



PROCEDURE TRANSMITTAL

SUBJECT:	Workforce and Innovation Opportunity Act (WIOA)	Policy/Guidance No.: #5 PY21-22
APPLIES TO:	One-Stop Operator and American Job Centers (AJC)	Effective Date: IMMEDIATELY
		Revised Date: NONE
		Expiration Date: Indefinite
REFERENCE:	Workforce and Innovation Opportunity Act (WIOA) of July 22, 2014 Department of Economic Opportunity (DEO) Memorandum – 2022 Poverty Guidelines Department of Economic Opportunity (DEO) Communique - 2022 Lower Living Standard Income Level for WIOA	

I. PROGRAM INTRODUCTION AND OVERVIEW

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014 by President Barack Obama. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.

Policy: It is the policy of Local Workforce Development Board (LWDB) to fulfill all federal and State requirements of the Workforce and Innovation Opportunity Act (WIOA) of 2014 while managing and maintaining the performance goals of all contracted One Stop Operators and Service Partners.

- A. **Program Background.** WIOA provides for a continuum of services to be made available to Adults and Dislocated Workers depending on the needs of the applicant, which includes Basic, Individualized, and Follow-Up. The AJC is the basic delivery system for Adult and Dislocated Worker services in Miami-Dade and Monroe Counties. Other partner programs described in the legislation are administered by SFWIB and are delivered via the AJC System. Availability of funds, in conjunction with applicant needs and eligibility guidelines, shall determine the combination of services appropriately provided to individual applicants.

- B. **Program Goal.** The goal of the Workforce Innovation and Opportunity Act is to increase access to education, training and employment, particularly for people with barriers to employment. To create a comprehensive, high quality workforce system by aligning work force investment education

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and economic development. To improve the quality and labor market relevance of workforce investment, education and economic development efforts; promote the improvement in the structure and delivery of services. To increase the prosperity of workers and employers so that individuals acquire the skills that they need to ensure their profitability and success in the 21st-century economy. To reduce welfare dependency, increase economic self-sufficiency, meet employer needs, and enhance the productivity and competitiveness of the United States. In Miami-Dade and Monroe Counties, services are delivered through the Local Workforce Development Area (LWDA) 23 network of AJCs, which are designed to bring together an array of services to all job seekers and employers.

- C. **WIOA Key Focus.** The key focus is the alignment of various federal programs in the workforce development system. These are programs that are administered by the U.S. Department of Labor (DOL), programs administered by the Department of Education (DOE), programs administered by the Department of Health and Human Services, including the TANF program, which is a new and now mandatory partner in the one-stop service delivery system, programs administered by the U.S. Department of Agriculture, including programs that provide nourishment and sustenance for low-income families and resources to acquire skills – programs by the Department of Housing and Urban Development (HUD) that can assist low-income in ensuring that they have housing for themselves and their families while they are partaking of services and training programs that will help them acquire the skills and credentials they need to obtain those good jobs, and the U.S. Department of Commerce, which has a clear focus on ensuring that the businesses in this country have the skilled workers they need to compete, and compete successfully.

II. PROGRAM Design and Allowable Services

- A. **WIOA Registration.** This is the process for collecting information to support a determination of eligibility. Applicants are considered participants when they have received a WIOA service other than self-service or information-only activities and have satisfied all applicable programmatic requirements for the provision of services. Registering and determining the priority of service of applicants prior to providing Individualized/Training Services with WIOA funds shall be completed in each AJC. Registration involves certifying and accurately documenting the WIOA eligibility and priority of service of all potential participants. This WIOA eligibility shall be completed in accordance with the strict standards established by the State of Florida, U.S. Department of Labor, the Florida Department of Economic Opportunity, and Workforce Florida Inc.
- B. **Orientation.** AJCs shall provide and post an on-going schedule of general Orientations and program-specific Orientations. These orientations should inform individuals of the full array of services available that are provided by the Operator, as well as any co-located partners in the center. The general center Orientation shall include a complete overview of the processes and procedures applicants can expect as they proceed through the system and are provided services. All program specific requirements (i.e. obligations and opportunities etc.) must be addressed and the provision of program specific orientation must be documented in the participant's case file or case notes.
- C. **WIOA Career Services.** WIOA uses “career services” to meet the diverse needs of adults and dislocated workers employment and training needs. Career services consist of basic, individualized and follow-up services. These services can be provided in any order, allowing the needed flexibility to target services to the needs of the participant. The ultimate goal of the system is to increase employment, retention, and earnings of participants.
- a. **Basic Services:** These services are informational in nature and available to all participants (no priority for services). Basic Services are available for applicants seeking employment who require individualized help that goes beyond general information or self-service. WIOA eligibility must be determined prior to the provision of Basic Services.

Data on applicants receiving these services must be entered into Employ Miami-Dade (EMD) and then will be considered WIOA registered. Once registered in EMD the participant will be counted relative to the Local performance standards as reported to the U.S. Department of Labor (USDOL). For these participants, the WIOA Eligibility Application (MIS 1) must be completed and the information entered into EMD. In the LWDA 23, applicants may receive stand-alone Basic Services for no more than 90 days prior to being referred to Individualized or Training Services.

- b. Individualized Services. These services are provided to job seekers who are eligible for WIOA and in need of services in order to obtain or retain employment, which is determined pursuant to assessment information obtained while determining the eligibility for services. These services must be available in all centers, when determining if individualized career services would be appropriate.
- c. Follow-up Services. These services are available to participants to ensure that they are on track with their employment plan and offer additional service(s) to retain employment. Follow-up Services are available beginning the first day after employment up to 12 months. These services are available to help participants overcome any barriers to employment and place them into employment that will lead to self-sufficiency.

Previous Assessments

WIOA allows the use of previous assessments for determining appropriate career and training services for participants. The previous assessment must contain current information and is no more than six months old.

Training Services. These services may be provided to individuals who meet the eligibility requirements after an interview, evaluation or assessment, and career planning has demonstrated employment could not be retained nor obtained, and be determined to be in need of training services by only receiving career services and have the skills and qualifications to successfully participate in a selected program, select programs that are directly linked to employment opportunities in the LWDA and are unable to obtain other grant assistance, including Federal Pell Grant or need assistance above the levels provided by such other grants. Training services shall be administered in accordance with the SFWIB's ITA Policies and Procedures. Training services are offered by any approved training vendor and that training shall be paid through an Individual Training Account (ITA). 20 CFR 680210

Training services, when determined appropriate, must be provided either through an Individual Training Account (ITA) or through a training contract. Training services must be linked to in-demand employment opportunities in the LWDA or in a geographic area in which the adult or dislocated worker is willing to commute or relocate. The selection of training services should be conducted in a manner that maximizes customer choice, is linked to in-demand occupations, informed by the performance of relevant training providers, and coordinated to the extent possible with other sources of assistance (see WIOA sec. 134(c)(3)).

III. PROGRAM REGISTRATION AND ELIGIBILITY

- A. **Registration Process.** Registration is the process for collecting information for supporting a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or the applicant's application. Adults and Dislocated Workers who receive services funded under WIOA other than self-service or informational activities must be registered and determined eligible. Equal Employment Opportunity (EEO) data must be collected on applicants during the registration process. An applicant who is registered is determined eligible for services and is counted against the core indicators of performance for WIOA.

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Once an applicant receives WIOA staff assisted services, the AJC must complete a package of initial paperwork and eligibility forms for all WIOA Adult and Dislocated Workers.

B. General Eligibility Determination for Adult and Dislocated Worker. All adults shall meet the Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated worker general eligibility criteria listed below:

- 18 years of age or older; and
- Is a resident of Miami-Dade County or Monroe County; and
- A citizen of the United States; or
- An eligible non-citizen who is authorized by the U.S. Citizenship and Immigration Services; and
- In compliance with the Selective Service Act (only relevant for males at least 18 years of age and born after December 31, 1959); and
- Provide the highest grade completed; and
- Provide proof of veteran status, if applicable; and
- If employed, determined low income as defined by the LWDB (a maximum of 10 percent of all WIOA new enrolled participants can be employed at participation). Adult program only.

1. Program Specific Eligibility for Adults

A. Recipient of Public Assistance

- Temporary Assistance for Needy Families (TANF)
- Member of a family that receives public assistance
- Receives Supplemental Nutrition Assistance Program (SNAP) or that has been determined eligible for SNAP in the six months prior to the WIOA application date

B. Basic Skills Deficient, including English language services (unemployed or employed)

- An unemployed individual that scores at or below the ninth grade level
- An unemployed individual that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society
 - Employed under this criteria must also meet the Low-Income criteria

C. Other Low-income (for employed or unemployed individuals that do not meet criteria above)

- Recipient of Reemployment Assistance (RA)
- A homeless individual under Section 103 of the Steward B. McKinney Homeless Assistance Act
- A disabled individual whose own income meets the income requirements, but who is a member of a family whose income does not meet such requirement
- An employed individual that receives an income, or is a member of a family that receives a total income for the six months prior to the WIOA application date that, in relation to family size, does not exceed the Family Income Guidelines, as described below
 - The total of employed individuals enrolled can only be up to ten (10) percent of the total new WIOA Adult enrollments for the program year

D. Services are provided to Employed Workers (No Income Criteria)

- Employed individuals where the employer has contracted for training services to be provided through the Incumbent Worker Training Program.

C. Income Guidelines. LWDB 23 is required to use the Metro data where the poverty level for a particular family size is greater than the corresponding LLSIL figure. The 100 percent table for the LLSIL has been modified to indicate the 200 percent level for Miami-Dade and 250 percent for Monroe County for the family size.

POVERTY GUIDELINES 2022 AND LOWER LIVING STANDARD INCOME LEVEL 2022						
FAMILY UNIT SIZE	POVERTY LEVEL	70% LLSIL METRO	70% LLSIL NON-METRO	200% LLSIL METRO (Miami-Dade)	250% LLSIL METRO (Monroe)	100% LLSIL NON-METRO
1	13,590	10,382	10,087	29,664	37,080	14,410
2	18,310	17,011	16,525	48,604	60,755	23,606
3	23,030	23,349	22,680	66,710	94,145	32,400
4	27,750	28,826	27,997	82,360	117,794	39,996
5	32,470	34,021	33,039	97,204	121,505	47,199
6	37,190	39,790	38,638	113,868	142,289	55,198
7	41,910	45,559	44,237	130,168	162,710	63,197
8	46,630	51,328	49,836	146,650	183,312	71,196
	For each additional person in a family above eight, add \$4,720 per person.	For each additional person in a family above eight, add \$5,769 per person in the Metro areas.	For each additional person in a family above eight, add \$5,599 per person in the Non-Metro areas.	For each additional person in a family above eight, add \$16,482 per person in the Metro areas.	For each additional person in a family above eight, add \$20,602 per person in the Metro areas.	For each additional person in a family above eight, add \$7,999 per person in the Non-Metro areas.

NOTE:

The first population to services will be the veterans that are receiving public assistance, low-income and basic skills deficient

The second population is for public assistance, low-income non-veterans and basic skills deficient

The third population is for veterans who are not low-income or receiving public assistance nor basic skills deficient

The last population is for adults who are non-veterans who are not low-income, receiving public assistance nor basic skills deficient

2. Program Specific Eligibility for Dislocated Workers

A. In addition to the above general eligibility criteria to qualify as a Dislocated Worker, an individual shall meet one or more of the following criteria:

- i. Terminated or laid off, has received notice of termination or layoff, and is eligible for or has exhausted entitlements to Re-employment Assistance (RA) formerly Unemployment Compensation (UC), and is unlikely to return to previous industry or occupation;

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- ii. Terminated or laid off, attached to workforce but not eligible for or not entitled to RA, or the employer is not covered under the state UC law, and is unlikely to return to previous occupation or industry;
- iii. Terminated, laid off or Notified of Permanent Closing of Plant or Facility, Substantial Lay-off;
- iv. General announcement of facility closing, date required;
- v. Previously self-employed (including employment as a farmer, a rancher, or a fisherman), but is unemployed as a result of general economic conditions or natural disasters in the community that the individual resides; or
- vi. Displaced homemaker. An individual who has been providing unpaid services to family members in the home and has been dependent on the income of another family member, but is no longer supported by that income; or is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, or a call or order to active duty, or a permanent change of station, or the service-connected death or disability of the member; and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment;
- vii. The spouse of a member of the Armed Forces on active duty who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member;
- viii. The spouse of a member of the Armed Forces on active duty who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

B. **Interim or Income Maintenance.** Dislocated workers who have become re-employed in "income maintenance" jobs (a job with a lower rate of pay than the job of dislocation) may be served in the dislocated worker program. If the current wage is, 80% or less than the pre-layoff wage the individual is eligible to receive individualized and training services. If the individual's income is higher than 80% of the pre-layoff wage, the individual may be eligible if the income is below any of the other components of the self-sufficiency standard.

D. **Documenting Eligibility in the System.** In addition to documentation in the case file, appropriate entries must be made in the Employ Miami-Dade (EMD) system, the state Management Information System (MIS). EMD uniquely identifies each participant in the system by using, for example, the participant's social security number, username, state id number, etc. Due to these factors, the EMD application will have a database of participants who may be active, inactive, open, closed/soft exit, or not enrolled in any programs (for example, the participant has a WIOA case closed and needs to be re-registered in WIOA, or for a participant already registered in WP and now wants to be registered for the WIOA program).

IV. WIOA PROGRAM CLOSURES, OUTCOMES & EXITS

- A. **Appropriate Program Exiting.** The objective of the WIOA program for Adults and Dislocated Workers is the acquisition and retention of employment that results in economic self-sufficiency. All participants enrolled in the WIOA program will have a Career Plan developed in conjunction with program staff. Ideally, program completion occurs when the participant has completed the plan of service as included in the Career Plan and enters appropriate employment.
- B. **Program Closures.** A WIOA Closure can be created in EMD when a participant has obtained unsubsidized employment with a wage rate of \$14.58 or higher. There is no required minimum number of hours of work for an "entered employment". The participant must be working and earning

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wages not subsidized or reimbursed by WIOA. If the placement is with the same employer that provided the WIOA training, the participant enters employment the first day that the job was no longer subsidized by, or the wages reimbursed with, WIOA funds.

- C. **Program Outcomes.** Participants can also be exited from WIOA services for other reasons including: institutionalization, health/medical or family care, deceased, and reserve forces called to active duty. Appropriate documentation must be maintained in the participant's case file that documents these allowable exclusions will be or have been for at least 90 calendar days, except deceased.
- D. **Program Exits.** Program exit is generated when a participant has not received a service funded by the program or by a workforce partner program for 90 consecutive calendar days and is not scheduled for future services. The exit date is the last date of WIOA-funded or partner service received (except follow-up services). For a soft exit, the exit date cannot be determined until ninety days has elapsed from the last date of service. At that point, the exit date recorded is the last date of service. The exit quarter is the quarter in which the last date of service (except for follow-up services) takes place. If a participant exits WIOA and receives additional WIOA services after exiting, that participant is treated as a new participant for purposes of the Core measures and will be included in the appropriate measures. In order for a participant to re-enter the WIOA program, eligibility must be re-established.

V. WIOA PROGRAM FOLLOW-UP CONTACT and SERVICES

- A. **Follow-Up Contact.** Follow-up contact should begin the first day following employment. EMD creates a table when a participant exits that shows the deadlines for making such contacts. Follow-up contacts should be made with the participant and/or the participant's employer. If contact cannot be made, career advisors should record the attempts in EMD. There should be a total of five (5) attempts recorded before the follow-up can be closed as completed.
- B. **Follow-Up Services.** These services were designed to keep participants on track in reaching their desired goal(s). This service shall be done every ninety-days (90) or by the end of every quarter. When an activity is created for this service, it will not reactivate the participant.
- C. **Retention Services.** These services were designed to ensure that employment is retained and assistance shall be provided from the first day of employment to twelve (12) months.

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