

ETA Coronavirus (COVID-19) FAQs

The Employment and Training Administration (ETA) has developed a Frequently Answered Questions (FAQs) to address questions related to Coronavirus (COVID-19) to help state and local workforce leaders, and other stakeholders and partners to assist the public workforce system during this crisis.

Workforce Innovation and Opportunity Act (WIOA) - General

Updated as of May 15, 2020

(New as of 5/15/20) Q: Can states or local areas use WIOA On-The-Job-Training and Work Experience to place participants in a for-profit factory manufacturing respirators or face masks to help the factory increase production to meet the COVID-driven demand?

Response: On-The-Job-Training (OJT) and Work Experience are allowable services in this scenario, provided the individual meets the eligibility definition for a participant. Work Experience is an allowable service in all three WIOA title I programs, and for participants in the WIOA youth program, work experiences are one of the 14 program elements offered and may take place in the private for-profit sector, nonprofit sector, or public sector.

In the case of OJT for the Adult or Dislocated Worker programs, the individual must meet the additional requirements for placing an individual into training. As a reminder, individual adults and dislocated workers can be placed into training services if the American Job Center staff, including partner programs' staff, determines after conducting an interview, an evaluation, or assessment, and career planning, that the individual:

- ▶ Is 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 alone;
- ▶ Is in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment;
- ▶ Has the skills and qualifications to successfully participate in the selected program of training services;
- ▶ Is unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds or Federal Pell Grants established under title IV of the Higher Education Act of 1965, or requires WIOA assistance in addition to other

sources of grant assistance, including Federal Pell Grants ([20 CFR 680.230](#) and WIOA Section 134(c)(3)(B) contain provisions relating to funding coordination);

- ▶ Is a member of a worker group covered under a petition filed for Trade Adjustment Assistance (TAA) and is awaiting a determination. If the petition is certified, the worker may then transition to TAA approved training. If the petition is denied, the worker will continue training under WIOA;
- ▶ Is determined eligible under the State and local priority system in effect for adults under WIOA Section 134(c)(3)(E) if training services are provided through the adult funding stream; and
- ▶ Selected a program of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individual is willing to commute or relocate.

(New as of 5/15/20) Q: 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?

Response: WIOA funds can be used to pay for reasonable participant supportive service costs such as vehicle-related expenses. The state or 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. Grantees or subgrantees must maintain documentation to support the reason for payment such as valid driver’s license, valid insurance policy, coverage of the individual on that policy.

(New as of 5/15/20) Q: Does WIOA allow virtual and/or online training providers to be included on the state ETP list?

Response: There are no restrictions in WIOA statute, regulations, or guidance prohibiting states from approving virtual and online training programs from being included on their state list of eligible training providers. In fact, ETA’s ETP Performance reporting collection (ETA-9171) specifically allows states to report that a program format is “Online, E-Learning, or Distance Learning.” Many states have chosen to establish an agreement called the [National Council for State Authorization Reciprocity Agreement](#) (NC-SARA), which creates a shared, regional approach to state oversight of postsecondary distance education that states have leveraged to easily identify and add online education and training programs to their state ETP list.

Q: How can grantees adjust services to maintain the safety of staff and customers?

Response: Grantees should adhere to state and local government directives on health and safety, even when this means closing in-person services. Grantees can adapt their services to provide services online. Grantees that maintain limited in-person services should review OSHA guidance on healthy and safe workplaces, available at <https://www.dol.gov/coronavirus>.

Q. Can grantees pay for mass transportation costs, e.g., subway or bus, for participants?

Response: To the extent that the costs are linked to participants and their service strategy, they are allowable. Competitive grantees can refer to their Funding Opportunity Announcement and grant

agreements for allowable costs. WIOA formula grantees can refer to the [Supportive Services desk reference](#).

Q: For grants that pay participants stipends during training, can grantees pay stipends to participants for distance learning or other remote activities?

Response: Yes, stipends directly tied to program services, even those conducted remotely, are allowable if such stipends were permitted under the grant Statement of Work.

Q. Can grants purchase food that can be made available to individuals seeking assistance?

Response: ETA grant funds cannot be used to provide general food assistance to individuals in the community, regardless of the age of the individual. Employment and training programs are not intended as and cannot be converted to income or food support programs. At times, certain supportive services and needs related payments may be issued to a participant, in general, to allow them to participate in training and employment services that will allow more of their personal funds to be used to cover food purchases. Written policies and procedures must be in place that outline the factors or criteria that will be considered by the case manager or staff person to ensure fair and equitable distribution of such expenses to participants is also reasonable, necessary, allowable, and allocable to the ETA grant award.

In programs specifically serving youth, on a limited basis and in certain situations ETA grant funds may be used on food for youth program participants as a supportive service. Food may be provided to eligible youth when it will assist or enable the participant to participate in allowable youth program activities and reach his/her employment and training goals. The focus of the programs is to train youth and the use of grant funds for food should be limited to reasonable and necessary purchases and must be coordinated with other community, state, or Federal services that provide food for low-income individuals.

Q: If grantees, subrecipients, or service providers have to rely on their own personal cell phones and computers to administer services from home, would these expenses be an allowable cost? If so, how should grantees document these types of costs?

Response: The additional cost of data or cellular service incurred by the employee or staff person may be charged to the program. Documentation must be retained to show how such costs were determined and paid for and are in excess of their personal monthly charges. A written policy must be in place to ensure consistency in application among employees and programs. The policy should also address the safeguarding and protection of personally identifiable information. Such costs are expected to be temporary and only for the time of this emergency.

Q: Some grantees are experiencing termination costs (e.g., meetings or flights canceled) due to the health concerns related to COVID-19. Descriptions of termination costs in the Uniform Guidance generally deal with terminating grants and leases, which generally are allowable with conditions. But are cancellation costs associated with the virus an allowable cost?

Response: Recipients who incur costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant-funded activities due to the COVID-19 public health emergency may charge these costs to their award without regard to [2 CFR § 200.403](#), Factors affecting allowability of costs, [2 CFR § 200.404](#), Reasonable costs, and [2 CFR § 200.405](#), Allocable costs. Any future credits from cancellations must be applied to the grant or Federal funding source used to make the initial purchase. It is a good business practice to examine the terms and conditions of any future or new contract to ensure that termination or cancellations due to natural or federally declared disasters are kept to a minimum. This is effective from March 1, 2020, through June 30, 2020. ETA will further evaluate at that time.

Q. Can a state that has imposed additional requirements in ETA programs (e.g., performance, spending thresholds, services, etc.) relax requirements for those provisions?

Response: Any state with additional requirements that go beyond what is expressly required by ETA can research and pursue waiving or eliminating those requirements in accordance with state law and policy.

Q: Can grantees repurpose grant funds to offset additional expenses related to COVID-19 such as increased paid time off or overtime for staff?

Response: At this time, grantees cannot pay overtime in addition to paid time off to the same individual. For grantees considering paying overtime, agencies must have a written approved policy on overtime that outlines the conditions and criteria to authorize, approve, and earn overtime during this time. All salaries and fringe benefits must be within the Salary and Bonus limitations (P.L. 115-141, Division H, Title I, Section 105; P.L. 115-245, Division B, Title I, Section 105; and P.L. 116-94, Division A, Title I, Section 105). Grant recipients must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 - Financial management and 2 CFR § 200.333 - Retention requirement of records to substantiate the charging of any salaries and other project activities costs related to the interruption of operations or services. Grant recipients should not place their staff in danger or a hazardous setting.

Q: Will ETA provide grantees with cash advances to supplemental grant funding or new grant awards because services will decrease, yet grantees will need the additional funding for paid time off?

Response: With the exception of additional funds for Dislocated Worker Grants and provisions to increase administrative cost limits for WIOA local workforce investment areas and Senior Community Service Employment Program (SCSEP) grantees, Congress has not appropriated supplemental funds for grantees. Therefore, ETA does not expect to release additional or supplemental funds to grant recipients that may incur pandemic related expenses. Such costs must be recorded and documented.

Q: Can grantees pay subgrantees—such as the WIOA Youth provider to a state—for monthly expenses, such as salaries, utilities, even while the program is temporarily closed?

Response: Grantees, where possible, may continue to provide services remotely or virtually. Under existing law and the Uniform Guidance, grantees may continue to charge salaries and benefits to currently active Federal awards consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Grant recipients may charge costs to the Federal award necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Grant recipients must maintain appropriate records and cost documentation as required by [2 CFR § 200.302](#) - *Financial management* and [2 CFR § 200.333](#) - *Retention requirement of records* to substantiate the charging of any salaries and other project activities costs related to the interruption of operations or services. Salary and Bonus limitations should not be waived and remain in effect. Recipients must maintain appropriate records and documentation to support the charges against the Federal awards.

Q: Since grant funds for a competitive grant that were projected for students and participants will now not be fully used, can we make advanced purchases of supplies or use the money for sustainability purposes?

Response: No. Grant funds cannot be used for extra or advanced supplies or sustainability purposes. Grantees should already have existing plans to sustain the program after the grant has ended, which should be described in its Statement of Work.

Q: Will ETA extend the time to file required performance and financial reports for the quarter ending March 31, normally due May 15?

Response: ETA will allow grantees/recipients to delay submission of financial, performance, and other reports for up to three months beyond the normal due date. Grantees will be allowed to continue to draw down Federal funds without the expected submission of these reports. Grantees should communicate with their Federal Project Officers regarding an extension. These reports must be submitted by the end of the postponed period.

Q: Will the deadline for submitting proposals in response to the Pathway Home and Young Adult Reentry Partnership reentry funding opportunity announcements, [FOA-ETA-20-02](#) and [FOA-ETA-20-05](#), be extended due to current circumstances?

Response: At this time, the Department does not anticipate extending the deadline.

Q: Can local workforce areas increase the 10% WIOA administrative cost limitation?

Response: 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](#).

Q: Can ETA or a state extend the timelines for WIOA Local Plan submission, review and approval processes, including local performance negotiations?

Response: States have the authority to set deadlines related to the submission and/or extension of local plans and local performance negotiations. According to [TEGL 11-19, *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act \(WIOA\) Core Programs*](#), September 30 is the deadline for the local negotiations: “The local board, the Chief Elected Official, and the Governor must negotiate and reach agreement on local levels of performance for two program years at a time, based on the state's negotiated levels of performance, no later than September 30 in each year in which state negotiations occur. The state must notify its DOL-ETA Regional Office that negotiations are complete.” ETA recognizes that due to the current shift to COVID-19 related priorities, some states and locals may not be able to meet that deadline. States may consider extending current local plans, and may adjust the time frame for negotiating local levels of performance. States planning these changes should notify the ETA Regional Office of their plans; the notification should include the expected timeframe for negotiating local levels of performance.

(Updated as of 5/15/20) Q: How can WIOA staff determine customer eligibility remotely/virtually for ETA-funded programs? Can staff view eligibility documentation (e.g., birth certificates, driver’s license, etc.) via Skype to determine eligibility and temporarily sign a self-attestation that they viewed the documents?

Response: Eligibility determination is a critical and non-waivable function of ETA programs, and grantees should keep documentation files used to determine eligibility. There are multiple mechanisms to review and save such documentation. For example, program staff can obtain and save a screenshot of the eligibility documentation to a particular participant file, if the grantee policy allows. Whatever mechanism is used, appropriate information security and privacy must be maintained. Grantees are ultimately responsible for ensuring the accuracy and validity of documents. Eligibility processes should include some type of validation. For more information, see [TEGL 07-18, *Guidance for Validating Jointly Required Performance Data Submitted under the Workforce Innovation and Opportunity Act \(WIOA\)*](#).

Q: Can grantees use "presumptive eligibility" based on self-attestation for programs?

Response: There are multiple forms of acceptable source documentation for WIOA eligibility. Self-attestation may be used for a number of eligibility criteria as noted in ETA program and performance guidance; however, it should not be used as a first resort. Local areas and grantees should attempt to collect other source documentation demonstrating eligibility when possible. During this time where COVID-19 is impacting programs’ ability to physically collect documentation, documentation may be accepted verbally as long as it is clearly documented in the case file.

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

Response: IWT can be used in several ways to help ameliorate 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. Under WIOA title I, IWT may be funded locally, using statewide funds, or through Rapid Response funds.

[TEGL 19-16](#), Section 13 sets forth the allowable uses of incumbent worker training funds, including layoff aversion and/or to assist individuals to acquire the skills necessary to retain their employment or advance in their careers. WIOA statewide activities funds from the Governor's reserve may be used to provide incumbent worker training to achieve these program goals, and rapid response may be used if incumbent worker training is related to layoff aversion strategy or activity.

Q: Is the waiver process changing for COVID-19? May states submit multiple waiver requests together in a shortened format? May a state use currently approved waivers since this is a national emergency declaration? How long could such waivers be effective?

Response: ETA is statutorily required to respond to a request for a WIOA waiver within 90 days and will make every effort to expedite requests related to COVID-19. As long as the requested waivers address requirements of WIOA Section 189(i)(3)(B) and [20 CFR 679.620](#), a state may use any format it chooses or use the waiver request tool available at <https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/847112-Waiver%20Request%20Tool.pdf>. A state may consolidate portions of its request that apply to multiple waiver types; however, areas unique to an individual waiver, such as expected outcomes must be specific to each waiver. A state may use any approved waivers it already has, regardless of the national emergency declaration. The maximum length of approval for any waiver must be consistent with the approval period of a State WIOA Unified or Combined Plan. For PY 2020, the maximum approval is July 1, 2020 – June 30, 2022. The Department will evaluate each individual waiver request and may approve certain waivers for a shorter length of time.

Q: Is there flexibility on time requirements to consider a worker "dislocated" for the WIOA Dislocated Worker program or Dislocated Worker Grants?

Response: The definition of a dislocated worker is found at WIOA Sec. 3(15), and states and local areas develop policies and procedures for determining this eligibility that may include certain time requirements. ETA encourages states and local areas to review their policies and procedures during this pandemic to ensure dislocated workers can receive the services they need, while still meeting the requirements for eligibility.

Individuals who are laid off through no fault of their own may be eligible for the dislocated worker program. Additionally, individuals who received a general layoff notice may start receiving allowable career services from the Dislocated Worker program; and specifically in the case of a closure, the statute provides that states may provide early intervention services 180 days before the date of layoff. For more information on Dislocated Workers, please visit this [Desk Reference](#) available on WorkforceGPS.

(Updated as of 5/15/20) Q. Can ETA allow increased flexibility in providing participants with supportive services and needs-related payments, including for individuals that are not enrolled in training?

Response: Under WIOA title I, supportive services are available to enable individuals to participate in career or training services, with the exception of needs-related payments, which can only be used to enable a participant to participate in training. WIOA supportive services may not be used for general income support purposes for individuals not participating in career or training services. However, current participants may need additional supportive services to continue participating in the program, and the program may be enrolling more individuals who need career, training services, or supportive services. States and local areas have flexibility in developing policies for supportive services, and these state and local policies can be updated to respond to the COVID-19 emergency. Examples of allowable supportive services for WIOA title I participants include but are not limited to:

- ▶ Linkages to community services;
- ▶ Assistance with transportation;
- ▶ Assistance with child care and dependent care;
- ▶ Assistance with housing;
- ▶ Needs-related payments, as described below;
- ▶ Assistance with educational testing;
- ▶ Reasonable accommodations for individuals with disabilities;
- ▶ Legal aid services;
- ▶ Referrals to health care;
- ▶ Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses, protective eye gear, and other essential safety equipment;
- ▶ Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- ▶ Payments and fees for employment and training-related applications, tests, and certifications.

Needs-related payments are designed to provide a participant with financial assistance to enable them to participate in training services. ETA recognizes that many individuals in need of training services may not have the resources available to participate in the training. Needs-related payments can help individuals meet their non-training expenses and help them to complete the training successfully. The maximum level of needs-related payments must be established by the local workforce development board and must follow criteria in [20 CFR 680.970](#). A participant must be enrolled in a training program described in Section 134(c)(3) of WIOA to receive needs-related payments. Specific criteria for Adult and Dislocated Worker eligibility can be found in [20 CFR 680.940](#) and [20 CFR 680.950](#).

For more information, please visit the Supportive Service Desk Reference available here: https://ion.workforcegps.org/resources/2017/07/14/09/22/Supportive_Services_Desk_Reference.

Q. Will ETA delay State Plan due dates?

Response: Many states have already submitted State Plans. Therefore, ETA does not plan to issue a blanket extension for State Plans. However, states should contact their Federal Project Officer if they are concerned about meeting the April 1, 2020 deadline. Please note that while some state by-laws require the board to vote on the plan before submittal, such a vote, or an in-person vote, is not a WIOA requirement.

Q. Our local area uses benchmark timeframes, and contract payments are tied to benchmark attainment. Can USDOL extend these timeframes?

Response: Local areas that established performance-based contracts with sub-recipients can renegotiate benchmarks, following existing state and local policies.

Q. 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?

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

Workforce Innovation and Opportunity Act (WIOA) – American Job Centers

Q. Since the President has declared a National Emergency, does this mean states are mandated to close the American Job Centers (AJC) if they are open?

Response: No. The operation status of American Job Centers (AJC) is a state decision. However, ETA strongly encourages states to ensure critical services are provided through alternative means such as conference calls, electronic referrals, and video conferencing. Several states are adapting their services to continue to operate virtually.

Q. If we are closing our AJC, should we inform anyone?

Response: Yes, please inform your Regional Office of AJC or State Workforce Agency (SWA) closures. ETA will use this information to update the Service Locator website (<https://www.careeronestop.org/LocalHelp/service-locator.aspx>), and to update information disseminated by the Toll-Free Helpline.