

TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 32-03, Change 2
Date:	April 28, 2009
Keyword:	WIA
Effective:	Immediately

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



From: Laurence M. Jones, Director, Workforce Development Division

Subject: **Workforce Investment Act: Updated *Workforce Investment Act Eligibility Guidelines***

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information on the updated *Workforce Investment Act (WIA) Eligibility Guidelines*, specifically the new, expedited WIA dislocated worker eligibility requirements for:

- Rapid Reemployment Services (RRES) participants; and
- unemployment insurance (UI) claimants.

BACKGROUND:

The Workforce Investment Act of 1998 sets overall WIA policy goals, yet provides considerable discretion to Boards for implementation of WIA services. WIA requires that Boards document the eligibility of adult, dislocated worker, and youth participants served with WIA funds in their local workforce development areas.

The Texas Workforce Commission has revised the documentation requirements for determining dislocated worker eligibility for RRES participants and UI claimants to:

- expedite the process; and
- reduce Board and participant documentation burden.

PROCEDURES:

Boards must use the updated *WIA Eligibility Guidelines* and Documentation Log, which contain new expedited WIA dislocated worker eligibility requirements for RRES participants and UI claimants.

NLF

Boards may establish eligibility under Category 1 of the dislocated worker program for an RRES participant by one the following:

LF

- A screen print of the AD17 – RRES outreach list showing the participant’s name;
- A copy of the RRES outreach letter sent to the participant; or
- Verification through WorkInTexas.com. The RRES indicator—a dollar sign with a red background—appears in the WorkInTexas.com automated file for each RRES participant.

Boards may establish eligibility under Category 1 of the dislocated worker program for a UI claimant by one of the following:

LF

- UI Screen – *Current Claimant Status (CTCS)*; or
- UI Award Letter.

The *WIA Eligibility Guidelines* and Documentation Log, available at www.twc.state.tx.us/boards/wia/txwia.html, will be updated to reflect this information.

Note: The *WIA Eligibility Guidelines* and its associated desk references are updated online, as necessary. It is recommended that Boards retain the guidelines issued with WD Letter 32-03: “Workforce Investment Act: ‘New Guidelines for Determining Workforce Investment Act Eligibility,’” and all prior versions of the desk references, for monitoring purposes. Prior versions of eligibility criteria support the eligibility of participants enrolled while the previous eligibility guidelines were in effect.

INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

RESCISSIONS:

WD Letter 32-03, Change 1

REFERENCE:

- Workforce Investment Act
- Americans with Disabilities Act, 42 U.S.C. §12102
- Texas Family Code §264.101
- United States Department of Labor Training and Employment Guidance Letter 8-98, issued November 4, 1998, and entitled “Selective Service Registration”
- United States Department of Labor Training and Employment Guidance Letter No. 5-03, issued September 16, 2003, and entitled “Implementing the Veterans’ Priority Provisions of the ‘Jobs for Veterans Act’ (PL 107-288)”
- United States Department of Labor Training and Employment Guidance Letter No. 17-05, issued February 17, 2006, and entitled “Common Measures Policy for the Employment and Training Administration’s (ETA) Performance Accountability System and Related Performance Issues”
- United States Department of Labor Training and Employment Notice No. 9-06, issued August 15, 2006, and entitled “Timeline for Program Year (PY) 2005 Workforce Investment Act (WIA) Performance Reporting and PY 2005 Data Validation (all programs)”

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. All information with an NLF rating is indicated by “must” or “shall.”

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 information with an LF rating is indicated by “may” or “recommend.”