

Mass Workforce Issuance

Workforce Issuance No. 06-10

☒ **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 Associate Directors
DCS Field Managers

cc: WIA State Partners

From: Susan V. Lawler, Director
Division of Career Services

Date: February 22, 2006

Subject: Training Eligibility Criteria for Employed Dislocated Workers Served with WIA Title I Funds, Including Rapid Response and National Emergency Grant Funds

Purpose: To provide policy guidance to Local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce development partners with respect to the development and implementation of local “self-sufficiency” criteria to be used in determining whether or not training services may be approved for employed dislocated workers.

Background: On February 25, 2000 Commonwealth Corporation issued Policy 00-09 National Reserve Account Grants – Interim Employment. It transmitted policy regarding specific parameters to be followed with respect to approval of training services for dislocated workers covered under a National Reserve Account (now NEG) grant who had accepted “interim employment”. These parameters state that employed workers may be eligible for retraining under an NEG [NRA] grant if the workers’ current “interim employment provides “less than suitable wages”. For workers who had earned \$10 per hour or less, “suitable wages” were defined as not less than “91%” of their previous wage. For workers who had earned greater than \$10 per hour, “suitable wages” were defined as no less than “80%” of their previous wage. Additionally, the policy did not apply to those dislocated workers whose previous annual wages or salary was \$80,000 or more. To date, these parameters have not been revised and have remained in effect.

USDOL has informed the Division of Career Services that the policy described above, which is specific to dislocated workers covered under an NEG [NRA] grant, is inconsistent with the requirements of the Workforce Investment Act that eligibility for intensive services under WIA meet the test of “self-sufficiency”.

Approval of intensive services, including training, for all employed adults and dislocated workers is covered under the Workforce Investment Act regulations promulgated at 20CFR §663.220 and §663.230. §663.220 states that adults and dislocated workers who are employed must be determined by a One-Stop operator to be in need of intensive services in order to obtain or retain employment that leads to “self sufficiency”. The regulations at §663.230 require State or Local Workforce Investment Boards to “set criteria in determining whether an employed worker needs intensive services to obtain or retain employment leading to ‘self-sufficiency’.” The regulations also state that at a minimum, the criteria used to determine the “self-sufficiency” level to be applied in such determinations must mean “employment that pays at least the lower living standard income level as defined in §101(24)” of the Workforce Investment Act (this means the 100% lower living standard). Additionally, the regulations state that in the specific case of dislocated workers, self-sufficiency may be defined “in relation to a percentage of the layoff wage.”

These requirements are described in WIA Communication No. 05-74 Title I Eligibility Requirements, Revised (pp. 6, 15) that was posted on the MassWorkforce website on September 22, 2005.

Policy: It is the expressed policy of the Commonwealth that it will be the responsibility of each Local Workforce Investment Board to assure that, consistent with the requirements at 20 CFR §663.220 and §663.230, local “self-sufficiency” criteria have been developed and will be applied in the cases of *all adults and dislocated workers* seeking intensive services, including training services, to be provided with all Title I (including NEG and Rapid Response) funds.

NOTE: Policy 00-09 is no longer in effect and will be moved to “non-active” status on the MassWorkforce Issuance webpage.

Action

Required: Please assure that all appropriate staff are informed of the content of this issuance.

Effective: Immediately

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