



## Coronavirus (COVID-19) Frequently Asked Questions

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**\*Updates since last publishing appear in red**

### WIOA Adult and Dislocated Worker (DW)

#### **Q1. Can the WIOA Adult/Dislocated Worker application be conducted via telephone?**

A. Yes, the WIOA Adult and DW application may be conducted with client via phone. Case managers must read all contents of the application to the client, including all acknowledgements and a statement of understanding. A verbal signature from the client is acceptable.

#### **Q2. What is an acceptable verbal statement of understanding?**

A. “Do you acknowledge, agree and affirm that the information you have provided to me over the phone to complete this form is true and correct to the best of your knowledge? And, that by signing this form verbally, do you understand, acknowledge, and agree that you are authorizing the County Department of Job and Family Services and/or OhioMeansJobs Center to obtain whatever information or documentation we may need to determine your eligibility and suitability for workforce-related services or training, and that you are also authorizing the county department of job and family services and OhioMeansJobs Center to disclose any information we have about you to employers, training facilities, and other organizations for the purpose of determining your eligibility and suitability for services or training, and for the purpose of providing you with any approved services?”

#### **Q3. Are verbal signatures acceptable for WIOA forms?**

A. Verbal signatures are acceptable for WIOA forms due to the travel restrictions set by the Governor. Verbal signatures should be documented in OWCMS in case notes using the following language: “On [Insert date] [Insert client name] provided a verbal signature to the [Insert form name(s)]. This verbal signature is in accordance with the Temporary WIOA Adult & Dislocated Worker Flexibility Guidance for COVID-19 that was issued on March 23, 2020. A copy of the [Insert form name(s)] has been mailed to the client.”

Prior to accepting a verbal signature, case managers must read all contents of the form to the client, including a statement of understanding. Following the acceptance of any verbal signature(s), a copy of the document must be mailed to the client.

#### **Q4. How can a case manager determine WIOA eligibility over the phone?**

A. Case managers must complete and have the client/applicant verbally sign the [JFS 13188 WIOA Telephone Eligibility Verification](#) form, the [JFS 13186 Self-Attestation](#) form, and the [JFS 13187 Citizenship Status/Authorization to Work](#) form. The Self-

Attestation form must contain the specific eligibility criteria for which the individual is self-attesting (example- birthdate, income, barrier to employment, etc).

**Q5. There are some eligibility criteria where a self-attestation is not acceptable according to the [Allowable Source Documentation Chart](#). How does a case manager document these eligibility criteria?**

**A.** Source documentation must be obtained from the client at a later date or verified through another source. Case notes must be entered in OWCMS with specific dates of conversations, communication method and details on what documentation must still be collected.

**Q6. Are electronic documents and signatures from clients acceptable?**

**A.** Local areas may accept electronic documents and signatures from clients. Any documentation gathered electronically must be done in a manner that is secure and encrypted to protect a client's personally identifiable information (PII). Please refer to Section VI(D) of WIOAPL 15-07.2 for guidance on the handling and protecting of PII.

**Q7. How can the local area continue to provide assessments for training services if the agency is closed/not open to the public?**

**A.** Local areas that are currently using standardized testing as an assessment for training may create a plan to administer alternative testing methods during this time of restricted travel. [OhioMeansJobs.com](#) contains several practice assessments, which may be used to assist local areas in determining a participant's appropriateness for training services. Please collaborate with your local workforce development board on which assessments are acceptable.

**Q8. Will the program monitors take this flexibility guidance into account during monitoring reviews?**

**A.** The state's monitoring system has been notified of this temporary guidance and will take this flexibility into consideration during the annual onsite monitoring reviews.

**Q9. How can state workforce agencies or local areas use incumbent worker training (IWT) to assist businesses and workers impacted by the COVID-19 emergency?**

**A.** IWT can be used in several ways to help alleviate the impacts of COVID-19 by averting layoffs and upskilling workers. For example, grantees can use IWT to train workers for new roles that have arisen due to the COVID-19 emergency or to train workers on technologies that enable them to do work remotely that otherwise would be done in an office.

**Q10. As many businesses adapt to a delivery model for many occupations, can WIOA funds pay for vehicle-related costs or vehicle insurance costs of participants?**

**A.** WIOA funds can be used to pay for reasonable participant supportive service costs such as vehicle-related expenses. The local area must maintain a written policy that outlines the criteria or factors that a case manager must consider in deciding the reasonableness and appropriateness of such supportive service. Local areas must maintain

documentation to support the reason for payment such as valid driver's license, valid insurance policy, and coverage of the individual on that policy.

**Q11. Can local workforce areas increase the 10% WIOA administrative cost limitation?**

A. Under Sec. 3515 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), local workforce areas can use up to 20% of the local allocations for programs funded under subtitle B of title I of WIOA for administrative costs. Please review the definition of administrative costs in the WIOA regulations at [20 CFR 683.215](#).

**Q12. Are unemployment insurance (UI) payments, including additional UI payments of \$600 per week, counted as income for eligibility of WIOA title I programs?**

A. Yes. [Training and Employment Guidance Letter \(TEGL\) 19-16](#), *Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES)*, provides guidance on UI payments in determining low-income status. Under WIOA, there is no exclusion of payments for unemployment compensation from the income calculations for determining if an individual is low-income.

For the WIOA Adult program, low-income status is part of the priority of service calculation but is not required for eligibility purposes. Being eligible for or in receipt of UI is one of the eligibility criteria for the WIOA Dislocated Worker program, and there are no income restrictions in this program. For the WIOA Youth program, low-income status is not required for all participants. It is required for most in-school youth and some out-of-school youth. More information is available in [TEGL 21-16](#), *Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance*.

**Q13. Is the CARES Act \$1,200 payment included as income when considering WIOA enrollment?**

A. No. The \$1,200 COVID-19 stimulus payments issued to individuals are considered tax credits and should not be considered in determining income level.

**Q14. As stay-at-home orders are lifted, must states meet certain DOL-ETA requirements in order to reopen American Job Centers (OhioMeansJobs Centers)?**

A. As was true when states implemented stay-at-home orders, there are no ETA-specific requirements for reopening American Job Centers (AJCs). The Department of Labor has published guidance on safe workplaces at <https://www.dol.gov/coronavirus>. CDC information on workplaces and gathering places is at <https://www.cdc.gov/coronavirus/2019-ncov/community/>.

**Q15. Can On-The-Job Training (OJT) funds be used for layoff aversion activities for current workers in the same company?**

A. Employed workers may be eligible for WIOA-funded OJT if the requirements of [20 CFR 680.710](#) are met. Additionally, rapid response or statewide WIOA funds may be used for layoff aversion activities including incumbent worker training. See TEGL 19-16, Section 18 for current flexibilities related to rapid response activities. States and local

areas may also utilize incumbent worker training for layoff aversion activities as discussed in TEGL 19-16 Section 13.

## **Labor Exchange (LE)**

**Q1. Are local areas required to post job opportunities on ohiomeansjobs.com before sharing to social media?**

A. The requirement that local areas post job opportunities on OhioMeansJobs.com before posting to agency social media is temporarily waived. Employer hiring needs may be posted on social media prior to or in lieu of posting the job order on OhioMeansJobs.com.

## **WIOA Performance**

**Q1. Will performance negotiations for PY 2020 and PY 2021 be delayed?**

A. According to TEGL 11-19, local workforce area negotiations for PY 2020/2021 performance standards will be finalized by September 30<sup>th</sup>, 2020. There are no plans to delay the negotiations and they will take place in summer 2020.

**Q2. Do payments from Unemployment Insurance count as income for employment towards the Employment 2<sup>nd</sup> Quarter or Employment 4<sup>th</sup> Quarter After Exit performance measures?**

A. No, unemployment benefits are not counted as income for employment for the performance measures. Unemployment income benefits must not be entered in OWCMS as income after the participant has exited the program.

**Q3. When is the deadline to enter documentation regarding trainings and credentials for the program year?**

A. Per WIOAPL 15-07.2, performance data must be entered in OWCMS within 30 days. Therefore, this information should be entered by July 31, 2020.

**Q4. If services are disrupted for a few weeks, will WIOA formula grantees be able to extend the period of performance so we can complete all planned grant activities?**

A. Unfortunately, for WIOA PY 2017 grants ending June 30, 2020, due to the language in the WIOA statute 189(g)(2)(A), DOL-ETA cannot extend the period of performance for these grants.

**Q5. Will the credential attainment performance requirements be waived due to the challenges related to COVID-19?**

A. Credential attainment is a primary indicator of performance required by WIOA performance accountability provisions and cannot be waived. The U.S. Departments of Labor and Education will closely monitor the impact of COVID-19 on grantee performance for all primary indicators of performance.

**Q6. In response to COVID-19, can local areas delay program exit for participants when services are delayed or canceled or there are challenges completing follow-up activities?**

**A.** Local areas should continue to provide participants with the services they need and must continue to exit participants in accordance with the WIOA regulations and DOL-ETA's performance guidance on the definition of exit. That definition requires that there be no plan to provide a participant with future services.

In light of this, grantees have a few options for serving and exiting participants, despite challenges caused by the COVID-19 pandemic.

These options include the following:

- Continue to provide services that participants need in a safe manner by providing services remotely and adhering to precautions recommended by health experts or required by state officials.
- Schedule future planned services for participants whose services have been disrupted due to COVID-19. For example, if a local program cancels a training for the remainder of the program year but plans to resume training in the fall, the fall training for these participants can be considered "future planned services," and the program would not have to exit the participant.
- Allow participants to exit who no longer need services and do not have ongoing services or future planned services.

**Q7. Since there will likely be a decrease in performance across programs/states as programs are closed for a significant amount of time, will states and local areas be penalized for performance issues?**

**A.** The U.S. Departments of Education and Labor understand the challenges States may face meeting Program Year (PY) 2019 negotiated levels of performance given the circumstances surrounding COVID-19. As a reminder, as noted in ETA's Training and Employment Guidance Letter 11-19, *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs* the first year for which performance success or failure can be determined, for some of the primary indicators of performance, is PY 2020. No determinations of sanctions will be made based on the PY 2019 performance information. Furthermore, the Departments use a statistical adjustment model to calculate adjusted levels of performance at the end of the program year, which considers actual characteristics of participants served and the actual economic conditions experienced.

**Q8. Does the WIOA statistical adjustment model address unusual situations such as what we are experiencing with COVID-19?**

**A.** The statistical model is intended to adjust for changes in economic conditions and participant characteristics; however, it is too soon to estimate the extent to which the models can address the effects of COVID-19 through these parameters. DOL and the federal Dept. of Education will closely monitor the impact of COVID-19 on grantee performance and service delivery and take all necessary and available action to ensure objectively fair performance assessments.