

TEXAS WORKFORCE COMMISSION LETTER

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Planning

To: Local Workforce Development Board Executive Directors
Commission Executive Staff
Integrated Service Area Managers


From: Luis M. Macias, Director, Workforce Development Division

Subject: **Eligibility for Non-Low-Income Individuals Meeting Specific
Workforce Investment Act Eligibility Criteria**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with guidance regarding the provision of intensive and training services to non-low-income individuals who meet specific Workforce Investment Act (WIA) eligibility criteria.

REFERENCE:

Workforce Investment Act §134(d)(4)(E)
Workforce Investment Act; Final Rule, Part 663, Subpart B, §663.230 and §663.600
United States Department of Health and Human Services Poverty Guidelines, *Federal Register*, Vol. 71, No. 15, published January 24, 2006
United States Department of Labor: Lower Living Standard Income Level, *Federal Register*, Vol. 71, No. 105, published June 1, 2006
WD Letter 15-06, issued March 24, 2006, and entitled "Texas Workforce Development Board Planning Guidelines for Fiscal Years 2007–2008"
WD Letter 15-06, Change 1, issued June 8, 2006, and entitled "Texas Workforce Development Board Planning Guidelines for Fiscal Years 2007–2008: Update"
Strategic Two-Year State Workforce Investment Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. Federal and state laws, rules, policies, and required procedures with a "No Local Flexibility" rating are indicated by the acronym, **NLF**,

in the margin to the right of the applicable paragraph. Additionally, all information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

Failure to comply with the federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating may result in corrective action, up to and including sanction and penalty.

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All guidance or recommended practices with a “Local Flexibility” rating are indicated by the acronym, **LF**, located in the margin to the right of the applicable paragraph. Additionally, guidance or recommended practices with a “Local Flexibility” rating are indicated by “may” or “recommend.”

Boards are not subject to corrective action for failure to comply with guidance or recommended practices with a “Local Flexibility” rating.

BACKGROUND:

In the past, Boards were required to submit a declaration of “limited” or “not limited” resources in accordance with 20 C.F.R. §663.600. In determining whether WIA funds for adults are limited or not limited, Boards may have interpreted this requirement to mean they are to consider only their WIA allocation when making their declaration. However, as national leaders in implementing a fully integrated workforce system, Texas’ Boards have allocations from and plan for multiple resources—including federal, state, and private funds—in addition to WIA funds.

Consequently, Boards were asked in WD Letter 15-06, issued March 24, 2006, and entitled “Texas Workforce Development Board Planning Guidelines for Fiscal Years 2007–2008,” to consider their ability to serve adults with the combined funding resources available in an integrated system. Boards then declared in their Board plans whether their WIA funds were “restricted” or “unrestricted.”

If a Board determined that it had sufficient funds available within its local workforce development area (workforce area) to serve adults needing workforce services, it declared that its funds were unrestricted. Boards that declared unrestricted funds may provide intensive and training services with WIA formula funds to individuals who are eligible for WIA services, regardless of income.

This WD Letter provides clarification, regarding the need to establish criteria for serving non–low-income individuals, to Boards that have declared restricted funds.

PROCEDURES:

If a Board determined that its multiple funding streams were insufficient to provide intensive and training services to adults in its workforce area and declared that its funds were restricted, consequently the Board must:

- provide priority of service for intensive and training services to recipients of public assistance and low-income individuals based on an income eligibility determination; and
- establish criteria for applying priority of service.

NLF

Even if a Board declared that its funds were restricted, it may choose to provide intensive and training services to non-low-income individuals whose income is above the WIA income guidelines, but below the Board-established self-sufficiency wage level, provided that priority of service is given to public assistance recipients and other low-income individuals.

LF

To establish a self-sufficiency wage level, Boards must use the annually adjusted United States Department of Labor's 100% Lower Living Standard Income Level.

NLF

Boards may set their self-sufficiency wage levels above this level if warranted by economic conditions in their workforce areas.

LF

Boards that choose to provide intensive and training services to non-low-income individuals, whose income falls between the WIA income guidelines and the Board's self-sufficiency wage level, must establish written policies and procedures for applying priority of service to these individuals. Boards must take such action in open meeting.

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ACTIONS REQUIRED:

Boards must ensure that appropriate staff is apprised of and complies with the requirements in this WD Letter.

INQUIRIES:

Direct inquiries regarding this WD Letter to the assigned contract manager for your local workforce development area.

Rescissions: None

Expiration: Continuing