

PUBLIC POLICY: WIOA - 2025-02

Workforce Innovation and Opportunity Act (WIOA)

SUBJECT: Public Policy on Eligibility Determination Criteria for Youth, Adults, and Dislocated Workers

I. PURPOSE

The Workforce Innovation and Opportunity Act (WIOA) promotes activities for the development of skills and abilities for youth, offering courses and workshops based on their knowledge, giving them the opportunity to experience a friendly work environment in which they can develop skills, acquire knowledge, improve weaknesses, and eliminate barriers that may limit their success in entering the workforce.

II. LEGAL BASIS

- Federal Public Law 113-128 of July 22, 2014, 128 Stat. 1425 et seq., as amended, "Workforce Innovation and Opportunity Act" (WIOA)
- Section 129(a)(1)(B) and 129(a)(1)(C).
- WIOA Regulations - Federal Register/Vol. 81, No. 161, August 2016, Section 681.210, 681.220, Section 680.120, 680-130
- Policy No. DDEC-WIOA-02-2024 – Definition of Terms for the Eligibility of Dislocated Workers under the WIOA Act
- "Puerto Rico Employment Security Act" Act No. 74 of June 21, 1956, as amended.
- Coronavirus Aid, Relief, and Economic Security Act (CARES) Public Law No. 116-136, March 27, 2020
- TEGL 16-21: Updated National Dislocated Worker Grant Program Guidance (June 16, 2022)
- TEGL 19-16: Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) (March 1, 2017)

- TEGL 21-16: Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth
- Formula Program Guidance (March 1, 2017)

III. PUBLIC POLICY

One of the functions of the Local Workforce Development Board is to issue public policy for the implementation of services and activities permitted under the Workforce Innovation and Opportunity Act (WIOA), with specific local characteristics.

The issuance of policies shall take into consideration the provisions of the law, regulations, and local conditions, such as the characteristics of the clientele, the labor market, and the organizational model of the Local Area.

To this end, the Local Workforce Development Board of the Guaynabo-Toa Baja Local Area (JLDL-GTB, by its Spanish acronym) promulgates the following public policy to establish the eligibility criteria for Youth, Adults, and Dislocated Workers.

IV. DEFINITION OF KEY TERMS

"Deficient in basic skills": A youth with reading, writing, or English skills at or below eighth-grade level on a generally accepted standardized test; or a youth or adult who cannot calculate or solve problems, or read, write, or speak English at the level necessary to function at work, in the individual's family, or in society.

"Dislocated homemaker": means a person who has been providing unpaid services to family members in the home and who:

- Is unemployed or underemployed and has difficulty obtaining or improving employment; and has depended on the income of another family member but no longer receives that income;
- or is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced due to deployment, call or order to active duty, permanent change of station, or the death or service-related disability of the member.

"Low-income individuals": meet one or more of the characteristics listed below:

- Recipient of public assistance

- Household income not exceeding 70% of *the Lower Living Standard Income Level* (LLSIL)
- Receives food stamps or was determined to be eligible to receive them in the past six months
- People experiencing homelessness
- An individual with a disability with an income of 70% or less according to the LLSIL
- Receives, or is eligible to receive, a free or reduced-price school lunch
- An individual residing in a high-poverty area, defined as an area with a poverty rate of at least 30% according to the LLSIL

V. DETERMINATION OF ELIGIBILITY

Out-of-School Youth

- a) Be a U.S. citizen or have a work permit in the United States;
- b) Be registered with the Selective Service (males 18 years of age or older born after January 1, 1960)
- c) Not attending any school (high school, alternative school, home school, post-secondary school)
- d) Not younger than 16 or older than 24 years of age at the time of enrollment. Because eligibility is based on age at enrollment, participants may continue to receive services after age 24 once they are enrolled in the program; and
- e) One or more of the following:
 1. A high school dropout (does not have a high school diploma or GED)
 2. A young person who is of compulsory school age but has not attended school for at least the last full quarter of the school year. The school quarter is based on how a local school district defines it;
 3. An individual with a high school diploma or GED who is low-income and deficient in basic skills or is an English language learner.
 4. An individual who is subject to the juvenile or adult justice system;
 5. An individual considered to be experiencing homelessness; a runaway; is in foster care or is of an age to leave foster care; a young person eligible for assistance under Section 477 of the Social Security Act; or an individual who is constantly placed in different foster homes (in-and-out-home placement);

6. An individual who is pregnant or parenting;
7. An individual with a disability;
8. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment (WIOA section 3(27) and section 129 (a)(1)(C).

Pursuant to 20 CFR 681.230, for purposes of Title I of WIOA, the USDOL does not consider youth enrolled in Adult Education programs under Title II of WIOA, in the Youthbuild Program, or participants in the Job Corps program, high school equivalency programs, and dropout reentry programs to be youth in school. Therefore, the WIOA youth program may consider a youth for eligibility purposes as Out of School, even if they participate in one of these three programs.

In-School Youth

To administer special in-school projects approved by the ALDL-GTB, use the following eligibility criteria:

- a) Be a U.S. citizen or have a work permit in the United States;
- b) Be registered with the Selective Service (men 18 years of age or older born after January 1, 1960)
- c) Attending school (secondary or post-secondary)
- d) Not younger than age 14 or (except for an individual with a disability who is attending school under State law) older than age 21;
Since the age of eligibility is the age of admission to the program, participants may continue to receive services beyond the age of 21;
- e) A low-income individual. Under WIOA, a young person who receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National Lunch Act, is considered low-income (79 P.L.96,60 Stat.230); sec.681.270. In addition, a youth living in a high-poverty area is automatically considered a low-income individual. TEGl 8-15
- f) One or more of the following:
 - Basic skills deficient
 - Lacks English language skills, which at the time of eligibility limits their ability to enter into studies or secure or hold employment. A test demonstrating the deficiency in skills will be used to determine this barrier.
 - Offender

- An individual considered to be experiencing homelessness; a runaway; is in foster care or is of an age to leave foster care; a young person eligible for assistance under Section 477 of the Social Security Act; or an individual who is constantly placed in different foster homes (in-and-out-home placement);
- An individual who is pregnant or parenting;
- An individual with a disability;
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment (WIOA section 3(27) and section 129 (a)(1)(C).

EXCEPTION TO THE LOW-INCOME CRITERIA

The WIOA Act grants a 5% exception to low-income eligibility criteria for youth who do not need to meet this low-income provision. The 5% is calculated based on youth registered in the program year who must meet low-income criteria. For youth in school, it is 5% of all youth registered in a given year. For youth out of school, the 5% exception to the low-income criterion is calculated only from the youth enrolled in the program year who must meet the low-income criteria (youth who have completed a high school diploma or its equivalent and are deficient in basic skills or are in the process of learning the English language; or who require additional assistance to enter or complete an educational program or to secure or hold employment).

To use this eligibility criterion, authorization must be requested from the Executive Director to maintain controls and not exceed the percentage approved by law.

In addition, the JLDL establishes that these youth must present one or more barriers to employment as mentioned in section 681.250 of the Regulations. These barriers are as follows:

- School dropout
- Basic skills deficient
- A young woman who is pregnant or a young man who is raising a child
- Has one or more disabilities, including learning disabilities
- Experiencing homelessness or runaway
- Offenders
- With barriers to employment as identified by the Local WIOA Board, Sec. 3(24)

Eligibility for Adults and Dislocated Workers

The Adult Program has no specific eligibility requirements other than the general requirements and participation requirements such as:

- An individual over the age of 18
- U.S. citizen or with work permit
- Registered with the Selective Military Service (men 18 years of age or older born after January 1, 1960)

The WIOA Dislocated Worker Program provides employment and training services to eligible workers who are unemployed through no fault of their own or who have received a notice of termination or layoff from their job. The categories for determining eligibility are as follows:

Category 1: Layoff or Notice of Termination

- 1) Has been terminated or laid off or has received a notice of termination or layoff;
- 2) Is eligible for unemployment or has exhausted their benefits or has worked long enough to prove that they were in the workforce, but does not qualify for unemployment because they did not report sufficient income or their employer is not covered under the unemployment program;
- 3) It is unlikely that they will return to their previous occupation or industry.

Category 2: Permanent Closure or Mass Layoff

- 1) Has been laid off or has received a notice of layoff or termination as a result of a permanent closure or substantial layoff; or
- 2) Is employed by an employer who has made a general announcement that the business will close within 180 calendar days.

Category 3: Self-Employed

- 1) Was self-employed (including employment as a farmer, rancher, or fisherman), but is unemployed as a result of general economic conditions in the community where they reside; or
- 2) Has been affected by natural disasters; or
- 3) Has been affected by a national public health emergency or other unforeseen events.

Category 4: Domestic Work

- 1) Is an individual who has been providing unpaid services to family members in the household, depending on the income of another family member but no longer supported by that income.
- 2) Is the dependent spouse of a member of the armed forces on active duty, whose family income has been significantly reduced due to a call or order for active duty, or the death or service-related disability of the family member.

Category 5: Spouse of a member of the Armed Forces

- 1) Is the spouse of an active-duty military member who lost employment as a result of a permanent change in duty station; or
- 2) Is unemployed or underemployed and experiencing difficulties obtaining or retaining employment; or
- 3) Is a dependent spouse and your household income has been significantly reduced due to deployment, activation, death of a specific service-connected member, or disability.

Additional Designations of Dislocated Workers

In addition to the categories defined by WIOA, this policy also recognizes the following individuals as dislocated workers:

- a) Individuals dislocated due to Foreign Trade, including those participating in the Trade Adjustment Assistance (TAA) program who are part of a group of workers covered by a certified trade petition. This is demonstrated by an increase in imports, a change or acquisition in production, or a loss of sales and/or production that has contributed significantly to the separation or threat of separation of such workers.
- b) Long-term unemployed individuals, who are persons who have been unemployed for 27 weeks or more;

Note: Long-term unemployed individuals may include individuals originally designated as dislocated workers as part of a National Dislocated Worker Grant (NDWG) who remain unemployed after no longer receiving funds from that grant.

VI. SERVICE PRIORITY

The Regulations in sections 20 CFR 680.600-660 establish the priority requirement with respect to funds allocated for employment and training activities for Adult and Dislocated Worker programs.

1. Individuals with barriers to employment under Section 3(24) of WIOA, which include:
 - (a) Dislocated homemakers (as defined in WIOA sec. 3 (16));
 - (b) Low-income individuals (as defined in WIOA sec. 3 (36));
 - (c) American Indians, Alaska Natives, and Native Hawaiians (as defined in WIOA sec. 166(b));
 - (d) Individuals with disabilities, including youth with disabilities (as defined in WIOA sec. 3(25) (includes individuals receiving Social Security Disability Insurance));
 - (e) Older individuals (age 55 or older) (as defined in WIOA sec. 3 (39));
 - (f) Former offenders ("offender" as defined in WIOA sec. 3 (38));
 - (g) Individuals experiencing homelessness or children and youth experiencing homelessness
 - (h) Youth who are out of the foster care system;
 - (i) Individuals who are: (1) English language learners (WIOA sec. 203 (7)), (2) Individuals deficient in basic skills (Deficient in basic skills is defined as an individual who calculates or solves problems, reads, writes, or speaks English at a level equivalent to 8th grade or below on a generally accepted standardized test, or is an individual unable to compute or solve problems or read, write, or speak English at a level necessary to function in employment or in the family environment 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 2 years of exhausting lifetime eligibility under TANF;
 - (l) Single parents (including single pregnant women);
 - (m) Individuals with a history of unemployment (unemployed for 27 or more consecutive weeks); and
 - (n) Other groups that the Governor determines to have barriers to employment
2. Public Assistance recipients
3. Individuals deficient in basic skills (as defined in WIOA Sec. 3(5)(B))
4. Priority in Services to Veterans and Eligible Spouses (when identifying veterans and eligible spouses, they will be offered guidance on the services available to them and to which they are entitled. In addition, eligibility requirements apply to all programs)

Priority should be given in the following order:

- i. First, to veterans and eligible spouses who are also included in the groups given priority for the allocation of WIOA funds. This means that veterans and eligible spouses who also receive public assistance, other low-income individuals, or individuals with basic skills deficiencies would receive first priority for services under WIOA for adults.
- ii. Second, to non-covered individuals (i.e., individuals who are not veterans or eligible spouses) who are included in the priority groups for WIOA adult funding allocation.
- iii. Third, veterans and eligible spouses who are not included in WIOA priority groups.
- iv. Fourth, priority populations established by the governor and/or the Local Board.
- v. Finally, to non-covered individuals outside of the groups given priority under WIOA.

Service priority status is established at the time of eligibility determination and does not change during the participation period. For program eligibility purposes, service priority will be established through client input. From a group of individuals who have applied for WIOA registration, individuals who are eligible for first priority must be served and registered first, followed by individuals who are eligible for second priority, and so on.

VII. APPROVAL AND EFFECTIVE DATE

This public policy will take effect immediately upon approval. This policy supersedes any previous policy regarding eligibility determination at ALDL-GTB.

In Guaynabo, Puerto Rico, today, 28 august 2025.



Oriel Ramirez Rodríguez
President