

MassWorkforce Issuance

Workforce Issuance No. 11-54

Policy **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Managers

cc: WIA State Partners

From: George Moriarty, Director
Department of Career Services

Date: August 10, 2011

Subject: **Interim Employment and Eligibility for Intensive and Training Services**

Purpose: To provide guidance to Local Workforce Investment Boards (LWIBs), One-Stop Career Center Operators and other local workforce investment partners with respect to the Commonwealth’s policy regarding the effect of interim employment on eligibility for WIA Intensive and Training Services. This Issuance replaces and expands upon Policy No. 00-09 National Reserve Account Grants – Interim Employment (2/25/2000) and MassWorkforce Issuance No. 06-10, Training Eligibility Criteria for Employed Dislocated Workers Served with WIA Title I Funds, Including Rapid Response and National Emergency Grants (2/22/2006).

Background: In certain circumstances, some unemployed job seekers, despite access to local One-Stop Career Center services, may experience an extended period of unemployment before securing a position that provides a wage/salary that allows for family “self-sufficiency”. In addition, those determined to be in need of WIA intensive services, especially training services, may not have immediate access to such services due to a lack of available formula funds. Similarly, some dislocated workers may also face a lack of immediate access to necessary intensive and training services while awaiting the award of a National Emergency Grant (NEG) if local formula funding is also lacking or otherwise severely limited.

In such cases, individual career center customers may find it necessary to accept “interim” employment in a position well below their experience and education level in order to continue to cover family expenses while awaiting the availability

of funds to support the provision of needed intensive and training services. While eligibility for intensive services is generally restricted under Title I of WIA based on family size and income level, and pay from interim employment may raise an individual's family income above the federally-established eligibility standard, WIA allows for retaining Title I eligibility for intensive and training services if such services are deemed necessary to achieving employment that provides for family "self-sufficiency".

Policy:

In accordance with WIA §134(d)(3)(A)(ii) an individual retains eligibility for intensive services if he/she is employed, but is determined by a one-stop operator to be in need of intensive services in order to obtain or retain employment that allows for self-sufficiency. Furthermore, the individual is specifically eligible for training services under WIA if, in accordance with WIA §134(d)(4)(A)(i), the individual has met the requirements for intensive services and is subsequently unable to obtain or retain employment (that allows for self-sufficiency) through said intensive services.

Additionally, while §134(d)(3)(A)(ii) and §134(d)(4)(A)(i) relate to services provided with local formula allocations, §671.170 of the WIA Regulations allows for the administrative requirements cited above and further specified in §663 of the Regulations to also apply to a NEG. §630.220 reiterates the statutory stipulation that an employed worker retains eligibility for intensive services if it is determined that the individual needs said intensive services to "obtain or retain employment that leads to self-sufficiency..." Section 630.230 addresses the criteria to be used to determine that an employed worker needs intensive services to obtain or retain employment leading to self-sufficiency. At a minimum, self-sufficiency generally must be based on annualized family income and family size as published in the federally established "100% of the Lower Living Standard Income Level" [see MassWorkforce Issuance No. 11-17, 2011 Poverty Income Guidelines and 2011 70% & 100% Lower Living Standard Income Levels (LLSIL)].

§630.230 further addresses establishment of "self-sufficiency" for *dislocated workers* as being defined "in relation to a percentage of the layoff wage." Accordingly, for purpose of this policy, notwithstanding the 100% Lower Living Standard Income Level established annually an individual shall retain his/her status as a dislocated worker if the individual is currently engaged in interim employment and earning less than 80% of his/her salary/wage level from his/her adversely affected employment. This stipulation is applicable to all dislocated workers, whether services are funded under Title I of WIA, a NEG or under the Trade Act.

Such a determination that an individual engaged in interim employment retains his/her eligibility for intensive and/or training services must be fully documented in the individual's MOSES record.

Action

Required: Please assure that all staff are informed of and are knowledgeable of the content of this Issuance and that the information provided herein is incorporated into the local eligibility determination process.

Effective: Immediately

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.