



ELIGIBILITY WIOA TRAINING SERVICES – Amended 6/8/2023

Training services may be made available to unemployed and employed adults, dislocated workers and older youth (Workforce Innovation & Opportunity Act (WIOA) section 134(c)(3)(A) Eligible Applicants) who after an interview, evaluation or assessment and career planning have been determined by a one-stop operator or partner as appropriate to:

- Be unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment,
- Be in need of training services to obtain or retain employment that leads to self-sufficiency or wages comparable or higher than wages from previous employment, and
- Have the skills and qualifications to successfully participate in the selected program or training services.

Applicants who are determined to be in need of training services and have the skills and qualifications to successfully complete a training program may work with staff to select training services directly linked to employment opportunities in the local area or an area to which the participant is willing to locate. The participant must be unable to obtain grant assistance from other sources, such as federal financial aid.

Priority of Services

WIOA Section 134(c)(3)(E) establishes priority service with respect to funds allocated to the Dutchess County Local Workforce Development Area for adult employment and training activities. In accordance with the United States Department of Labor Employment and Training Administration’s Training and Employment Guidance Letter No. 3-15, priority will be provided in the following order:

- First, to veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
- Second, to, individuals who are not veterans or eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
- Third, to veterans and eligible spouses who are not also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
- Fourth to additional priority populations that are established by NYSDOL or the local area
- Last, to non-covered persons outside the groups given priority under WIOA including individuals with disabilities, justice involved individuals and single parents as well as underemployed individuals.

The statutory priority only applies to WIOA eligible Adult Program funds, adults who reside in Dutchess County, and only applies to providing individualized career and training services. This priority of service rule DOES NOT apply to Dislocated Workers, Youth, or



TAA eligible workers.

Self Sufficiency Definition

The Dutchess County Workforce Development Board defines Self Sufficiency in Dutchess County at \$25.00 per hour per individual. This figure is based on The Self Sufficiency Standard for New York, a calculation for each county including seventy (70) family configurations. The calculations are comprehensive encompassing all the variables of self-sufficiency including ages of children, costs of food, clothing, shelter, health and childcare. It is also tied to the individual rather than the family, as a response to business input stating that gathering eligibility information on the family in addition to the employee is intrusive and cumbersome.

- Any individual who is currently employed and requesting training funds must provide documentation which demonstrates current rate of pay.

In the event that a Dutchess County employer requests training for part-time employee(s) and the employer can demonstrate any two of the following:

- All employees (prospective trainees) of the business are classified as permanent part-time;
- No full-time employee has the same job description or roles and responsibilities of the part-time employee(s);
- No full-time employee of the business is equipped with the skills or knowledge to perform the essential function then training funds may be considered for an Adult who earns \$25 per hour or more, but less than \$50,000 per year with that employer.
- The training must introduce a new technology or procedure required of the employer or industry;
- Not replace any fully time positions; and
- Must first receive final approval from the Dutchess One Stop Consortium.

NOTE: WHERE THESE OR ANY TRAINING POLICIES CONFLICT WITH STATE OR FEDERAL STATUTE, THOSE STATUTES WILL APPLY.

KEY TERMS AND DEFINITIONS

1. Low-Income Individual (Workforce Innovation and Opportunity Act (WIOA) Sec. 3(36)(A))

(A) IN GENERAL.—The term “low-income individual” means an individual who—

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;

***Note:** Local income-based public assistance programs may be used to determine whether someone is low-income. Local Workforce Development Boards (LWDBs) must include these local income-based public assistance programs in their local Adult Priority of Service policy.

(ii) is in a family with total family income that does not exceed the higher of—

(I) the poverty line; or

(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

***Note:** Under WIOA, there is no exclusion of payments for unemployment compensation, child support payments, and old-age survivors insurance benefits from the income calculations for determining if an individual is low-income. These exclusions that were previously provided under [Workforce Investment Act] WIA sec. 101(25) no longer apply.

2. Basic Skills Deficient (WIOA Sec. 3(5))

(5) BASIC SKILLS DEFICIENT.—The term “basic skills deficient” means, with respect to an individual—

(A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

(B) who is a youth or adult, that the individual 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.

***Note:** Individuals who are English language learners meet the criteria for basic skills deficient and must be included in the priority populations for the Title I Adult Program.

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3. Individuals with Barriers to Employment (WIOA Sec. 3(24) and TEGL No. 19-16)

The populations included in the “individuals with barriers to employment” in WIOA sec. 3(24) include:

- (a) Displaced homemakers (as defined in WIOA sec. 3(16));
- (b) Low-income individuals (as defined in WIOA sec. 3(36));
- (c) Indians, Alaska Natives, and Native Hawaiians (as defined in WIOA sec. 166(b));
- (d) Individuals with disabilities, including youth who are individuals with disabilities (as defined in WIOA sec. 3(25) (includes individuals who are in receipt of Social Security Disability Insurance);
- (e) Older individuals (age 55 and older) (as defined in WIOA sec. 3(39));
- (f) Ex-offenders (“offender” as defined in WIOA sec. 3(38));
- (g) Homeless individuals or homeless children and youths;
- (h) Youth who are in or have aged out of the foster care system;
- (i) Individuals who are:
 - (1) English language learners (WIOA sec. 203(7)),
 - (2) Individuals who have low levels of literacy (an individual is unable to compute or solve programs, or read, write, or speak English at a level necessary to function on the job, or in the individual’s family, or in society); and
 - (3) Individuals facing substantial cultural barriers;
- (j) Eligible migrant and seasonal farmworkers (as defined in WIOA sec. 167(i)(1-3));
- (k) Individuals within two years of exhausting lifetime TANF eligibility;
- (l) Single parents (including single pregnant women);
- (m) Long-term unemployed individuals (unemployed for 27 or more consecutive weeks); and
- (n) Such other groups as the Governor involved determines to have barriers to employment.

4. Individualized Career Service (§678.430)

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

- (1) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—
 - (i) Diagnostic testing and use of other assessment tools; and
 - (ii) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- (2) 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 about, the eligible training providers (as described in § 680.180 of this chapter);
- (3) Group counseling;

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- (4) Individual counseling;
- (5) Career planning;
- (6) Short-term pre-vocational 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;
- (7) Internships and work experiences that are linked to careers (as described in § 680.170 of this chapter);
- (8) Workforce preparation activities;
- (9) Financial literacy services as described in sec. 129(b)(2)(D) of WIOA and § 681.500 of this chapter;
- (10) Out-of-area job search assistance and relocation assistance; and
- (11) English language acquisition and integrated education and training programs.

5. Training Services (§680.200)

Types of training services are listed in WIOA sec. 134(c)(3)(D) and in paragraphs (a) through (k) of this section. This list is not all-inclusive and additional training services may be provided.

- (a) Occupational skills training, including training for nontraditional employment;
- (b) On-the-job training (OJT) (see §§ 680.700, 680.710, 680.720, and 680.730);
- (c) Incumbent worker training, in accordance with WIOA sec. 134(d)(4) and §§ 680.780, 680.790, 680.800, 680.810, and 680.820;
- (d) Programs that combine workplace training with related instruction, which may include cooperative education programs;
- (e) Training programs operated by the private sector;
- (f) Skills upgrading and retraining;
- (g) Entrepreneurial training;
- (h) Transitional jobs in accordance with WIOA sec 134(d)(5) and §§ 680.190 and 680.195;
- (i) Job readiness training provided in combination with services listed in paragraphs (a) through (h) of this section;
- (j) Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services listed in paragraphs (a) through (g) of this section; and
- (k) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training (see §§ 680.760 and 680.770).

6. Recipients of Public Assistance

Examples of public assistance include:

- Temporary Assistance for Needy Families (TANF);
- Food stamps/ Supplemental Nutrition Assistance Program (SNAP);

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- General Assistance (GA) State/Local;
- Refugee Cash Assistance (RCA);
- Supplemental Security Income (SSI);
- Social Security Disability Insurance (SSDI); and
- Exhausting TANF within two years.

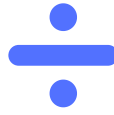
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Adult Priority Population

Adult Priority Population Measure:

Number of Adults receiving Individualized Career Services or Training who meet the Adult Priority Population Measure



Number of Adults receiving Individualized Career Services or Training (whether or not they meet the measure)

Adults with Individualized Career Services or Training

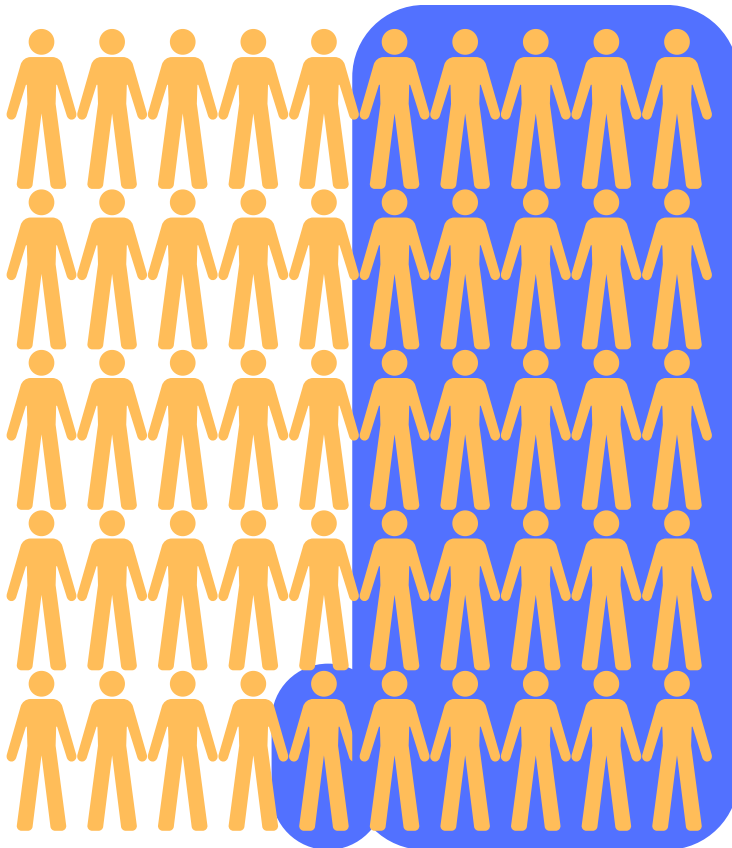


Individuals who meet the Adult Priority Population



The Goal

50.1% of WIOA Adults meet the Adult Priority Population by receiving services through:



Initial Assessments

Individualized Career Services

On the Job Training

Classroom Training

Customized Training

OSOS Activities for Individualized Career Services include:

- L1 Assessment - Comprehensive and Specialized Skill Levels/Service Needs [LX Enrolling]
- Career Guidance - Individualized (WSR) [LX Enrolling]
- Counseling - Group [LX Enrolling]
- Counseling - Individual [LX Enrolling]
- Individual Employment Plan [LX Enrolling]
- Short-term Pre-Vocational Skills to Prepare for Employment of Training [LX Enrolling]
- Test Administration [LX Enrolling]