

***Workforce Innovation and Opportunity Act
Guidelines for Adults, Dislocated Workers, and
Youth***

**Texas Workforce Commission
WORKFORCE DEVELOPMENT DIVISION**

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I. INTRODUCTION

The Workforce Innovation and Opportunity Act (WIOA) offers an integrated and comprehensive range of services consisting of workforce development activities benefiting employers, job seekers, and communities. The purposes of WIOA are to:

- increase, particularly for individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services needed to succeed in the labor market;
- support the alignment of workforce investment, education, and economic development systems for a comprehensive, accessible, and high-quality workforce development system;
- improve the quality and labor market relevance of workforce investment, education, and economic development efforts to provide individuals with the skills and credentials necessary to secure and advance in employment with family-sustaining wages, and to provide employers with the skilled workers needed to succeed in a global economy;
- promote improvement in the structure and delivery of services through the workforce development system to better address the educational and training needs of workers, job seekers, and employers;
- increase the prosperity of workers and employers; the economic growth of communities, regions, and states; and the global competitiveness of the United States; and
- provide workforce investment activities, through state and local workforce development systems, that increase participants' employment, retention, earnings, and attainment of recognized postsecondary credentials, and as a result, improve the quality of the workforce, reduce dependency on public assistance, increase economic self-sufficiency, meet the skills requirements of employers, and enhance the productivity and competitiveness of the nation.

The purpose of the *WIOA Guidelines for Adults, Dislocated Workers, and Youth* is to provide Local Workforce Development Boards (Boards) with criteria and documentation sources for establishing WIOA Title I program eligibility for adults, dislocated workers, and youth. This policy guidance is based on WIOA final rules spanning WIOA Titles I–IV, which were made publicly available in late June 2016. The WIOA final rules pertaining to Titles I and III were published in the *Federal Register* on August 19, 2016 and became effective on October 18, 2016. Future updates will be added to a new version of the WIOA Guidelines.

Boards are required to document the eligibility of adult, dislocated worker, and youth populations served with WIOA funds. These guidelines describe each WIOA job seeker population and provide information and procedures for documenting and verifying eligibility within them.

II. SERVICES FOR ADULTS AND DISLOCATED WORKERS

WIOA removed the sequence of service requirement established under WIA, which required that an individual complete an intensive service before receiving training services. Other than a determination of need made using an employment plan, there is no requirement that additional career services be provided before an individual enrolls in training. If individuals are determined to be in need of training consistent with WIOA §134(c)(3), then they may be placed in training services.

WIOA establishes two levels of employment and training services for adults and dislocated workers: career services and training services.

Career Services

Career services for adults and dislocated workers must be available in at least one Workforce Solutions Office in each local workforce development area (workforce area). There are three types of career services, as identified in WIOA regulations at §678.430:

- Basic career services;
- Individualized career services; and
- Follow-up services.

Basic Career Services

Basic career services must be made available and, at a minimum, must include the following services, as consistent with allowable program activities and federal cost principles:

- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
- Outreach, intake (including worker profiling), and orientation to information and other services available through the Texas workforce system;
- Initial assessment of skills levels, including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and support service needs;
- Labor exchange services, including:
 - job search and placement assistance, and, when needed by an individual, career counseling, including the provision of information on nontraditional employment and in-demand industry sectors and occupations; and
 - appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services not traditionally offered through the Texas workforce system;
- Provision of referrals to and coordination of activities with other programs and services, including programs and services within the Texas workforce system and, when appropriate, other workforce development programs;

- Provision of workforce and labor market employment statistics information, including information relating to local, regional, and national labor market areas, including:
 - job vacancy listings in labor market areas;
 - information on job skills necessary to obtain the vacant jobs listed; and
 - information relating to the local Target Occupations List and the earnings, skills requirements, and opportunities for advancement in those jobs;
- Provision of performance information and program cost information on eligible providers of training services by program and provider type;
- Provision of information, in usable and understandable formats and languages, about how the Board is performing on local performance accountability measures, as well as any additional performance information relating to the Texas workforce system;
- Provision of information, in usable and understandable formats and languages, relating to the availability of support services or assistance, and appropriate referrals to those services and assistance, including:
 - child care;
 - child support;
 - medical or child health assistance available through the state’s Medicaid program and Children’s Health Insurance Program;
 - benefits under the Supplemental Nutrition Assistance Program (SNAP);
 - assistance through the earned income tax credit; and
 - assistance under a state program for Temporary Assistance for Needy Families (TANF), and other support services and transportation provided through that program;
- Provision of information and assistance regarding filing claims for unemployment compensation, including meaningful assistance that occurs:
 - in Workforce Solutions Offices, using staff members who are well-trained in unemployment benefits claim filing activities and on the rights and responsibilities of unemployment claimants (claimants), and information necessary to file a claim; or
 - by phone or via technology, as long as the assistance is provided by appropriately trained and available staff and within a reasonable time.

Boards must continue to provide claimants with the same types of assistance provided prior to WIOA. Claimants and employers are priority customers at the Workforce Solutions Office. Boards must ensure that staff provides timely assistance to claimants wishing to use Workforce Solutions Office resources to transmit claim-related material to the Texas Workforce Commission (TWC) for claims and appeals adjudication purposes. These customers must also be afforded immediate access to space and any telecommunications equipment necessary to participate in unemployment benefits hearings. Staff should continue to provide customers with dedicated resources as needed—computers, telephones, and printed materials about claim filing and claimants’ rights and responsibilities.

Each Board is provided with a dedicated, direct telephone line to a UI Tele-Center to provide immediate support to claimants with urgent and/or time-sensitive claims-related issues. The

workforce areas' help line numbers are posted to the Intranet on the [Workforce Development Resources page](#) (near the bottom of the page). These numbers are for staff only and must not be given to claimants.

- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

Individualized Career Services

Individualized career services must be made available if determined to be appropriate in order for an individual to obtain or retain employment. These include the following services, as consistent with WIOA requirements and federal cost principles:

- Comprehensive and specialized assessments of the skills levels and service needs of adults and dislocated workers, which may include:
 - diagnostic testing and use of other assessment tools; and
 - in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- Development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information regarding eligible training providers;
- Group counseling;
- Individual counseling;
- Career planning;
- Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
- Internships and work experience that are linked to careers, including transitional jobs;

Internships and work experience are planned, structured learning experiences that take place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. An internship or work experience may be arranged within the private for-profit sector, the nonprofit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act (FLSA), exists.

- Transitional jobs, as described in WIOA §134(d)(5), are time-limited work experiences that are subsidized for adults and dislocated workers who have barriers to employment because of chronic unemployment or inconsistent work history, as determined by the Board. Transitional jobs must be provided in combination with basic career services and supportive

services. This combination of services is intended to help adults and dislocated workers transition to unsubsidized employment by the time their transitional jobs come to an end. These jobs may be in the public, private, or nonprofit sectors. Transitional jobs can be an effective way for individuals to gain necessary work experience that they would otherwise not be able to get through an on-the-job training (OJT) contract. The goal is for the individual to establish a work history, demonstrate work success, and develop skills that lead to entry into unsubsidized employment. In a transitional job, there is no expectation that the individual will continue his or her employment with the employer after the work experience is complete.

Boards may establish a policy to place a limit on the duration of transitional jobs offered in the workforce area.

Boards must not use more than 10 percent of their combined total of adult and dislocated worker funds to subsidize transitional jobs.

- Workforce preparation activities;
- Financial literacy services, such as the activities described in WIOA §129(b)(2)(D);
- Out-of-area job search and relocation assistance; and
- English language acquisition and integrated education and training programs.

Follow-Up Services

Follow-up services must be made available, as appropriate—including counseling regarding the workplace—for participants in adult or dislocated worker activities who are placed in unsubsidized employment for a minimum of 12 months after the first day of employment.

Training Services

WIOA is designed to increase participant access to training services. Training services are provided to equip individuals to enter the workforce and retain employment.

Examples of training services include:

- occupational skills training, including training for nontraditional employment;
- OJT, as described in WIOA §3(44);
- registered apprenticeship;
- incumbent worker training in accordance with WIOA §134(d)(4);
- workplace training and cooperative education programs;
- private sector training programs;
- skills upgrading and retraining;
- entrepreneurial training;
- job readiness training provided in combination with other training described above;
- adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, in combination with training; and
- customized training.

On-the-Job Training

On-the-job training (OJT) is provided by an employer to a paid participant while engaged in productive work in a job that:

- provides knowledge or skills essential to the full and adequate performance of the job;
- is made available through a program that provides reimbursement to the employer of up to 50 percent of the participant's wage rate (except as provided by the bulleted conditions below) for the extraordinary costs of the training and additional supervision related to the training; and
- is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the training content and the participant's prior work experience and service strategy.

Boards may increase the reimbursement rate of OJT contracts up to 75 percent, when taking into account the following factors:

- The characteristics of the participants—whether they are “individuals with barriers to employment” as defined in WIOA §3(24);
- The size of the employer, with an emphasis on small businesses (a business with 250 or fewer employees);
- The quality of employer-provided training and advancement opportunities (e.g., if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential);
- Other factors the Board may determine to be appropriate, which may include the number of employees participating, employee wage and benefit levels (both at present and at completion), and relation of the training to the competitiveness of the participant.

Note: Boards must document (in a hard case file or in *TWIST Counselor Notes*) the factors used when deciding to increase the wage reimbursement levels above 50 percent and up to 75 percent.

Incumbent Worker Training

Incumbent worker training programs are provided by the Board in conjunction with employers or groups of employers to assist workers in obtaining the skills necessary to retain employment or avert layoffs.

Boards must consider the following factors when determining employer eligibility to receive WIOA funding assistance for incumbent worker training:

- The characteristics of the individuals in the program
- The ability of the training to increase the competitiveness of an employee and an employer
- Other factors that the Board determines appropriate, which may include:
 - the number of employees being trained;
 - the wages and benefits, including post-training wage increases, anticipated upon completion of training; and
 - the existence of other training and advancement opportunities provided by the employer.

Boards must be aware that employers participating in incumbent worker training are required to pay the non-federal share of the cost of providing training to their incumbent workers, as set

forth in WIOA §134(d)(4)(D). Refer to WD Letter 06-19, issued May 1, 2019, and entitled “Incumbent Worker Training,” for more details on funding incumbent worker training.

Boards must be aware that an individual does not have to meet WIOA adult eligibility requirements to receive incumbent worker training from his or her employer. If an individual meets the eligibility requirements for the WIOA adult program, he or she may be enrolled; however, enrollment in the WIOA adult program is not required for participation in incumbent worker training.

Boards must not use more than 20 percent of their combined total of adult and dislocated worker funds to subsidize incumbent worker training.

Boards planning to provide incumbent worker training services must coordinate such activities with their assigned grant manager, as set forth in WD Letter 06-19.

Customized Training

Customized training is designed to meet the specific requirements of an employer or group of employers, conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training, and for which the employer pays a significant portion of the training cost.

For employers located in only one workforce area, the Board may determine what represents a significant portion of the training cost, taking into account employer size and other factors the Board may determine to be appropriate, which may include the number of employees participating, employee wage and benefit levels (both at present and anticipated upon completion), the relation of the training to the competitiveness of the participant, and other employer-provided training and advancement opportunities.

For employers located in multiple workforce areas, TWC will be issuing further guidance in a future issuance of these guidelines on determining the employer’s contribution of the training costs.

Eligibility for Training Services

Training services may be made available to employed and unemployed adults and dislocated workers who:

- a Board determines, after a determination of need is made using an employment plan:
 - are 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;
 - are in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - have the skills and qualifications to participate successfully in training services;
- have selected a program of training services that is aligned with:

- occupations that are on the Board’s targeted occupations list, or are on the targeted occupations list for another workforce area to which an adult or dislocated worker is willing to commute or relocate;
 - Board-determined early pathway occupations and stackable credentials that lead to a Board target occupation; or
 - occupations that have been determined on a case-by-case basis to have a high potential for sustained demand and growth in the workforce area, based on sufficient and verifiable documentation, in accordance with the Board’s procedures and TWC rule §841.34(b); and
- are unable to obtain grant assistance from other sources to pay the costs of such training, and related support services, including such sources as state-funded training funds, Trade Adjustment Assistance (TAA), and federal Pell Grants; or require WIOA assistance in addition to other sources of grant assistance, including federal Pell Grants.

WIOA funding for training is limited to participants who:

- are unable to obtain grant assistance from other sources to pay training costs; or
- require assistance beyond that available under grant assistance from other sources to pay training costs and related support services.

Boards and training providers must coordinate funds available to pay for training and must consider the availability of other grant assistance to pay for training costs, such as TANF, state-funded training funds, and federal Pell Grants, so that WIOA funds supplement other sources of training grants. When coordinating other grant assistance, Boards and training providers must take into account the full cost of participating in training services, including the cost of dependent care, transportation, and other support services.

Boards must ensure that Workforce Solutions Office staff documents each participant’s income and expected expenses for the entire training period. WIOA funds may be used to offset any deficit.

A WIOA participant may enroll in WIOA-funded training while the participant’s application for a Pell Grant is pending, if the Board has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded. If that is the case, the training provider must reimburse the Board any WIOA funds used to underwrite the training for the amount the Pell Grant covers, including any education fees the provider charges to attend. Reimbursement is not required from the portion of the Pell Grant assistance disbursed to the WIOA participant for education-related expenses.

US Department of Veterans Affairs (VA) benefits for education and training services are not the same as “other grant assistance” under WIOA’s eligibility requirements. Eligibility for VA benefits for education or training services does not prevent a veteran or the veteran’s eligible spouse from receiving WIOA-funded services, including training funds. Similarly, WIOA does not require veterans or spouses to exhaust their entitlement to VA-funded training benefits before allowing them to enroll in WIOA-funded training.

Boards must ensure that WIOA funds are not used to pay training costs:

- for any portion or term of training for which the participant has signed a loan as part of financial aid; or
- that were paid by the participant (or another source) before WIOA program registration.

Before receiving training services under WIOA:

- eligibility determination for specific services is required; and
- a determination of need must be made using an employment plan, as set forth in WD Letter 35-10, issued on October 12, 2010, and titled “Workforce Investment Act Individual Employment Plan for Adults and Dislocated Workers Enrolled in Training.”

The Workforce Information System of Texas (TWIST) *Counselor Notes* must contain a determination of need for training services, as determined through the employment plan.

Permissible Local Activities

WIOA Title I formula funds allocated to workforce areas for adults and dislocated workers must be used to provide career and training services through Workforce Solutions Offices. Boards determine the most appropriate mix of these services, but both types must be available for eligible adults and dislocated workers.

WIOA Title I funds may also be used to provide the additional services described below:

Job Seeker Services

- Customer support to enable individuals with barriers to employment (including individuals with disabilities) and veterans to navigate among multiple services and activities
- Training programs for displaced homemakers and for individuals training for nontraditional occupations (as defined in WIOA §3(37): occupations or fields of work in which individuals of one gender comprise less than 25 percent of the individuals so employed), in conjunction with programs operated in the workforce area
- Work support activities for low-wage workers, in coordination with Boards, that will provide opportunities for these workers to retain or enhance employment

Work support activities may include any activities available under the WIOA adult and dislocated worker programs in coordination with activities and resources available through partner programs. These activities may be provided in a manner that enhances the worker’s ability to participate, for example by providing activities during nontraditional hours or providing on-site child care.

- Support services, including needs-related payments, as described in WIOA §134(d)(2) and (3). Needs-related payments provide financial assistance to participants to enable them to participate in training. Unlike other support services, to qualify for needs-related payments, a participant must be enrolled in training.

Boards, in consultation with one-stop partners and other community service providers, must develop a policy on support services that ensures resource and service coordination in the workforce area in order to best leverage available resources. This policy should address:

- procedures for referral to such services;
- how services will be funded when they are not otherwise available from other sources;
- when WIOA funding is permissible; and
- limits on provision of services.

Employer Services

- Customized screening and referral of qualified participants in training services to employers
- Customized employment-related services to employers, employer associations, or similar organizations on a fee-for-service basis that are in addition to labor exchange services available to employers under the Wagner-Peyser Act

Boards that choose to provide customized employment-related services to employers, employer associations, or similar organizations on a fee-for-service basis must establish a local policy.

- Activities to provide business services and strategies that meet the workforce investment needs of employers, as determined by the Board and consistent with the Board plan

Coordination Activities

- Employment and training activities in coordination with any of the following:
 - child support enforcement activities, as well as child support services and assistance activities, of the state and local agencies carrying out part D of title IV of the Social Security Act (42 USC 651, et seq.);
 - cooperative extension programs carried out by the US Department of Agriculture;
 - activities to facilitate remote access to services provided through the Texas workforce system, including facilitating access through the use of technology
- Activities to:
 - improve coordination between workforce development and economic development and to promote entrepreneurial skills training and microenterprise services; and
 - improve services and links between the local workforce system and employers, including small employers
- Improving coordination between employment and training activities and programs carried out in the workforce area for individuals with disabilities

Other Allowable Activities

- Technical assistance for Boards, partners, and eligible training providers on the provision of service to individuals with disabilities in workforce areas, including the following:
 - Staff training and development
 - Provision of outreach and intake assessments

- Service delivery
 - Service coordination across providers and programs
 - Development of performance accountability measures
- Activities to adjust the economic self-sufficiency standards referred to in WIOA §134(a)(3)(A)(xii) for local factors or activities to adopt, calculate, or commission for approval, economic self-sufficiency standards for workforce areas that specify the income needs of families, by family size, the number and ages of children in the family, and sub-state geographical considerations
 - Implementing or promising service to workers and businesses, which may include support for education, training, skills upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising

Individuals with Barriers to Employment

The term “individual with a barrier to employment” means a member of one or more of the following populations:

- Displaced homemakers;
- Low-income individuals;
- Native Americans, Alaska Natives, and Native Hawaiians;
- Individuals with disabilities, including youth who are individuals with disabilities;
- Older individuals (55 or over);
- Ex-offenders;
- Homeless individuals or homeless children and youth;
- Youth who are in or have aged out of the foster care system (any current or former foster youth may meet this barrier; however, the priority of services provision for current or former foster youth only applies to youth up to the age of 23);
- Individuals who are English language learners (who need instruction to gain competency in reading, writing, speaking, and comprehension of the English language), individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
- Eligible migrant and seasonal farmworkers;
- Individuals within two years of exhausting lifetime eligibility under part A of Title IV of the Social Security Act;
- Single parents (including single pregnant women); and
- Long-term unemployed individuals.

Credentials, Certificates, Certifications, and Licenses

- **Credential** is an all-encompassing term used to describe any type of traditional or nontraditional award within the context of education, training, workforce, and employment development. Credentials are awarded by third-party entities that have relevant authority to issue such credentials after individuals demonstrate proficiency or competency in an occupation or field. Credentials can be earned from a variety of sources, including, but not limited to, educational institutions, industry associations, and government agencies.

- **Certificates** are awarded by independent education and training providers associated with specific programs of study, or educational institutions, such as universities, resulting from education focused on one topic (but separate from a degree program). Course content is developed by faculty committees, academic leaders, and instructors, or occasionally through defensible analysis of the topic area—that is, course content and subject matter that can be justified, through testing that leads to certification, and is taught by an instructor for a particular purpose or benefit to an individual. Certificate programs are generally created, taught, and assessed directly by the provider of a program. A certificate demonstrates an understanding of course content at a specific period in time, demonstrates proficiency through provider-administered exams, and is often listed on a résumé as evidence of knowledge for prospective employers. While obtaining a certificate generally signifies the end of the instructional program, earning a certificate may also provide a gateway for achieving a degree.
- **Certification** is a type of nontraditional award to an individual that demonstrates proficiency and knowledge, through examination, in a specific industry or trade. Obtaining a certification award is not dependent on any actual education or training program. Instead, evaluating candidates for certification relies on independent, third-party professional and industry-based groups. These national organizations develop and maintain relevant proficiency standards that are assessed and sanctioned by industry-approved examinations facilities, independent of any educational institution or training program. Certifications often have an expiration date, requiring individuals to participate in continuing education or reexamination to stay current. Additionally, certifications are not associated in any way with higher education or degrees and typically require that the potential recipient have some level of professional experience before beginning the process.

Upon earning a certification, professionals often receive a designation to use after their names to differentiate experienced, certified professionals from their peers. After initial certification, the awarding organization requires proof of continuing education (often called continuing education units, or CEUs) to ensure that the professional standards are maintained. Examples of certifications include, but are not limited to, the following:

- professional project management;
- desktop support administration;
- personal fitness training;
- web design and development; and
- certified clinical medical assistant.

- **License** is a type of nontraditional credential that is generally awarded by a government-regulated agency. Licenses are granted by federal or state government, but usually by state government, and they are mandatory for professional practice in their jurisdiction. A license is more heavily regulated and restrictive due to its governmental association, and it signals that an individual has completed or achieved certain standards. Licenses are often required for health, public education, legal and financial careers. Some examples of occupations that require an individual to have a valid license include plumbers, electricians, real estate brokers, and nurses.

100 Percent Transferability between Adult and Dislocated Worker Funding

WIOA provides Boards with the flexibility to transfer up to 100 percent of funds between WIOA adult and dislocated worker allocations.

TWC will execute a transfer within five to seven business days of a Board's notification to transfer funds. At the time of request, Boards must:

- be aware that the process may take up to seven business days to complete;
- send an e-mail notification to the Board's grant manager at bcm@twc.state.tx.us including:
 - "Priority Transfer" in the subject line; and
 - the requested percentage of transfer and dollar amount; and
- be aware that transfer amounts may include limitations for Boards under a Technical Assistance Plan (TAP) or Corrective Action Plan (CAP).

Boards must ensure that appropriate coding for adults and dislocated workers is entered into TWIST.

III. WIOA ADULT

Adults must meet basic eligibility requirements and any service priority criteria in effect for the Board.

WIOA Adult Eligibility

To be eligible to receive WIOA services as an adult in the adult and dislocated worker programs, an individual must:

- be 18 years of age or older;
- be a citizen or noncitizen authorized to work in the United States; and
- meet Military Selective Service registration requirements (males only).

Note: Authorization to work in the United States may be verified through eligibility for unemployment benefits.

Service Priority for Individualized Career Services and Training Services

Individualized career services and training services must be given on a priority basis, regardless of funding levels, to:

- public assistance recipients;
- other low-income adults; and
- individuals who are basic skills deficient.

Veterans and eligible spouses continue to receive priority of service for all federal and state-funded job training programs, which include WIOA programs. The existing guidance on priority of service for veterans remains in effect. See WD Letter 25-15, issued on October 26, 2015, and entitled “Applying Priority of Service and Identifying and Documenting Eligible Veterans and Transitioning Service Members.”

Under Texas Family Code §264.121, foster youth and former foster youth must be given priority in the receipt of federal- and state-funded services. WD Letter 43-11, Change 2, issued February 19, 2020, and titled “Priority of Service for Eligible Foster Youth—*Update*,” defines foster youth and former foster youth.

Priority for WIOA individualized career services and training services must be provided in the following order:

1. Eligible veterans and eligible spouses (as defined in WD Letter 25-15) who are also recipients of public assistance, low-income, or basic skills deficient.
2. Non-covered persons (individuals who are not veterans or eligible spouses) who are recipients of public assistance, low income, or basic skills deficient in the following order:
 - i. Foster youth and former foster youth (as defined in WD Letter 43-11, Change 2) as required by Texas Family Code §264.121
 - ii. Non-foster youth
3. All other eligible veterans and eligible spouses.
4. Priority populations established by the governor and/or Board in the following order:
 - i. All other foster youth and former foster youth, as required by Texas Labor Code §264.121

- ii. Local Board priority groups
5. Non-covered individuals outside of the groups given priority under WIOA.

Each Board must establish a policy to ensure priority for the populations described above. The Board's policy may include a process that also gives priority to other individuals, as long as priority for those individuals follows the order above .

For example, Boards may establish local priority groups for older workers (age 40 or older) or employed individuals whose income is below the Board's self-sufficiency level, but these local priority groups do not replace the statutory priority given to individuals who are recipients of public assistance, low-income, or basic skills deficient. The Board's local priority groups must fall within Group 4.ii, "local Board priority groups," as listed above.

Low-Income Individuals

An individual who meets any *one* of the following criteria satisfies the low-income requirement for WIOA adult services:

- Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through SNAP, TANF, or the Supplemental Security Income (SSI) program, or state or local income-based public assistance;
- Receives an income or is a member of a family receiving an income that, in relation to family size, is not in excess of the current combined US Department of Labor (DOL) 70 percent Lower Living Standard Income Level and US Department of Health and Human Services (HHS) Poverty Guidelines shown on the WIOA Income Guidelines web page at <http://www.twc.state.tx.us/workforce-innovation-opportunity-act-eligibility-income-guidelines>;
- Is a homeless individual as defined in §41403(6) of the Violence Against Women Act of 1994, or a homeless child or youth as defined in §725(2) of the McKinney-Vento Homeless Assistance Act;
- Receives or is eligible to receive a free or reduced-price lunch under the NSLA (for the WIOA adult program, this only applies to the individual receiving the free or reduced-price lunch);
- Is a foster youth, as defined in Texas Family Code §264.101(a-1) and §264.101(d) on behalf of whom state or local government payments are made; or
- Is an individual with a disability whose own income meets:
 - WIOA's income requirements, even if the individual's family income does not meet the income requirements; or
 - the income eligibility criteria for payments under any federal, state, or local public assistance program.

Family

A family is defined as two or more individuals related by blood, marriage, or decree of court; living in a single residence; and included in one or more of the following categories:

- A married couple and dependents;
- A single individual, parent, or guardian, and dependents; or
- A married couple.

If a job seeker is claiming, for the purpose of defining his or her family, to be in a common-law marriage, written attestation must be obtained from both parties affirming the fact.

Family Income

For the purpose of determining WIOA income eligibility, the following are excluded from income:

- Needs-based scholarship assistance
- Financial assistance under Title IV of the Higher Education Act—Pell Grants, Federal Supplemental Educational Opportunity grants, Federal Work Study Program, PLUS, Stafford loans, and Perkins loans
- Cash assistance payments (including TANF, SSI, Refugee Cash Assistance, general assistance, emergency assistance, and general relief)
- One-time income received in lieu of TANF cash assistance
- Income earned by a veteran while on active military duty and certain other veterans' benefits, such as compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance
- Lump sum payments received as assets in the sale of a house, in which the assets are to be reinvested in the purchase of a new home (consistent with IRS guidance)
- Payments received as the result of an automobile accident insurance settlement that are being applied to the repair or replacement of an automobile
- Foster care payments
- Any withdrawal from an Individual Development Account for the purchase of a home, medical expenses, or educational expenses
- Onetime cash payment, including tax refunds; loans, which are debt and not income; onetime insurance payments; gifts; and lump sum inheritances
- Noncash assistance such as employer-paid fringe benefits, food, or housing received in lieu of wages, Medicare, Medicaid, SNAP, school meals, and housing assistance

Anything that is not listed above as excluded from income is included as income. Additionally, DOL's Employment and Training Administration recently clarified in Training and Employment Guidance Letters 19-16 and 21-16 that unemployment compensation, child support payments, regular payments from Social Security, and Social Security Disability Insurance (SSDI) are all "included" as income when determining income eligibility.

Note: When a federal statute specifically provides that income or payments received under such statute shall be excluded in determining eligibility for the level of benefits received under any other federal statute, such income or payments shall be excluded in WIOA eligibility determination (for example, adoption subsidies).

Basic Skills Deficient

An individual 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 satisfies the basic skills deficient requirement for WIOA adult services.

If using an assessment instrument to assess basic skills, Boards must use assessment instruments that are valid and appropriate for the target population and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.

Boards may:

- determine the method of assessment and process used to determine an individual's inability 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; and
- based on the method of assessment or assessment tool used, set benchmarks for assessment results that determine basic skills deficiency.

Regardless of how basic skills deficiency is determined, documentation must be maintained in a hard case file and in TWIST *Counselor Notes*.

Initial assessment of skills levels and determinations of whether the individual is eligible to receive assistance from adult and dislocated worker programs are basic career services, which are allowable services and allowable costs for any individual who meets basic eligibility criteria (age, authorization to work in the United States, and Selective Service).

IV. WIOA DISLOCATED WORKER

The WIOA dislocated worker program offers employment and training services for eligible workers who are unemployed through no fault of their own or who have received an official layoff notice. WIOA expands the definition of dislocated worker to include the spouse of active military who lost employment as a result of a permanent change in duty location or is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

WIOA Dislocated Worker Eligibility

To be eligible to receive WIOA services as a dislocated worker in the adult and dislocated worker programs, an individual must:

- be a citizen or noncitizen authorized to work in the United States;
- meet Military Selective Service registration requirements (males only); and
- meet the definition of dislocated worker at WIOA §3(15).

Note: Authorization to work in the United States can be verified through eligibility for unemployment benefits.

Definition of Dislocated Worker

A dislocated worker is an individual who meets one of the following five sets of criteria:

1. The individual:

- has been terminated or laid off, or has received a notice of termination or layoff, from employment;
- is eligible for or has exhausted entitlement to unemployment compensation, or has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state's UI law; and
- is unlikely to return to a previous industry or occupation. Unlikely to return to a previous industry or occupation is determined through an evaluation of the labor market, which determines that:
 - the industry or occupation shows either no growth or a decline in available job opportunities as documented by labor market statistics or TWC-approved labor market analyses;
 - the individual has been seeking employment for a period of time as determined by Board policy—since termination, layoff, or receipt of notice of layoff—but has been unable to find employment in his or her previous industry or occupation due to economic conditions and/or skill limitations;
 - the individual does not have relevant skills needed to find employment in his or her previous industry or occupation;
 - the individual has barriers to employment that make it unlikely to find employment in his or her previous industry or occupation;
 - the individual's previous industry or occupation is unlikely to provide self-sufficiency;

- the individual was profiled and determined likely to exhaust unemployment benefits during the last 12 months; or
- there is a lack of suitable matches in WorkInTexas.com.

Note: Individuals laid off on a temporary basis, with a specific recall date, are not eligible under Category 1 of the WIOA dislocated worker eligibility criteria.

Temporary or Seasonal Workers—Individuals laid off or terminated because of the cyclical, intermittent, or seasonal nature of their employment may be provided individualized career services and training services under the dislocated worker program. However, such services should be available only to those individuals interested in developing skills in non-seasonal occupations rather than in continuing as temporary or seasonal workers.

Military Service Members

Separating military personnel or recently separated veterans qualify as Category 1 Dislocated Workers if they are discharged under conditions other than dishonorable, whether voluntarily or involuntarily.

Note: WIOA §3(63)(B) defines “Recently Separated Veteran” to mean any veteran who applies for participation under WIOA within 48 months after the discharge or release from active military, naval, or air service.

Expedited Eligibility

Trade-affected workers meet the definition of a Category 1 Dislocated Workers. Eligibility can be verified and documented through an open TAA Program Detail.

2. The individual:
 - 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, 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, individualized career services, or support services, is employed at a facility at which the employer has made a general announcement that such facility will close.
3. The individual 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. This includes individuals working as independent contractors or consultants but not technically employees of a firm.
4. The individual is a displaced homemaker, as defined in WIOA §3(16). A displaced homemaker is an individual who:
 - has been providing unpaid services to family members in the home;
 - is unemployed or underemployed and experiencing difficulty finding or upgrading employment; and

- meets one of the following:
 - 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, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member.

A displaced homemaker may lose support income due to divorce or the death of a spouse. In addition, the loss of support income may be the result of a former wage earner’s job loss and that former wage earner may still be living in the home.

5. The individual is the spouse of a member of the Armed Forces on active duty and:
 - 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 unemployed or underemployed and experiencing difficulty finding or upgrading employment.

Boards may establish policies and procedures for use in determining an individual’s eligibility as a dislocated worker, consistent with the definition at WIOA §3(15). These policies and procedures may address such conditions as:

- what constitutes a “general announcement” of plant closing under WIOA §3(15)(B)(ii) or (iii); and
- what constitutes “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters” for determining the eligibility of self-employed individuals, including family members and farmworkers or ranch hands, under WIOA §3(15)(C).

Specialized Reemployment Services

Specialized reemployment services may be available to dislocated workers. Under WIOA, Boards are charged with developing a plan that includes how workforce reemployment activities carried out in the workforce area will coordinate with statewide rapid response activities in assisting dislocated workers with obtaining reemployment as soon as possible. The dislocated worker program specifies three types of specialized reemployment services:

- *Rapid Response*
Rapid response services provide short-term early intervention and immediate assistance with layoffs and plant closures. The services are designed to transition workers to their next employment as soon as possible.
- *Reemployment Services and Eligibility Assessment Program*
The Reemployment Services and Eligibility Assessment (RESEA) program targets claimants who are determined likely to exhaust benefits and provides them with a wide array of available resources and services that support reemployment and connect them to career services, including coenrollment in the WIOA dislocated worker program and other program services, as appropriate.

- *Trade Adjustment Assistance*

The TAA program provides additional benefits for dislocated workers from companies directly affected by increased imports or shifts of production/services to other countries. To receive benefits and services, the company layoff must be covered by a trade certification issued by DOL.

V. WIOA YOUTH

WIOA outlines a broad youth vision that supports an integrated service delivery system and provides a framework to support in-school youth (ISY) and out-of-school youth (OSY).

Participant in the Youth Program

An individual is a “participant” in the WIOA youth program once all of the following has occurred:

- An eligibility determination.
- The provision of an objective assessment, which includes a review of:
 - the youth’s academic and occupational skill levels; and
 - the service needs and strengths of each youth for the purpose of identifying appropriate services and career pathways.
- Development of an individual service strategy that:
 - is based on the needs of each youth;
 - identifies career pathways, including education and employment goals;
 - considers career planning and the results of the objective assessment; and
 - prescribes achievement objectives and services for the youth.
- Participation in any of the 14 WIOA youth program elements.

WIOA Youth Eligibility

To be eligible to receive WIOA youth services, an individual must:

- be a citizen or noncitizen authorized to work in the United States;
- meet Military Selective Service registration requirements (males only);
- have a determination of school attendance to identify whether the individual is attending school; and
- meet the additional eligibility criteria for ISY or OSY, as defined by WIOA §129(a)(1)(B)–(C), and as described in the [In-School Youth](#) and [Out-of-School Youth](#) subsections of this guide.

Note: Authorization to work in the United States can be verified through eligibility for unemployment benefits.

School Attendance/Determining School Status

For the purpose of determining whether an individual is an ISY or OSY, school status is based on a determination of school attendance on the date of eligibility determination. Once the school status of a youth is determined, that school status remains the same throughout the youth’s current participation.

A youth is “not attending” school if the youth:

- has had at least 10 consecutive days of unexcused absences and on the date of eligibility determination has not returned to school;

- is not attending postsecondary school on the date of eligibility determination;
- has not registered for postsecondary school classes on the date of the eligibility determination; or
- is enrolled only in non-credit-bearing postsecondary classes.

Additionally, participation in the following programs is not considered being “in school” for the purpose of determining ISY/OSY status:

- Adult education programs provided under Title II of WIOA
- YouthBuild programs
- Job Corps programs
- High School Equivalency programs (not funded by the public K–12 system)
- Dropout reengagement programs (not funded by the public K–12 system)

Note: School attendance and school status determine which eligibility definition (ISY or OSY) may apply.

A youth is “attending school” if the youth:

- is enrolled in any of the following schools:
 - Public school
 - Charter school
 - Private school
 - Disciplinary alternative education program (DAEP);
- is homeschooled;
- is attending high school equivalency programs, including those considered to be dropout reengagement programs, funded by the public K–12 system;
- is a high school graduate who has registered for postsecondary classes, even if not yet attending postsecondary classes;
- is attending postsecondary classes; or
- is in between postsecondary school semesters and has registered for classes for a future semester or has paid all or part of the tuition for a future semester.

Note: A youth with fewer than 10 consecutive unexcused absences, or with 10 or more non-consecutive unexcused absences is still considered “attending school.”

Example 1: A 17-year old has not attended school for the last 12 consecutive school days. This individual is “not attending” if the absences are unexcused, and he or she may be considered an OSY if an additional youth barrier is met at the time of eligibility determination. This individual may be subject to the local ISD’s truancy and reengagement strategies and subsequently return to school, but at the point of eligibility determination, the individual is not attending school and is therefore potentially eligible as an OSY.

Example 2: A 17-year old has not attended school for the last 12 consecutive school days. The absences are unexcused; however, the individual has been reengaged through the K–12-funded

dropout reengagement program. Because the individual is participating in the reengagement program, he or she is determined to be attending school and is therefore potentially eligible as an ISY.

In-School Youth

As defined in WIOA §129(a)(1)(C), an ISY is an individual who:

- is not younger than 14 and not older than 21 years at time of enrollment in WIOA;
- is attending secondary or postsecondary school at the time the eligibility determination portion of program enrollment in WIOA is made;
- is low-income, as defined by WIOA §3(36), or lives in a high-poverty area (see the [Low-Income Exception](#)); and
- has one or more of the following barriers:
 - Basic skills deficient, as defined by WIOA §3(5);
 - An English language learner, defined as an individual who has a limited ability in speaking, reading, writing, or understanding 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 (self-attestation or notes in TWIST *Counselor Notes* are acceptable documentation);
 - An offender;
 - Homeless; a runaway; in foster care, has aged out of the foster care system, or has attained 16 years of age and left foster care for kinship guardianship or adoption; a child eligible for assistance under §477 of the Social Security Act (42 USC §677); or in an out-of-home placement;
 - Pregnant or parenting;
 - Disabled; or
 - Requires additional assistance to complete an educational program or to secure or hold employment (WIOA §3(27) and §129(a)(1)(C)). No more than 5 percent of ISY served in the workforce area may be deemed eligible because of the criteria described in this bullet.

Low-Income

An individual who meets any *one* of the following criteria satisfies the low-income requirement for WIOA youth services:

- Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through SNAP, TANF, or the SSI program, or state or local income-based public assistance.
- Receives an income or is a member of a family receiving an income that, in relation to family size, is not in excess of the current combined DOL 70 percent Lower Living Standard Income Level and HHS Poverty Guidelines identified on the WIOA Income Guidelines web page at: <http://www.twc.state.tx.us/workforce-innovation-opportunity-act-eligibility-income-guidelines>

- Is a homeless individual as defined in §41403(6) of the Violence Against Women Act of 1994, or a homeless child or youth as defined in §725(2) of the McKinney-Vento Homeless Assistance Act.
- Receives or is eligible to receive a free or reduced-price lunch under the NSLA. While the free/reduced-price lunch low-income requirement primarily applies to ISY, if an OSY is a parent living in the same household as a child who receives or is eligible to receive a free or reduced-price lunch based on income level, then the OSY parent would meet the low-income criteria based on the child's qualification.
- Is a foster youth, as defined in Texas Family Code §264.101(a-1) and §264.101(d), on behalf of whom state or local government payments are made.
- Is an individual with a disability whose own income meets:
 - WIOA's income requirements, even if the individual's family income does not meet the income requirements; or
 - the income eligibility criteria for payments under any federal, state, or local public assistance program

Basic Skills Deficient

An individual who meets either of the following criteria satisfies the basic skills deficient requirement for WIOA youth services:

- Is a youth who has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- Is a youth 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.

Skill levels "at or below the eighth-grade level" may be determined by a grade level of 8.9 or below received on a generally accepted standardized test.

Boards may:

- determine the method of assessment and process used to determine a youth's inability 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; and
- based on the method of assessment or assessment tool used, set benchmarks for assessment results that determine basic skills deficiency.

Regardless of how basic skills deficiency is determined, documentation must be maintained in a hard case file and in TWIST *Counselor Notes*.

High-Poverty Area

A youth living in a high-poverty area automatically meets the low-income criterion. A high-poverty area is a Census tract, a set of contiguous Census tracts, Native American Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 25 percent, as set every five years using the US Census Bureau American Community Survey (ACS) 5-Year

data. TWC provides Boards with the ACS High-Poverty Areas in Texas by County data on TWC's [Workforce Innovation and Opportunity Act](#) web page under the [WIOA Eligibility](#) heading. TWC will update the website when the US Census Bureau publishes a new ACS and will inform Boards about the changes through GovDelivery notices.

High-Poverty Areas in Texas by County:

<https://twc.texas.gov/files/partners/high-poverty-areas-texas-by-county-twc.xlsx>

Out-of-School Youth

An OSY is an individual who:

- is not younger than 16 and not older than 24 years at the time of enrollment in WIOA;
- is not attending secondary or postsecondary school at the time the eligibility determination portion of program enrollment in WIOA is made; and
- has one or more of the following barriers:
 - A school dropout is an individual between the ages of 19 and 24 who is no longer attending any school (including an alternative school) and has not received a secondary school diploma or its recognized equivalent;
 - Between the ages of 16 and 18, has not received a high school diploma or high school equivalency certificate, and has not attended school for three consecutive months, excluding summer months when school is not in session (acceptable documentation includes a self-attestation documented in TWIST *Counselor Notes* and maintained in a hard case file, or a school attendance record);
 - A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual (see [Low-Income Exception](#)) or lives in a high-poverty area and is either:
 - basic skills deficient, as defined by WIOA §3(5); or
 - an English language learner, defined as an individual who has a limited ability in speaking, reading, writing, or understanding 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 (self-attestation or notes in TWIST *Counselor Notes* are acceptable documentation);
 - Subject to the juvenile or adult justice system;
 - Homeless; a runaway; in foster care, has aged out of the foster care system, or has attained 16 years of age and left foster care for kinship guardianship or adoption; a child eligible for assistance under §477 of the Social Security Act (42 USC §677); or in an out-of-home placement;
 - Pregnant or parenting;
 - Disabled; or
 - A low-income individual (see [Low-Income Exception](#)), or an individual who lives in a high-poverty area, who requires additional assistance to enter or complete an educational program or to obtain or retain employment.

Boards must establish definitions and eligibility documentation requirements for the “requires additional assistance to complete an educational program, or to obtain or retain employment” criterion of ISY and OSY eligibility.

Low-Income Exception

WIOA maintains a 5 percent low-income eligibility exception in which 5 percent of youth who would ordinarily need to be low income for eligibility purposes, do not need to meet the low-income criteria. However, because not all OSY are required to be low income, the 5 percent low-income exception under WIOA is calculated based on the number of youth enrolled in a given program year who are required to meet the low-income criteria.

For example, a workforce area enrolled 200 youth, and 80 of those youth were OSY who were not required to meet the low-income criteria, 60 were OSY who were required to meet the low-income criteria, and 60 were ISY. In this example, the 60 OSY required to be low income and the 60 ISY are the only youth factored into the 5 percent low-income exception calculation. Therefore, in this example, six of the 120 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.

Youth Program Design

The design framework of local youth programs must:

- Provide for an objective assessment of each youth participant, including a review of the academic and occupational skill levels and service needs, for the purpose of identifying appropriate services and career pathways for participants and informing the individual service strategy. The objective assessment must include a review of:
 - basic skills;
 - occupational skills;
 - work experience;
 - employability;
 - interests;
 - aptitudes;
 - support service needs; and
 - developmental needs.

As discussed in 20 CFR §681.290, in assessing basic skills, Boards must use assessment instruments that:

- are valid and appropriate for the target population;
- provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities;
- are appropriate, fair, cost-effective, and well-matched to the test administrator’s qualifications; and
- are easy to administer and interpret results.

For purposes of the basic skills assessment portion of the objective assessment, Boards are neither required to use assessments approved for use in the US Department of Education’s National Reporting System (NRS), nor are they required to determine an individual’s grade-

level equivalent or educational functioning level (EFL), although use of these tools is permitted. Rather, Boards may use other formalized testing instruments designed to measure skills-related gains.

In contrast to the initial assessment described above, if measuring EFL gains after program enrollment under the measurable skill gains indicator, Boards must use an NRS-approved assessment for both the EFL pre- and posttest to determine an individual's educational functioning level. For this reason, it is recommended that Boards always use NRS-approved assessments when assessing the basic skills of youth.

A new assessment of a participant is not required if the Board determines that it is appropriate to use a recent assessment (made within the last six months) of the participant conducted as part of another education or training program. When using a prior assessment, Boards must ensure that appropriate staff:

- receive a copy of the assessment, including results;
 - ensure that the previous assessment complies with youth requirements, including academic and occupational skill-level assessments;
 - include assessment documentation in the case file;
 - enter comprehensive objective assessment service, TWIST code 8, using the appropriate WIOA youth fund code; and
 - enter complete details in the TWIST *Counselor Note*.
- Develop, and update as needed, an individual service strategy for each youth participant that:
 - is directly linked to one or more indicators of performance (as described in WIOA §116(b)(2)(A)(ii));
 - identifies appropriate career pathways that include education and employment goals;
 - considers career planning and the results of the objective assessment; and
 - prescribes achievement objectives and services for the participant; and
 - Provide case management of youth participants, including follow-up services.

Boards must ensure that Workforce Solutions Office staff:

- provide youth participants with information regarding the full array of applicable or appropriate services available through the Board or other providers or partners; and
- refer youth participants to appropriate training and educational programs that have the capacity to serve them either on a sequential or concurrent basis.

In order to meet the basic skills and training needs of applicants who do not meet the eligibility requirements of a particular program or who cannot be served by the program, Boards must ensure that youth are referred for further assessment, as necessary, or referred to appropriate programs to meet the skills and training needs of the youth.

Youth Program Elements

Boards must ensure that the following 14 services are available to youth participants:

1. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential.
2. Alternative secondary school services, or dropout recovery services, as appropriate.
3. Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:
 - Summer employment opportunities and other employment opportunities available throughout the school year;
 - Pre-apprenticeship programs—a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship programs;
 - Internships and job shadowing;
 - OJT opportunities, as defined in WIOA §3(44).

Work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate, and may take place in the private for-profit sector, the nonprofit sector, or the public sector. Labor standards apply in any work experience in which an employee/employer relationship, as defined by the Fair Labor Standards Act (FLSA) or applicable state law, exists.

Work experience must include an academic and occupational education component that:

- refers to contextual learning that accompanies a work experience, for example, a teacher instructing a class on how to build paper airplanes in order to teach them about velocity;
- includes the information necessary to understand and work in specific industries and/or occupations;
- may occur concurrently or sequentially with the work experience;
- may occur inside or outside the worksite;
- may be provided by the employer, or provided separately in a classroom, or through other means;

Boards have the flexibility to decide who provides the academic and occupational education component.

Examples of occupational education may include:

- a hospital work experience in which hospital staff teaches the youth about the duties of different types of hospital occupations, such as a phlebotomist, radiology tech, or physical therapist; or
- an auto-repair shop work experience in which auto-mechanics teach the youth about building or repairing a car.

Examples of the academic component of work experience may include:

- a hospital work experience in which hospital staff teaches the youth what individuals in occupations such as phlebotomist, radiology tech, or physical therapist need to know, such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament;
- job readiness courses provided by the Board's youth contractor; or
- receiving a lecture from a teacher or an employer on best practices for a plumber.

Local youth programs must expend not less than 20 percent of youth funds to provide ISY and OSY with paid and unpaid work experiences.

Allowable expenditures that may be counted toward the work experience expenditure requirement may include the following:

- Wages/stipends paid for participation in a work experience;
- Staff time working to identify and develop a work experience opportunity;
- Staff time working with employers to ensure a successful work experience;
- Staff time spent evaluating the work experience;
- Participant work experience orientation sessions or employer work experience sessions; and
- Classroom training or the required academic education component directly related to the work experience.

4. Occupational skills training, which includes priority consideration for training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the workforce area involved, if the Board determines that the programs meet the quality criteria described in WIOA §123.

Occupational skills training is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels.

Boards must give priority consideration to training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the workforce area. Such training must:

- be outcome oriented and focused on an occupational goal specified in the individual service strategy;
- be of sufficient duration to impart the skills needed to meet the occupational goal; and
- result in attainment of a recognized postsecondary credential.

5. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation, occupational cluster, or career pathway.
6. Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors.

Leadership development opportunities are opportunities that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors, such as:

- exposure to postsecondary educational possibilities;
- community and service learning projects;
- peer-centered activities, including peer mentoring and tutoring;
- organizational and teamwork training, including team leadership training;
- training in decision making, including determining priorities and problem solving;
- citizenship training, including life skills training such as parenting and work behavior training;
- civic engagement activities that promote the quality of life in a community; and
- other leadership activities that place youth in a leadership role such as serving on youth leadership committees, such as a Standing Youth Committee.

Positive social and civic behaviors are outcomes of leadership opportunities that are incorporated by Boards as part of their menu of services and that focus on areas that may include the following:

- Positive attitude development;
- Self-esteem building;
- Openness to work with individuals from diverse backgrounds;
- Maintaining healthy lifestyles, including being alcohol and drug free;
- Maintaining positive social relationships with responsible adults and peers and contributing to the well-being of one's community, including voting;
- Maintaining a commitment to learning and academic success;
- Avoiding delinquency;
- Postponing parenting;
- Responsible parenting, including child support education;
- Positive job attitudes and work skills; and
- Keeping informed in community affairs and current events.

7. Support services, as defined in WIOA §3(59), which enable an individual to participate in WIOA activities. These services include, but are not limited to, the following:

- Linkages to community services;
- Assistance with transportation;
- Assistance with child care and dependent care;
- Assistance with housing;
- Needs-related payments;
- Assistance with educational testing;
- Reasonable accommodations for youth with disabilities;
- Referrals to health care;
- Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear;
- Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and

- Payments and fees for employment and training-related applications, tests, and certifications.

8. Adult mentoring for a duration of at least 12 months that may occur both during and after program participation.

Adult mentoring for youth must:

- be a formal relationship between a youth participant and an adult mentor that includes structured activities in which the mentor offers guidance, support, and encouragement to develop the competence and character of the youth;
- include a mentor who is an adult other than the assigned youth case manager; and
- at a minimum, match the youth with an individual mentor with whom the youth interacts on a face-to-face basis. Group mentoring activities and mentoring through electronic means are allowable as part of mentoring activities.

Mentoring may include workplace mentoring in which the local program matches a youth participant with an employer or employee of a company.

9. Follow-up services for not fewer than 12 months after the completion of participation.

Follow-up services are critical services provided after a youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

Follow-up services for youth may include:

- leadership development opportunities and support services;
- regular contact with a youth participant's employer, including assistance in addressing work-related problems;
- assistance in securing better-paying jobs, career pathway development, and further education or training;
- work-related peer support groups;
- adult mentoring;
- supportive services;
- financial literacy education;
- services that provide labor market and employment information about in-demand industry sectors or occupations available in the local workforce area, such as career awareness, career counseling, and career exploration services; and
- services necessary to ensure the success of youth participants in employment and/or postsecondary education.

Boards must attempt to provide all youth participants with some form of follow-up services for a minimum duration of 12 months. Follow-up services may be provided beyond 12 months at the Board's discretion. The types of services provided and the duration of services must be determined based on the needs of the individual, and therefore, the type and intensity of follow-up services may differ for each participant. However, follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

At the time of enrollment, a youth must be informed that follow-up services will be provided for 12 months following exit. If a youth cannot be located or refuses follow-up services, discontinue attempts to provide follow-up services and document in TWIST *Counselor Notes*.

10. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth.

Comprehensive guidance and counseling is individualized counseling to participants that includes career and academic counseling, drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate. When referring participants to necessary counseling that cannot be provided by the Board, the Board must coordinate with the organization it refers to in order to ensure continuity of service.

11. Financial literacy education.

The financial literacy education program element may include any of the following activities that:

- support the ability of participants to create budgets, initiate checking and savings accounts, and make informed financial decisions;
- support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;
- teach participants about the significance of credit reports and credit scores, what their rights are regarding their credit and financial information, how to determine the accuracy of a credit report and how to correct inaccuracies, and how to improve or maintain good credit;
- support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions;
- educate participants about identity theft, ways to protect themselves from identify theft, and how to resolve cases of identity theft and in other ways understand their rights and protections related to personal identity and financial data;
- support activities that address the particular financial literacy needs of non-English-speaking participants, including providing support through the development and distribution of multilingual financial literacy and education materials; and
- support activities that address the particular financial literacy needs of youth with disabilities, including connecting them to benefits planning and work incentives counseling.

When providing any of the financial activities listed above, Boards must ensure that the financial education provided is age-appropriate and timely, and provides opportunities to put lessons into practice, such as by access to safe and affordable financial products that enable money management and savings.

The [Financial Literacy Guide](#) is provided for financial institutions interested in enhancing youth financial capability by partnering with youth employment programs. It describes how

and why financial institutions engage in helping youth achieve greater financial well-being and employment success.

Additionally, Boards may implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable participants to attain greater financial health and stability by using high-quality, age-appropriate, and relevant strategies and channels, including, when possible, timely and customized information, guidance, tools, and instruction.

12. Entrepreneurial skills training.

Entrepreneurial skills training provides the basics of starting and operating a small business. Such training must develop the skills associated with entrepreneurship, including, but not limited to, the ability to:

- take initiative;
- creatively seek out and identify business opportunities;
- develop budgets and forecast resource needs;
- understand various options for acquiring capital and the trade-offs associated with each option; and
- communicate effectively and market oneself and one's ideas.

Approaches to teaching youth entrepreneurial skills include, but are not limited to, the following:

- Entrepreneurship education that provides an introduction to the values and basics of starting and running a business. Entrepreneurship education programs often guide youth through the development of a business plan and may also include simulations of business start-up and operation.
- Enterprise development, which provides support and services that incubate and help youth develop their own businesses. Enterprise development programs go beyond entrepreneurship education by helping youth access small loans or grants needed to begin business operation and by providing more individualized attention to the development of viable business ideas.
- Experiential programs that provide youth with experience in the day-to-day operation of a business. These programs may involve the development of a youth-run business that young people participating in the program work in and manage. Or, they may facilitate placement in apprentice or internship positions with adult entrepreneurs in the community.

13. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the workforce area, such as career awareness, career counseling, and career exploration services.

Numerous tools and applications can be used to provide youth with relevant labor market and career information. Labor market information (LMI) tools can be used to help youth and young adults make appropriate decisions about education and careers. LMI tools identify in-

demand industries, occupations, and employment opportunities, and provide knowledge of job market expectations including education, skills requirements, and potential earnings.

WIOA youth program providers are encouraged to use readily available online career exploration tools to help youth assess their abilities and interests and find related employment information. Suggested online tools that connect youth to self-service LMI tools include [Texas Reality Check](#), [Texas Career Check](#), [My Next Move](#), and [Get My Future](#).

Career awareness activities include providing information on a variety of careers and occupations available, their skill requirements, working conditions and training prerequisites, and job opportunities across a wide range of industry sectors.

Career counseling or guidance may include advice and support in making decisions about what career paths to take, providing information about résumé preparation, interview skills, potential opportunities for job shadowing, and the long-term benefits of postsecondary education and training (for example, increased earning power and career mobility).

14. Activities that help youth prepare for and transition to postsecondary education and training.

Postsecondary preparation and transition activities and services prepare ISY and OSY for advancement to postsecondary education after attaining a high school diploma or its recognized equivalent.

Postsecondary education includes many kinds of education and training programs, including technical college degree and certification programs, apprenticeships, two- and four-year public and private colleges and universities, trade schools, and more.

Transition planning may include, but is not limited to, programs designed to expand access to college and other postsecondary institutions, particularly for youth facing barriers to enrollment. Activities may focus on improving academic readiness, identifying postsecondary strengths and interests, and helping with applying for college and institutional admission or financial aid.

Common activities include, but are not limited to:

- individualized career planning;
- career shadowing;
- postsecondary education options exploration, including technical schools, community colleges, four-year colleges and universities, and registered apprenticeship programs;
- postsecondary education admissions counseling;
- postsecondary education application assistance;
- postsecondary education financial aid assistance;
- fields of study guidance;
- postsecondary education campus visits;
- postsecondary education entrance exam (SAT/ACT) preparation; and
- study skills workshops and parent support workshops.

Resources for such activities may include school counselors, teachers and parents, graduates and current students, and employers, as well as career exploration programs, and library and online career information.

Boards have the discretion to determine what specific program services a youth participant receives based on each participant's objective assessment and individual service strategy. Boards are not required to provide every program service to all youth participants.

Program Expenditures for Out-of-School Youth

WIOA increases the minimum OSY expenditure rate for youth formula-funded programs to 75 percent. However, DOL approved TWC's waiver request to reduce the minimum OSY expenditure rate.

All Boards must spend a minimum of 60 percent of PY 2019 youth funds on OSY.

Administrative costs are limited to 10 percent of local youth funds and are not subject to the 60 percent minimum OSY expenditure requirement. The OSY expenditure rate is calculated after subtracting funds spent on administrative costs.

In order to enhance individual participant choice in his or her education and training plans and provide flexibility to service providers, Boards may use ITAs for OSYs, ages 16 to 24, using WIOA youth funds when appropriate.

Program Expenditures for In-School Youth

Decreased funding for ISY programs requires Boards to identify existing resources throughout their communities that can provide services to ISY.

WIOA limits the use of ITAs solely for OSY; however, DOL approved TWC's waiver request to expand the use of ITAs, so ITAs may be used for ISY.

Program Expenditures for Youth Work Experience

Under WIOA, not less than 20 percent of local youth funds must be used to provide OSY and ISY with paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:

- Summer employment opportunities and other employment opportunities available throughout the school year;
- Pre-apprenticeship programs—a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship program;
- Internships and job shadowing;
- OJT opportunities, as defined in WIOA §3(44).

Boards must track program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work experiences, and report such expenditures as part of the local WIOA youth financial reporting. The 20 percent minimum is

calculated based on non-administrative local area youth funds and is not applied separately for ISY and OSY.

Incentives for Youth

Under 20 Code of Federal Regulations (CFR) §681.640, incentive payments are allowed for youth participants if the incentives are connected to recognition of achievement of milestones in a program directly tied to education, training, or the successful completion of a work experience that occurs during program participation. Refer to WD Letter 15-19, issued May 21, 2019, and entitled “Guidelines for the Provision of Incentives for Workforce Innovation and Opportunity Act Youth and Choices, including NCP Choices Participants,” for more details on incentive payments for youth participants.

Boards must develop guidelines and strategies that align with the local program’s organizational polices governing the award of incentives and must ensure that WIOA-funded incentive payments are:

- tied to the goals of the specific program;
- outlined in writing before the commencement of the program;
- aligned with the local program’s organizational policies;
- based on the availability of funds; and
- provided in accordance with the Cost Principles contained in 2 CFR Part 200 (Uniform Guidance).

Federal funds must not be spent on entertainment costs. Therefore, incentives must not include movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment.

Incentive payments for youth participants must be considered on a case-by-case basis. Such payments are not guaranteed, and participants are not entitled to receive them. Incentives may be provided to both ISY and OSY if they comply with the requirements of 20 CFR §681.640.

Examples of an achievement of milestones may include:

- attainment of a high school diploma or a Texas Certificate of High School Equivalency;
- completion of an industry recognized certificate/credential or occupational skills training;
- receipt of an associate’s or bachelor’s degree; or
- successful completion of a work experience.

While incentives may be provided for successful completion of a work experience, Boards must ensure that incentives are not tied to the “academic or occupational education component” of a work experience.

Note: WIOA funds may not be used to fund incentives for completing job readiness training or classes; however, Boards may leverage private funds for incentives that WIOA cannot fund.

VI. LIST OF REVISIONS

Note: The guide contains minor, nonsubstantive editorial changes that are not included on the List of Revisions. Some sections of the guide have been moved into other sections.

Table 1

| SECTION | APRIL 2020 REVISIONS |
|---|---|
| Eligibility for Training Services | Moved content and provided clarifying information on training provider reimbursement of WIOA funds for Pell Grants |
| Permissible Local Activities | Added support services policy requirements and local policy requirement for employer-related services provided on a fee-for-service basis |
| Service Priority for Individualized Career Services and Training Services | Provided clarifying information |
| Definition of Dislocated Worker | Updated information on “unlikely to return” |
| Military Service Members | Updated military service member Dislocated Worker qualification |
| Basic Skills Deficient | Updated assessment instrument guidance |
| High-Poverty Area | Added link to the High Poverty Areas in Texas by County data on the TWC website |
| Youth Program Design | Updated assessment instrument guidance |
| Program Expenditures for OSY and ISY | Made modifications based on the waiver that expanded the use of ITAs for ISY |