

TO: Workforce Investment Board

Date: November 15, 2001

For Action
 For Information
 Meeting Notes

FROM: Planning and Policy Development Committee

SUBJECT: Determination of “Limited Funds” Status

PROPOSED MOTION: “For the purposes of Section 134(d)(4)(E) of the Workforce Investment Act of 1998, sufficient funds exist to provide Adult employment and training services to the number of clients anticipated to require such services during the current program year.”

DISCUSSION:

The Law – WIA 134(d)(4)(E) Priority.--In the event that funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b) are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services. The appropriate local board and the Governor shall direct the One-Stop operators in the local area with regard to making determinations related to such priority.

The Regulations - Subpart F—Priority and Special Populations § 663.600

(a) WIA states, in section 134(d)(4)(E), that in the event that funds allocated to a local area for adult employment and training activities are limited, priority for intensive and training services funded with Title I adult funds must be given to recipients of public assistance and other low-income individuals in the local area.

(b) Since funding is generally limited, States and local areas must establish criteria by which local areas can determine the availability of funds and the process by which any priority will be applied under WIA section 134(d)(2)(E). Such criteria may include the availability of other funds for providing employment and training-related services in the local area, the

needs of the specific groups within the local area, and other appropriate factors.

(c) States and local areas must give priority for adult intensive and training services to recipients of public assistance and other low-income individuals, unless the local area has determined that funds are not limited under the criteria established under paragraph (b) of this section.

(d) The process for determining whether to apply the priority established under paragraph (b) of this section does not necessarily mean that only the recipients of public assistance and other low income individuals may receive WIA adult funded intensive and training services when funds are determined to be limited in a local area.

The Local Board and the Governor may establish a process that gives priority for services to the recipients of public assistance and other low income individuals and that also serves other individuals meeting eligibility requirements.

Definitions:

Low-Income Individuals - an individual who—

(A) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;

(B) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of--

- (i) the poverty line, for an equivalent period; or**
- (ii) 70 percent of the lower living standard income level, for an equivalent period;**

(C) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(D) qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);

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

(F) in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.

Public Assistance - Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

Commentary: The Committee has carefully reviewed the funding streams, budgets and participant plans associated with Adult clients and has determined that, at present, sufficient funding is expected to be available to provide employment and training services for the current program year. We have directed staff to provide the Committee with a monthly report detailing expenditures, obligations and client counts for Adult services. If circumstances change and client and spending patterns suggest that funding will not be sufficient, we shall timely inform the Board and recommend appropriate actions.