

MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 05-21

Policy **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Directors for Workforce Integration
DCS Associate Directors
DCS Field Managers

cc: Timothy Theberge, U.S. Department of Labor Regional Office
Bill McClory, Division of Unemployment Assistance

From: Susan V. Lawler, Commissioner
Division of Career Services

Date: March 9, 2005

Subject: Travel Allowances While in Training Under the Trade Program. Revised

Purpose: This WIA Policy Issuance replaces WIA Communication No.02-07 Trade Program Travel Allowances While in Training previously issued by the Commonwealth Corporation on February 27, 2002

Background: Under the prior policy, eligible Trade Program customers had the ability to waive their right to travel allowances in order to lower the overall cost of a desired training program in order for a higher tuition training program of their choice to be approved. On September 28, 2001, the U.S. Department of Labor Employment and Training Administration issued TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 5-01 to clarify the requirements for determining the cost of training and related travel under the Trade Program.

As part of the clarification, the TEGGL clearly cited the intent of the Trade Act that when determining the total cost of like training programs from which the training choice is to be made, for any training program for which travel beyond the individual's normal commuting distance would be

required, the allowable transportation costs (by the least expensive mode of transportation available) *must* be factored into the total cost of that training program. And, as it is a requirement of the Act that the Trade Program pay all training related costs for an eligible worker unless a source other than a personal source will pay a portion of the cost, an individual may not *wave* all or a portion the travel related costs in order to seek approval of a training program with a higher tuition.

This clarification necessitates a revision of the prior policy.

Policy: This policy is being issued to address travel allowances and situations related to clients receiving Travel Allowances While in Training. It is essential that case managers understand the requirements for travel allowances when assisting clients in requesting approval for training.

APPLICABLE REGULATIONS

The Trade Regulations at 20 CFR 617.28(a) state:

“Eligibility. A trainee under this subpart C shall be afforded supplemental assistance necessary to pay transportation expenses if the training is outside the commuting area, but may not receive such assistance if transportation is arranged for the trainee as part of a group and paid for by the State agency or to the extent that the trainee receives a payment of transportation expenses under another Federal law, or the extent the individual is entitled to be paid or reimbursed for such expenses from any other source.”

A. Eligibility:

A worker must meet *both* of the following requirements to be approved for Travel Allowances While in Training.

- The worker’s approved training must be at a facility which is a distance greater than the distance that the worker used to commute to his/her previous place of employment.

AND

- The worker must anticipate being able to find employment upon completion of training within his/her commuting area.

The following criteria apply to the approval of Travel Allowances While in Training:

1. The worker's commute to the training facility must be more than fifty (50) miles (round-trip) greater than the commute he/she was making to his/her previous place of employment.
2. In determining the number of miles to the vendor, actual odometer readings should be used whenever possible. However, DCS will allow average miles. To calculate, please use:
 - Milo Mileage Guide
 - Various Internet Sites, if no Milo Guide is available (for example: travel.com; yahoo.com)

DCS will confirm all calculations. Please note that it is important to review directions provided through Internet sites to ensure the route is the shortest possible.

3. No mileage will be paid for travel that is fifty (50) miles or less per day (round trip) from the worker's home to the training facility, regardless of the commuting distance indicated in #1 above.
4. Travel Reimbursement may only be paid for the days when customers actually attend scheduled classes.
5. Travel allowances *must* be requested and approved at the same time training is requested and approved. If travel allowances are **not** requested concurrent with a training request it will be assumed that travel allowances are **not** needed and any subsequent request for travel allowances following the approval of training will be **denied**.
6. Requests for travel reimbursement exceeding the approved amount will be denied and any such additional cost will become the responsibility of the customer unless he/she provides the DCS Trade Unit with a request for an amendment to the travel allowance and the amendment is approved in conjunction with a training contract amendment, if applicable. Such amendment requests must be made through the on-line MOSES application (with staff assistance) and be approved by DCS *prior* to the effective date.
7. No payments shall be made for violations such as parking tickets, speeding, etc.
8. No mileage will be paid if transportation has been arranged as part of a group, except if the group members alternate driving on a periodic basis with other group members. In all such cases, only the driver will be reimbursed.

Please note: If group travel is reasonably available to the customer and he/she declines to accept it, individual travel may not be approved.

9. If a less expensive means of transportation than private automobile is reasonably available (bus, train, etc.), only cost for the least expensive means may be approved.
10. The total daily travel allowance may not exceed 50% of the federal per diem rate established for the area to which the client is traveling.
11. Any amount in addition to the approved mileage rate to cover cost reimbursement for tolls and/or parking fees is not allowed as such costs are pre-factored into the approved mileage rate.
12. When reimbursement is requested for travel by train, bus, ferry, etc., the cost of *parking* (only) shall be *in addition to* the cost of travel by train, bus, ferry, etc. However, the combination of these costs *must not*
 - exceed the amount that would be paid for personal automobile mileage, or
 - make the total cost of the training program higher than another like training program.
13. The worker must be expected to be able to find employment within his/her commuting area.
14. The worker will only be reimbursed for 1 round trip per day and only for scheduled classes. Workers will not be reimbursed for attending on unscheduled weekend sessions, for extra help, etc.
15. If a customer is commuting to an internship, DCS must be notified of the mileage to the internship and the applicable dates. A determination as to whether the client will qualify for reimbursement to and from the internship will be made by DCS, in the same manner as travel allowances for scheduled classes.

The following examples illustrate how the above criteria are applied in the travel allowance eligibility process:

Example 1

Jack used to drive thirty (30) miles (roundtrip) to work. He is now driving eighty-five (85) miles (roundtrip) to his Help Desk/Support training.

- He travels more than fifty (50) miles (roundtrip) each day to training.
 - The daily difference in his commute is fifty-five (55) miles (roundtrip).
 - He will be able to find work within his previous thirty (30) mile commuting area upon completion of training.
 - Carpooling is not an option.
 - There are no bus or train services to the training location.
- ➔ Therefore, Jack is traveling outside his normal commuting area for school. Jack **is eligible** for a travel allowance.

Example 2

Jane used to drive thirty (30) (roundtrip) miles to work. She is now driving sixty (60) (roundtrip) miles to her Fashion Design training.

- She travels more than fifty (50) miles (roundtrip) each day to training.
 - The difference in her commute is thirty (30) miles (roundtrip).
 - Carpooling is not an option.
 - There are no bus or train services to the training location.
- Upon completion of her training she will have to continue to travel over thirty (30) miles (roundtrip) to find employment.
- ➔ As the commuting distance of Jane’s job search area after completion of training will exceed thirty (30) miles (roundtrip) and her job search indicates that her new job opportunities will cause her to travel further, that becomes her new “normal commuting area”.
- ➔ Therefore, Jane **is not eligible** for travel allowances because the sixty (60) mile round trip commute is within her new commuting area.

B. Payments:

1. A travel allowance shall not exceed the lesser of:
 - (a) The actual cost of travel by the least expensive means of transportation reasonably available between the trainee’s home and the training facility; or
 - (b) The cost per mile at the prevailing mileage rate authorized under the Federal Travel Regulations. (41 CFR part 101-7).
2. DCS will reimburse eligible customers for documented travel costs, only.

3. The amount of the approved travel allowance will be calculated to cover the total distance from the customer's residence to the training location and not just the distance in excess of the "normal commuting distance" to his/her prior place of employment.

C. Approved Mileage Rate:

The maximum Mileage Rate that will be approved for Trade customers will be that which is approved by the IRS for Federal Travel.

D. Misrepresentation:

Any misrepresentation of the customer's status and eligibility for travel can result in disqualification from receipt of travel allowances and/or disqualification from the Trade Program.

DCS must pursue any customer who is found to have received an overpayment to obtain repayment.

Customers must contact their case managers as soon as possible to resolve any issues regarding travel reimbursement. It will be the responsibility of the local case manager, only, to work directly with the DCS Trade Unit staff to resolve all travel related issues.

Only in the case of an issue related to timeliness of payments will DCS Trade Unit staff communicate directly with the customer in order to resolve the issue.

In cases where a customer has submitted a form which DCS has verified as incorrect, such as indicating attendance on a holiday, DCS will send a letter to the customer with the correct payment.

The first time a customer has inaccurately completed a form:

- The amount of the payment is corrected to reflect the attendance verified through the school.
- A brief letter of warning is sent to the client explaining how DCS has calculated the payment and that he/she can be disqualified from the receipt of travel allowances for willful misrepresentation.
- Once a client has received three letters of warning, the disqualification process is initiated.

- If a client has willfully claimed attendance at training when not in attendance, he/she may be disqualified without warning.

[**IMPORTANT NOTE:** Customers have the right to appeal any determination made by the Trade Unit regarding travel. If a client wishes to appeal a travel related decision, he/she must complete a *Trade Programs Hearing Request Form* and submit it to the DCS Trade Unit for preparation in sending the case file to the Hearings Department.

Action

Required: Please assure that all appropriate individuals in your workforce investment area are notified of this revised policy, and take necessary action to ensure compliance with its content.

Effective: Effective immediately.

References: Trade Act of 1974, as Amended
TEGL 5-01, dated September 28, 2001
Trade Reform Act of 2002

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #05-21.