

DIRECTIVE TITLE: WIOA Eligibility Directive

ISSUING DEPARTMENT: Regional Oversight, Performance and Compliance (ROPC) Department

EFFECTIVE DATE: March 15, 2011

LAST REVISION DATE: February 14, 2022

PURPOSE:

To provide guidance for determining eligibility for the Workforce Innovation and Opportunity Act (WIOA) Young Professional (also referred to in WIOA and herein as “Youth”), Adult and Dislocated Worker (DW) programs. This directive specifies the required eligibility documentation and identifies included and excluded sources of income when determining income eligibility.

REFERENCES:

Workforce Innovation and Opportunity Act Notices of Proposed Rulemaking (NPRMs); Workforce Innovation and Opportunity Act Public Law 113-128; DEO Memorandum Clarification of Included and Excluded Income for WIA Eligibility and Priority of Services dated April 28, 2010; DEO Communiqué - Updated 2015 Poverty Levels for the Welfare Transition (WT) Program and Lower Living Standard Income Level (LLSIL) for the Workforce Innovation and Opportunity Investment Act, dated April 13, 2015; DEO Communiqué – Adjusted Lower Living Standard Income Level (LLSIL) Wage Rates for 2017, dated June 13, 2017; DEO Memorandum - Revised Guidance on Out-of-school and Dropout Status for Youth at WIOA Enrollment, dated October 21, 2015; DEO Memorandum –WIOA – Youth Living in High Poverty Areas and Poverty Rate Map, dated February 12, 2016; Training and Employment Guidance Letter (TEGL) WIOA No. 19-16, dated March 1, 2017, No. 8-15 dated November 17, 2015, No. 23-14 dated March 26, 2015, No. 02-14 dated July,14, 2014; DEO Communiqué –Lower Living Standard Income Level for the Workforce Innovation and Opportunity Act dated June 8, 2020; DEO Memorandum- 2018 Poverty Guidelines; DEO Communiqué –Adjusted Lower Living Standard Income Level Wage Rates dated June 11, 2019; 20 CFR §§ 681.210 and 681.250; DEO Communiqué –2021 Lower Living Standard Income Level for the Workforce Innovation and Opportunity Act dated May 4, 2021; Sec 445.003, 445.004(5)(a) and 445.004(5)(b)(1), Florida Statutes (F.S.); Administrative Policy 095, Youth Eligibility; DEO Memorandum- 2022 Poverty Guidelines, dated February 11, 2022

BACKGROUND:

Prior to staff providing WIOA Young Professional/Youth, Adult and/or DW services to a customer, staff must first determine the customer eligible to receive services under the appropriate program. Additionally, all customers must be determined suitable (in accordance with the WIOA Priority of Program Enrollment and Suitability Directive, WIO-DR-0231) and, specifically for the Adult program, the Adult priority of services must be applied in accordance with the WIOA Adult Program Priority of Services Directive (WIO-DR-0229).

The Department of Economic Opportunity (DEO) has reviewed existing federal and state guidance concerning how household income is calculated, what sources of income may be included, and what sources of income are excluded based on the definition of low income under the Workforce Innovation and Opportunity Act. Note: Priority of service is always in effect; therefore, income eligibility must be determined for customers to be provided individualized career services and training-level services.

Moreover, WIOA provides a focus on serving “individuals with barriers to employment” (as defined herein) and seeks to ensure access to these populations for priority and eligibility.

WIOA also promotes career pathways, increased attainment of recognized credentials, and post-secondary certificates or degrees for eligible participants. WIOA shifts the primary focus of Title I Youth formula programs to

support the educational and career success of out-of-school youth. A minimum of 75 percent of WIOA Youth funds is required to be spent on out-of-school youth.

DEFINITIONS:

Basic Skills Deficient – an individual who:

1. Is a youth who has English reading, writing, or computing skills at or below the 8th grade-level on the Test of Adult Basic Education (TABE); or
2. Is a youth or adult who 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.

Disability – as defined by the Individuals with Disabilities Education Act, the Rehabilitation Act, or the Americans with Disabilities Act.

Displaced Homemaker – an individual who has been providing unpaid services to family members in the home and who:

1. Has been dependent on the income of another family member but is no longer supported by that income;
or
2. 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, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member; **and**
3. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Family – two or more individuals related by blood, marriage, or decree of court, who are living in a single residence and are included in one or more of the following categories:

1. Two married individuals and dependent children;
2. A parent or guardian and dependent children; and
3. Two married individuals.

Foster Care – A temporary arrangement in which adults provide for the care of a child or children whose birthparent is unable to care for them.

High Poverty Area – a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 30 percent, as set every five years using American Community Survey (ACS) 5-Year data. DEO has developed a [Poverty Rate Map](#) that allows staff to identify if an area qualifies as a high poverty area based on the 30 percent threshold using the most recent ACS five-year data. Note: A youth living in a high poverty area automatically meets the low-income criterion.

Homeless – An individual who meets the criteria set forth in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)), or a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)). The criteria generally provides that individuals who qualify lack a fixed, regular, and adequate nighttime residence and includes an individual who:

- a) Is sharing the housing of other persons due to loss of housing, economic hardship, or similar reason;
- b) Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;
- c) Is living in an emergency or transitional shelter;
- d) Is abandoned in a hospital;
- e) Is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting;

- f) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodation for human beings; or
- g) Is a migratory child living in circumstances described in this definition.

Note: The term “homeless” does not include a person imprisoned or detained pursuant to an Act of Congress or state law (Section 103 of the Stewart B. McKinney Act); or is a Runaway Youth.

Individual with a Barrier to Employment – a member of one or more of the following populations:

- 1. Displaced Homemakers
- 2. Low-income individuals
- 3. Indians, Alaska Natives, and Native Hawaiians (as defined in WIOA, Section 166)
- 4. Individuals with disabilities (including youth who are individuals with disabilities)
- 5. Older individuals (an individual age 55 or older)
- 6. Ex-offenders
- 7. Homeless individuals (as defined in the Violence Against Women Act) or is a homeless child or youth (as defined by the Stewart B. McKinney Homeless Assistance Act)
- 8. Youth who are in or have aged out of the foster care system
- 9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers
- 10. Eligible Migrant and Seasonal Farmworkers (as defined in WIOA, Section 167(i))
- 11. Individuals within two (2) years of exhausting lifetime eligibility under Part A of title IV of the Social Security Act (42 USC 601 et seq.)
- 12. Single parents (including single pregnant women)
- 13. Long-term unemployed individuals

Low income – as defined in WIOA Section 3(36), means an individual who:

- 1. Receives, or in the past six (6) months has received, or is a member of a Family that is receiving or in the past six (6) months has received, food assistance through the Supplemental Nutrition Assistance Program (SNAP), public cash assistance such as Temporary Assistance for Needy Families (TANF), and/or Supplemental Security Income (SSI);
- 2. Is in a Family with total family income that does not exceed the higher of –
 - a. The poverty line; or
 - b. 70 percent of the Lower Living Standard Income Level (LLSIL)
- 3. Is a homeless individual (as defined in the Violence Against Women Act) or is a homeless child or youth (as defined by the Stewart B. McKinney Homeless Assistance Act);
- 4. Receives or is eligible to receive a free or reduced lunch (Youth only);
- 5. Is a Foster Child on behalf of whom State or local government payments are made; or
- 6. Is an individual with a Disability whose own income meets the income requirements but who is a member of a Family whose incomes does not meet this requirement. Note: In this instance, the customer will be counted as a family of one; therefore, only the customer’s income will be included in the calculation to determine if he/she meets low-income criteria.

Offender – An adult or juvenile who:

- a) Is or has been subject to any stage of the criminal justice process, and for whom services under WIOA may be beneficial; or,
- b) Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Pregnant or Parenting Youth – an individual who is considered an in-school or out-of-school youth who is pregnant or is providing custodial care for one or more dependents under age 18.

Runaway Youth – a youth who absents him/herself from home or place of legal residence without the permission of parents or legal guardians.

School Dropout – An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. Section 1003.01(9)(c), F.S., further defines a “dropout” as a student who has withdrawn from school but has not transferred to another public or private school or enrolled in any career, adult, home education, or alternative education.

Age of Compulsory School Attendance – WIOA sec. 129(a)(5) and sec. 1003.21, F.S., states that all children who are either six years of age, will be six years old by February 1 of any school year, or are older than six years of age but who have not attained the age of 16 years, must attend school regularly during the entire school term. A student who attains the age of 16 years during the school year is not subject to compulsory attendance beyond the date the student attains that age if they file a formal declaration of intent to terminate school enrollment with the school district.

English Language Learner – An individual who has limited ability in reading, writing, speaking, or comprehending the English language, and whose native language is a language other than English, or who lives in a family or community environment where a language other than English is the dominant language.

Migratory Child – A child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work – has moved from one residence to another residence and from one school district to another due to economic necessity.

Youth Participant – For the WIOA Title I Youth program, a participant is a reportable individual who has satisfied all applicable program requirements for the provision of services, including eligibility determination, an objective assessment, and development of an individual service strategy, and received one of the 14 WIOA Youth program elements identified in WIOA sec. 129(c)(2)

Significant Misdemeanor – A misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment authorized is one year or less but greater than five days) and that meets the following criteria:

- a) Regardless of the sentence imposed, is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; or,
- b) If not an offense listed above, is one for which the individual was sentenced to time in custody of more than 90 days. The sentence must involve time to be served in custody, and therefore does not include a suspended sentence.
- c) The time in custody does not include any time served beyond the sentence for the criminal offense based on a state or local law enforcement agency honoring a detainer issued by United States Immigration and Customs Enforcement. Notwithstanding the above, the decision whether to defer action in a particular case is an individualized, discretionary one that is made taking into account the totality of the circumstances. Therefore, the absence of the criminal history outlined above, or its presence, is not necessarily determinative, but is a factor to be considered in the unreviewable exercise of discretion. Department of Homeland Security retains the discretion to determine that an individual does not warrant deferred action on the basis of a single criminal offense for which the individual was sentenced to time in custody of 90 days or less.

POLICY:**Adult Program Eligibility**

An eligible adult is defined as an individual who, at the time of application is:

- 18 years of age or older;
- A citizen or noncitizen authorized to work in the United States;
- A resident of Gadsden, Leon or Wakulla Counties (CareerSource Capital Region's operating area); and
- For males born on or after January 1, 1960, registered with the Selective Service.

Additionally, staff must adhere to the guidance provided in the WIOA Adult Priority Access Directive (WIO-DR-0229) and the WIOA Priority of Program Enrollment and Suitability Directive (WIO-DR-0231).

Dislocated Worker Program Eligibility

All individuals served with WIOA Dislocated Worker funds must meet the definition of a dislocated worker by falling into one of the categories below:

Category (A):

- Has been terminated or laid off (due to no fault of their own), or who has received a notice of termination or layoff, from employment, including separation notice from active military service (under other than dishonorable conditions);
- Is eligible for or has exhausted entitlement to Florida Reemployment Assistance benefits; **and**
- Is unlikely to return to a previous industry or occupation (as further outlined in the Definition of Unlikely to Return Directive, WIO-DR-0036).

OR

- Has been terminated or laid off (due to no fault of their own), or who has received a notice of termination or layoff, from employment, including separation notice from active military service (under other than dishonorable conditions);
- Has been employed for a duration sufficient to demonstrate an attachment to the workforce but is not eligible for reemployment assistance due to insufficient earnings or having performed services for an employer that were not covered under a State reemployment assistance law; **and**
- Is unlikely to return to a previous industry or occupation (as further outlined in the Definition of Unlikely to Return Directive, WIO-DR-0036).

Category (B):

- Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, military installation or enterprise;
- Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; **or**
- For purposes of eligibility to receive services other than training services, career services, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility or military installation will close.

Category (C):

- Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

Category (D):

- Is a Displaced Homemaker (as documented in accordance with WIOA data validation requirements).

Category (E):

- Is the spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; **or**
- Is the spouse of a member of the Armed Forces on activity duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Note: In times of natural disasters, CareerSource Capital Region may determine WIOA eligibility for individuals that do not reside in the CSCR tri-county service area. The decision to enroll individuals that reside outside of the CSCR service area will be based solely on the receipt of National Emergency Grants, National Dislocated Worker Grants or other grants designed to assist individuals that have experienced a natural disaster. Generally, only career seekers that are residents of the tri-county service area may be served through WIOA.

Dynamic Futures (Youth) Program Eligibility

WIOA sec. 129(a)(1) establishes the eligibility criteria that an individual must meet to participate in the WIOA Youth program. Staff must ensure that every individual receiving services under the WIOA Youth program meets either the out-of-school youth or in-school youth eligibility criteria and are subsequently enrolled in the program. All youth must be a United States citizen or have the right to work in the United States, and males age 18 and older must comply with selective service registration requirements¹.

Separate eligibility criteria for out-of-school youth and in-school youth are outlined below:

Out-of-School Youth Eligibility Criteria

To meet out-of school (OSY) eligibility criteria, an individual must:

- Not be attending school
- Be between the ages of 16 and 24 at the time of enrollment² and
- Meet one or more of the the following eligibility barriers:
 - A School Dropout, as defined herein;
 - Within the age of compulsory school attendance but has not attended school for at least the most recent complete school year calendar quarter;
 - A recipient of a secondary school diploma, or its recognized equivalent, who is a low-income individual and is:
 - Basic skills deficient as defined by WIOA; **or**
 - An English language learner;

¹ Males age 18 or older must be registered with the selective service to be eligible for WIOA Youth services. To maintain eligibility for WIOA services, a male participant who turns age 18 while participating in the program must register with the selective service.

² Per TEGL 8-15, because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program.

- An Offender;
- A homeless individual or a runaway
- An individual in foster care or has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement
- An individual who is pregnant or parenting;
- An individual with a disability; or
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

Note: The low income requirement only applies to the following categories for OSY – (1) a recipient of a secondary school diploma or its recognized equivalent who is either basic skills deficient or an English language learner; and (2) an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment (as further described below).

In-School Youth Eligibility Criteria

To meet in-school-youth (ISY) eligibility criteria, an individual must:

- Be attending school, including secondary or postsecondary school
- Be not younger than age 14 and not older than age 21 (unless an individual with a disability who is attending school under state law)³ at the time of enrollment;
- Be a low-income individual; and
- Meet one or more of the following eligibility barriers:
 - 1) Basic skills deficient, as defined herein;
 - 2) An English language learner;
 - 3) An Offender;
 - 4) A Homeless individual or runaway.
 - 5) An individual in foster care or has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement.
 - 6) An individual who is pregnant or parenting.
 - 7) An individual with a disability
 - 8) An individual who requires additional assistance to enter or complete an education program or to secure or hold employment. No more than 5 percent of in-school youth served in the CSCR service delivery area may be deemed eligible because of this criteria.

Determining School Status

Staff must determine a youth's school status, including dropout status, at the time of program enrollment. Because the process of program enrollment can occur over a period of time, school status must be based on status at the time the eligibility determination portion of program enrollment is made. Once the school status of a youth is determined, that school status remains the same throughout the youth's participation in the WIOA Youth program. For example, if a youth is determined to be an OSY at time of enrollment and subsequently re-enters high school

³ Per TEGL 21-16, there is one exception to age eligibility for youth attending school. Youth with disabilities who have an Individualized Education Program (IEP) may be enrolled as ISY after the age of 21, if their state law allows youth with disabilities to be served by the K-12 public school system beyond the age of 21. In Florida, youth with disabilities who have an Individualized Education Program (IEP) may be enrolled as ISY through the age of 21 (up to their 22nd birthday).

or enrolls in postsecondary education, that youth is still considered an OSY for purposes of the OSY expenditure requirement throughout their participation in the WIOA Youth program.

- **Additional School Status Criteria for Out-of-School**

Youth seeking program enrollment should be determined to be out-of-school if, at the time of enrollment, the youth:

- 1) Graduated high school and registered for postsecondary education (credit-bearing postsecondary classes), but ultimately did not start classes at the onset of the term for which he/she was registered;
- 2) Is enrolled in non-credit-bearing postsecondary classes;
- 3) Is enrolled in home education, but is not required to attend school regularly per school attendance requirements in sec. 1003.21, F.S.; or,
- 4) Is enrolled in a pre-apprenticeship or apprenticeship program.

- **Additional School Status Criteria for In-School Youth**

Youth seeking program enrollment should be determined to be in-school if, at the time of enrollment, the youth is:

- 1) In between school years, during the summer, and is enrolled to continue school in the fall;
- 2) Between high school graduation and postsecondary education (credit-bearing postsecondary classes) and has registered for postsecondary classes but not yet begun postsecondary classes;
- 3) Attending a high school equivalency program, including those considered to be dropout re-engagement programs, funded by the public K-12 school system that are classified by the school as still enrolled in school⁴;
- 4) Homeschooled per home education requirements set forth by the Florida Department of Education⁵ and included per compulsory school attendance laws⁶ ;
- 5) Attending Florida Virtual Schools⁷; or
- 6) In a Florida Department of Juvenile Justice youth facility and does not have a high school diploma or its equivalency⁷.

Determining Low Income Status

All ISY and some OSY must be “low income” to qualify for WIOA services unless they qualify under the low-income exception as outlined in the Low Income Eligibility Exception of this policy. If the youth is an OSY, the low-income requirement applies only to the following categories of youth:

- a) A recipient of a secondary school diploma or its recognized equivalent who is either basic skills deficient or an English language learner; and,
- b) An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

A low income is an individual who:

⁴ For purposes of WIOA, YouthBuild programs, the Job Corps program, high school equivalency programs, and dropout re-engagement programs are not considered to be schools for the purpose of determining school status.

⁵ <http://www.fl.doe.org/schools/school-choice/other-school-choice-options/home-edu/requirements.html>

⁶ http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1003/Sections/1003.21.html

⁷ State of Florida WIOA Four-Year Plan

Initiative supported by US DOL, HHS, and Ag. with awards totaling \$6,251,128 with 0% from non-government sources. Equal opportunity employer/program. Auxiliary aids & services available upon request to individuals with disabilities. All voice telephone numbers may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711. A proud partner of the American Job Center network.

- a) Receives, or has received in the past six months, or is a member of a family that is receiving or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program, or the Supplemental Security Income program established under Title XVI of the Social Security Act, or state or local income-based public assistance.
- b) Is in a family with total income that does not exceed the higher of –
 - i. The poverty line; or
 - ii. 70 percent of the lower living standard income level.
- c) Is a homeless individual.
- d) Receives or is eligible to receive free or reduced-price lunch⁸.
- e) Is a foster child on behalf of whom state or local government payments are made.
- f) Is an individual with a disability whose own income meets the low-income level for eligibility purposes but who is a member of a family whose income does not meet this requirement.

Acceptable Documentation – A letter from a school official, counselor, case manager, teacher, social service worker, school resource officer, police officer, clergy or other acceptable individual or entity which states why the individual requires additional assistance. Where possible, the letter should be written on agency letterhead and the original should be maintained in the customer’s file. On a case-by-case basis, with approval from the WIOA Program Manager, staff may allow a youth to self-attest that a barrier exists. Staff must ensure that all possible options have been exhausted to receive written attestation from an acceptable source of verification and are documented in Employ Florida prior to attestation being considered/granted. In these instances, the youth (and/or parent or guardian) will be required to complete the WIOA Self-Attestation Form (WIO-FR-0099).

- **Lower Living Standard Income Level**

Another option for determining low-income eligibility is based on family income. Income is determined by collecting information from the family for the complete six-month period prior to application. After verification of family size and collection of the total reported six-month income, this figure is then doubled (annualized) and compared to the Lower Living Standard Income Level (LLSIL). DEO publishes the LLSIL annually on the [DEO website](#).

- **Sources of Income**

Reemployment Assistance benefits and child support payments must also be included as income when determining a youth’s eligibility based on low-income status. OSY participants with a disability are not required to be low-income. For an ISY participant who has a disability, the youth’s own income, rather than their family’s income, must meet the low-income definition and not exceed the higher of the poverty line or 70 percent of the LLSIL. If a youth participant is not living in a single residence with other family members, that participant is not a member of a family⁹ for the purpose of WIOA income calculations.

- **High Poverty Area Designation**

For both ISY and OSY, a youth qualifies as low income if they live in a high poverty area. An area is designated as high poverty if it has a poverty rate of at least 25 percent as set every five years using

⁸ Per TEGL 21-16, WIOA programs must base low-income status on an individual student’s eligibility to receive free or reduced-price lunch. Whole school receipt of free or reduced-price lunch cannot be used to determine WIOA low-income status for ISY.

⁹ 20 CFR § 675.300 defines family as “two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories: (1) A married couple and dependent children; (2) A parent or guardian and dependent children; or (3) A married couple.

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American Community Survey five year data. The Department of Economic Opportunity (DEO) developed a [Poverty Rate Map](#) as a tool to assist staff in determining if an area meets the high poverty area criteria. Staff using the high poverty rate special rule to determine eligibility for WIOA Youth program services must still collect and record the appropriate documentation of a youth's income for federal data reporting purposes.

Low Income Eligibility Exception

WIOA allows a low-income exception where five percent of WIOA youth may be participants who ordinarily would be required to be low income for eligibility purposes and meet all other eligibility criteria for WIOA youth except the low income criteria. Staff must calculate the five percent based on the percent of newly enrolled youth in the local area's WIOA Youth program in a given program year who would normally be required to meet the low-income criteria.

For example, a local area enrolled 200 youth and 100 of those youth were OSY who were not required to meet the low-income criteria, 50 were OSY who were required to meet the low-income criteria, and 50 were ISY. In this example, the 50 OSY required to be low income and the 50 ISY are the only youth factored into the five percent low-income exception calculation. Therefore, five of the 100 youth who ordinarily would be required to be low-income do not have to meet the low-income criteria based on the low-income exception.

Note: This percentage is calculated at the end of a program year based on new enrollments in that program year.

Dynamic Futures (Youth) 5% Exception and Locally Established Barrier

Up to five percent (5%) of the individuals assisted through the Dynamic Futures/Youth program may be persons who would be covered individuals except that they are not low-income. The term "covered individual" refers to:

- An in-school youth; or
- An out-of-school youth who is low income; **and**
 - Is a recipient of a secondary school diploma or its recognized equivalent and is basic skills deficient or and English-language learner; or
 - Requires additional assistance to enter or complete an educational program or to secure or hold employment.

CareerSource Capital Region defines "requires additional assistance..." as an individual who:

- Resides in a county where the resident live birth rate for mothers ages 15 through 19 years of age is above the state average according to the Florida Bureau of Vital Statistics;
- Is gang involved/affiliated/affected;
- Experiences personal/family substance abuse;
- Is an emancipated minor;
- Is a victim of domestic violence or sexual/child abuse;
- Has been alienated due to sexual preference;
- Is a member of a migrant family;
- Is lacking significant work maturity and/or work history (less than six months of work experience within the last year); or
- At risk of dropping out of school:
 - Academically deficient and/or is not making substantial progress in mastering basic skills that are appropriate for students of the same age;
 - Has been a previous school drop-out or is not attending school consistently;
 - Determined to be at risk by school staff based on assessment that health, social, or family problems are impairing the student's ability to succeed in school; and

- Failure to pass one or more sections of the state standardized test.

For each item outlined above as “requires additional assistance...” staff must make every effort to secure documentation that supports the identified barrier. As all youth served in this category must be pre-approved, the supporting documentation will be submitted with the completed Request for 5% Exception form (WIO-FR-0266) to management. Approval must be gained from the Program Manager, Project Director and the Regional Oversight, Performance and Compliance (ROPC) department before entering the case into Employ Florida. All necessary documentation must be maintained in the electronic file and a case note generated into Employ Florida identifying the youth as being served under the youth 5% exception. Youth participants will be counted in the 5% exception **at the end** of each month of enrollment, beginning in the first month of the program year they are enrolled into the program.

Note: WIOA limits the percent of in-school youth that may be deemed eligible using the income exception to 5%.

For both ISY and OSY, a youth qualifies as low income if the youth lives in a high poverty area, as outlined in. High Poverty Area Designation section of this policy.

Eligibility Barriers

To be eligible for the WIOA Youth program, individuals must meet one or more conditions (eligibility barriers) listed in WIOA sec. 129(a)(1)(B)(iii) for OSY and (a)(1)(C)(iv) for ISY. While most eligibility barriers have specific definitions as contained in the Definitions section of this policy, certain barriers require additional clarity and/or context as outlined in the below subsections.

- **Dropout**

If a youth has not received a high school diploma, or a recognized equivalent, and is not attending any school, they are considered a dropout and are an OSY. A dropout only includes an individual who is currently a secondary school dropout and does not include a youth who previously dropped out of secondary school but subsequently returned. An individual who has dropped out of postsecondary education is not a school dropout for purposes of Youth program eligibility.

- **Basic Skills Deficient**

A youth is considered basic skills deficient if they:

- a) Have English reading, writing, or computing skills at or below the eighth-grade level on a generally accepted standardized test; or,
- b) Are 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. Refer to Documenting Basic Skills Deficiency for Youth Directive ([WIO-DR-0227](#))

- **Pregnant or Parenting**

An individual who is parenting can be a mother or father, custodial or non-custodial. As long as the youth is within the WIOA youth age eligibility, the age when the youth became a parent does not factor into the definition of parenting. A pregnant individual can only be an expectant mother.

- **Requires Additional Assistance to Complete an Educational Program or to Secure or Hold Employment**

Staff should refer to the Low Income Eligibility Exception section of this policy.

Nondiscrimination

WIOA sec. 188 prohibits the exclusion of an individual from participation in, denial of, or discrimination in the administration and activities funded in whole or in part under WIOA Title I on the basis of race, color, national origin, age, disability, sex, religion, and political affiliation or belief, as well as against beneficiaries on the basis of citizenship and participation in WIOA.

Deferred Action for Childhood Arrivals

WIOA sec. 188(a)(5) contains a specific nondiscrimination provision that provides that participation under WIOA is available to citizens and nationals of the United States; lawfully admitted permanent resident aliens, refugees, asylees, and parolees; and other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization qualify under this provision as “immigrants authorized by the Attorney General to work in the United States.” This includes “Deferred Action for Childhood Arrivals” (DACA) participants with employment authorization. Participants identified as DACA participants must meet the WIOA eligibility requirements to access any WIOA services for which they would otherwise qualify. Staff must obtain appropriate documentation of employment authorization. The documentation must include self-attestation, at a minimum. The DACA process is for individuals who came to the United States as children and:

- a. Were under the age of 31 as of June 15, 2012.
- b. Came to the United States before reaching their 16th birthday.
- c. Have continuously resided in the United States since June 15, 2007, up to the present time.
- d. Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with United States Citizenship and Immigration Services (USCIS).
- e. Entered without inspection before June 15, 2012, or their lawful immigration status expired as of June 15, 2012.
- f. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or other equivalent State-authorized exam in the United States, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States. (g) Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.
- g. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

The DACA process may result in a two-year period of “deferred action,” or relief from removal from the country or from entering into removal proceedings, subject to renewal, and issuance of employment authorization for the period of deferred action. Therefore, a DACA participant whose case has been deferred is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate “an economic necessity for employment.”

Income Eligibility Documentation

When determining income eligibility for WIOA customers, the supporting documentation is required to become part of the customer's case file. Examples of documentation include:

- Pay stubs
- Statement from employer that provides income information
- Public assistance (SNAP, TANF or SSI) printout
- Bank statements/records
- Net receipts from self-employment
- Alimony Agreement
- Interest, dividends, royalties statements
- Pension/retirement income statements
- Other sources, such as gambling or lottery revenue reported to the IRS
- Applicant statement (last source if other documentation cannot be secured)

Adult Program: WIOA establishes a priority requirement with respect to the provision of individualized career and training services through the Adult program. As further outlined in the WIOA Priority Access Directive (WIO-DR-0229), priority must be given to recipients of public assistance, other low-income individuals and individuals who are basic skills deficient. In addition, WIOA also requires each local workforce development board to establish a local definition of self-sufficiency. As such, CSCR has determined that it considers an individual to be self-sufficient if his/her earnings are above 200% of the LLSIL as further outlined in the WIOA Local Definition of Self-Sufficiency Directive (WIO-DR-0232). To this end, staff shall ensure that an individual who meets a statutory priority has priority access to WIOA services. From there, staff shall also ensure that an individual who does not meet a statutory priority, yet is not self-sufficient due to having a household income that is less than 200% of the LLSIL for his/her respective household size, also has access to individualized career and training services, if determined eligible.

When reviewing the annual income guidelines chart on the following page, staff should use the 70% LLSIL chart to aid in determining priority and eligibility for customers who meet a statutory priority and the 200% chart to determine eligibility for those who don't meet a statutory priority.

Individuals who are underemployed and meet a statutory priority or are not considered self-sufficient may receive career and training services under the Adult program. Note: Individuals who are employed at WIOA registration are not counted in entered employment measures.

Youth Program: The Youth program utilizes the greater of the poverty level or 70% LLSIL figures for Gadsden, Leon, and Wakulla Counties for all in-school and those out-of-school youth who do not have one of the listed barriers (school dropout, homeless, parenting/pregnant, etc.) but require additional assistance to enter or complete an educational program or to secure or hold employment. Where the poverty level for a particular family size is greater than the corresponding LLSIL figure, the LLSIL figure is indicated in red and parentheses. In the instances where the poverty level is greater than the 70% LLSIL figure, the poverty level figure should be used.

ANNUAL INCOME GUIDELINES

LOWER LIVING STANDARD INCOME LEVEL (LLSIL) AND POVERTY GUIDELINES FOR 2022			
FAMILY SIZE	POVERTY ¹	70% LLSIL YOUTH ²	200% LLSIL ADULT ²
1	\$13,590	(\$9,897)	\$28,278
2	\$18,310	(\$16,217)	\$46,334
3	\$23,030	\$22,258	\$63,594
4	\$27,750	\$27,479	\$78,512
5	\$32,470	\$32,432	\$92,664
6	\$37,190	\$37,931	\$108,374
7	\$41,910	\$43,430	\$124,084
8	\$46,630	\$48,929	\$139,794

¹Effective January 12, 2022. For families/households with more than eight (8) persons, add \$4,720 for each additional person.

²Effective April 9, 2021. For each additional person in a family above eight (8), add \$5,499 per person for 70% LLSIL Youth and \$15,710 per person for 200% LLSIL Adult.

Dislocated Worker Program: In order to qualify for the WIOA Dislocated Worker program, an individual must meet the WIOA eligibility requirements as outlined herein and in the Definition of Unlikely to Return Directive (WIO-DR-0036). Note: Dislocated Workers are not required to meet income eligibility requirements.

Individuals who are underemployed and meet the definition of a Dislocated Worker, may still be considered eligible for career and training services. The employment must be less than previous earnings and be considered “stop-gap” employment. Note: Individuals who are employed at WIOA registration are not counted in entered employment measures.

Included Income:

- Gross wages and salaries, before deductions
- Net receipts from self-employment
- Pension or retirement income
- Strike benefits from union funds
- Net rental income
- Interest, dividends, royalties
- Workers Compensation
- Reemployment Assistance payments
- Social Security benefits
- Periodic receipts from estates and trusts
- Alimony
- Educational Assistance and training stipends (see excluded income below)
- Other support from an absent family member not living in the household
- Miscellaneous sources of revenue considered as reportable income by the IRS
- Child Support, including foster child payments

Excluded Income:

- Wages paid through the Senior Community Service Employment Program
- Trade Readjustment Allowances
- Public cash assistance (TANF & SSI)
- Non-cash assistance (food assistance benefits, housing assistance, Medicare/Medicaid)
- Disability and death benefits for veterans and other eligible persons
- Pell Grants, Supplemental Educational Opportunity Grants, federal work study and need-based scholarships
- One-time unearned income such as disability and death payments; accident, health, and

- Non-cash benefits employer-funded insurance, housing)
- Military pay earned while on active duty and certain other veterans' benefits, such as compensation for service-connected disability, compensation for service-connected death, and vocational rehabilitation
- Military pay and allowances received by a family member on active duty
- Educational benefits for Veterans or other eligible persons
- Training stipends under WIOA (except OJT)
- casualty insurance proceeds; inheritance; and fixed-term workers compensation awards
- Capital Gains
- Assets drawn down as withdrawals from a bank, sale of property
- Periodic receipts from a Supplemental Needs Trust
- Tax refunds, gifts or loans
- Income or payments that under federal statute shall be excluded in determining eligibility for the level of benefits received under any other federal statute

When determining program eligibility for any WIOA program, staff must document in Employ Florida case notes, the source documentation used and adhere to the above-listed income inclusions and exclusions (Note: There may be instances where additional guidance must be sought from the Regional Oversight, Performance and Compliance (ROPC) department to determine what should be included versus excluded).

Calculating Annual Income:

When documenting family income, the most important factors to consider are: 1) family size, 2) annualized family income, and 3) the comparison of family size/income to the appropriate poverty line/LLSIL. **Gross income** of all family members for the last six (6) months, **multiplied by 2, equals** the **annual income** for a full 12-month period.

Example of calculating income: Robert Jones has a family of three and lives in Leon County. Robert produced statements from his and his spouse's employers indicating that Robert earned \$7,005 and his spouse earned \$14,000 in the last six months. Based on this information and the below calculation, Robert is eligible to attend training:

Robert and his spouse's six month income multiplied by two to calculate annual income:
 $\$7,005 + \$14,000 = \$21,005 \times 2 = \$42,010$

200% LLSIL for a family of three: \$63,594 (Robert is under income by \$21,584)

Note: The six-month income is determined by counting back six months from the date of application.

APPENDIX A: DOCUMENT HISTORY

Revised		02/14/2022
	Document was revised to reflect the 2022 Poverty Guidelines	
Revised		1/31/2022
	Document was revised to update the Annual Income Guidelines, based on 200% Self Sufficiency and youth eligibility components were also updated	
Revised		05/25/2021
	Document was revised to reflect the 2021 LLSIL figures	
Revised		06/22/2020
	Document was revised to reflect the 2020 LLSIL figures	
Revised		05/26/2020
	Document was revised to clarify the requirements for WIOA DW eligibility	
Revised		02/19/2020
	Document was revised to reflect the 2020 Poverty Guidelines	
Revised		07/17/2019
	Document was revised to reflect the 2019 LLSIL figures	
Revised		04/03/2019
	Document was revised to update guidance related to serving individuals outside of the service area for emergency grant purposes; Document updated to include clarification of when low-income applies for an Out-of-School youth; Document was revised to reflect the 2019 Poverty Guidelines .	
Revised		08/31/2018
	Document was revised to updated the Annual Income Guidelines, based on 150% Self Sufficiency	
Revised		06/14/2018
	Document was revised to reflect the 2018 LLSIL figures	
Revised		02/14/2018
	Document was revised to reflect the 2018 Poverty Guidelines	
Revised		12/12/2017
	Document was revised to reflect the 2017 HHS Poverty Guidelines	
Revised		07/20/2017
	Document revised to reflect guidance provided in TEGL 19-16; Document was also revised to reflect the adjusted LLSIL wage rates for 2017	
Revised		11/03/2016
	Document was revised to reflect the adjusted LLSIL wage rates for 2016	
Revised		05/23/2016
	Document was revised to reflect the updated LLSIL wage rates for 2016	
Revised		11/30/2015

Document was updated to include WIOA requirements, to include the revised LLSIL wage rates for 2015 and to further define the eligibility requirements contained herein for all WIOA programs.

Revised		4/17/2015
	Document was revised to reflect the updated LLSIL wage rates for 2015	
Revised		4/16/2014
	Document was revised to reflect the updated LLSIL wage rates for 2014	
Revised		10/23/2013
	Document was revised to reflect the updated LLSIL wage rates for 2013	
Initial Release		11/15/2012