



Department of
Job and Family Services

Ted Strickland, Governor
Douglas E. Lumpkin, Director

August 10, 2009

Workforce Investment Act Policy Letter No. 08-14

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents,
Administrative Entities and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Needs-Related Payments (NRPs) – WIA Adult/Dislocated Worker
Formula Funds

I. Purpose

To provide guidance on formula funded NRPs to be provided to eligible Adult and Dislocated Workers. This policy applies to all eligible individuals served with formula funds by the local areas.

II. Effective Date

Immediately

III. Background

NRPs provide financial assistance to participants for the purpose of enabling individuals to participate in training programs, and are one of the supportive services authorized by WIA section 134(e)(3). Federal regulations require that payments must be based on financial need.

IV. Requirements

Adult/Dislocated Worker formula funded NRPs are an allowable support service where authorized by local workforce investment boards. It is a local WIB decision to allow or prohibit the payment of NRPs. The local WIB supportive service policy must indicate whether or not NRPs are available to eligible participants.

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A. Eligibility for Needs-Related Payments

Receiving needs-related payments is not an entitlement for eligible participants.

Adult Eligibility

To be eligible for NRPs, an Adult must:

1. Be unemployed;
2. Not qualify for or have ceased to qualify for Unemployment Compensation (UC); and,
3. Be enrolled in a program of training services under WIA, section 134(d) (4).

Dislocated Worker Eligibility

This supportive service is based upon the family's financial need, as well as the participant's enrollment into training and ineligibility for Unemployment Compensation (UC) and Trade Readjustment Allowance (TRA) assistance. This two-part determination is described below.

To be eligible for NRPs, a Dislocated Worker must:

Part 1 – Financial Need

1. Individuals must have a three-month family income of less than the Lower Living Standard Income Level (LLSIL).
2. Determination of financial need may be determined up to ninety days prior to the start of training. This initial determination of eligibility is based on the family income from the prior three months.

And

Part 2 – Training & UC/TRA Status

1. Be unemployed, and:
 - a. Have ceased to qualify for UC or TRA; and
 - b. Be enrolled in a program of training services under WIA 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, unemployed individuals served by a project are not able to meet the 13th or 8th week deadline for enrollment in training, as set forth in WIA section 134(e)(3)(B), then such individuals may be eligible for needs-related payments if they are enrolled in training by the end of the 6th week following the date of the funds award.

2. Be unemployed and did not qualify for UC or TRA.

If the participant is not initially eligible and his or her financial situation changes during the course of training, eligibility may be re-determined throughout the course of participation. However, the timeframe requirements for beginning training (if applicable) and the family income requirements must be met in order to begin issuing needs-related payments.

If these eligibility requirements are met, individuals may be awarded NRPs from WIA funding prior to the start date of training classes for the purpose of enabling the individual to participate in programs of employment and training services that begin within thirty (30) calendar days.

Note: Verification demonstrating proof of UC payments, amounts paid, and the fact that the participant is no longer receiving benefits, all need to be part of the participant's file. Refer to WIATL No. 27 for case file documentation requirements.

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% LLSIL for a family of one.

Dislocated Workers

The level of needs-related payments for participants will not exceed the following:

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

C. Participant Training Requirements

Weekly payments may begin on the Monday after both eligibility and training enrollment criteria have been met.

If the participant has been accepted into a training program that will begin within 30 calendar days of the determination of NRP eligibility, payments may be awarded prior to the start date of training classes for the purpose of enabling the participant to enroll in the program. All training participants must be enrolled and attending full-time training as defined by the school, and maintain a minimum GPA of 2.0 in order to continue receiving NRPs.

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

In the event that training is delayed, NRPs may be paid while a participant is waiting to start training classes provided the participant has been accepted in a training program that will begin within thirty (30) calendar days.

In the event the participants' circumstances prevent them from beginning training, or the training is further delayed (over 30 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 WIA training.

Needs-related payments must be immediately terminated for any participant who fails to meet one of these training requirements.

D. Training Services

A program of training services is one or more courses or classes, or a structured regimen that upon successful completion, leads to:

1. A certificate, an associate degree, baccalaureate degree; or
2. The skills or competencies needed for a specific job, type of work, occupation, occupational group, or generally, for many types of jobs

or occupations, as recognized by employers and determined prior to training.

Types of training 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;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Job readiness skills;
- Adult education and literacy activities provided in combination with any other training services 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.

(See TEGL 17-05)

E. Continuing Eligibility to Receive NRPs

Participants receiving NRPs must re-qualify for these benefits during the period of the training program every ninety days from the date of the original determination. This re-determination shall be based on the family income for the previous ninety day period. Any income from needs-related payments will not be included. The total revised family income so determined shall continue to be annualized to determine the participant's current eligibility for needs-related payments. Where the revised family income exceeds the LLSIL, the eligible participant shall not be eligible for needs-related payments. Where the revised family income does not exceed the LLSIL, the eligible participant shall continue to receive needs-related payments. NRPs are not allowable for participants receiving UC, TRA, OJT, and relocation assistance.

F. WIB Requirements

Local area WIBs that plan to offer NRPs must develop a needs-related payments policy and the policy must be submitted to the Ohio Department of Job and Family Services, Office of Workforce Development (OWD) for review and approval within 45 days of this policy to:

WIAQNA@JFS.OHIO.GOV with "Needs-Related Payments Policy" in the subject line. A representative from OWD will review the local WIB policy.

Once the policy has been reviewed for compliance to the minimum specification described in this policy, the reviewed policy will be added to the local area plan on file with OWD.

The local area policy must include language requiring the participant to report the inability to participate due to unforeseen circumstances. Also, the policy will include the payment level determined for adults and dislocated workers.

Beginning 7/1/09, ODJFS monitors and auditors will review adherence to the local area policy during comprehensive monitoring visits.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References

Federal Register / Vol. 69, No. 81 / Tuesday, April 27, 2004 / Notices
Workforce Investment Act of 1998, Public Law 105-220, August 7, 1998,
WIA Section 134
20 CFR Part 652 et al. Sections §663.815, §663.820, §663.825, §663.840,
§667.272(c), §671.140
TEGL No. 17-05
Lower Living Standard Income Level (LLSIL) Guidelines - 2009
TEGL No. 7-99