

**Florida Department of Economic Opportunity (DEO)
Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker Program Eligibility – Consultation Matrix**

<u>Policy Section</u>	<u>Stakeholder Comment</u>	<u>Submitted by</u>	<u>Policy Language Change</u>	<u>DEO Comments</u>	<u>Authority</u>
General Comments	Include a section on local self-sufficiency with a definition for the term and guidance on how local areas determine self-sufficiency in terms of eligibility.	LWDB 21	Yes	The policy language has been updated.	WIOA Local Planning Instructions
General Comments	Recommendation to add if individual is not enrolled in the Adult or Dislocated Worker program within 90 days of eligibility determination it must be redetermined.	LWDB 21	Yes	The policy language has been updated.	N/A
General Comments	Recommendation to refer to TEGL 19-16 for description of what are Career and Training Services	LWDB 21	No	The descriptions for Career Services and Training Services fall outside the scope of this policy. DEO has taken this recommendation under advisement for consideration during future policy development.	N/A
Section II. Background	“Adult services are provided to job seekers who are at least 18 years old to help them succeed in the labor market.” I wish they would expand on the goal of Adult services how DW is expanded in the background section here.	LWDB 15	No	The sentence regarding the Adult program includes the program’s goal/purpose – to help them succeed in the labor market.	N/A
Section IV. A. 2. Dislocated Worker Program	Concern- Categories as related to the TEGL. When <i>numbering</i> them, there are only 5 categories and the DEO policy matches the TEGL in that respect, but I agree that the subsets of those categories would be better defined to align with the categories as numbered in EF. The TEGL applies letters A-E for DW definitions, and the policy shows those, but also assigns category numbers (1-5) without regard to the subset category numbers as assigned in EF (1-8).	LWDB 4	Yes	For purposes of the policy, DEO elected to follow the numbering and sequence outlined in the WIOA law. However, for clarity, the policy language has been updated to include references to the numbering and sequence in Employ Florida as footnotes.	WIOA Section 3(15)
	In Employ Florida, these categories are numbered differently. See below. Recommendation to keep the numbering of the categories the same as Employ Florida for consistency. Below is the wording and order from Employ Florida: <ul style="list-style-type: none"> Category 1: Terminated or laid off, or has received notice of termination or layoff, and is eligible for or 	LWDB 21			

	<p>has exhausted entitlements to UC and is unlikely to return to previous industry or occupation.</p> <ul style="list-style-type: none"> • Category 2: Terminated or laid off, or has received notice of termination or layoff, and has been employed for sufficient duration (based on state policy) to demonstrate workforce attachment but is not eligible for UC due to insufficient earnings, or the employer is not covered under the state UC law and is unlikely to return to previous industry or occupation. • Category 3: Individual is terminated or laid off, or has received notice of termination or layoff, from employment as a result of the Permanent closure of or substantial layoff at a plant, facility, or enterprise. • Category 4: Individual is employed at a facility at which the employer has made a general announcement that the facility will close. Enter the date the facility will close (if known) in the Projected Layoff Date below. • Category 5: Individual was previously self-employed (including farmers, ranchers, and fishermen), but is unemployed due to general economic conditions in the community of residence or because of natural disaster. Record the last date of self-employment in the Actual Layoff Date. • Category 6: Displaced Homemaker: An individual who has been providing unpaid services to family members in the home and 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, or a call or order to active duty, or a permanent change of station, or the service-connected death or 				
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	<p>disability of the member; and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.</p> <ul style="list-style-type: none"> • Category 7: The spouse of a member of the Armed Forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member. • Category 8: The spouse of a member of the Armed Forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. 				
Section IV. A. 2. Dislocated Worker Program	Category 12 is for Dislocated Worker Grant (DWG) eligibility only and that is covered in a separate Admin Policy, DEO AP113. This policy addresses regular WIOA DW categories 1-8 only (misnumbered with EF).	LWDB 4	No	N/A	N/A
Section IV. A. 2. (a) Category 1 – Individual Layoff.	<p>[S]mall layoff language – I don’t see a reference in the TEGl using “small layoff”, but there is discussion on defining a mass layoff aligning with the state law, and that rapid response can/should be provided to those defined as less than “mass layoff”. Definitions for small layoff nor mass layoff are in the DEO policy. It seems this language may be intended to separate categories for small layoff (less than 50?) versus the category for mass layoff. Perhaps provide a state definition for <i>small layoff</i> and <i>mass layoff</i> and where these are intended to fall in the numbered categories in EF.</p> <p>The WIOA law reference to this category is for an individual and not a group layoff. Recommendation to remove “Small Group” from title for Category 1.</p>	LWDB 4	Yes	The policy language has been updated.	WIOA Section 3(15)
Section IV. A. 2. (a) Category 1 – Individual Layoff	<p>Category 1</p> <p>To support “Employed for a duration sufficient to demonstrate attachment to the workforce”, could the DEO add to the definitions section of the last portion of the policy a suggested definition for this clause?</p>	LWDB 15	Yes	The policy language has been updated to require local boards to establish this definition in their local operating procedures.	WIOA Section 3(15)

Section IV. A. Eligibility for Career Services	Recommend to change from "eligible adult" to "eligible participant."	LWDB 15	No	The language aligns with the WIOA federal regulations.	20 CFR 680.120
Section IV. A. Eligibility for Career Services	Recommend this section expand on the requirements surrounding selective service registration. Specifically, those changes communicated through TEGL 11-11, Change 2 that clarifies the requirement to set a policy for potential participants who are males 26 years old or older that failed to register with the Selective Service that may either (1) request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register; or (2) initiate the process to determine if the potential participant's failure to register was knowing and willful without the first requesting a Status Information Letter.	LWDB 21	Yes	The policy language has been updated.	TEGL 11-11, Change 2
Section IV. A. 2. (d) Category 4 – Displaced Homemaker	Reference Category 5, last sentence: Add - Define what constitutes "...experiencing difficulty in obtaining or upgrading employment.	LWDB 2	Yes	The policy language has been updated.	N/A
Section IV. A. 2. (d) Category 4 Displaced Homemaker	CSB recommends to separate item 1 into two (2) items. a) Has been dependent on the income of another family member but is no longer supported by that income b) Is the dependent spouse of a member of....	LWDB 13	Yes	The policy numbering has been updated.	WIOA Section 3(15)
Section IV. A. 2. (e) Category 5 – Separating or Separated Members of the U.S. Armed Forces	Category 5 - Separating or Separated Members of the US Armed Forces It appears the body of the policy is referencing Serving Military Spouses under dislocated worker under the two categories in TEGL language supporting a military spouse incurring loss of employment due to a connected ACTIVE military member and/or who is unemployed or underemployed, unable to obtain employment also connected to an ACTIVE military member. Requesting this to be added as a separate bullet point.	LWDB 15	Yes	The policy structure has been updated.	WIOA Section (3)(15)(E)
Section IV. A. 2. (e) Category 5 – Separating or	But also need where the separating or separated military member is equally eligible to be served as a dislocated worker?	LWDB 15	Yes	The policy language has been updated.	20 CFR 680.660

<p>Separated Members of the U.S. Armed Forces</p>	<p>Other states have defined as, or as TEGL 19-16 clarified, under Category 1, but as a separate bullet for separating or separated eligible Vets:</p> <p>“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.</p> <p>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”</p>				
	<p>This section goes on to describe how military spouses are included in the expanded WIOA definition of a dislocated worker; however, it does not define a separating or separated member of the U.S. Military with regards to qualifying for WIOA DW. Recommend including the eligibility criteria for separating military service members as defined in 20 CFR 680.660 and adding a separate category for displaced military spouses.</p>	<p>LWDB 21</p>			
<p>Section IV. A. 2. (e) Category 5 – Separating or Separated Members of the U.S. Armed Forces</p>	<p>Can DEO include added language covering a separating veteran which considers the vet inherently eligible for UC and meeting “unlikely to return” to include eligibility for training services referenced under TEGL 22-04?</p>	<p>LWDB 15</p>	<p>Yes</p>	<p>The policy language has been updated.</p>	<p>TEGL 22-04</p>

	<p>I. MILITARY SERVICE MEMBERS</p> <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;"><u>Policy</u></p> <p>A basic requirement to qualify as a dislocated worker is that the worker be terminated or laid-off. The term "terminated" is not defined in the law or regulations. It is a Department of Labor policy that being discharged (under honorable circumstances) either voluntarily or involuntarily terminates an employment relationship between an individual and the military and thus falls within the scope of the termination component of the WIA definition of dislocated worker. The separating military personnel must also satisfy the other criteria for dislocated worker eligibility, including the requirement that the individual is "unlikely to return to a previous industry or occupation." Additionally, under the priority of service provisions of the Jobs for Veterans Act, separating service members who, upon discharge, meet the eligibility criteria for dislocated workers would be afforded priority over individuals who are not veterans.</p> </div>				
Section IV. A. 2. (e) Category 5 – Separating or Separated Members of the U.S. Armed Forces	<p>Recommend to add an additional category (Category 6) that addresses Active Duty Spouses, including:</p> <p>Is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or</p> <p>Is the spouse of a member of the Armed Forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.</p>	LWDB 13	Yes	The policy language has been updated; category 5 has been updated to include the unintentional omission of "spouse of".	WIOA Section 3(15)
Section IV. A. 2. (e) Category 5 – Separating or Separated Members of the U.S. Armed Forces	<p>Recommend listing Active Duty first, before Separating or Separated Members of the U.S. Armed Forces.</p>	LWDB 13	No	The definition aligns with the language in WIOA law.	WIOA Section 3(15)
Section IV. B. Eligibility for Training Services	<p><u>Questions for clarification please:</u></p> <p>a) Is the policy now limiting WIOA Adult eligibility to individuals meeting low-income status, or is the low-income information intended to better define the Priority of Service requirements?</p> <p>b) Are LWDB determined self-sufficiency guidelines still applicable for WIOA Adult eligibility?</p>	LWDB 19	Yes	<p>The low-income information relates to the Priority of Service requirements for the Adult program.</p> <p>Yes. The LWDB's self-sufficiency guidelines apply for WIOA Adult eligibility.</p>	

Section IV. B. Eligibility for Training Services	#3 to include training costs incurred prior to program eligibility are not covered by the programs.	LWDB 21	Yes	The policy language has been updated.	
Section IV. C. Statutory Priority for Adult Funds	<p>The second paragraph seems to confuse universal priority of service with how it must be applied to veterans in the WIOA Adult Program per TEGL 19-16. Recommend adding the following paragraph for clarity:</p> <p>Priority must be provided in the following order: i. First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services with WIOA Adult formula funds for individualized career services and training services. ii. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds. iii. Third, to veterans and eligible spouses who are not included in WIOA’s priority groups. iv. Fourth, priority populations established by the Governor and/or Local WDB. v. Last, to non-covered persons outside the groups given priority under WIOA.</p>	LWDB 21	Yes	The policy language has been updated. Please refer to Administrative Policy 105 – Priority of Service for additional requirements regarding priority of service.	TEGL 7-20
Section IV. D. Determining Low-Income Status and Sections IV. E. Calculating Family Income	Move Sections “E” and “D” under A.1 Adult Program as it speaks to the eligibility for the program.	LWDB 21	No	The policy language is intentionally ordered to first define the terms “adult” and “dislocated worker,” followed by explanations of the eligibility elements.	N/A
E. Calculating Income and the Lower Living Standard Income Level	<p>CSB recommends the following:</p> <p>a) If determining low-income, we’d have to compare the figure to the LLSIL <u>and poverty level</u>, whichever is higher.</p> <p>b) Recommend to include a list of includable and excludable income (or a link to: WIA Includable - Excludable Income.pdf (floridajobs.org))</p>	LWDB 13	Yes	The policy language has been updated.	87 FR 19973 TEGL 19-16

	c) Recommend adding provided info that reemployment, child support and old age survivors insurance now count as income.				
Section IV. E. Calculating Income and the Lower Living Standard Income Level	Recommend adding the link to the website in the reference section in the event the link becomes broken within the document.	LWDB 15	No	To mitigate issues with broken links, the current link in the policy directs to the webpage that contains the resource (as opposed to the resource itself).	N/A
Section IV. E. Calculating Income and Lower Living Standard Income Level	<p>Recommend adding a section which denotes that any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits, must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 U.S.C. 42 13.</p> <p>Additionally, the WIOA Final Rule at 20 CFR 680.230, require coordinating WIOA funded training with "other grant assistance", such as Federal Pell Grants. VA benefits for education and training services do not constitute "other grant assistance" under WIOA's eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran's eligible spouse from receiving WIOA funded services, including training funds. Similarly, WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.</p>	LWDB 21	Yes	The policy language has been updated.	20 CFR 680.230
Section IV. E. Calculating Income and Lower Living Standard Income Level	<p>2. a) Change heading to "Calculating Family Total Income"</p> <p>b) Recommendation to begin paragraph with "Determining low-income.....".</p> <p>c) Recommendation to remove reference to comparing annualized income to just the LLSIL. Section D.2 references income is to be compared to higher of</p>	LWDB 21	Yes	<p>The policy language has been updated.</p> <p>Regarding the definition of household composition, WIOA defines family for eligibility purposes.</p>	WIOA Section 3(36) TEGL 19-16

	<p>poverty line or 70% of LLSIL as stated in the WIOA Law.</p> <p>d) Include definition household composition as defined in AWI Memorandum dated 7/28/11.</p> <p>e) Include a list of includable and excludable income as listed in AWI Memorandum dated 4/28/10 and the change made in TEGL 19-16 to the list.</p> <p>f) This section should include an explanation of how to document when an applicant is reporting no income; Example: Applicant Statement indicating resources relied upon for support</p>				
Section IV. F. Nondiscrimination	On Page 6, the footnote numbers and what the footnotes state do not coordinate. They appear to be reversed (2 and 3).	LWDB 19	Yes	The policy language has been updated.	N/A
Section IV. G. Eligibility Documentation	Add a reference on where to locate the eligibility documentation options?	LWDB 15	Yes	The policy language has been updated.	TEGL 23-19, Attachment II
Section IV. H. 1. Employ Florida Requirements	<p>"The EO data that must be collected is race and ethnicity, age, sex, and disability as required by 29 CFR 28. This information is collected as a part of the Employ Florida registration process. Local staff must confirm this information has been completed in Employ Florida." (Page 8, Section H, #1)</p> <p>Are participants able to choose not to answer these questions when registering? If so, does DEO intend to update Employ Florida and make those questions "required"?</p>	LWDB 5	No	<p>Upon initial registration in Employ Florida, individuals may choose not to disclose Equal Opportunity (EO) related information. However, EO information, as defined in 20 CFR 675.300, must be collected on every individual who is interested in being considered for WIOA title I financially assisted aid, benefits, services, or training. Therefore, local staff must confirm this information has been completed in Employ Florida.</p> <p>No. DEO does not intend to update Employ Florida to make those questions requirements.</p>	20 CFR 680.110(c)
Section IV. H. 2. Enrollment Process Requirements	Also, would like to recommend identifying assessment tools and what a career plan looks like in more detail.	LWDB 15	No	The requirements of assessment tools and Individual Employment Plans (career plans) fall outside the scope of this policy. DEO has taken this recommendation under advisement for consideration during future policy development.	N/A
Section IV. H. 3 Enrollment in the Adult Program, the Youth Program, or Both	Recommendation to remove reference to the Youth program as this policy is for Adult and Dislocated Worker program with an exception for Section H.3.	LWDB 21	No	The term "youth" is used in the section related to co-enrollment and the two definitions that include multiple populations.	TEGL 19-16