

# MassWorkforce Issuance

100 DCS 08.108

☒ Policy ☐ Information

**To:** Chief Elected Officials  
Workforce Development Board Chairs  
Workforce Development Board Directors  
Title I Administrators  
Career Center Directors  
Title I Fiscal Officers  
DCS Operations Managers

**cc:** WIOA State Partners

**From:** Alice Sweeney, Director  
Department of Career Services

**Date:** August 22, 2017

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

**Purpose:** To provide guidance to Local Workforce Development Boards, One-Stop Career Center Operators and other local workforce partners with respect to the Commonwealth's policy regarding the effect of interim employment on eligibility for WIOA Career and Training Services.

**Background:** In addition to providing career and training services to individuals who are unemployed, there remains a significant population of job seekers who are underemployed. Individuals who are underemployed may include:

- Individuals employed less than full-time who are seeking full-time employment;
- Individuals who are employed in a position that is inadequate with respect to their skills and training;
- Individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); and
- Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment, per State and/or local policy.

Individuals who are underemployed and meet the definition of a low-income individual ([see MassWorkforce Issuances for Poverty Income Guidelines and Lower Living Standard Income Levels \(LLSIL\)](#)), may receive career and training

services under the Adult program on a priority basis (§680.210). Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. However, as described in [TEGL 10-09](#), when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the following order:

- i. First, to Veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. This means that Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds for individualized career services and training services.
- ii. Second, to non-covered persons (individuals who are not Veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.
- iii. Third, to Veterans and eligible spouses who are not included in WIOA's priority groups.
- iv. Last, to non-covered persons outside the groups given priority under WIOA.

**Policy:** In accordance with WIOA §134(c)(3)(A)(i) Training Services eligibility applies to adults and dislocated workers who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to –

- (aa) be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through career services described in paragraph (2)(A)(xii);
- (bb) be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
- (cc) have skills and qualifications to successfully participate in the selected program of training services

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

**Action Required:** Please assure that all staff are informed and 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@MassMail.State.MA.US](mailto:PolicyQA@MassMail.State.MA.US). Also, indicate Issuance number and description.

**References:** [TEGL 19-16](#), Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules - (March 1, 2017)

20 CFR Part 680, Adult and Dislocated Worker Activities Under Title I of WIOA