

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) Youth

Updated as of 5/15/20

(New As of 5/15/20) Q: Are virtual work experiences allowable in the WIOA Youth program?

Response: Yes, virtual work experiences are allowable under the WIOA youth program. Paid and unpaid work experience is one of the 14 program elements for the WIOA youth program. A work experience is a planned, structured learning experience that takes place in a workplace and provides youth with opportunities for career exploration and skill development. A work experience may take place in the for-profit, nonprofit, or public sector. Work experience is required to take place in the workplace, which ideally means on a work site where youth are in a work setting interacting with other workers in the specific industry and occupation. When due to the rural nature of a local area or during times of a pandemic (such as COVID-19), if it is not possible to provide work experiences on a work site, it is acceptable to provide remote or virtual work experiences for youth.

(New As of 5/15/20) Q: Will WIOA Youth enrolled in work experience be eligible for any of the expanded unemployment programs in the CARES Act?

Response: States have flexibility in implementing Unemployment Insurance (UI) requirements, and eligibility requirements vary by state. Some UI decisions include a determination of whether and when someone is a trainee versus an employee. See <https://webapps.dol.gov/elaws/whd/flsa/docs/trainees.asp>. Please note that this is not the only determination needed for UI eligibility. Please contact your [state unemployment insurance office](#) for more information about UI requirements.

(New As of 5/15/20) Q: If states and local areas were on track to meet the 20% work experience expenditure requirement before COVID-19 impacted grantees' ability to put youth in work experiences, will ETA provide flexibility on these requirements?

Response: ETA acknowledges the tremendous impact that COVID-19 is having on all states and local areas' abilities to implement the WIOA Youth program and, in particular, to provide work experiences in person at a workplace. States that believe they will not meet the requirement should first ensure they have exhausted all means of providing work experience opportunities, including telework and virtual work experience, as well as reviewing the list of expenditures that count towards the work experience expenditure requirement (i.e., those expenditures beyond just wages or stipends). When monitoring states for compliance, ETA will take into account the months that COVID-19 impacted the ability for local areas to place youth in work experiences. ETA is also available for technical assistance to help states meet or increase their work experience expenditure requirements.

(New As of 5/15/20) Q: For in-school youth whose school is physically closed and where no virtual learning is available, can states consider these youth out-of-school, for purposes of meeting the WIOA requirement that states spend 75% of their funds on out-of-school youth?

Response: No. States and local areas cannot consider in-school youth whose school is physically closed as out-of-school youth for the purposes of the WIOA out-of-school youth expenditure requirement. For information on eligibility for the WIOA youth program, visit <https://youth.workforcegps.org/resources/2017/03/09/11/34/WIOA-Youth-Program-Eligibility>.

(New As of 5/15/20) Q: For the low-income determination of eligibility for the WIOA Youth program, is it acceptable to use the parents' layoff due to COVID-19 for meeting the low-income requirement?

Response: If a youth or their household is able to meet the low-income threshold due to a parent's layoff, the youth would meet the low-income definition for eligibility determination. Please remember, in-school youth must be low-income and meet one of the other barriers to be eligible, but out-of-school youth do not have to be low-income as long as they have one of a list of barriers. For more information on eligibility for the WIOA youth program, visit <https://youth.workforcegps.org/resources/2017/03/09/11/34/WIOA-Youth-Program-Eligibility>.

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: How can American Job Center 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: Are there any precautions that we need to take when working with participants in the WIOA Youth program?

Response: ETA recognizes that the COVID-19 pandemic presents unique challenges for youth program grantees and participants. We encourage youth-serving programs to review local, state, and federal health and safety guidance regarding COVID-19, and temporarily adjust program operations and services as needed.

Q: Our state's WIOA Youth program requires participants to complete an academic assessment, such as CASAS. While there is an option for participants to take this assessment on a computer, it has to be proctored by a qualified staff person. This is difficult when schools, adult education sites, and American Job Centers are only providing virtual services. Can the program enroll the participant and complete required assessments after COVID-19-related emergency measures are lifted?

Response: ETA acknowledges the challenges that COVID-19 has created for states and local areas' abilities to implement the WIOA Youth program. In order to receive services in the program, participants must receive an objective assessment, which often includes a basic skills assessment and an Individual Service Strategy (ISS) that informs the plan for services. For programs that are unable to execute their assessment process during this time, i.e., unable to provide assessments in-person and/or on-site with a proctor, they should do their best to obtain information virtually from schools or directly from the participant pertaining to assessment and develop an ISS based on the available information. The inability to meet with potential participants in person should not impede enrollment or service provision. When regular in-person assessment practices begin again, programs should formally assess participants, record results in the file, and update the ISS and service plan, if needed. Also, states and local areas may find it useful to visit the National Reporting System for Adult Education at <https://nrsw.org> to learn about any changes or updates to assessment practices.

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Q. Should states or local areas suspend all youth and adult work experience during this crisis, or determine the best course of action depending on the youth/adult and employer situations?

Response: States and 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.

Q. Is there flexibility to offer academic courses and/or training in a distance learning platform?

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

Q. Can grantees shift to virtual services, such as e-learning, phone calls, and virtual meetings?

Response: 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 transmission, as well as ease of customer access, must be considered.

Q. Can grantees purchase laptops and tablets for participants so they can continue their education and training from home? Are laptops and tablets equipment? Do grantees need prior approval from the grant officer to purchase these?

Response: Yes, grant funds can be used to purchase supplies or equipment to assist in providing program services and training in a virtual setting during this time. The definition of equipment is found at 2 CFR 200.33. The definition of supplies is found at 2 CFR 200.94. Laptops and tablets usually fall within the definition of supplies, which do not need grant officer approval. The Uniform Guidance at 2 CFR 200.302 and § 200.303 requires that all funds, property, and other assets be safeguarded against loss from unauthorized use or disposition. The grant recipient and its service providers must have sufficient internal controls and policies in place to account for all assets. Grant recipients should use safety precautions to protect personally identifiable information and use sound fiscal prudence to maximize the value of taxpayer dollars spent. Grantees should weigh the length of time remaining in the period of performance against the reasonable benefit to the program for purchases of new supplies or equipment.

Q. Can WIOA formula and competitive grants continue to pay wages or stipends if program participants were actively being served prior to the pandemic or if they were in a work experience placement (e.g. subsidized employment, OJT, paid internship) which has been recently cancelled due to COVID-19?

Response: If the program participant's time commitment, stipend structure, and/or other academic or work terms were established prior to the national health emergency declaration, grantees should continue to pay the participant for the remainder of the established term.

(Correction as of 5/13/20) Q. Can ETA provide relief on the 20% Work Experience expenditure requirement?

Response: ETA acknowledges work experiences for youth during this time period may be harder to provide. Program expenditures on this program element may include more than just wages paid to youth. Allowable expenditures may include items such as:

- ▶ Wages or stipends paid for participation in a work experience;
- ▶ Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience;
- ▶ Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- ▶ Staff time spent evaluating the work experience;
- ▶ Participant work experience orientation sessions;
- ▶ Employer work experience orientation sessions;
- ▶ Classroom training or the required academic education component directly related to the work experience;
- ▶ Incentive payments directly tied to the completion of work experience; and
- ▶ Employability skills or job readiness training to prepare youth for a work experience.

When determining the types of expenditures that are allowable to help meet this requirement, additional information can be found in [TEGL 08-15](#) and [TEGL 21-16](#), p.15. If state and local areas do not meet this requirement at the end of their period of performance, the Department will follow standard monitoring procedures for this program element.

(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. Can grant programs purchase food to participants seeking assistance?

Response: Generally, grant funds from the Employment and Training Administration cannot be used to provide food assistance to individuals in the grantee's community. On a limited basis and in certain situations, food at a reasonable cost may be provided to youth-serving 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 funded through one or more of our programs and to reach his/her employment and training goals, thereby achieving the program's overall performance 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 that are coordinated with other community, state, or federal services that provide food for low-income individuals.

Q. Can states transfer funds from the WIOA Youth program to the WIOA Dislocated Worker program?

Response: Under current law, states may not transfer funds from the WIOA Youth program, but may transfer funds between the WIOA Adult and Dislocated Worker programs. Such transfers are within the WIOA waiver authority under Section 189. ETA will consider any waiver that a state proposes, and evaluates each waiver on a case by case basis according to the criteria specified in statute and listed at <https://www.dol.gov/agencies/eta/wioa/waivers>. States may request waivers for transfers from the Youth program or for any other provisions. However, states should be ready to describe how quality services will still be provided to out-of-school youth.

Q. Are the costs of a grantee's leave policy that provides paid leave to employees (including part-time employees and employees of subrecipients) when their work hours have been reduced due to COVID-19 closures or disruptions (e.g., if a grantee's offices are shut down due to COVID-19) allowable costs of the Federal grant?

Response: Yes. 2 CFR 200.431(b) states that a leave policy is allowable if it is an established, written policy that applies equitably and consistently to all staff regardless of employee class, and if it is reasonable.

However, a State may only charge an employee's paid-time-off to the Federal grant if it is the State's overarching policy to pay all employees in this situation, regardless of the funding source used to cover such an expense. If a grantee amends its existing leave policy or develops a new emergency leave policy applicable to all employees affected by the COVID-19 pandemic, costs incurred under that policy would be allowable provided they meet the requirements in 2 CFR 200.431(b). For any change in policy that impacts the budget, competitive or discretionary grantees may need to submit a budget realignment request. If the change in policy impacts an approved indirect cost rate or cost allocation plan, the grantee must request a change or obtain an extension from its federal cost negotiator. Grant recipients and subrecipients 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 interruption of operations or services. Salary and Bonus limitations (Pursuant to P.L. 115-141, Division H, Title I, Section 105) remain in effect. At this time, no additional funds will be provided by ETA to cover these expenses. Should the need for such leave be longer than 60 days, ETA will provide additional guidance on these paid leave policies.

Q. Can grant recipients continue to manage fiscal monitoring of sub-recipients remotely?

Response: Monitoring and oversight can take many forms and may include remote or desk monitoring. The transmission of PII data may be done through encrypted email or cloud services, with the appropriate protections to prevent inappropriate disclosure.

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. What steps will ETA take to account for a decrease in performance across programs/states as programs are closed for a significant period of time during the pandemic? Will States be penalized for performance issues?

Response: The 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 takes into account actual characteristics of participants served and the actual economic conditions experienced. The Departments will continue to closely monitor the effect of the COVID-19 outbreak and its impact on services and performance outcomes.

Q. Will ETA consider delaying negotiations, as state offices may be closed for an unspecified period of time?

Response: At this time, the Department of Labor anticipates that the negotiations process will proceed, and we will conduct negotiations with states. The Department of Labor anticipates that the negotiations between the ETA Regional Administrators and the states will begin in May 2020. The Department of Education has begun negotiations with States, and anticipates the process will continue throughout the Spring of 2020. The Departments anticipate negotiated levels of performance will be included in the approved State Plans. The Departments are aware that some State offices are closed and some States have implemented remote work. The Departments are also aware that State agency leadership and management staff may be involved with COVID-19 response efforts. As a result, the Departments will be as flexible as possible in conducting negotiations, including scheduling meetings at times that meet States' needs.

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

Response: 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. The Departments 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.