

WORKFORCE SOLUTIONS

GREATER DALLAS

Policy Number: CM0121, change 3 <i>Rescind CM0418</i>	RE: TWC WD Letters, WIOA Guidelines, WIOA Eligibility Guidelines https://www.twc.texas.gov/agency/laws-rules-policy/workforce-policy-and-guidance
Date Issued: February 24, 2023	Effective Date: February 10, 2023

Workforce Innovation and Opportunity Act Policies

Background

Workforce Solutions Greater Dallas complies with the WIOA, WIOA Guidelines, and WD Letters, as amended. This policy has been updated to include the following updates in bold: **Identifying the local priority group and adding Out-of-School Youth legislative reference for Eligibility and Requiring Additional Assistance.**

Policy

WIOA - Dislocated Worker and Adult - Eligibility follows TWC WD Letters, and WIOA Guidelines, as updated. For specific local board definitions, please find the following definitions:

(1) As defined in Section 680.13(b)(3), unlikely to return to previous occupation. TWC defines unlikely to return to a previous industry or occupation through an evaluation of the labor market, which determines that:

- The industry or occupation shows either no growth or a decline in available job opportunities as documented by labor market statistics or TWC-approved labor market analyses;
- The individual has been seeking employment for a period as determined by board policy – since termination, layoff, or receipt of notice of layoff – but has been unable to find employment in his or her previous industry or occupation due to economic conditions and/or skill limitations. (WFSDallas defines unlikely to return to previous occupation as the individual has been seeking employment for 10 weeks since termination, lay-off, or receipt of notice of layoff and has been unable to find employment in their previous industry or occupation due to economic conditions and/or skill limitations);
- The individual does not have relevant skills needed to find employment in his or her previous industry or occupation;
- The individual has barriers to employment that make it unlikely to find employment in his or her previous industry or occupation;
- The individual's previous industry or occupation is unlikely to provide self-sufficiency;
- The individual was profiled and determined likely to exhaust unemployment benefits during the last 12 months; or
- There is a lack of suitable matches in WorkinTexas.com.

(2) Follow-up as defined in Section 680.150 (c) to clarify how the determination is made to provide follow-up services and consistent with WIOA Section 134 (c)(2)(xiii), which states that follow-up services are provided "as appropriate". Follow-up services are available to all participants for a minimum of 12 months unless the participant declines to receive follow-up or the participant cannot be located or contacted. This must be documented in the participant's file.

(3) Assessments

If a participant has received a recent assessment (within the past 24 months or completion of a post-secondary degree), no additional assessments are required. The recent assessment must be appropriate for the individual with documentation in the files to meet requirements and to make an eligibility determination for training services.

(4) Priority of Service.

WIOA and TWC guidelines outline priority of services to groups (1-5), with the last priority group being locally defined.

1. Eligible veterans and eligible spouses in accordance with WD 01-21 and defined in WD Letter 25-15 - who are also recipients of public assistance, low income or basic skills deficient.
2. Non-covered persons (individuals who are not veterans, or eligible spouses) who are recipients of public assistance, low income or basic skills deficient in the following order:
 - i. Foster youth and former foster youth (WD Letter 43-11, change 2) as required by Texas Family Code
 - ii. §264.121.
 - iii. Non-foster youth
3. All other eligible veterans and eligible spouses.
4. Priority populations established by the governor and/or Board in the following order:
 - i. All other foster youth and former foster youth, as required by Texas Labor Code §264.121.
 - ii. **Local Board priority group: Employed individuals whose income is below the self-sufficient wage for Dallas County workforce area (currently \$13.59/hr. or \$28,267 annually).**
5. Non-covered individuals outside of the groups given priority under WIOA.

(5) Co-enrollment with TAA

Complying with WD Letter #18-21, WFSDallas requires its contractors to co-enroll TAA with the WIOA Dislocated Worker Program. This program partnership ensures the availability of a comprehensive array of services and resources that can be leveraged to serve trade affected workers. Similar to the TAA program, the WIOA Dislocated Worker program is designed to help dislocated workers overcome barriers to employment and return to work as quickly as possible. When individuals become dislocated workers due to job loss, mass layoffs, global trade dynamics, or transitions in economic sectors, the WIOA Dislocated Worker program provides services to assist them in reentering the workforce. https://www.twc.texas.gov/files/policy_letters/18-21-twc.pdf

(6) Clarification

According to the WIOA guidelines, WIOA removed the sequence of service requirement established under WIA, which required an individual to complete an intensive service before receiving training services. Other than determination of barriers made using an employment plan, there is no requirement for additional career services provided before an individual enrolls in training. If individuals are determined to be in need of training consistent with WIOA §134(c)(3), then they may be placed in training services. Please see the WIOA Guidelines for additional information: <https://www.twc.texas.gov/files/partners/wioa-guidelines-twc.pdf>

(7) Updated DOL – 70% Lower Living Standard Income Level and HHS Poverty Guidelines.

To be eligible for WIOA, individuals must meet WIOA eligibility requirements. When determining an individual's WIOA eligibility based on low-income status, contractors must use the income guidelines identified by the US DOL Lower Living Standard Income Level guidelines. The Texas Workforce Commission updates this page twice a year with new income amounts and effective dates: <https://www.twc.texas.gov/workforce-innovation-opportunity-act-eligibility-income-guidelines>

WIOA -Youth Eligibility and Requiring Additional Assistance. In keeping with TWC guidance, only 5% of in-school youth may qualify under this barrier. In compliance with **Sections 681.300** and 681.310, WFSDallas defines requiring “additional assistance to complete an educational program or to secure and hold employment” as an individual who:

- lacks employability skills to obtain/retain employment, or

- having one or more parents incarcerated, or
- youth whose parents have never attended post-secondary education or demonstrated inability to hold a job for at least six months.

High Poverty Geographic Areas

A youth living in a high poverty area is automatically considered low income. In accordance with WIOA Guidelines, a high poverty rate is a census tract, a set of contiguous census tracts, Native American Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 25%, as set by the US Census American Community Survey. Using US Census data, Contractor must document the high poverty rate using US Census tract data. WFSDallas identified current zip codes within Dallas County with at least 25% poverty rates which includes: 75247, 75246, 75141, 75210, 75226, 75216, 75237, 75241, 75215, 75172, 75203, 75217, 76011, 75212, 75232. (Compliance with TWC TAB 280, change 2) Documentation must be provided in accordance with the Texas Workforce Commission’s WIOA Guidelines and Documentation log, as updated.

Program Expenditures for Out-of-School Youth

According to the WIOA Guidelines, all boards must spend a minimum of 75% program expenditure requirement for Out-of-School Youth. DOL had previously granted TWC a waiver that allowed Texas to reduce the minimum OSY expenditure rate to 60 percent. WFSDallas historically serves a higher percentage of Out-of-School youth exceeding the 75% requirement to ensure that the most in need are served. Please see the WIOA guidelines for details and other expenditure requirements for youth including work experience of not less than 20 percent of local youth funds must be used to provide OSY and ISY paid and unpaid work experiences.

<https://www.twc.texas.gov/files/partners/wioa-guidelines-twc.pdf>

Action Required

This policy should be distributed to all affected staff, contractors, and other interested parties.

Contact

Inquiries regarding this policy should be directed to **Connie Rash, Senior Vice President, Resource Development and Deployment at 214.290.1008.**

Approved for Content:	
<i>Connie Rash</i>	2/23/2023
Signature	Date
<i>Laura Paula Garcia</i>	
President’s Signature	Date