

COVID-19 WIOA Title I FAQ

Updated: May 6, 2020

Questions specific to **Virginia Rapid Response COVID-19 Award Business Support Initiative**.

Additional questions should be submitted to wdslocalarea@vccs.edu.

Table of Contents

Allowable Expenses.....	1
Rapid Response Award Grant Administration	4
WIOA Title I Programs during the COVID-19 pandemic	6
Assessments.....	8
Participants in Approved Training	8
WIOA Title I Grants Administration during the COVID-19.....	10
Other Questions.....	10

Allowable Expenses

Q: Can funds be used to support staff time spent implementing WIOA?

A: No - funds may not be used to pay staff wages. Funds must go directly to businesses to avert layoffs where at all possible.

Q: Are child care services an allowable expense to enable staff to participate in work activities under this award?

A: Yes, to the extent that the expense can be verified and provided by licensed child care providers.

Q: Can funds be used for smaller office supplies such as chairs and overhead lights as staff move to remote work?

A: Yes, if supply is needed to avoid layoff and the need is substantiated.

Q: Is the purchase of personal protective equipment (PPE) allowable- including thermometers for temperature checks?

A: Yes, they are allowable if preventing job layoffs. If you have questions, please forward them to wdslocalarea@vccs.edu.

Q: Is PPE an allowable expense for a participant in any WIOA Title I Training once things open back up?

A: Yes, PPE would be an allowable equipment expense if required to enroll in a training course and not provided in the tuition or is required by state and federal safety guidelines. PPE beyond the requirements to complete the course or meet safety guidelines for training would not be allowed.

Q: Can the funds be used to support purchase of supplies by vendors for use in development and delivery of their product?

A: Based on our research and guidance from the Department of Labor Employment and Training Administration (DOLETA), supplies that are part of product development and delivery are not allowed as an expense to the Rapid Response COVID-19 Award.

We have been informed that this type of funded activity would also be classified as an Economic Development activity, which is strictly prohibited under WIOA law. Also, please note that the activities funded under the Rapid Response Award to support businesses to avert layoffs are not training activities.

We are providing the following citations as a basis for the determination in response to this question:

§683.245 – Are employment generating activities, or similar activities, allowable under title I of the Workforce Innovation and Opportunity Act?

- (a) Under sec. 181(e) of WIOA, title I funds must not be spent on employment generating activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, economic development activities, or similar activities, unless they are directly related to training for eligible individuals. For purposes of this prohibition, employer outreach and job development activities are directly related to training for eligible individuals.

§ 683.295 – Is earning of profit allowed under the Workforce Innovation and Opportunity Act?

- (g) prohibits earning and keeping of profit in Federal financial assistance unless expressly authorized by the terms and conditions of the Federal award.(c) Income earned by a public or private nonprofit entity may be retained by such entity only if such income is used to continue to carry out the program. Carrying out a program means the income earned would be used to support the federal award program and will be treated as Program Income.

§ 200.80 – [Program income](#).

Program income means gross income earned by the [non-Federal entity](#) that is directly generated by a supported activity or earned as a result of the Federal award during the [period of performance](#) except as provided in [§ 200.307](#) paragraph (f). (See [§ 200.77 Period of performance](#).) [Program income](#) includes but is not limited to income from fees for services performed, the use or rental of real or [personal property](#) acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on [loans](#) made with Federal award funds.

Q: If a restaurant is moving their operations to take-out as mandated by Governor Northam's Executive Order, and they need assistance buying paper products (i.e. carry-out trays, napkins, silverware, etc.) that they have never had in stock, is this something that can be funded?

Q: Are we allowed to use the funding to assist businesses in paying their rent and/or utilities for facilities?

The following answer applies to both questions above.

A: The DOLETA Region 2 Office has advised that support for this activity is high-risk for disallowed costs due to being associated as an economic development activity. The Region Office has reached out to the National Office for clarification but has not received a response.

As further guidance, considering there are limited funds, we have asked that local Workforce Development Boards take into consideration the impact to the local economy in determining criteria to review business applications for support. We stress the importance of forming a partnership with your local economic development leadership and collaborating to determine how best to target the funds provided through the Governor's initiative.

With this in mind, we want to use guidance provided by the Virginia Economic Development Partnership (VEDP). VEDP has encouraged that support for business in the Commonwealth be focused in the traded sectors, as it would have the potential for the most benefit in sustaining the economy under the novel coronavirus conditions. The benefit to the economy also results to minimizing job loss.

We also ask that you keep in mind the resources available through the Small Business Administration (SBA). The SBA financial assistance is available to nonprofit organizations. The SBA website at SBA.gov provides very helpful information and guidance to business to access the assistance.

Explore taking advantage of opportunities to supplement resources available through other sources in order to maximize the benefit of the RR funds to your locality.

Q: Are monthly contractual janitorial services for doctor offices, daycare centers and other essential industries an allowable expense?

A: This is not covered if related to a normal janitorial service contract that the business pays for on a monthly basis. It may be allowed if there is additional cleaning needed as part of COVID-19 response to keep people employed at said business.

Q: Is building a deck an allowable expense (so restaurant can offer outdoor seating and maintain operations)?

A: No

Q: Can an auto service be reimbursed for doing oil changes and for cleaning vehicles for doctors and nurses free of charge?

A: No, this is not considered a supportive service or layoff aversion service unless it is documented that the doctors and nurses would be at risk of losing their jobs in the absence of being able to pay for the service.

Rapid Response Award Grant Administration

Q: Is the additional funding being provided on a reimbursement basis or will it be provided up front?

A: We are not able to drawdown up-front funding by federal law. WIOA funds are on a reimbursable basis only. The Secretary of Labor does not have authority to waive under current law.

Q: Can businesses be reimbursed for expenses they incurred after March 1 but before the Rapid Response Award?

A: Yes, if supplies are allowable. Please refer to the Virginia COVID Layoff Guidance sent on March 19.

Q: Since there is a requirement for an agreement to be in place with the businesses accessing funding, could this requirement be satisfied by having them sign the employer form that was provided to the local workforce development boards (LWDBs)?

A: Yes. Attach the terms and conditions required by federal regulations that include equal opportunity and non-discrimination. If you need assistance with the form, please contact Andrea Glaze at AGlaze@vccs.edu

Q: Can local government entities apply?

A: No

Q: Can a business receive funds if they have also been approved for P3 funds?

A: It depends on the need and purpose they are applying for. If they meet the criteria and establish a need, it is a local decision. Keep in mind the limited resources through the Rapid Response Award.

Q: Are nonprofits eligible to receive funding through the Rapid Response COVID-19 Award?

A: Considering there are limited funds, we have asked that you take into consideration the impact to the local economy in determining criteria to review business applications for support. We stress the importance of forming a partnership with your local economic development leadership and collaborating to determine how best to target the funds provided through the Governor's initiative.

With this in mind, we want to use guidance provided by the Virginia Economic Development Partnership (VEDP). VEDP has encouraged that support for business in the Commonwealth be focused in the traded sectors, as it would have the potential for the most benefit in sustaining the economy under the novel coronavirus conditions. The benefit to the economy also results to minimizing job loss.

We also ask that you keep in mind the resources available through the Small Business Administration (SBA). The SBA financial assistance is available to nonprofit organizations. Explore taking advantage of opportunities to supplement resources available through other sources in order to maximize the benefit of the RR funds to your locality.

Given the above guidance, it is allowed that you utilize the Rapid Response COVID-19 Business Support funds to assist nonprofit businesses with the exception of religious organizations.

The Code of federal regulations provides the following limitation:

20 CFR 683.255 – What are the limitations related to religious activities of title I of the Workforce Innovation and Opportunity Act?

- (a) Section 188(a)(3) of WIOA prohibits the use of funds to employ participants to carry out the construction, operation, or maintenance of any part of any facility used for sectarian instruction or as a place for religious worship with the exception of maintenance of facilities that are not primarily used for instruction or worship and are operated by organizations providing services to WIOA participants.

Q: May we request additional funds for the Rapid Response COVID-19 Award?

A: No additional funds at this time.

Q: Do local workforce development areas (LWDA's) need to track the number of jobs saved? Will this be added to the monthly grant report or is this based on the number of jobs impacted on the employer application form?

A: Areas should report the number of jobs saved and the annual salary of the jobs saved on the monthly grant report.

Q: When will the request for reimbursement form be sent to LWDA's?

A: The LWDA needs to submit the employer information form along with a budget to aglaze@vccs.edu. On the employer information form a budget should be included for the specific project. Additionally an overall budget should be provided that tabulates the overall project budget (across all businesses served) into the following line items for the request for reimbursement.

- (1) Cleaning and Sanitation supplies and Cleaning contractual services
- (2) Technology supplies
- (3) Supplies for employer's staff support

Q: Does a budget revision request need to be submitted if a LWDA needs to alter their request for reimbursement form.

A: A formal budget revision process is not required for the Rapid Response COVID-19 Award only. However, areas must request an amendment to the request for reimbursement form by contacting aglaze@vccs.edu. All projects must have a signed contract with the business and submit the employer application form to VCCS. Supporting documentation is needed on file for all expenses.

Q: Can VCCS provide guidance on establishing work experience during pandemic and the liability associated with continuing or providing additional youth work experiences?

A: The participant's safety is our first priority in providing any type of work experience during the pandemic. When providing any work experience, state and federal guidance (and local policies) should be adhered to, especially safety regulations required by law for a particular occupation or work experience.

DOL/ETA programs provide flexibility to grantees in how they provide services. Grantees can choose the best method of continuing to deliver program services. The security of customer data and its transition as well as ease of customer access must be considered.

Local areas should follow CDC and state and local government guidance in making determinations related to whether youth and adults should still be participating on work experiences, and should

consider the environment in which the work is being conducted, and the chance for virus transmission. ETA understands that many activities including work experience may be suspended or impacted. IF we are considering providing work experience activities:

- It is highly recommended that the LWDA's amend their WEX site agreements/contracts to reflect the importance of adhering to the state and local government guidance and CDC guidance relative to the safety/spreading the COVID-19 virus.
- The agreement should express the responsible parties involved and define which entity holds/covers the liability insurance on the participant.
- The agreement must follow and adhere to IRS guidelines. IRS publication 525 provides information on taxable and nontaxable income.

Currently, there are no waivers provided by DOL/ETA Secretary's general waiver authority relating to the basic purposes and requirements of WIOA, title I.

WIOA Title I Programs during the COVID-19 pandemic

Refer to VWL 19-10 COVID-19 Emergency Policy Procedures and Update available at viriniacareerworks.com (insert link)

Q: How do we close out participant services under WIOA Title I if the service is terminated due to the COVID-19 impact?

A: A Virginia Workforce Letter for WIOA Title I Administrative guidance will be issued to address service delivery under the COVID-19 crisis conditions.

Q: Is there guidance available from the VCCS as to how to work with WIOA clients that have limited to no internet or technology?

A: There are several suggestions for promising practices below. Additionally, as LWDA's develop their own promising practices, please submit a brief summary of these practices and/or lessons learned to wdslocalarea@vccs.edu and they will be compiled for inclusion in our summary FAQ documents.

Potential options to use to validate eligibility documentation if smart phone/internet access is not available:

- 1) Using a secured locked Drop Box for customer document drop off
- 2) Use as a last resort - Physical Document Inspection via Appointment Only - If a customer is comfortable making an appointment to come into the center with their documents, for a controlled inspection (doors propped open to no physical contact, a minimum of 6 foot physical separation distance between customer and staff person, visual inspection (gloves if needed to touch/turn over) for recording on a document inspection verification form)

Preferred document verification options if smart phone/internet is technologically feasible:

- 1) Virtual uploads by the customer to the VaWC through the pre-application tool
- 2) Virtual Inspection via Live Video
 - a. We recommend that if the LWDA staff uses Zoom, that the security protocols recommended by the VCCS be used:
 - i. password protected
 - ii. waiting room use when possible

- iii. invitations sent privately
 - iv. Require the user to present a valid state Driver's License or Passport with photo ID that can be verified via Zoom inspection
 - v. Interview should be conducted in privacy where any information related cannot be overheard
- b. We recommend that the LWDA staff using FaceTime to validate eligibility documentation establish requirements for user validation and rigorously follow them. Specifically:
- i. Require the user to present a valid state Driver's License or Passport with photo ID that can be verified via FaceTime inspection
 - ii. Record the phone number that the person is calling from
 - iii. Ask for known information, etc.
 - iv. Interview should be conducted in privacy where any information related cannot be overheard

Potential options to use to conduct case management if smart phone/internet access is not available:

- 1) Conduct meetings/case management with customers via cell phone or land line as available
- 2) Exchange documents with customers only as absolutely necessary and establish rigorous safety precautions for such processes – we also recommend using state ID and name only on any documents to reduce possible PII exposure
- 3) Face-to-face interactions should be avoided if at all possible and Centers for Disease Control and Prevention (CDC) and Virginia recommended social distancing protocols should be enforced rigorously

Q: Is there guidance on establishing work experience during COVID-19 and the liability associated with continuing or providing additional youth work experience?

A: The participant's safety is our first priority in providing any type of work experience during the pandemic. It's our goal to ensure the safety and health of all participants we place on jobsites. When providing any work experience all local policies, state and federal guidance are adhered to or followed.

DOL/ETA programs provide flexibility to grantees in how they provide services. Grantees can choose the best method of continuing to deliver program services. The security of customer data and its transition as well as ease of customer access must be considered.

LWDA's should follow CDC and state and local government guidance in making determinations related to whether youth and adults should still be participating on work experiences, and should consider the environment in which the work is being conducted, and the chance for virus transmission. ETA understands that many activities including work experience may be suspended or impacted. IF we are considering providing work experience activities:

- It is highly recommended that the LWDA's amend their WEX site agreements/contracts to reflect the importance of adhering to the state and local government guidance and CDC guidance relative to the safety/spreading the COVID-19 virus.

Q: Should we exit youth if we can't provide in-person services?

A: There is flexibility in how WIOA Youth program activities can be provided to participants.

- Virtual services are allowable.

- Performance guidance (TEGL 10-16, Change 1) defines exit as when the participant has not received services for 90 days **and has no additional services scheduled**. Exit only occurs if 90 days of no service and no future services are planned. If programs schedule future services, participants will not exit.

Q: Are the youth who were engaged in work experience eligible for Unemployment Benefits?

A: States have significant flexibility in implementing Unemployment Insurance requirements, as well as in determining the type of work that may be suitable given the individual's circumstances. Please refer to your state's Unemployment Insurance office.

- <https://www.careeronestop.org/LocalHelp/UnemploymentBenefits/find-unemployment-benefits.aspx>
- COVID-19 Benefits Town Hall Thursday, May 7th, 2pm – 3:30pm
<https://www.workforcegaps.org/events/2020/04/24/12/16/COVID-19-Benefits-Town-Hall>

Note that the webinar is recorded and will be posted within a day or two.

Assessments

LWDAs are reminded that TABE/Casas is not required for the Adult/DW program. An academic assessment for an Adult or Dislocated Worker may be necessary if the training program requires it as a pre-requisite (if so, use online TABE). Please partner closely with your local education partners on this.

Q: When it comes to training assessments for Youth participants, how are those assessments to be implemented?

A: The academic component of Youth assessments will be conducted using the tools available until additional guidance is received from the Virginia Department of Education (VDOE).

Participants in Approved Training

Q: When it comes to participants in approved training sessions, how should training program delays/closures be managed and reported?

A: In response to the COVID-19 pandemic, we have been working with the software vendor to implement changes and enhancements to better manage WIOA Title I Participant records during this period. One of these changes was to insert a service code into any WIOA Participant record that was not yet exited or closed at the beginning of the crisis. The service code is titled "CV1 - COVID-19 Tracking - Active in WIOA at start of Crisis" and as its name suggests it can be used to indicate which cases were open and potentially impacted by any break in service caused by the pandemic. This code was also setup in a manner that will have it reset the soft exit clock on the cases to which it was added. This was done to provide staff additional time to review and update cases as the attempt to reengage program participants.

This code is not intended to replace other services or eliminate the need to engage participants. Although it is a very challenging time, we still need to find way to connect with our program participants.

Specific to the question related to delays in training, existing training activities should be updated with the most accurate information as possible. Training that has been suspended but is anticipated to resume at some point in the near future, should be extended by advancing the projected end date of the training activity. Training that had not yet begun, may be keyed into the system with a future projected begin date. If a training activity has ended because the training institution has closed or has no plan to resume the training program, the activity should be closed as unsuccessful and a detailed case note must be added to the system explaining that the activity could not be completed due to COVID-19 or some other circumstance.

The same could be said for any other activities in which the participant may have been engaged. Update the system with the most accurate information you have available and be sure to document the situation with a case note.

Below are examples of how the Projected End Date and Projected Begin Date may appear:

PE	EE	Status	Activity / Provider	Actions	Funding / Grant	Projected Begin Date	Actual Begin Date	Projected End Date	Actual End Date
✓	✓	C	CV1 - COVID-19 Tracking - Active in WIOA at start of Crisis WIOA Service Provider	W	Adult	N/A	03/15/2020	03/15/2020	03/15/2020 Successful Completion
✓	✓	O	300 - Occupational Skills Training - Approved Provider (ITA) WIOA Training Provider Name	W	Adult	N/A	02/14/2020	06/30/2020	Close
✓	✓	C	205 - Develop Service Strategies (IEP/ISS/EDIP) WIOA Service Provider	W	Adult	N/A	01/20/2020	01/20/2020	01/20/2020 Successful Completion
✓	✓	C	102 - Initial Assessment WIOA Service Provider	W	Adult	N/A	01/15/2020	01/15/2020	01/15/2020 Successful Completion

PE	EE	Status	Activity / Provider	Actions	Funding / Grant	Projected Begin Date	Actual Begin Date	Projected End Date	Actual End Date
✓	✓	C	CV1 - COVID-19 Tracking - Active in WIOA at start of Crisis WIOA Service Provider	W	Adult	N/A	03/15/2020	03/15/2020	03/15/2020 Successful Completion
✓	✓	O	300 - Occupational Skills Training - Approved Provider (ITA) WIOA Training Provider Name	W	Adult	06/30/2020	N/A	09/30/2020	Close
✓	✓	C	205 - Develop Service Strategies (IEP/ISS/EDIP) WIOA Service Provider	W	Adult	N/A	01/20/2020	01/20/2020	01/20/2020 Successful Completion
✓	✓	C	102 - Initial Assessment WIOA Service Provider	W	Adult	N/A	01/15/2020	01/15/2020	01/15/2020 Successful Completion

WIOA Title I Grants Administration during the COVID-19

Q: Since the VCCS is only required to report to DOL quarterly, could the formal MEDR reports go to a quarterly basis?

A: We will review the status after we receive the March quarter end reports, to decide and communicate to the LWDA's. We are also revising the reports to accommodate recent regulatory changes that apply to use of WIOA Title I formula funds Administrative activities at the local area level.

Q: Will the state waive the 40% training expenditure requirement to provide additional supportive services?

A: No one has the authority to waive the state code outside of the general assembly process to change the law.

Q: Will the state request a waiver of the requirement for expending 80% of formula funds?

A: The requirement is to obligate 80% of formula funds by the end of the first year of availability; not to expend. At this point the state does not have a policy or process to recapture after the first year.

Q: Will the state request/will DOL waive 20% Youth Work Experience Requirement?

A: The state does not have the authority to waive, but we are exploring a federal waiver with DOLETA.

Q: Are LWDA's allowed to use electronic signatures as an official signature (ex. DocuSign)?

A: DocuSign is viable to provide approval for enrollments with service providers.

Q: Will the state request/Will DOL provide flexibility with formula funds to provide layoff aversion services?

A: DOLETA does not have authority to revise the federal law in this case.

Q: Will areas be allowed to carry over any PY18 funds that are not expended by June 30, 2020?

A: No, this is a federal law requirement. Funds will be recaptured and Governor's office will determine how funds will be repurposed.

Other Questions

Q: What is the process for requesting funding for additional cleaning supplies and deep cleaning services?

A: Please route requests to Randy Stamper at RStamper@VCCS.edu to review and respond. Things are changing very quickly, and when new funds become available for various purposes, Randy will alert the directors.

Q: Is there technology that can be used for virtual communication and case management tools for teleworking?

A: The VCCS is providing all areas with access to Zoom for virtual communications, document review for eligibility and are conducting a survey to obtain information to provide access to this tool. The document management feature is now open in VAWC. Staff are working to provide access to these tools as timely as possible. We expect to make the Geographic Solutions document imaging feature available to LWDA's this coming week and training will be held, by Brian Long, for usage of this tool.

Q: A majority of the areas that received an Economic Equity Grant are now facing severe obstacles in front of implementation. Will an extension be considered?

A: An extension is considered, however, we are not in position to determine when and how long yet. Once we are far enough along to determine what the environment will be later, we will issue instructions. There is also the possibility of repurposing this funding to address the healthcare workforce demand. We are in conversations with the Governor's office about this.