

LOCAL INSTRUCTION NUMBER 20-03

To: Local Catawba Workforce Development Area

Subject: Updated Federal Income Guidelines

Issuance Date: April 13, 2021

Effective Date: April 9, 2021

Purpose: To transmit updates to federal income guidelines used in establishing eligibility for Workforce Innovation and Opportunity Act (WIOA) participation and/or specific WIOA services.

References: Workforce Innovation and Opportunity Act Section 3(36); Federal Register, Volume 86, Number 67, April 9, 2021, pp. 18555-18557, *US Department of Labor 2021 Lower Living Standard Income Level*; Federal Register, Volume 86, Number 19, February 1, 2021, pp. 7732-7734, *Annual Update of the US Department of Health and Human Services Poverty Guidelines*.

Background: Annually, the US Department of Labor (DOL) determines the Lower Living Standard Income Level (LLSIL). Likewise, the US Department of Health and Human Services (HHS) updates the poverty guidelines. The LLSIL and poverty guidelines are used for several purposes in WIOA programs, including determinations of program eligibility and needs-related payment levels.

Policy:

Program Eligibility – WIOA defines the term “low income individual” using various criteria, including receipt of income that does not exceed the higher level of the poverty line or 70 percent of the LLSIL. Attachment A, *WIOA Family Income Guidelines*, incorporates the most recent updates to the DOL issued 70 percent LLSIL and the HHS issued poverty levels. These guidelines apply when using income as the determining criteria for “low income individuals.”

Self-Sufficiency – WIOA allows employed individuals to receive individualized career services without determining self-sufficiency. Training services may be made available to employed and unemployed adults and dislocated workers who are determined:

- 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; and
- 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.

WIOA allows the State, as well as Local Workforce Development Boards (LWDB), to adopt, calculate, or commission for approval an economic self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-state geographical considerations. Until such economic self-sufficiency standard(s) are determined, local workforce development areas (LWDAs) may continue to use the “self-sufficiency” criteria adopted under WIA. At a minimum, such criteria provides “that self-sufficiency means employment that pays at least 100 percent of the LLSIL” based on family size and income. Self-sufficiency for dislocated workers may be defined in relation to a percentage of the layoff wage. Attachment B, *100% Lower Living Standard Income Levels*, represents updated 100 percent LLSIL amounts by family size. These guidelines, along with LWDB criteria, should be used in determining the need for training services.

Needs-Related Payments – For adult and dislocated worker participants, WIOA allows financial assistance for the purpose of enabling individuals to participate in training. To receive needs-related payments, all participants must be unemployed, enrolled in training, and not receiving unemployment compensation or trade readjustment allowances under TAA. In addition, dislocated worker participants must be enrolled in training under WIOA by the end of the 13th week after the most recent layoff that resulted in a determination of the worker’s eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed six months. For those dislocated worker participants who did not qualify for unemployment compensation or trade readjustment assistance (TRA) under TAA, the enrollment in training deadlines do not apply.

Payment levels for any WIOA participants receiving needs-related payments (adults or dislocated workers) are established by each LWDB. In determining the level of needs-related payments for dislocated workers, payments may not exceed the greater of either:

- The applicable weekly level of unemployment compensation benefits, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; or
- The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income, as determined by LWDB policies.

Attachment C, *Poverty Level Guidelines*, represents HHS poverty levels for use in determining needs-related payment amounts for dislocated workers.

Action:

- You are responsible for the distribution and implementation of this policy guidance within your local workforce system.
- Replace State Instruction 19-06, *Updated Federal Income Guidelines*, with this State Instruction.
- Effective immediately, use the attached guidelines for future eligibility determinations under WIOA.

Inquiries: Questions may be directed to Nicole Lawing at nlawing@catawbacog.org or 803.327.9041.



Nicole Lawing, WIOA Administrator

Attachment A – WIOA Family Income Guidelines for South Carolina

Attachment B – 100% Lower Living Standard Income Levels for South Carolina

Attachment C – Poverty Level Guidelines for South Carolina