

*Guaynabo-Toa Baja Workforce Development Local Area
Workforce Innovation and Opportunity Act (WIOA)*

PUBLIC POLICY ON THE CRITERIA FOR DETERMINING ELIGIBILITY FOR YOUTH, ADULTS AND DISLOCATED WORKERS

WIOA #20-006

I. PURPOSE

The Workforce Innovation and Opportunity Act (WIOA) promotes activities for young persons to develop skills and abilities by teaching courses and workshops based on their knowledge, giving them the opportunity to experience a friendly work environment where they can develop their abilities, acquire knowledge, improve their weaknesses, and remove barriers that may limit their success for workforce insertion.

II. LEGAL BASE

Federal Public Law 113-128 of July 22, 2014, 128 Stat. 1425 et seq., as amended, "Workforce Innovation and Opportunity Act" (WIOA) - Section 129(a)(1)(B) and 129(a)(1)(C).

Final WIOA Regulation - Federal Register/Vol. 81, No 161, August 2016, Section 681.210, 681.220, Section 680.120, 680-130

TEGL 19-16: Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) (March 1, 2017)

TEGL 21-16: Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance (March 1, 2017)

III. PUBLIC POLICY

The Workforce Development Local Board has among its roles issuing public policy for the implementation of services and activities allowed under the Workforce Innovation and Opportunity Act (WIOA) with the peculiarities of the local level. To issue policies, the provisions of the local laws, regulations and conditions will be taken into consideration, such as the characteristics of the clientele, labor market and organization model of the Local Area.

To such effects, the Guaynabo-Toa Baja Local Area Workforce Development Local Board (GTB-WDLB)

enacted the following public policy to establish the eligibility criteria for Youth, Adults and Dislocated Workers.

IV. DEFINITION OF KEY TERMS

"Deficient in basic skills": A young person with reading, writing or English skills on or below the eighth grade level in a generally accepted standardized test; or a young person or adult who cannot calculate or solve problems, or read, write or speak English at the necessary level to perform at work, in his or her family or in society.

"Displaced homemaker": means a person who has been providing unpaid services to family members at home and who:

- Is unemployed or underemployed and has difficulty obtaining or improving his/her job; and has depended on the income of another family member, but is no longer receiving that income;
- Or is the dependent spouse of a member of the Armed Forces in active duty and whose family income has been significantly reduced because of a deployment, an call or order for active service, a permanent change of station or service-related death or disability of the family member.

"Low-income individuals": meet one or more of the characteristics listed below:

- Recipient of public assistance
- Family income not exceeding 70% of the Lower Living Standard Income Level (LLSIL).
- Receives food stamps or has been determined eligible to receive them in the past six months.
- Homeless persons.
- Individual with a disability with income of 70% or less according to LLSIL
- Receives or is eligible to receive free or reduced price school lunch
- An individual living in a high poverty area, defined as an area with a poverty rate of at least 30% according to the LLSIL (See Public Policy #17-05)

V. DETERMINATION OF ELIGIBILITY

Out of School Youth

- a) Being an American citizen or having a work permit in the United States;
- b) Being registered in the Military Selective Service (18-year old males or older born after January 1, 1960)
- c) Not attending school (secondary, alternative, "home school", post-secondary)
- d) Not younger than 16 years or older than 24 years of age at the time of registration. Since eligibility is based on the age at registration, participants can continue receiving services after the age of 24 once registered in the program and;

- e) One or more of the following:
1. A school dropout (does not have a high school diploma or GED)
 2. A young person who is of mandatory age to attend school, but has not attended school at least during the last whole trimester of the school year. The school trimester is based on what the local school district defines it;
 3. An individual with a high school diploma or GED who is a low-income individual and is deficient in basic skills or is learning English.
 4. An individual who is in the juvenile or adult System;
 5. An individual considered homeless; who has ran away from home; is in a foster home or is at an age of abandoning the foster home, a young person eligible to receive assistance under section 477 of the Social Security Act; or an individual constantly placed in different foster homes (in-and-out-home placement);
 6. A young woman who is pregnant or a young man who is raising a child;
 7. A person with disabilities;
 8. A low-income individual who requires additional assistance to enter or complete an educational program or ensure or maintain a job (WIOA section 3(27) and section 129 (a)(I)(C).

Pursuant to 20 CFR 681.230, for the purposes of WIOA Title I, the USDOL does not consider youth registered in Adult Education programs under WIOA Title II, in the YouthBuild Program, nor the participants of the Job Corps program, secondary school equivalency programs and school drop-out re-integration programs, as in-school youth. Therefore, the WIOA youth program may consider a young person for eligibility purposes as Out-of-School, even if s/he participates in one of these three programs.

In-School Youth

To administer in-school special projects approved by the GTB-WDLA use the following eligibility criteria:

- a) Being an American citizen or having a US work permit;
- b) Being registered in the Military Selective Service 18-year old males or older born after January 1, 1960)
- c) Attending school (secondary or post-secondary)
- d) Not younger than 14 years of age (except a person with a disability who is attending school according to State Laws) and not older than 21 years of age;
Since the eligibility age is the age when they are admitted into the program, the participants may continue receiving services after the age of 21;
- e) Low-income individual. Under WIOA, a young person who receives or is eligible to receive a free or reduced-cost lunch under the Richard B. Russell National Lunch Act is considered a low income individual (79 P.L. 96, 60 Stat.230); sec. 681.270. Also, a young person living in a high poverty zone is automatically considered a low-income individual. TEGL 8-15
- f) One or more of the following:
 - Deficient in basic skills
 - Does not have English skills, which at the time of eligibility limit him or her to begin

studies or ensuring or maintaining a job. A test to show a deficiency in skills is used to determine this barrier.

- Offender
- An individual considered homeless; who has ran away from home; is in a foster home or is at an age of abandoning the foster home, a young person eligible to receive assistance under section 477 of the Social Security Act; or an individual constantly placed in different foster homes (in-and-out-home placement);
- A young woman who is pregnant or a young man raising a child;
- A person with disabilities;
- A low-income individual requiring additional assistance to enter or complete an educational program or to ensure or maintain a job (WIOA section 3(27) and section 129 (a)(l)(C).

EXCEPTION TO THE LOW INCOME CRITERIA

WIOA grants an exception of 5% for the low-income criteria eligibility for young persons who need to comply with this low-income provision. The 5% is calculated based on the young persons registered in the program year who must meet the low-income criteria. Regarding in-school youth, it is 5% of all the youth registered in a particular year. For out-of-school youth, the 5% exception for the low-income criteria is calculated only for the youth registered in the program year who have to meet the low-income criteria (young persons who have completed a high-school diploma or its equivalent and who are deficient in basic skills or in the process of learning English; or who require additional assistance to enter or complete an educational program or to ensure or maintain the job).

To use this eligibility criteria authorization must be requested from the Executive Director to maintain controls and not exceed the percentage approved by law.

Also, the WDLB establishes that these young persons must present one or more barriers for the job as mentioned in section 681.250 of the Regulation. These barriers are as follows:

- School dropout
- Deficient in basic skills
- A young woman who is pregnant or a young man raising a child
- Has one or more disabilities, including learning disabilities
- Is homeless or deserted the home
- Offenders
- Faces barriers to employment as identified by the WIOA Local Board, Sec. 3(24)

Adults and Dislocated Workers Eligibility

The Adult Program does not have specific eligibility requirements besides the general requirements and participation requirements, such as:

- Individual older than 18 years of age

- American citizen or with a work permit
- Being registered in the Military Selective Service (18-year old males or older born after January 1, 1960)

Regarding the Dislocated Workers Program under WIOA job and training services are offered to eligible workers who are unemployed due to unforeseen circumstances or who have received a termination notice or have been fired from their job and;

- Is employed in a facility where the employer has notified that it will close within 180 days; or a general announcement has been made that such facility will close;
- Is eligible for or has exhausted all unemployment compensation or;
- Has been an employee for enough time to show to the pertinent organization at the *Centro de Gestión Única* (CGU) under section 121 (e) of the Law that s/he was employed, but is not eligible for unemployment compensation because of insufficient salary or because s/he provided services for an employer who was not covered by the State Unemployment Compensation Act and;
- It is very unlikely they will return to a previous industry or occupation.
- Was self-employed (including a job in agriculture, farmer or fisherman), but is unemployed as a result of general financial conditions in the community where s/he lives or because of a natural disaster.
- Is a displaced housekeeper (displaced homemaker);
- Is the spouse of a military member in active duty who lost his/her job as a consequence of the permanent change in duty station or is unemployed or underemployed and experiences difficulty obtaining or maintaining a job. Is a dependent spouse and his/her family income has been significantly reduced because of a deployment, activation, "service connected" death or disability of a determined member.

VI. PRIORITY OF SERVICES

Sections 20 CFR 680.600-660 of the Final Regulation establish the priority requirement regarding the funds assigned in job and training activities for the Adults and Dislocated Workers Programs.

- Individuals with barriers to employment according to Section 3(24) of WIOA, which include:
 - Dislocated homemakers (as defined in WIOA sec. 3 (16));
 - Low-income individuals (as defined in WIOA sec. 3 (36));
 - Native Americans, Alaska natives and native Hawaiians (as defined in WIOA sec. 166 (b));
 - Individuals with disabilities, including youth with disabilities (as defined in WIOA sec. 3 (25) (including individuals who receive Social Security Disability Insurance);
 - Elderly persons (55 years or older) (as defined in WIOA sec. 3 (39));
 - Ex-offenders ("offender" as defined in WIOA sec. 3 (38));
 - Homeless individuals or homeless children and youth;
 - Young persons outside of the foster care system;
 - Individuals who are: (1) learning English (WIOA sec. 203 (7)), (2) Individuals deficient in basic skills (Deficient in basic skills is defined as an individual who calculates or solves problems, reads, writes or speaks English at a level equivalent to 8th grade or less, in a

- generally accepted standardized test or is an individual incapable of calculating or solving problems or reading, writing or speaking English at the necessary level to work in a job or family environment, or in society); and (3) Individuals who face significant cultural barriers;
- (j) Eligible migrant and temporary agricultural workers (as defined in WIOA sec. 167 (i) (1-3);
 - (k) Individuals within the two years of TANF eligibility;
 - (l) Single parents (including single pregnant women);
 - (m) Persons with a history of unemployment (unemployed during 27 consecutive weeks or more); and
 - (n) Other groups the Governor determines as having barriers to employment

2. Beneficiaries of Public Assistance
3. People who are deficient in basic skills (as defined in WIOA Sec. 3(5)(B))
4. Priority in Services to Eligible Veterans and Spouses (when identifying eligible veterans and spouses, they will receive guidance on the services available to which they have a right. Also, about the applicable eligibility requirements in all the programs).

Priority must be given in the following order:

- i. First, to eligible veterans and spouses who are also included in the groups which priority is given when assigning WIOA funds allowance. This means that eligible veterans and spouses who also receive public assistance, other low-income persons or people with deficiencies in basic skills will receive the first priority for the services under WIOA for adults.
- ii. Second, to the persons who are not covered (or individuals who are not eligible veterans or spouses) who are included in the groups that have priority for assigning funds for WIOA adults.
- iii. Third, to eligible veterans and spouses who are not included in WIOA's priority groups.
- iv. Fourth, priority populations established by the governor and / or the Local Board.
- v. Lastly, people not covered outside the groups to which priority is given under WIOA.

The service priority status is established when determining eligibility and does not change during the participation period. For program eligibility purposes, service priority will be established through the client's information intake. From a group of personas who have requested registration into WIOA, the persons who are eligible for the first priority must be assisted and registered first, followed by the persons who are eligible for the second priority, and so forth.

VII. APPROVAL AND VALIDITY

This public policy will become effective immediately after its approval. This policy voids any previous policy related to the determination of eligibility in the GTB-WDLA.

In Guaynabo, Puerto Rico, today, February 7, 2020.



Oriel Ramírez Rodríguez
President
Workforce Development Local Board