



POLICY

SECTION: WIOA Youth	POLICY# 019-C0050	PAGE: 1 of 3
TITLE: WIOA Youth 5% Exception and 5% Limitation	EFFECTIVE DATE: 5.21.20	
REPLACES: N/A	DATED: N/A	

DISTRIBUTION: CAREERSOURCE TAMPA BAY STAFF

PURPOSE: To provide guidance to staff on the WIOA Youth definitions surrounding 5% exception and 5% limitations for In-School (ISY) and Out-of-School (OSY) WIOA Youth funding when determining WIOA Youth eligibility.

BACKGROUND: To be eligible for WIOA youth program, individuals must meet one or more conditions listed in WIOA Section 129(a)(1)(B)(iii) for OSY and (a)(1)(C)(iv) for ISY. Refer to CSTB POLICY WIOA Title 1 Programs Eligibility Criteria #019-C0035 for WIOA Youth eligibility criteria for ISY and OSY and CSTB POLICY Youth Requiring Additional Services #019-C0031.

Training Employment Guidance Letter (TEGL) 8-15 Second Title 1 WIOA Youth Program Transition Guidance outlines 5% Limitation and 5% Low Income Exception requirements.

POLICY:

As described in WIOA 20 CFR § 681.250(c), WIOA allows a low-income exception where 5 % of WIOA youth may be participants who ordinarily would be required to be low income for eligibility purposes and meet all other eligibility criteria for WIOA youth except the low-income criteria.

A program must calculate the 5 % based on the percentage of newly enrolled youth in the local area’s WIOA youth program in a given program year who would ordinarily be required to meet the low-income criteria. The 5 % low-income exception under WIOA is calculated based on the 5 percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria.

This is an elective category meaning that this category does not have to be utilized if it is not necessary. If CSTB elects to place participants in this category based on eligibility, not more than 5% may qualify under the low- income exception.

CSTB Policy # 019-C0031 – Youth Requiring Additional Assistance outlines the CSTB definition of acceptable criteria in our region. This policy provided maximum flexibility in capturing additional barriers that youth in our region face. In addition, CareerSource Tampa Bay’s Local Workforce Development Board will follow established WIOA Youth 5% Eligibility and Limitation criteria guidelines as provided in TEGL 08-15.

PROCEDURE:

5% Exceptions- WIOA Sec. 129(a)(3) defines all in-school youth and the following two categories of out-of-school youth as “covered individuals.”

- A recipient of a secondary school diploma or its recognized equivalent who is a low income individual and is either basic skills deficient or an English language learner;
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

No more than five percent (5%) of youth served in a local area may be “covered individuals” who are not low income (WIOA Sec.129 (a)(3)(A)(iii)).

All ISY must be low-income with the exception that up to five percent (5%) of ISY youth who meet all the other eligibility requirements need to be low-income. The up to five percent (5%) is calculated based on all newly enrolled youth who would ordinarily be required to meet the low-income criteria in a given program year.

For OSY, only those youth who are the recipient of a secondary school diploma or its recognized equivalent and are either basic skills deficient or an English language learner and youth who require additional assistance to enter or complete an educational program or to secure or hold employment must be low-income. Because not all OSY are required to be low-income, the 5% low income exception under WIOA is calculated based on the 5% of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria (20 CFR 681.250).

To exercise the WIOA Youth 5% Exception this will require the CEO or their designee’s approval. This would be documented in EmployFlorida case notes and in the WIOA application/intake packet so it is clear for the MIS team to process the initial enrollment.

5% Limitations- No more than five percent of the in-school youth served in a local area may be “an individual who requires additional assistance to complete an educational program or to secure or hold employment” (WIOA Sec. 129(a)(3)(B)). WIOA Sec. 129(a)(3)(B) states that in each local area, not more than 5% of the ISY assisted may be eligible based on paragraph (1)(C)(iv)(VII), which refers to the barrier for an ISY who requires additional assistance to complete an educational program or to secure or hold employment. CSTB must ensure that in a given program year, not more than 5% of ISY enrolled in the program year are determined WIOA eligible only based on the “additional assistance” criterion.

Calculation of the limitation is done on a per Program Year basis (July 1 – June 30th). The methodology only considers new ISY enrollments that are realized by CSTB in a given program year.

- Note: The 5% limitation restriction only applies to ISY.

EF Tracking

Both the 5% Exception and 5% Limitation are tracked based on activities and coding in EmployFlorida. In addition, CSTB should establish local internal controls to ensure that these thresholds are not exceeded. CSTB can generate reports to identify the total # enrolled in each category. DEO also conducts annual programmatic monitoring and one of the areas they review is WIOA Youth and in particular they review for both the 5% exception and 5% limitation criteria.

Waivers

Presently there are no approved waivers through USDOL to either of these requirements.

References:

- WIOA Public Law 113-128 Section 129(a):
<https://www.govinfo.gov/content/pkg/PLAW-113publ128/psf/PLAW-113publ128.pdf>
- TEGL 08-15 Second title 1 WIOA Youth Program Transition Guidance:
https://wdr.doleta.gov/directives/attach/TEGL/TEGL_08-15.pdf
- TEGL 19-16 WIOA Operating Guidance:
https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3851
- TEGL 23-14 WIOA Operating Guidance:
https://wdr.doleta.gov/directives/attach/TEGL/TEGL_23-14.pdf
- CSTB POLICY # 019-C0035 WIOA Title 1 Programs Eligibility Criteria:
<https://local.careersourcetampabay.com/wp-content/uploads/2019/12/Policy-WIOA-Title-1-Eligibility-Criteria.pdf>
- CSTB POLICY # 019-C0031: Youth Requiring Additional Assistance
<file:///U:/Career%20Services/2019%20Policies%20and%20Procedures/Policy%20-%20Youth%20Requiring%20additional%20assistance/Policy%20Youth%20Requiring%20Additional%20Assistance%20Revision%209%202019.pdf>

INQUIRIES: Any questions about this procedure should be directed to the Chief Operating Officer, Director of Youth program, or their designee.