

## TEXAS WORKFORCE COMMISSION LETTER

<b>ID/No:</b>	WD 15-16
<b>Date:</b>	July 12, 2016
<b>Keyword:</b>	TWIST; WIOA
<b>Effective:</b>	Immediately

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers  
*reagan miller*

**From:** Reagan Miller, Director, Workforce Development Division

**Subject:** **Workforce Innovation and Opportunity Act: Eligibility Income Guidelines and Determining Minimum Self-Sufficiency Levels—  
Update**

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### **PURPOSE:**

To provide Local Workforce Development Boards (Boards) with information on accessing:

- the updated ~~Workforce Investment Act (WIA)~~ **Workforce Innovation and Opportunity Act (WIOA)** Eligibility Income Guidelines; and
- the adjusted 100 percent Lower Living Standard Income Level (LLSIL) guidelines for use in determining minimum self-sufficiency wage levels for WIOA participants.

**This WD Letter includes nonsubstantive changes to update language and website addresses from WIA to WIOA.**

### **CHANGES TO WD LETTER 07-15:**

New information in this WD Letter is indicated by:

- A ~~strike through~~ of the original language, which indicates that language has been deleted; and
- **Bold** typeface, which indicates new or clarifying language.

### **BACKGROUND:**

The U.S. Department of Labor's (DOL) LLSIL guidelines and the U.S. Department of Health and Human Services' (HHS) poverty guidelines are each updated annually. Accordingly, the Texas Workforce Commission (TWC) updates its website twice a year to reflect the new income guidelines and effective dates.

The following two income guidelines are combined and use the higher dollar amount for each family-size unit to establish ~~WIA~~**WIOA** low-income eligibility guidelines:

- HHS poverty guidelines
- DOL 70 percent LLSIL guidelines

~~WIA regulations require Boards to use the 100 percent LLSIL to set minimum criterion for determining whether WIA Title I participants receive self sufficiency wages in their local workforce development areas (workforce areas). WIA participants who are employed, but are not receiving self sufficiency wages, may be eligible for WIA intensive services.~~

**The 100 percent LLSIL is the minimum criterion for determining whether wages from employment in the local workforce development area (workforce area) can lead to self-sufficiency.**

TWC updates its website once a year to reflect the adjusted self-sufficiency levels.

## **PROCEDURES:**

### **NLF: WIOA Eligibility Income Guidelines**

Boards must use the WIOA Eligibility Income Guidelines available at ~~<http://www.twc.state.tx.us/workforce-investment-act-eligibility-income-guidelines>~~ <http://www.twc.state.tx.us/workforce-innovation-opportunity-act-eligibility-income-guidelines> to determine eligibility for WIOA Title I youth and adult services. ~~and~~

- ~~redetermine eligibility for those applicants who have been deemed eligible since the HHS poverty guidelines or DOL 70 percent LLSIL guidelines were published and who are now deemed to be over the published income levels.~~

**NLF:** Boards must be aware that TWC will notify Boards **through GovDelivery, a TWIST broadcast message, and a Workforce Conference Call** when:

- the WIOA Eligibility Income Guidelines at <http://www.twc.state.tx.us/workforce-innovation-opportunity-act-eligibility-income-guidelines> have been updated; and
- the new guidelines have been programmed into The Workforce Information System of Texas (TWIST).

**NLF:** Boards must be aware that previous versions of income guidelines:

- will be maintained at <http://www.twc.state.tx.us/workforce-innovation-opportunity-act-eligibility-income-guidelines>; and
- can be used for monitoring purposes and to support the eligibility of participants enrolled while the previous eligibility guidelines were in effect.

### **LLSIL Guidelines for Determining Self-Sufficiency Levels**

**NLF:** Boards must use the 100 percent LLSIL table available at <http://www.twc.state.tx.us/workforce-innovation-opportunity-act-self-sufficiency-wage-levels> to create their workforce area's self-sufficiency wage level tables.

**NLF:** Boards must be aware that TWC will notify Boards when the 100 percent LLSIL table at <http://www.twc.state.tx.us/workforce-innovation-opportunity-act-self-sufficiency-wage-levels> has been updated.

**LF:** Boards may set their self-sufficiency wage levels above the DOL 100 percent LLSIL, if warranted by economic conditions in their workforce areas.

**NLF:** To determine whether a WIOA participant is receiving local self-sufficiency wages, Boards must compare the participant's current wages earned to the locally determined self-sufficiency wage levels that are based on the DOL 100 percent LLSIL.

Current wages are the hourly, weekly, or monthly earnings at the time of the eligibility determination.

**LF:** Boards may divide their self-sufficiency wage level tables into smaller increments. However, it is recommended that wages not be divided into increments smaller than one week. (For example, a local self-sufficiency wage level of \$20,800 per year for a family of one could be measured as a \$10 per hour wage. However, a participant currently earning \$10 per hour would reach self-sufficiency wage levels only if his or her job consisted of at least 40 hours of employment per week.)

**LF:** It is recommended that Boards retain all previous versions of self-sufficiency wage levels for monitoring purposes.

**LF:** Boards may print copies of TWC's ~~LLSIL Guidelines for Determining Self-Sufficiency Levels~~ [WIOA Self-Sufficiency Wage Levels](#) web page for retention purposes.

**INQUIRIES:**

Direct inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

**RESCISSIONS:**

WD Letter 07-15

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**REFERENCES:**

~~Workforce Investment Act, §101(25)(B)(I)~~

**Workforce Innovation and Opportunity Act §§3(36), 127(b)(2)(C), and 132(b)(1)(B)**

**FLEXIBILITY RATINGS:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by "must" or "shall."

**Local Flexibility (LF)**: This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”