



PUBLIC POLICY No.: WIOA-02-2022

DATE: FRIDAY MARCH 4, 2022

SUBJECT: REPEAL PUBLIC POLICY NO. WIOA-08-2020 OF JULY 22, 2021, AS AMENDED, AND THE PROCEDURE FOR THE AWARD OF SUPPORT SERVICES TO PARTICIPANTS UNDER TITLE I-B OF THE WIOA ACT AND AMENDMENTS THERETO.

FOR THE CREATION OF PUBLIC POLICY ON THE APPROVAL OF SUPPORT SERVICES, AS WELL AS TO ORDER THE ADOPTION OF A PROCEDURE FOR THE GRANTING OF SUPPORT SERVICES TO PARTICIPANTS OF THE LOCAL WORKFORCE DEVELOPMENT AREA MANATÍ/DORADO FOR THE YOUTH, ADULTS AND DISLOCATED WORKERS PROGRAM.

REFERENCE: WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA P. L. 113-128)

I. INTRODUCTION

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014. It is designed to assist job seekers to access employment, education, training and support services to help them succeed in the labor market and to provide employers with the skilled workers they need to compete effectively in the island's economy.

WIOA allows for the payment of Support Services. The Support Service is a type of Economic Assistance that is provided to the participant so that he/she can obtain a positive performance in the activities authorized through WIOA. It will be offered to participants who are active in the allowable activities of the Youth, Adult and Dislocated Worker Programs. This is for the purpose of supporting the occupational success of our participants so that they can train and meet the goals established by the Program.



However, it is important that despite all the situations that our society is going through we help develop competent leaders and that they maintain an interest in training, educating themselves and removing barriers to employment. Particularly, WIOA empowers us to help participants meet the necessary characteristics to support them in their process.

To that end, the Local Board and the Board of Directors of Mayors of the Manatí/Dorado Local Workforce Development Area enact the following public policy to establish the criteria and requirements for the Supportive Services to be made available to eligible participants of WIOA programs, and to direct the adoption of the corresponding procedure.

II. PURPOSE

The purpose of this public policy is to establish the criteria and corresponding requirements to determine the need for the Support Services to the eligible participants of the different programs under WIOA. This, in order for system officials to recommend, adjudicate and pay, in a uniform and fair manner, the Support Services.

Likewise, this document repeals the public policy and procedure approved in 2020, as amended, for the purpose of operationalizing this service.

The purpose of this Public Policy is to encourage and support our participants, which will result in a considerable increase in the number of clients in our Local Area programs.

III. LEGAL BASIS

- Workforce Innovation and Opportunity Act (WIOA) LP 113-128 of July 22, 2014, Section 3(59), Section 129 (2)(2)(2)(G) and Section 134 (c)(3), (d)(2), (d)(3), (d)(3), (d)(4) and (d)(5).
- 20 CFR Sections 680.910, 680.930, 680.940, 680.950, 680.960, 680.970, - and 681.460(a)(7).
- Training and Employment Guidance Letter (TEGL) No 21-16 Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance – Issued on March 2, 2017.
- Training and Employment Guidance Letter (TEGL) No 8-15 Second Title I WIOA Youth Program Transition Guide- Issued on March 26, 2015.
- Training and Employment Guidance Letter (TEGL) No 23-14 Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition- Issued on November 17, 2015.
- Training and Employment Guidance Letter (TEGL) No 19-16 Guidance on Services provided through the Adult and Dislocates Workers Program under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment



Services (ES), as amended by WIOA Title III of WIOA, and Implementation of the WIOA Final Rules- Issued on March 1, 2017.

IV. DEFINITIONS

The following terms shall have the meanings described for purposes of this public policy:

1. **Case Manager or Career Planner:** Person designated to assess the participant's needs and documents the services needed by the participant.
2. **Virtual Mode:** The teaching-learning process offered through various virtual or technological platforms.
3. **Classroom Mode (nonvirtual):** Traditional form of teaching that involves the attendance of the student to the facilities of the Institution, in all classes associated with their curriculum, with the intervention of a teacher who plans their activities in advance.
4. **Hybrid Mode:** Teaching-learning format in which part of the time the course or subject is developed in a traditional way (face-to-face contact), on campus and the other part is carried out through the Internet by the different platforms available.
5. **Adult Participant:** A person 18 years of age or older who receives Career Services and/or Training Services under the WIOA Adult Program.
6. **Youth Participant:** An eligible individual under the in-school and out-of-school youth categories who participates in activities and services related to the program elements described in Section 129(c)(2) of WIOA.
7. **Dislocated Worker Participant:** A person eligible under the WIOA Dislocated Worker Program who receives Career Services and/or Training Services.
8. **Supportive Services:** WIOA Section 3(59) defines Supportive Services as transportation, child and dependent care, housing, and need-related payment services that are necessary for an individual to participate in authorized WIOA activities.

V. CONSULTATION REQUIREMENT FOR THE PROVISION OF SUPPORTIVE SERVICES TO PARTICIPANTS UNDER THE LOCAL WORKFORCE DEVELOPMENT SYSTEM MANATÍ/DORADO

In order to minimize duplication in the use of funds and services available to address the same need, any Support Services assistance recommended to Manatí/Dorado Local Workforce Development Area participants will be provided after the Case Manager or Career Planner has documented all efforts to have the service provided by some of the mandated partners or service entities that have resources to provide the same or similar services within the Manatí/Dorado Local Workforce Development Area geographic service area.



VI. GENERAL PROVISIONS

1. Regarding the costs to be paid for Support Services, they shall be detailed in the Support Services Procedure of the Manatí/Dorado Local Workforce Development Area, to be approved in accordance with the provisions of this public policy.
2. The need for Support Services, in particular, must arise as a result of the Objective and Comprehensive Evaluation and shall be evidenced in the Individual Service Strategy and/or in the Employability Plan.
3. The costs of the Support Services will meet the criteria of reasonableness and allowability. Therefore, they will be granted to those participants who cannot obtain them through other programs that offer them.
4. Support Services will be subject to attendance at the applicable program activity and availability of funds.
5. All Support Services offered to the participant will have a pre-determined duration.
6. The duration of payment for support services shall be from the date of commencement of the activity requiring support services until or before the date of completion of the activity.
7. Provision of Support Services will begin once the Local Area initiates the scheduled activity and may be adjusted and/or modified according to available budget allocations during the term of the participant's participation in the activity and/or due to a change in the participant's need, as established by the Case Manager or Career Planner and/or designee for such purposes.

VII. AUTHORIZED SUPPORT SERVICES

Support services may include, but are not limited to, the following:

- Child and dependent care assistance;
- Assistance for the payment of lodging;
- Financial assistance to make the participant's attendance feasible, regardless of the modality of the service: face-to-face, virtual and hybrid;
- Links to services in the community;
- Referral services to community programs;
- Assistance related to the administration of educational tests;
- Reasonable accommodation for individuals with limitations;
- Referrals to health care services;
- Legal services to address barriers the participant may have to participating in workforce activities; o Services for individuals with criminal records:
 - Services for individuals with criminal records;
 - Persons with Functional Diversity;
 - Immigrants;



- Veterans;
- Among others.
- Assistance with payment for uniforms or other appropriate work clothing and work-related tools, including items such as eyeglasses and goggles;
- Assistance with the payment of books, tuition, educational materials and other items for students enrolled in postsecondary institutions;
- Payment of costs related to employment and/or training applications, testing and/or certifications;
- Other services that serve the participant to overcome or remove other barriers identified by the Case Manager or Career Planner that limit or prevent the participant from achieving the goals of the activity, which may be assessed according to the need for service.

VIII. ELIGIBILITY CRITERIA FOR PARTICIPANTS TO RECEIVE THE SUPPORT SERVICE

To be eligible to receive supportive services with WIOA funds, participants must meet the following eligibility criteria:

1. Be participating in the services of the Youth Program, Adult Program and Dislocated Worker Program.

a) Adult Program Eligibility Criteria

An adult who wishes to receive services under WIOA must meet the following eligibility criteria set forth in Section 132 (b)(1)(B)(v)(I):

- Be 18 years of age or older.
- If male, be registered with the Military Selective Service in accordance with its regulations.

b) Eligibility Criteria for Dislocated Worker Programs

Under Section 3(15) of WIOA, a dislocated worker is an individual who:

(A)(i) have been laid off or have received a notice of layoff or termination of employment;
and

(ii)(I) Is eligible for or has exhausted the right to unemployment insurance compensation; **or**

(II) Has been employed for sufficient time (at least three months) to demonstrate, to the appropriate entity at an American Job Center, significant attachment to the labor force, but does not qualify for unemployment compensation because



of insufficient earnings or has performed services for an employer who was not covered under state unemployment compensation law; **and**

- (III) Are unlikely to return to your previous industry or occupation;
- (B)(i) Have been laid off or laid off or have received a notice of layoff or dismissal as a result of a permanent closing or substantial layoff of a factory, facility or enterprise;
- (ii) Is employed at a facility where the employer has made a general announcement that the facility will close within the next one hundred eighty (180) calendar days; **or**
- (iii) For purposes of determining eligibility for services, other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or support services, is employed at a facility where the employer has made a general announcement that the facility will close;
- (C) Was self-employed including employment as a farmer, fisherman or rancher, but is unemployed as a result of the general economic conditions of the community in which he resides or because of natural disasters;
- (D) Is a displaced homemaker (displaced homemaker). A displaced homemaker is a person who has provided services, without pay, to family members in the household who: (a) has been dependent on the income of another family member, but no longer has this income; and (b) is unemployed or underemployed and experiencing difficulty in obtaining employment or upgrading employment. Also considered a displaced homemaker is a dependent spouse of a member of the Armed Forces on active duty, as defined in 10 U.S.C. § 101(d)(1), whose household income has been significantly reduced by deployment, activation, change in station, death of a service-connected member, or disability; and is unemployed or underemployed and experiencing difficulty obtaining employment or advancement in employment.
- (E)(i) Is the spouse of a member of the armed forces on active duty, as defined in section 101(d)(1) of Title 10, United States Code (USC), and has lost employment as a direct result of relocation to accommodate a permanent change in the member's duty station; or permanent or temporary residence on the member's orders; or
- (ii) Is the spouse of a member of the Armed Forces, on active duty, and meets the criteria described in paragraph 16(B) of Section 3 of WIOA.

c) Youth Program Eligibility Criteria



A. In-School Youth:

1. Attending school (as defined by state law);
2. Not younger than age 14 (unless an individual with disability who is attending school under State law) older than age 21; and an
3. Low-income individual, who is also:
 - a. Basic-skills deficient; or
 - b. An English language learner;
 - c. An offender;
 - d. A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2 (6))), a homeless child or youth (as defined in section 725 (2) of the McKinney-Vento Homeless Assistance Act (42 USC 11434a (2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
 - e. Pregnant or parenting;
 - f. A youth who is an individual with a disability; or
 - g. An individual who requires *additional assistance* to complete an educational program or to secure or hold employment.

B. Out-of-School Youth:

Means an individual who is:

1. Not attending any school (as defined under State law);
2. Not younger than age 16 or older than age 24; and
3. One or more of the following:
 - a. A school dropout;
 - b. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter, and is not enrolled with plans to return to or remain in school;
 - c. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is:
 - i. Basic skills deficient; or
 - ii. An English language learner.
 - d. An individual who is subject to the juvenile or adult justice system;
 - e. A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged



out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;

- f. An individual who is pregnant or parenting;
- g. A youth who is an individual with a disability; or
- h. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

IX. DESCRIPTION AND PROCEDURE FOR THE AWARDING OF SUPPORT SERVICES

The Local Board shall approve a procedure for the purpose of establishing the mechanism for payment of Support Services. It shall include the description, procedure and documents required at the time the Case Manager or Career Planner determines the need for them. Support Services include, but are not limited to, the following:

- a) Child Care Assistance;
- b) Dependent Care;
- c) Housing Services (Lodging);
- d) Need Related Payment (NRP).

X. AMOUNT OF SUPPORT SERVICE PAYMENTS

In relation to the costs to be paid per service, those approved in the Support Services Procedure of the Local Workforce Development Area Manatí/Dorado shall be used. The amount of the Support Service payment will depend on the program, the service and the modality of the activity and/or training.

XI. NEED-RELATED PAYMENT (NRP)

The Need Related Payment (NRP) is financial assistance available to participants in the Adult, Dislocated Worker and Out-of-School Youth programs between the ages of eighteen (18) and twenty-four (24) who are in need, for the purpose of facilitating their participation in training service activities. Need Related Payments are a Supportive Service authorized by Section 134 (d)(3) of WIOA. Unlike other support services, in order to receive Need Related Payments the participant must be enrolled in a training activity, as authorized under section 134(c)(3).

A. Eligibility Criteria for Allocation of Need-Related Payments for Adults

1. Adult Program Participant

- a) Be unemployed;
- b) Not eligible for or have exhausted Unemployment Insurance assistance;



- c) Enrolled in and/or participating in a training services activity authorized by section 134(c)(3). These may include:
 - i. Occupational Skills Training, including training for non-traditional jobs;
 - ii. Programs that combine on-the-job training and related instruction;
 - a. The Need-Related Payment must be responsive to the participant's need to complete the related instruction phase;
 - iii. Training programs operated or offered by the private sector;
 - iv. Entrepreneurship training;
 - v. Employment readiness training combined with any of the activities mentioned in section 134(c) that do not generate income;
 - vi. Adult Education and Literacy activities, including English language learning and integrated education and training activities. These may be offered concurrently, or in combination with any of the services listed in the same section 134(c) that do not generate income, and
 - vii. Tailored training, with a commitment by an employer or employers to recruit the participant upon successful completion of the training.

- d) To be enrolled in a training program.
 - i. If payments are to be issued after the start of the training, the participant must be in compliance with the attendance and academic achievement requirements applicable to the activity.

2. Dislocated Worker Program Participant

- 1. Be unemployed; **and**
 - a) No longer eligible for unemployment compensation or TAA allowance; **and**
 - b) Be enrolled in a training program, under section 134(c)(3) of WIOA, just prior to the end of the thirteenth (13th) week after the most recent layoff that triggered the individual's eligibility determination as a dislocated worker, or if after the thirteenth (13th) week, just prior to the end of the eighth (8th) week after the employee is notified that a short-term layoff will exceed six (6) months.



2. Be unemployed and not qualified for unemployment compensation or Trade Adjustment Assistance under the Trade Act of 1974, as amended, and enrolled in a training program as described in WIOA section 134(c)(3):
 - i. Occupational Skills Training, including training for non-traditional jobs;
 - ii. Programs that combine on-the-job training and related instruction;
 - i. The Need-Related Payment must be responsive to the participant's need to complete the related instruction phase;
 - iii. Training programs operated or offered by the private sector;
 - iv. Skill enhancement or retraining;
 - v. Entrepreneurship Training;
 - vi. Training in preparation for employment, combined with any of the activities mentioned in section 134(c) that do not generate income;
 - vii. Adult Education and Literacy activities, including English language learning and integrated education and training activities. These may be offered concurrently, or in combination with any of the services mentioned in section 134 (c) that do not generate income; and
 - viii. Tailored training, with a commitment from an employer(s) to recruit the participant upon successful completion of the training.

3. Participant of the Out-of-School Youth Program

1. Be between 18 and 24 years old;
2. Unemployed;
3. Ineligible for or exhausted Unemployment Insurance assistance; and
4. Enrolled in and/or participating in occupational skills training with a view to receiving a credential.

Sections 680.940 and 680.950 of Volume 20 of the Code of Federal Regulations establish as a requirement for NRP that both adults and dislocated workers must be unemployed. The same applies to Out-of-School Youth between the ages of eighteen (18) and twenty-four (24) as set forth herein. Therefore, participants who are active in a WIOA section 134(c) training service that generates income will not be eligible for Need Related Payments. Examples: On-the-Job Training, Transitional Jobs, Incumbent Worker Training, etc.



On the other hand, pursuant to 20 CFR 680.960, payments may be issued to a participant during the thirty (30) days prior to the start of the training in which the participant was accepted.

B. Amount of Need-Related Payments

Payments granted to participants under the category of Need-Related Payments will be determined as follows:

a. Adult and Out-of-School Youth Program Participant (18 to 24 years old)

The Need-Related Payment will not exceed seventy percent (70%) of the annual amount determined by the Poverty Level standards for a family of up to six (6) person(s). This figure shall be divided by fifty-two (52) weeks and a weekly payment will be issued for the duration of the training.

b. Dislocated Worker Program Participant

For Dislocated Workers, the need-related payment shall not exceed the greater of any of the following levels;

- a. The level of weekly payment corresponding to the Unemployment Insurance compensation benefits, the participant who was eligible for this compensation as a result of the layoff; or
- b. The poverty level for a similar period, for that participant who was not eligible for Unemployment Insurance compensation as a result of the layoff.

To determine this amount, the Case Manager or Career Planner will use the Poverty Level Guidelines in effect at the time the participant's case is assessed. They will identify the size of the dislocated worker's household and determine the corresponding wage level. This wage level will be divided by 52 weeks to determine the corresponding weekly wage level according to the guidelines described above. The pay level under this category may be adjusted due to changes in household income levels.

The Executive Director is required to review the annual tables, adopted by the U.S. Department of Labor, to update the information on the basis of which the aforementioned calculations will be made (<https://www.dol.gov/agencies/eta/llsil>).



XII. ACTIONS AND RESPONSIBILITIES WITH THE CONTENT OF THE PROCEDURE

The Local Board and the Board of Directors of Mayors shall approve the Manatí/Dorado Local Workforce Development Area Support Services Procedure, which shall establish the requirements, amounts to be paid, evidence to be presented to document the payment and other related matters.

XIII. AMENDMENTS

When public policies represent a need to amend part or all of its content, the Local Board and the Board of Directors of Mayors of Workforce Development Manatí/Dorado may amend it to conform to the needs of the system, legislation, interpretative regulations, as well as the guidelines issued by the U.S. Department of Labor and the Workforce Development Program in force.

XIV. DEROGATORY CLAUSE

The approval of this Public Policy has the express effect of repealing Public Policy WIOA-08-2020, as amended, and approved on July 22, 2020, as well as repealing the Procedure for Granting Support Services to WIOA Title I-B Participants, as amended, and approved on July 22, 2022.

This public policy also rescinds any guideline, circular letter or expression that is contrary to the provisions herein.

XV. REQUIRED ACTION

The Executive Officer of the Local Board attached to the Manatí/Dorado Local Workforce Development Area shall notify the Executive Director of the Manatí/Dorado Local Workforce Development Area of the approval of this Public Policy and the Support Services Procedure. The Executive Director shall be responsible for notifying and ensuring that this provision is disseminated and put into effect in the One-Stop Management Center - American Job Center and the Satellite Offices.

XVI. NULLITY AND SEVERABILITY

In the event of a challenge, matter of interpretation, declaration of nullity, judicial resolution or any other administrative action, of any of the sections of this Public Policy, the other sections remain unaltered and in full force and effect.



XVII. APPROVAL AND EFFECTIVENESS

The Public Policy to Establish the Manatí Local Workforce Development Area Support Services Procedure shall be effective upon approval by the members of the Local Workforce Development Board and the Board of Directors of Mayors of the Manatí/Dorado Local Workforce Development Area.

In Barceloneta, Puerto Rico, today March 4, 2022.

SIGNED

Mr. Miguel Vega-Rivera
President
Local Workforce Development Board

SIGNED

Hon. María M. Vega-Pagán
President
Board of Directors of Mayors

Note: In this document the masculine gender will be used to refer to both genders in order to facilitate the reading of this document. This style of writing is not intended to imply the supremacy of one gender over the other.