

INSTRUCTION LETTER**INSTRUCTION NUMBER:** WIOA Local Instruction 19-09, amendment 3**TO:** To Upstate WB Staff and All Contractors**SUBJECT:** Updated Federal Income Guidelines**DATE**
ISSUED: May 17, 2022**DATE**
EFFECTIVE: Immediately**DATE**
EXPIRES: Indefinitely

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 88, Number 88, April 8, 2023, pp. 29694-29696, WIOA 2023 *Lower Living Standard Income Level*; Federal Register, Volume 88, Number 12, January 19, 2023, pp. 3424-3425, *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.

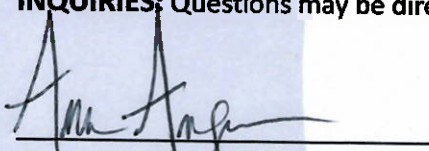
WIOA allows the State, as well as Local Workforce Development Boards (LWDB), to adopt, calculate, or commission for approval an economic self-sufficiency standard that specifies the income needs of families, by family size, the number, and ages of children in the family, and sub-state geographical considerations. Until such economic self-sufficiency standard(s) are determined, local workforce development areas (LWDA) may continue to use the "self-sufficiency" criteria adopted under WIA. At minimum, such criteria provide "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 Local Board criteria, should be used in determining the need for training services.

The Upstate Workforce Board currently does not authorize Needs Based Payments.

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. Effective immediately, use the attached guidelines for future eligibility determinations under WIOA.

INQUIRIES: Questions may be directed to Dana Wood dana@upstatewb.org.



Ann Angermeier, Director

Source: State Instruction 22-02. Amends Local Instruction 19-09, Amendment 2.

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