



**Buffalo and Erie County
Workforce Investment Board, Inc.**

LOCAL POLICY BULLETIN

BECWIB BULLETIN # 3-18 DATE: January 10, 2018

TO: Lavon Stephens, Administrative Director, WDC, Inc.

FROM: Heather Gresham, Executive Director, WIB, Inc.

SUBJECT: **Individual Training Accounts – REVISED**

REFERENCES: Title 1 of the Workforce Innovation and Opportunity Act, Section 3(59), 3(60), Section 134(c), Section 134(d)(2) and (3); Sec. 134(c)(3)(E); and the Regulations at 20 CFR 680 Subparts B and C; and TEGL 19-16; TEGL; and TA 11-12.2 and its Attachments A and B.

EFFECTIVE DATE: Immediately

Effective immediately, our Local Workforce Development Area (LWDA) revises its policy concerning Individual Training Accounts under Title I of the Workforce Innovation and Opportunity Act (WIOA).

Local Policy Bulletin # **3-18** revises and replaces Local Policy Bulletins # 7-17, dated June 15, 2017,

POLICY STATEMENT

The Buffalo and Erie County Workforce Investment Board is committed to providing funds for in-demand occupational skills training through Individual Training Accounts (ITAs) to eligible Adult and Dislocated Workers under the directives and guidelines of the Workforce Innovation and Opportunity Act of 2014 and its regulations. This ITA policy is to be implemented with the WIB's Priority of Service and Supportive Services Policies.

The changes made to the ITA Policy are as follows:

- Adult eligibility no longer contains the requirement of public assistance or income at the poverty level or 70% of the LLSIL. Instead, eligibility is determined by the local self-sufficiency wage. (This change is found on page 4).

- Dislocated Worker eligibility no longer contains a reference to income. Instead, it mirrors the statutory definition of a Dislocated Worker and states our local policy definition (see LPB 3-17, dated April 20, 2017) for *unlikely to return to previous industry or occupation*, and for *substantial layoff*, which are terms used but not defined by WIOA. (These changes are found on pages 4-6).

Please share this information with appropriate staff.

c: Leslie Ayer, Terry Chatfield, Ken Colon, Jeff Conrad, Makeda Holley, Christina Lopez, Brenda McDuffie, Deborah Miller, Jeff Nixon, Denise Raymond, Russell Sferlazza, Karen Simmons, Jeff Conrad, Demone Smith, Joe Sullivan, Cindy Trowman, Mary Zerpa and WIB staff.

INDIVIDUAL TRAINING ACCOUNTS (ITAs)

PURPOSE OF AN ITA

The purpose of an ITA is to cover the WIOA customer's cost of training and training related expenses directly linked to a demand occupation. A Demand Occupation is any occupation listed on the Buffalo and Erie County Workforce Investment Board's List of Demand Occupations current at the time of the ITA application. Training supported by an ITA must lead to employment of 30 hours or more per week.

A Demand Occupation List exception may be considered when an occupation aligns with targeted industry sectors of the Regional Economic Development Council. This exception may be granted on the approval of the WIB Executive Director.

ITA AMOUNT

Up to \$3,000 per participant may be provided to fund an ITA, which includes any previous ITA funding. On a case-by-case basis and at the discretion of the WIB Executive Director, additional funding of up to \$3,000 may be provided where evidence demonstrates that:

- (1) the participant is seeking a skills upgrade in a demand occupation along the previous training's career pathway, or
- (2) the participant's previous occupational training has not led to gainful employment or has limited employment opportunities, or
- (3) the training provider, who offered the previous training, ceased operations or discontinued the participant's training program before the participant's training was completed.

For individuals eligible under the Trade Act Program, the maximum cap for a TAA funded ITA is \$10,000 for a training plan of up to 52 weeks, and \$20,000 for a training plan of up to 104 weeks.

For individuals eligible under the Health Profession Opportunity Grant (HPOG), the maximum cap for a HPOG funded ITA is \$5,000.

Availability of Other Resources:

Individuals must apply for any available financial aid before being considered for ITA sponsorship. As referenced in 20 CFR Section 680.230 of the WIOA regulations, one-stop operators must consider the availability of other sources of training grants to pay for training costs, such as Temporary Assistance for Needy Families (TANF) and State funded training funds, so that WIOA funds supplement other sources of training grants. Thus, if a course/program qualifies for financial aid the individual must apply and be in receipt of financial aid or a financial aid interpretation letter before an ITA can be authorized.

For Trade Act Participants, TAA funds must be the primary source of assistance to adversely effected workers and adversely effected incumbent workers.

If the cost of the TAA Participant's training plan exceeds the TAA funding caps, additional TAA funds may be requested through a recommendation from the WIB Executive Director. If

additional TAA funds are not available, funds must be secured through scholarships (such as the New York State Tuition Assistance Program), grants, employer funding, or other available funding. WIOA funds, if available, may also be requested with the recommendation of the WIB Executive Director.

TAA Participants cannot pay for any portion of their training program with funds from personal loans, student loans, or funds from relatives or friends.

ELIGIBILITY

ITAs will be made available to employed and unemployed Adults and Dislocated Workers when a one-stop center or one-stop partner determines that after an interview, evaluation or assessment, and career planning the individual is:

- (1) unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services, and
- (2) is in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment, and
- (3) has the skills and qualifications to participate successfully in training.

The training should be clearly outlined in the individual's Individual Employment Plan. If an ITA is requested by a youth age 18 to 24, the need for an ITA must be clearly documented in their Individual Service Strategy. Residents of Erie County will receive preference for receiving ITAs. However, ITAs may be granted to non-residents of Erie County on a case-by-case basis, at the discretion of the WIB Executive Director.

Staff must input case note(s) into OSOS Comments to explain how a customer's eligibility for an ITA was determined.

Adult Eligibility

In order to be eligible for an ITA under the Adult funded program, an individual's current hourly wage must be less than the self-sufficiency wage established by the Board. The current self-sufficiency wage is \$25.00 per hour.

Guidance concerning hourly wage verification may be found in Attachments A and B of NYSDOL TA 11-12.2 (see: <https://labor.ny.gov/workforcenypartners/ta/TA11-12.2.pdf>).

Dislocated Worker Eligibility

In order to be eligible for an ITA under the Dislocated Worker program, an individual must be:

- (1) terminated or laid off, or received a notice of termination or layoff from employment and is eligible for or has exhausted entitlement to unemployment compensation; or have been employed for a duration sufficient to demonstrate attachment to the workforce (defined as an individual who, at time of application, has been employed 15 out of the last 26 weeks), but is not eligible for unemployment compensation due to insufficient earnings or having

performed services for an employer that was not covered under a State unemployment compensation law; and is *unlikely to return to a previous industry or occupation*;

Unlikely to return to a previous industry or occupation is defined as an individual who has been Worker Profiled by the New York State Department of Labor, or unemployed for 13 weeks or more and assessed by the One-Stop staff as unlikely to return to a previous industry or occupation.

Or

- (2) terminated or laid off, or has received a notice of termination or layoff, from employment, as a result of any permanent closure of, or any *substantial layoff* at, a plant, facility, or enterprise; or, is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days;

Substantial Layoff is defined as any reduction-in-force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any thirty-day period for:

- (a) at least thirty-three percent (33%) of the full-time employees and at least twenty-five (25) full-time employees;

Or

- (b) at least two hundred fifty (250) full-time employees.

Full time employees are those that regularly work 20 or more hours per week.

Or

- (3) self-employed but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

Or

- (4) a displaced homemaker, which means as an individual who has been providing unpaid services to family members in the home and who
- (i) has been dependent on the income of another family member but is no longer supported by that income;
 - or
 - (ii) is a dependent spouse of a member of the Armed forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty pursuant a provision of law, a permanent change of station, or the service connected death or disability of the member, and is unemployed or *underemployed* and is experiencing difficulty in obtaining or upgrading employment.

Underemployed is defined as an individual who is:

- a) employed but working part time and desires full time employment or,
- b) working in employment not commensurate with the individuals demonstrated level of educational attainment and/or skill achievement.

Or

- (5) is the spouse of a member of the Armed Forces on active duty who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change

in duty station of such member; or is the spouse of a member of the Armed Forces on active duty who meets the definition of displaced homemaker in the preceding subparagraph (4).

TRAINING RELATED EXPENSES

Appropriate training related expenses such as books, lab fees, tools, uniforms, and exam and license fees will be covered by the ITA policy where these costs are not covered in the ITA provider agreement but are listed in the provider's approved course offering on the Eligible Training Provider List (ETPL) under the category Additional Cost. Training related expenses may be funded in an amount up to \$1000 per participant. This coverage is separate from the ITA tuition limit of \$3000. Any training-related expenses that exceed \$1000 will be the responsibility of the customer. In situations where tuition costs are less than \$3,000, training related expenses that exceed the \$1,000 cap amount may be covered utilizing the unused tuition amount, subject to funding ability.

Adults and Dislocated Workers receiving Career Services under WIOA, whether or not enrolled in an ITA, are eligible for examination and licensing fee expenses where those expenses are an occupational component of a targeted job search and/or placement opportunity. Examination and licensing fee expenses that exceed \$1000 will be the responsibility of the customer.

DEFAULTED LOANS

A customer may not be in default of a student loan or must be actively repaying the loan.

ELIGIBLE TRAINING PROGRAMS/COURSES

An ITA will cover costs associated with occupational training leading to a certificate, license, or completion of a two-year degree leading to employment in a Demand Occupation. An ITA may be used to cover the costs of completing a Bachelor's degree (leading to employment in a Demand Occupation) provided the customer only requires 30 credit hours or less of coursework to complete that degree.

Note: If a customer is eligible for an ITA under the Trade Act Program, the above applies with the exception that an individual may take up to 104 weeks to complete a Bachelor's degree.

DENIAL OF TRAINING SERVICES

Training Services will not be provided through an ITA if the following occurs:

1. The customer lacks the prerequisites for the course, or
2. The customer may not be able to cover anticipated training costs and training related expenses in excess of the cap limit, or
3. Training Services are not directly linked to occupations that are in demand.

CUSTOMERS PREVIOUSLY SERVED UNDER WIA/WIOA

Any customer, who has dropped out of a WIA/WIOA funded training program without the prior approval of his/her counselor, will not receive additional ITA funding. The counselor's prior approval must be documented in the customer's Individual Employment Plan before receiving additional ITA funding.

CUSTOMERS TAKING MORE THAN ONE APPROVED COURSE

A customer may take a number of related training courses as long as these courses are part of the original Individual Employment Plan leading to unsubsidized employment, and the total cost does not exceed the maximum ITA training cap.

TRAINING AT DIFFERENT APPROVED TRAINING PROVIDERS

A customer may take training courses at different approved training providers as long as it is documented in the customer's Individual Employment Plan and can be justified for the original career goal.

TRAINING FOR AN EMPLOYEE OF AN APPROVED TRAINING PROVIDER

An employee of an approved training provider may seek WIOA training services as long as the employee is WIOA eligible and another training provider provides the training.

CUSTOMER RESPONSIBILITIES

Customers must provide all required documentation, including supporting documentation from the I-9 form in compliance with Section 188 (a)(5) of WIOA, as proof of identification and eligibility for WIOA services. Customers must receive One-Stop Center directed career services before an ITA will be issued. All documentation must be completed and received by Career Center staff two weeks before the start date of the proposed training program.

Reference Links:

Workforce Innovative and Opportunity Act.

<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

Federal Register - Part VI of Vol. 81, No. 161 (Department of Labor final rules for WIOA)

- 20 CFR Part 680, Subpart B – Training Services
<https://www.law.cornell.edu/cfr/text/20/part-680/subpart-B>
- 20 CFR Part 680, Subpart C – Individual Training Accounts
<https://www.law.cornell.edu/cfr/text/20/part-680/subpart-C>

TEGL 19-16: https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3851

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