and Approval and Supportive Services Group Services Request that can be used or modified for use by One-Stop Centers and Service Providers. Guidance regarding the required data elements are provided; and,
- c. To provide guidance regarding the roles of the training institutions, local boards and/or Service Providers with respect to the tracking of, and certification of participant time, attendance, and other related issues as applicable to the payment of supportive services, On-the-Job Training (OJT) contracts and the issuance of Individual Training Accounts (ITAs).

DISTRIBUTION:

State WDB & NMWDA/LWDB Chairpersons	SAE/NMWDA/LWDB Legal Council
NMWDA/LWDB Administrative Entities	SAE/NMWDA/LWDB EO Office
SAE Subrecipients	NMWDA/LWDB Subrecipients
USDOL Federal Representative	

2. **BACKGROUND:** Supportive services for adults and dislocated workers are defined at WIA sections 101(46) and 134(e)(2) and (3). They include services such as transportation, childcare, dependent care, housing and needs-related payments that are necessary to enable an individual to participate in activities authorized under WIA Title I. Youth supportive services also include those listed at WIA section 129(c)(2)(G).

Local Boards, in consultation with the One-Stop partners and other community Service Providers, are required to develop policy on supportive services that ensures resource and service coordination in the local area. Such policy should address procedures for referral to such services including how such services will be funded 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 core services that must be available to adults and dislocated workers through the One-Stop delivery system. (WIA Section 134 (d)(2)(H).)

3. **ACTION.** NMWDAs/LWDBs may directly adopt this Supportive Services SIN and forms referenced herein, or modify supportive services procedures outlined, or develop their own policy/procedures and forms consistent with the requirements of WIA and the Regulations, as specified in this SIN.

a. **General Provisions**

- (1) All WIA program applicants and participants shall be informed of paid and unpaid supportive services available through the local One-Stop system including the One-Stop partners, Service Providers, and any applicable community resources.
- (2) Supportive services may only be provided to individuals who are:
(a) participating in core, intensive or training services; and (b) unable to obtain supportive services through other programs providing such services (WIA Sec. 134(e)(A) and (B)). Additionally, supportive services may only be provided when they are necessary to enable individuals to participate in Title I activities (WIA Sec. 101(46)).
- (3) To ensure successful participation in the appropriate employment or training activities, program staff shall determine the supportive service needs of each individual to be enrolled. Such determination shall be based on the Objective Assessment (OA).
- (4) Approval of supportive services shall be justified in the participant's Employability Development Plan (EDP) or Individual Service Strategy (ISS). As a requirement for applying for supportive services under WIA, other related resources in the area

(including the One-Stop partners) must first be explored. Such efforts shall be documented in the participant's file. To prevent the duplication of costs and efforts, participants first must exhaust related available services before WIA services will be authorized.

- (5) All supporting documentation shall be maintained in the participant's file.
- (6) One-Stop Centers and Service Providers shall periodically review the need for, and the receipt of, supportive services. Changes in supportive service needs are to be reflected in the assessment and EDP/ISS and noted in the counseling record as appropriate. Sound case management and timely participant follow-up are essential to ensuring completion of activities, and in meeting EDP/ISS goals and objectives.
- (7) Prior approval for payment of supportive services is required. Authorization of supportive service payments shall be made via the WIA SUPPORTIVE SERVICES REQUEST AND APPROVAL FORMAT/GUIDELINES issued via SAE Issuance No. 11.2.8 NMAC or a similar form developed by the local board. To request approval of supportive service payments for groups of participants, local boards may also use or modify the SUPPORTIVE SERVICES REQUEST AND APPROVAL form or develop their own similar authorization forms.
- (8) A new SUPPORTIVE SERVICES REQUEST or a similar form is required when there are changes in payment amounts or duration.
- (9) Local boards may establish limits on the provision of supportive services or provide One-Stop operators with the authority to establish such limits, including maximum amount of funding and maximum length of time for supportive services to be available to participants. Procedures may also be established by One-Stop operators to grant exceptions to these limits. The supportive service limits established in this SIN are examples from prior Job Training Partnership Act (JTPA) state policy that local boards/One-Stop operators may adopt.
- (10) Supportive services request and payment forms developed by local boards must be submitted to the State Administrative Entity for approval prior to their use.
- (11) Service Providers are responsible for tracking participant attendance, time keeping and related duties. For educational/training institutions receiving ITAs, an administrative overhead

(not exceeding administrative costs normally charged for related functions) may be charged for performing time keeping, participant activity tracking and related duties. For OJT employers, the reimbursement negotiated in each contract includes time keeping, reporting and other related duties as specified in the OJT contract.

- (12) Provision of paid WIA supportive services shall be limited to the overall time participation limitation established in the local area plan or local board policy.

b. **Allowable WIA Paid Supportive Services**

- (1) **Transportation, Temporary Shelter and Commuting Assistance.** Local boards may establish procedures for determining transportation, temporary shelter and commuting assistance consistent with state policy.

(a) Mileage Determination. To compute distance for commuting assistance, participants may determine actual point-to-point mileage between locations traveled to (i.e. city-to-city, etc.), or the local board may establish a standard methodology.

(b) Transportation Computation. Transportation assistance for WIA participants may be made available to participants who lack personal means of getting to class or a training site and who do not have access to public transportation and who are not receiving any assistance from any other sources. In such cases (as verified by the case manager and noted in the participant's counseling record) *participants may be provided a maximum of five dollars (\$5.00) per day of attendance not to exceed \$25.00 per week.*

(c) Temporary Shelter or Commuting Assistance. Temporary shelter *or* commuting assistance may be provided to participants who need financial assistance to travel to a training site fifty (50) miles or more one-way from their home daily, *and* are not receiving any assistance from any other sources. In such cases, *participants may be provided a maximum payment of ten dollars (\$10.00) per day of attendance. The total amount to be subsidized shall not exceed \$50.00 per week*

(d) Exclusion. Financial assistance for transportation, temporary shelter or commuting assistance *shall not be authorized* to any participant who:

- i. is receiving 100% support for transportation, commuting or temporary shelter from another source, or
- ii. is absent, entirely or in part, from his/her regularly scheduled training activity. This includes holidays, except in instances where partial days of attendance in observance of a holiday or related events are approved by the training provider. This latter case shall be documented.

(2) **Child Care.**

(a) ChildCare Computation. Childcare assistance may be provided to eligible participants who require such assistance in order to participate in a WIA activity. *To qualify, participants must have direct legal responsibility or custody of the child(ren) thirteen (13) years of age or younger, and not have other resources available. The participants must be providing at least fifty percent (50%) of the child (ren's) support per the U.S. Internal Revenue code. A maximum of five dollars (\$5.00) per day of attendance is allowed regardless of the number of eligible child (ren) in the family. The total cost shall not exceed \$25.00 per week.*

Local boards and Service Providers must verify and track the participant's child (ren) age and time limitations.

(b) Exclusion. Child care payment shall not be authorized when the individual:

- i. is receiving 100% of needed child care payments from another source (e.g. One-Stop partner, local Service Provider, etc.), or
- ii. is absent, entirely or in part, from his/her regularly scheduled training activity. This includes holidays, except in instances where partial days of attendance in observance of a holiday or related events are approved by the training provider. This latter case shall be documented.

- (3) **Supportive Services Computed at an Hourly Rate.** Supportive services computed at an hourly rate may be paid directly to participants identified as belonging to a targeted group (as specified in the local plan or Service Provider subgrant) who are enrolled in an Intensive service activity of combined Work Experience (WE) and short-term classroom training activity. This may include:
- (a) Educational Development/Enhancement. This activity may consist of post-testing, academic remediation, academic and/or career counseling, tutorial assistance and related enhancement skills training, or
 - (b) Occupational Life Skills Training. Related activities would include financial planning, job search skills, resume and job application development, consumer education, personal health and hygiene instruction, etc., or
 - (c) Occupational-Related Training. This may include GED preparation, computer literacy and related office/technical skills, test preparation, and other similar short-term training activities,
- (4) **Required Services Mix.** The combination of WE and educational/occupational skills training combinations listed above must be delivered concurrently within a pre-identified period of time. The primary activity, WE, may be at for-profit or not-for profit worksite as appropriate to the training skills needs of the participant for not less than 50% of the concurrent participation during any work week.

Other combinations of WE and classroom training for uniquely designed projects may be procured via the request for proposal (RFP) process in which supportive services may be paid at an hourly rate.

- (5) **Payment of Supportive Services Computed at an Hourly Rate.** Participants enrolled in a concurrent WE/Training activity may be paid supportive services as follows:
- (a) At a fixed rate of not less than the equivalent of the current minimum federal hourly wage rate in lieu of any other allowable paid supportive services, and

(b) Such payments shall be made to a participant only for actual hours of attendance. No payment shall be provided to a participant for any time not in attendance in any of the scheduled activities. This also applies to excused and unexcused absences, including holidays. Time and attendance reports reflecting actual hours of participation must be maintained by the Service Provider and training institution. Payment shall be based on these time/attendance records only.

(6) **Basic Supportive Services available to Dislocated Workers enrolled in Basic Readjustment Services (BRS).** This payment will be all-inclusive. It will cover in toto any other supportive service needs the participant may have while participating in any BRS activities (listed herein), and will be provided in lieu of any other paid supportive services for which the participant would otherwise be eligible. While enrolled in a BRS, participants may receive a maximum of fifteen dollars (\$15.00) per day of attendance.

Applicable BRS activities include:

- Outreach, intake, early readjustment assistance and orientation;
- Participant assessment and development of Reemployment Development Plans (RDPs);
- Job search workshops;
- Dislocated worker support group activities;
- Supervised job search activities;
- Placement activities;
- Referral to other possible supportive service providers;
- Referral to retraining services; or
- Programs conducted in cooperation with labor unions to provide early intervention services.

(7) **Medical and Health Care Supportive Services.** Minor medical and health care services that may be provided include but are not limited to:

- Physical examinations;
- Eye and/or ear examinations;
- Filling of eyeglass prescriptions;
- Purchase of hearing aids;
- Purchase of orthopedic devices; and
- Other minor medical or health care services not listed herein that are necessary in order for the individual to participate in the program.

Contingent upon available funding, a *one time maximum of one hundred dollars (\$100.00)* for minor health or medical care services may be provided to participants enrolled in a WIA funded training activity who require such assistance in order to participate in the program. The participant must provide proof of need (statement from health care or medical practitioner). The participant shall only be eligible for this assistance if he/she cannot obtain such services from other available resources. (i.e. One-Stop partners, local community health care programs, etc.) as documented in the participant's counseling record.

Payment for services shall be made directly to the vendor or provider upon receipt of billing. Participants shall not be paid directly or reimbursed after-the-fact for these services.

- (8) **Group Supportive Services.** Group supportive services may supplement supportive services provided to the individual, but such services must not be duplicative of services already provided. (either paid through WIA or other sources). Group supportive services are *limited to transportation, meals and lodging* for targeted groups to be served in a specially designed program or project as approved by the local board, consistent with the local plan and in accordance with applicable RFP/Procurement procedures. The cost for such services must be reasonable and necessary as verified by the Service Provider.
- (9) **Needs-Related Payments.** Needs-related payments provide financial assistance for the purpose of enabling individuals to participate in training and are one of the supportive services authorized by WIA (Section 134(e)(3)). *Eligibility requirements for adults and dislocated workers to receive needs-related assistance are as follows;*

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 as specified under WIA Section 13(d)(4).

Dislocated Workers must: (a) be unemployed, **and** (1) have ceased to qualify for unemployment compensation or trade readjustment allowance under the Trade Adjustment Assistance Act (TAA) or the North American Free Trade Agreement (NAFTA)-TAA; **and** (2) be enrolled in a program of training services as specified under WIA section 134 (d)(4) 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 adjustment assistance under TAA or NAFTA-TAA.

Note: Needs-related payments may be provided to a participant waiting to start training classes **if** the participant has been accepted to a training program that will begin within 30 calendar days. Local boards may submit a written request to the SAE for a 30-day extension to this time limitation to address appropriate circumstances.

Determination of the level of needs-related payments. The level of needs related payments shall be determined as follows:

- (a) The local board must establish the level for adults;
- (b) For dislocated workers, payments must not exceed the greater of either of the following levels:
 - (1) For participants who were eligible for unemployment compensation as a result of the qualifying dislocation, the payment may not exceed the applicable weekly level of the unemployment compensation benefit; **or**
 - (2) For participants who did not qualify for unemployment compensation as a result of the qualifying layoff, the weekly payment may not exceed the poverty level for an equivalent period. The weekly payment level must be adjusted to reflect changes in total family income as determined by local board policies. (WIA Sec. 134(e)(3)(C)).

- (10) **Supportive Services for Youth** are those services defined at WIA Section 101(46), and may include the following:
 - Linkages to community services;
 - Assistance with transportation costs;
 - Assistance with housing costs;
 - Referrals to medical services; and
 - Assistance with uniforms or other appropriate work attire and work related tool costs, including such items as eyeglasses and protective eye gear. (WIA Sec 129 (c)(2) (G)).
- (11) **Other Types of Supportive Services.** Contingent upon the availability of funding, other types of supportive services may be provided based on the need of the participants. The need for such services must be necessary and the cost reasonable to the purposes of the program (as verified by the local board and/or Service

Provider). Prior to authorizing such costs, the local board must obtain approval from the State Administrative Entity (SAE).

c. **Supportive Services Payment Process.**

The local boards may adopt as is, or modify, the supportive payment procedures and prototype forms referenced herein, or develop their own procedures and forms consistent with the WIA and attendant Federal Regulations.

(1) **Direct Payment to Participants.**

The appropriate Supportive Services Request and Approval forms shall be used to authorize supportive services payments for participants carried over from the Job Training Partnership Act (JTPA) programs into WIA and for new participants enrolled into training beginning July 1, 2000. The prototype form WIA Supportive Services Request and Approval Format (referenced herein) or similar form may be used.

(2) **Payment to Vendors and Service Providers.** For payment to vendors and providers of medical care, and other health care services, the prototype forms referred to in this policy or similar appropriate forms shall be used.

d. **General Limitations.**

(1) Time Limits.

For eligible Adults and Youth, supportive services may be provided for a period of time required to complete the EDP/ISS objectives but shall not exceed the participation time limitation established in the local area plan or local board policy.

For Dislocated Workers enrolled in BRS, supportive services shall be provided as specified in the RDP but shall terminate not later than 90 days after completion of all training activities. However, counseling necessary to assist participants to retain employment shall terminate not later than six (6) months following the completion of training. In no case shall the total time period for receipt of supportive services exceed the participation time limitation specified in the local area plan or local board policy.

(2) Budget Limitations.

The amount and kinds of supportive services in each local area is based on funding available to the local boards.

(3) Participants in “Hold” Status.

Participants who are in a “hold” status, for whom continued training is scheduled, will be eligible only for health care and minor medical services, group services and/or other supportive services that are not paid directly to the participant.

e. **Service Provider and Training Institution Time and Attendance Reporting and Related Responsibilities/Roles.**

Service Providers are responsible for overall tracking and reporting on participant activities as specified in their subgrants or contracts. They are also responsible for coordinating with area training institutions on time and attendance for those participants concurrently enrolled in classroom training and WE, OJT, or enrolled in a customized training activity and receiving supportive services. As part of the ITA agreements, training institutions are required to track on and report participant time and attendance. In order to help defray some of the administrative overhead associated with additional responsibilities including time keeping and reporting, training institutions may charge a reasonable administrative cost normally charged for performing related functions. WE and OJT employers are responsible for tracking/reporting time and attendance of participants assigned to them. WIA program staff shall be available to assist employers as necessary.

4. **EFFECTIVE DATE.** This general information and guidance notice is effective July 1, 2000 and will remain in effect until further notice.
5. **RECISSIONS.** None
6. **CONTACT ENTITY.** Inquiries regarding this notice should be directed to the Job Training Division in Santa Fe at (505) 827-6827.

CLINTON D. HARDEN, JR.
Secretary