

Dislocated Worker Program Questions from the Field February 2023 – Partner Express Newsletter

QUESTION 1:

Can WIOA funds be used to provide employment and training services to individuals arriving from Ukraine?

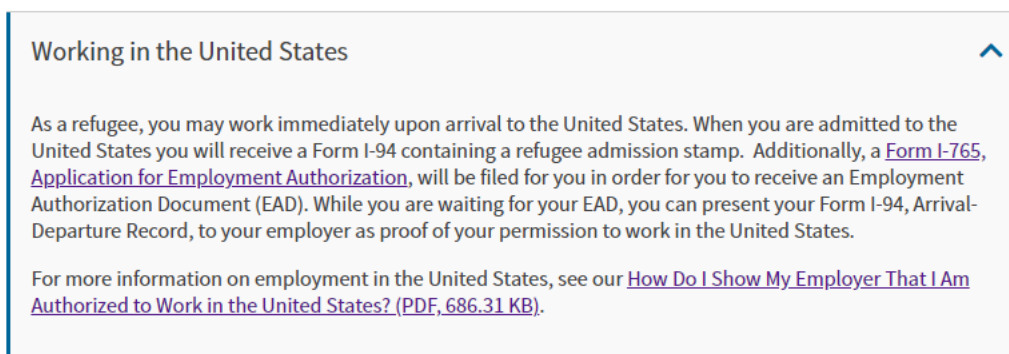
ANSWER 1:

Most individuals arriving from Ukraine are work-authorized upon arrival, however, there are always exceptions, therefore providers should ensure proper documentation of eligibility.

WIOA Adult is most likely the program for those arriving with work authorization. For WIOA DWG, long-term unemployed eligibility should be carefully vetted and thoroughly documented in WF1.

[WIOA Sec. 188\(a\)\(5\)](#) states: *Participation in programs and activities or receiving funds under title I of WIOA must be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Secretary of Homeland Security or the Secretary's designee to work in the United States.*

[Refugees | USCIS](#) screenshot from the “Working in the United States” section:



The screenshot shows a webpage titled "Working in the United States" with a blue arrow icon in the top right corner. The main text reads: "As a refugee, you may work immediately upon arrival to the United States. When you are admitted to the United States you will receive a Form I-94 containing a refugee admission stamp. Additionally, a [Form I-765, Application for Employment Authorization](#), will be filed for you in order for you to receive an Employment Authorization Document (EAD). While you are waiting for your EAD, you can present your Form I-94, Arrival-Departure Record, to your employer as proof of your permission to work in the United States." Below this, there is a link: "For more information on employment in the United States, see our [How Do I Show My Employer That I Am Authorized to Work in the United States? \(PDF, 686.31 KB\)](#)."

[TEN 28-16, change 2](#) offers resources and information about how to align WIOA resources to serve those with language and cultural barriers to employment.

[WorkforceGPS](#) has a number of resources as well. There’s a recorded webinar [here](#) from March 2022 about accessing DOL employment and training programs.

QUESTION 2:

Recognizing that it may be advantageous to support students in the next term/semester after enrollment, are local areas allowed to pro-rate in-progress training for payment, which started before DW program enrollment for eligible participants?

ANSWER 2:

While it is not ideal or encouraged, service providers may apply WIOA funding to a portion of a participant’s training. *Please note:* All the same requirements for WIOA program and training services eligibility must be met and thoroughly documented. WIOA funding must only be applied to training services occurring AFTER the date an individual is determined eligible to receive training services.

If an individual has started a training program using personal funds, but later applies for and is found eligible for the WIOA Adult or Dislocated Worker program and wants to receive training services, that individual and their case manager must follow local training policy that should include:

- The participant meets training services eligibility requirements in [20 CFR 680.210](#)
- The IEP documents the need for training
The training provider is on the ETPL and payment is through an ITA (or through an approved training contract as described in [20 CFR 680.230](#))

WIOA Adult/Dislocated Worker Program **and** Training Services Eligibility criteria must be met, with [Priority of Service applied to WIOA Adult funding](#).

As stated in 20 CFR 680.220(b), “The **case file must contain a determination of need for training services** under [§ 680.210](#) as determined through the interview, evaluation, or assessment, and career planning informed by local labor market information and training provider performance information, or through any other career service received.”

This type of occurrence should be the exception, not common practice. The service provider must be sure not to use WIOA for any training that occurs before enrollment.

Key points:

- WIOA funding must only be applied to training occurring AFTER the training services eligibility determination date.
- WIOA funding is allowable only when no other grant assistance is available to the individual.
[https://www.ecfr.gov/current/title-20/chapter-V/part-680/subpart-B/section-680.210#p-680.210\(c\)](https://www.ecfr.gov/current/title-20/chapter-V/part-680/subpart-B/section-680.210#p-680.210(c))
- WIOA funding must never supplant other grant assistance.
- Any training costs that occur before the eligibility determination date are the individual’s responsibility and if WIOA funding was used, the costs would be disallowed.

Additional relevant citations:

§ 680.230 What are the requirements for coordination of Workforce Innovation and Opportunity Act training funds and other grant assistance?

<https://www.ecfr.gov/current/title-20/chapter-V/part-680/subpart-B/section-680.230>

§ 680.340 What are the requirements for consumer choice?

<https://www.ecfr.gov/current/title-20/chapter-V/part-680/subpart-C/section-680.340>

Other comments:

- It is also important to ensure that you have a way to demonstrate the pro-rating of the amount your organization is paying for training for individuals who become eligible for WIOA programs after they’ve started training.