



Workforce Innovation and Opportunity Act (WIOA) Title I

COVID-19 Frequently Asked Questions



Arizona Department of Economic Security

1. Question: Is WIOA Title I-B an essential service under Governor Ducey's stay at home order as per COVID-19 pandemic?

Response: Essential services as defined in the Governor's Executive Order 2020-12 include human services operations and essential government functions. The order states that "Human Services Operations shall be construed broadly (to cover as many entities as possible) to avoid any impacts to the delivery of human services."

LWDAs, in consultation with their Boards, *have the authority and discretion to make decisions in the best interest of their agency.* Service delivery considerations should comply with CDC guidelines. DES continues to encourage individuals we serve to access services remotely (online or by phone) and continue to move our workforce to telework, where possible. Refer to [DES Announces Extension of Virtual Office Services Model](#) news

2. Question: The Coronavirus Emergency Supplemental Appropriations Summary describes \$360 million for USDOL to invest in programs that provide training and support services for Dislocated Workers, etc. When will these funds be available to the states, and how will they be allocated to Local Workforce Development Areas?

Response: The federal funding is made available through National Dislocated Worker Grants (DWGs). Individual entities are required to apply for the funding. See USDOL ETA [Training Employment Guidance Letter 12-19](#) for more information. USDOL issues DWGs directly to grantees, and thus there is no state allocation.

3. Question: Which DWG grants is DES applying for to increase funds as a response to the COVID-19 emergency?

Response: As of April 2nd, the USDOL (DOL) has released \$300M in Dislocated Worker Grant funding opportunities for States, Local Workforce Development Areas (LWDAs), tribes, and others. The funding release was announced in TEGL 12-19 on March 18th. The DOL is expecting to provide up to 150 separate awards, capped at \$25M each.

DES submitted a request for Disaster Recovery DWG funds to create temporary employment opportunities within local food banks throughout Arizona and provide collaborative training opportunities to promote sector strategies, career pathways, utilization of transferable skills, and an increase in Arizonans obtaining industry-recognized credentials.

- 4. Question: The CARES Act, Sec 3515 (a) states that of the total amount allocated to a local area for program year 2019, not more than 20 percent of the total amount may be used for the administrative costs of carrying out local workforce investment activities under chapter 2 or 3 of subtitle B of title I of such Act, if the portion of the total amount that exceeds 10 percent of the total amount is used to respond to a qualifying emergency. Is this only applicable to the PY19/FY20 allocation? How are the additional costs reported? Does this clause also apply to the state administrative limit of 5%?**

Response: This clause is only applicable to PY19/FY 20 WIOA allotments. Further, it only applies to local level administrative limitations and does NOT apply to the State administrative limit of 5%. Administrative costs in excess of the 10% local limitation can only be applicable to the qualifying emergency. These additional costs will be reported in the narrative section of the local area Cash Draw and Expenditure reports submitted to DES. Please be sure to separately track administrative costs exceeding the 10% limitation, related to the COVID-19 emergency.

- 5. Question: Can you give us guidance on “shared work program” qualifications?**

Response: Information on the Shared Work Program is available online. DES is developing the additional guidance for employers and will make this available soon.

- 6. Question: Is the state currently receiving WARN notices?**

Response: DES is currently receiving WARN notices however, the total number of notices received does not represent a complete list of layoffs throughout the state. Therefore, DES encourages local areas to promote their employers sending in their WARNs. In addition to receiving official notices, DES has developed a tracker where local area business services partners can add information as they learn of businesses experiencing layoffs. Once the

WARN is received, the Rapid Response State Coordinator records all layoff details received in the Arizona Job Connection (AJC) system and assigns a DES Business Services Team member to work in partnership with the Local Rapid Response Coordinator (LRRC) on the planning and implementation of services, providing status updates throughout the service delivery period.

- 7. Question: When will the current COVID-19 provisions for Unemployment Insurance be updated on the www.azui.gov site and publications? When will Arizona update the federal weekly allotment per federal guidelines?**

Response: The [COVID-19 and Unemployment Insurance Benefits](#) FAQ is now available online. DES is waiting for further guidance from the USDOL on the implementation of the new federal Unemployment Insurance programs to make additional updates to the website.

- 8. Question: The Office of Management and Budget (OMB) memo dated March 19, 2020, section 4, states that awarding agencies may extend awards which are active as of March 31, 2020 and scheduled to expire prior or up to December 31, 2020, automatically at no cost for a period of up to 12 months. Will USDOL also approve a no-cost extension for the soon to expire PY17/FY18 WIOA Title I formula grants?**

Response: Due to the language in the WIOA law, USDOL ETA is unable to extend PY17 grants. States should FIFO expenditures back prior to closing out these grants in June 2020, when their availability expires. ETA is able to extend direct grants on a case by case basis that are impacted by COVID-19. States/grantees should speak with their FPO to determine the applicability and process for an extension.

- 9. Question: Are individuals who have been furloughed eligible for the WIOA Title I-B Dislocated Worker Program? Can we serve individuals who have been furloughed due to the COVID-19 emergency under the WIOA Title I-B Dislocated Worker Program?**

Response: Individuals who are furloughed are considered laid off for purposes of WIOA Title I-B Dislocated Worker eligibility. Under the Dislocated Worker definition, Category II does not require that an individual be eligible for Unemployment Insurance or that the service provider staff determine that the individual is "unlikely to return to previous occupation". Many individuals who are currently not working due to business closures as a result of the COVID-19 emergency may qualify as Dislocated Workers under category II. DES is developing an Emergency WIOA Title I-B Dislocated Worker Program policy which will provide guidance on serving individuals affected by the COVID-19 emergency through the WIOA Title I-B Dislocated Worker Program. The emergency policy will be available soon.

10. Question: Can rent be prepaid for up to two months as a support service, using WIOA Title I-B funds, provided there is a policy within the organization to support the pre-payment of rent?

Response: Per 20 CFR 680.900-910, Supportive services may only be provided to individuals who are participating in career or training services...when they are necessary to enable individuals to participate in career or training services, as provided under locally approved policies. Because housing is on a month by month basis, these costs must not be prepaid, and must only be paid if the participant is still enrolled and active in training. The participant's needs must be reassessed on a monthly or weekly basis to ensure the participant is still in need of the support service.

11. Question: Will there be an extension on the Local Workforce Plan and State Plan submission?

Response: DES submitted the state plan on time on April 1st, 2020. Prior to the pandemic, DES planned on accepting local plans for review between July 1st, 2020 and July 15th, 2020. At this time DES is unsure how current events will impact the local plan submission timeline. The [WIOA Title Local Plan Submission policy and Requirement elements for the Submission of the Local Plan \(2020-2023\)](#) are now available on the WIOA Title I-B Policy and Procedures page.

12. Question: What are the requirements for documentation of eligibility requirements for the WIOA Title I-B during the COVID-19 crisis?

Response: The WIOA Title I-B [Eligibility Checklist](#) allows WIOA Title I-B program applicants to self-attest to the following program eligibility elements as a last resort. During the COVID-19 emergency, "the last resort requirement" is met for the following elements and self-attestation is acceptable:

- Homeless Individual or Runaway Youth
- Offender
- Individual Status/Family Size
- Individual Family Income
- Pregnant or Parenting Youth
- Youth who need Additional Assistance
- Youth in Foster Care
- Education Status at time of participation
- Dislocated Worker Program

Additionally, during the COVID-19 emergency, the WIOA Title I-B [Applicant Statement](#) may be used initially for the below eligibility elements in an effort to expedite services to affected individuals regardless of the type of service being provided, including basic career, individualized career or training services. A signed WIOA Title I-B [Applicant Statement](#) with corroborating witness signature may be used as verification for eligibility purposes to enroll participants in the WIOA Title I-B programs and provide services as soon as possible. After the services have started, staff must request additional documents (within 90 days from participation) for participants who received individualized career and training services for each of the following eligibility elements shown below if used as part of the eligibility determination process:

- Date of Birth/Age
- Individuals with disabilities
- Veteran Status or Spouse of a veteran
- Employment Status at participation
- Unemployment Insurance (UI) compensation
- Pell Grants
- Temporary Assistance to Needy Families (TANF)
- Other Public Assistance recipient or Low-Income Status
- Basic Skills Deficiency (BSD)
- English Language Learner

Note:

- Social Security Number (Is not required to receive WIOA Title I-B services, and *is not required to be verified*)
- Selective Service (can be verified [online](#) or by calling 1-847-688-6888)
- Right to Work I-9 document(s) must be collected for WIOA Title I-B programs as verification of the applicants right to work. An expired driver's license may be combined with another verification document on the List C of the List of Acceptable Documents on the USCIS I-9
- Date of Birth-Expired Arizona's Driver's Licenses may be used to document date of birth.

13. Question: May staff accept expired Driver's Licenses between March 1 and September 1, 2020 as per the Governor's Executive Order due to COVID-19?

Response: For WIOA Title I-B program eligibility purposes, expired Arizona Driver's licenses may be used as verification of the applicant's right to work when the driver's license is combined with another verification document on the List of the List of Acceptable Documents on the USCIS I-9.

14. Question: How should staff document services that are currently on hold due to the COVID-19? We have participants that are currently not participating in their Work Experience (WEX) because the work site is closed due to the COVID-19 outbreak?

Response: DES recommends the WEX service be ended and reopened when the service resumes. A case note should also be added to the service explaining why the service was ended and another note should be added when the service is reopened.

15. Question: Since our tribal area is currently closed, our WEX participants are not able to participate in the WEX activities, may these participants continue to be paid with WIOA Title I-B funds?

Response: If the program participant's time commitment, stipend structure, and/or other academic or work terms were established prior to the national health emergency declaration in the Work Experience Agreement, grantees should continue to pay the participant for the remainder of the established term. LWDBs should review their established policies to determine whether conditions have been met to allow for Work Experience payments.

16. Question: Will DES accept non-original signatures of WIOA Title I documents?

Response: There is no requirement for a wet signature on documents in the WIOA Title I-B policies. Electronic signed, and signed documents that scanned, and emailed, or faxed to the WIOA Title I-B Programs are acceptable. For the Individual Service Strategy (ISS)/ Individual Employment Plan (IEP), these documents need to be signed when they are created and signed each time they are updated, but wet signatures are not required.

17. Question: Can you advise if WIOA Title I-B forms need to be signed by the participant during the COVID-19 outbreak?

Response: While the state-level WIOA Title I-B policies do require signatures from participants/employers on some documents, wet signatures are not required. Electronic signatures and signatures that are scanned and emailed, or fax to WIOA Title I-B programs are acceptable. The Local Workforce Development Board has discretion on signature requirements for forms that are developed at local level. Below I have indicated if the state-level policies require the document to be signed, or if the document is a form required at the local level only.

<u>Name of Form</u>	<u>Policy Response</u>
WIOA Title I-B Applicant Statement	This form must be signed.
Local WIOA Title I-B Application	This is a local form. Refer to local policy. An AJC system printout should be signed per USDOL and kept in the participant's file, but this is not currently a requirement in state-level WIOA Title I-B policy. State-level WIOA Title I-B policy is being updated to include this requirement.
IEP/ISS	Signatures are required when the IEP/ISS is developed and modified.
Contact Information	This is a local form. Refer to local policy.
Release of Information	This is a local form. Refer to local policy.
Equal Opportunity is the Law	This form is not required to be signed but must be provided to the participant and a copy must be maintained in the participant's folder.
WEX/ Internship Agreement	This document must be signed.
OJT agreement	This document must be signed.

18. Question: May Work Experience participants apply for Unemployment Insurance?

Response: Anyone can apply for Unemployment Insurance. To receive benefits, the claimant must be monetarily eligible, which will be determined based on the wages reported for them by their employer. This question was also submitted to DOL to see what, if any, impact the recent CARES legislation may have on the ability of participants who were engaged in work experience.