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MEMORANDUM

TO: Farmworker Career Development Program (FCDP) Sub-Recipients

FROM: Ashley Meros, Ph.D.

DATE: December 18, 2025

SUBJECT: FCDP Policy Update information on Eligibility and Enrollment for WIOA Section 167 National Farmworker Jobs Program (NFJP) Participants Training and Employment Guidance Letter No. 18-16 Change 2 ([TEGL No. 18- 16 Change 2](#))

The purpose of this guidance clarifies the requirements for FCDP's participants' **eligibility** for the Florida National Farmworker Jobs Program (NFJP) and Methods for Calculating Income.

Summary: The FCDP offices will use this guidance when enrolling individuals for services to comply with portions of WIOA Title I Section 167 and the final Rules. NFJP/FCDP's sub-recipients must actively work with their American Job Center (AJC) and other workforce system partners in identifying services and programs that are personalized to applicants' needs and career pathway interests. Individuals who are determined to be ineligible for FCDP should be referred to other AJC services or alternative services. The information on those ineligible individuals should be kept for one year after the ineligibility date. Training and Employment Guidance Letter (TEGL) No. 18-16, Change 2 dated January 17, 2025, is an update to the previously released TEGL 18-16 Change 1 dated July 12, 2021. This Change 2 allows grantees to consider the nature of the agriculture industry, including the nature of farmworkers' employment and income patterns when determining program eligibility. Changes in this Memorandum include:

- Guidance on how to apply the eligibility requirement that participants must be "primarily employed in farmwork" to receive FCDP services,
- Revisions to align with TEGL 23-19 Change 1 and [TEGL-23-19-change-3](#)
- Updates to Section 4.d, Definitions (see attachments) to clarify the terms Seasonal Farmworker, Low-income Individual, and Other Individuals,
- Updates to Eligibility Determination Procedures to remove the application validity period of 60-days from the date of the initial application and
- Updates to Attachment I, which contains income information.

It is important to ensure the applicant meets the criteria for the Eligible Seasonal Farmworker, Eligible Migrant Farmworker, MSFW youth, Dependent of an MSFW (Adult or Youth), Low-Income Individual or Family Income and Low-Income Eligibility programs (for definitions, see attachments).

Eligibility Requirements for FCDP Participant

As part of the eligibility criteria, proof of legal status is required:

- Citizen of the United States
- Non-citizen permitted to accept permanent employment in the United States by the Immigration and Naturalization Services
- Non-citizen permitted to accept employment in the United States by the Immigration and Naturalization Services in accordance with [TEGL 02-14](#) dealing with Deferred Action for Childhood Arrivals (DACA) participants (for more information, see attachments A and B).

All individuals receiving career services, training services, housing services, youth services or related assistance services through FCDP funding must meet, on the date of application for enrollment, criterion A and criterion B below as defined in [20 CFR 685.110](#):

A. To receive FCDP services an individual must be either a(n):

- Eligible seasonal farmworker adult,
- Eligible migrant farmworker adult,
- Eligible migrant and seasonal farmworker (MSFW) Youth,
- Dependent Adult of an eligible MSFW or
- Dependent Youth of an eligible MSFW.

And,

B. A low-income individual who may face potential barriers to economic self-sufficiency as defined in Section IV(6) [TEGL No. 18- 16 Change 2](#).

An individual aged 14 - 24 may receive services that are designed for youth.

An individual aged 18 and older may receive services that are designed for adults.

Other requirements if applicable:

- [TEGL 11-11, Change 1 and 2](#) provide **Selective Service** registration requirements for ETA programs authorized by WIOA. TEGL 11-11 Change 1 and Change 2 implemented the requirements of WIA Section 189(h), and WIOA retains the same requirements.
- [TEGL 2-14](#) specifies that an individual who has been granted relief under DACA and has employment authorization documents may be eligible to receive DOL-funded services (provided that the individual meets all other program eligibility requirements).
- Farmworker Career Development Program Worksheets A & B (See Attachment II and III) must be completed and uploaded into the Grantee Performance Management System (GPMS) Staff section.
- Veterans' Priority of service veterans and eligible spouses receive priority of services for all DOL-funded job training programs, including FCDP programs. In circumstances where a grantee must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans' priority of service provisions require that the grantee give priority of service

by first providing the veteran or eligible spouse that service. To obtain priority of service, a veteran or spouse must meet NFJP/FCDP eligibility requirements. FCDP must comply with DOL guidance on veterans' priority (ETAs [TEGL No. 10-09](#)).

Note: The FCDP may enroll a participant as either MSFW adult or MSFW youth participant as described in [20 CFR 685.320](#), but not in both categories.

Importance: Outreach is a vital function to carry out services. Although this guidance focuses on program eligibility, continuous outreach and recruitment are key parts of this work. FCDP's sub-recipients play a critical role in reaching farmworker communities, who benefit from having access to community resources. Therefore, FCDP sub-recipients must conduct outreach where farmworkers work, live and gather to engage with farmworkers and their communities. Doing so will enhance FCDP's ability to recruit potential applicants, consistent with federal law, as well as help farmworkers who are not eligible for the program connect with other workforce development services and community resources. In order for FCDP sub-recipients to be able to carry out their responsibilities to deliver services, it is important for FCDP to let the local farmworker community know about the FCDPs' services.

Additionally, eligibility determination must be done as efficiently as possible to administer important services timely. The coordinator must review all supporting documents and application information (see attachments Worksheets A and B) before the participant data is entered in Grantee Program Performance Management System (GPMS).

The FCDP sub-recipients must follow their established Performance Targets for youth performance indicators and adult performance indicators to ensure they are approved. These age requirements apply both to individuals who receive services that trigger inclusion as participants and services that do not (i.e. reportable individuals).

How to determine Farmworker Income:

FCDP staff shall select twelve (12) consecutive months out of the 24 months prior to application for the program involved, verify that they have been primarily employed in agricultural or fish farming labor and provide documentation that states they face multiple barriers to economic self-sufficiency (see attachment II and III).

How to determine Family Income:

When calculating the family income, grantees may use the income of the married couple, single parent or guardian as well as other regular contributions for support, if appropriate. (See attachment I). To determine the family size, grantees may use the total number of individuals who fall under the definition of family (see definition [TEGL No. 18- 16 Change 2](#)). Sub-recipients should use Family Log Form as described in Worksheet B.

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Additionally, pursuant to 20 CFR 685.110, a MSFW youth may be individually eligible or may receive services as a dependent of an eligible MSFW. When a MSFW youth is individually eligible, this means their own income and farmwork meets the low-income and farmwork requirements. Source of documents to identify family size (at least one of the following): Program application (Family Size Log Form), Receipt of Services, Housing Services Contract, Case Notes (see Memorandum Case Note).

Important: For Family Income, see attachment I. Select a method that gives a result which reflects the financial circumstances of applicants at the time of application. Also, see self-attestation forms for more information.

Attachments

Included Income, Excluded Income, and Examples of Methods to Calculate Income Tool.

FCDP Eligibility Worksheet A

FCDP Eligibility Worksheet B

Definitions

Applicant Self-Attestation Statement for Intermittent Work and Income

AYM/cdf

Attachment 1: Included Income, Excluded Income and Examples of Methods to Calculate Income Tool

Use this attachment in conjunction with TEGL 18-16, Change 2. The definition of a low-income individual under the Workforce Innovation and Opportunity Act (WIOA) Section 3(36) does not exclude unemployment compensation (this includes Pandemic Emergency Unemployment Compensation, Pandemic Unemployment Assistance and Extended Benefits), old-age survivors insurance benefits or child support payments from income calculations as they were previously excluded under the Workforce Investment Act (WIA) Section 101(25). ETA used the U.S. Department of Labor’s Bureau of Labor Statistics definition of income to develop this tool.

<https://www.bls.gov/cex/csxgloss.htm#inc> This tool aims to increase FCDP sub-recipients’ understanding of what types of income would count toward the income requirement to qualify for NFJP/ FCDP and provide examples of methods to calculate income.

- A. Examples of the types of income that could be included when making eligibility determination based on income are outlined in the table below.

	Included Income
Income: Earnings before Taxes	<ul style="list-style-type: none"> • Wages and salaries;² • Self-employment income; • Social Security (Old-Age Survivors and Disability Insurance), private and government retirement; • Interest, dividends, rental income and other property income; • Unemployment and workers’ compensation; and • Regular contributions for support (alimony and child support) – Please note, the term <i>regular</i> for this source of income. If an individual is a parent and cannot rely on receiving contributions such as child support, grantees may consider this when calculating income. <p>Important to Know: When gathering information about an individual’s income, please note that some types of federal, state or local income-based public assistance may automatically qualify someone as low-income.</p> <ul style="list-style-type: none"> • For example, under WIOA Section 3(36)(A)(i), an individual meets the low-income eligibility when they receive, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); the program of block grants to states for temporary assistance for needy families program (TANF) under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or the <u>Supplemental Security Income (SSI) program</u> established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or state or local income-based public assistance; • Additionally, per WIOA Section 3(50), the term “public assistance” means federal, state or local government cash payments for which eligibility is determined by a needs or income test.

	<p>The grantee will receive state or local income-based public assistance payments, which includes but is not limited to the following type of assistance:</p> <ul style="list-style-type: none"> • Utility • Childcare • Nutrition • Housing
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Additional Resources:

¹ <https://www.bls.gov/cex/csxgloss.htm>

² <https://www.bls.gov/bls/glossary.htm>

- B. Examples of types of income that could be excluded when making eligibility determination based on income are outlined in the table below. When calculating income, do not include any allowance, earnings or payments stemming from participation in WIOA Title I programs. Per 20 CFR 683.275 (d), allowances, earnings and payments to individuals participating in programs under Title I of WIOA are not considered as income for purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any federal or federally-assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 *et seq.*).

	Excluded Income
Volunteer/Job Training Payments	<ul style="list-style-type: none"> • Allowances, earnings and payments to individuals participating in programs under Title I of WIOA; • Any payment to volunteers under Title I (VISTA and others) and Title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Service Act of 1973; • Payments to volunteers under Section 8(b)(1)(B) of the Small Business Act (SCORE and ACE); and • Payments and allowances to individuals participating in AmeriCorps to the extent excluded by the National and Community Service Act of 1990.
Student Financial Aid	<ul style="list-style-type: none"> • Student financial assistance received under Title IV of the Higher Education Act of 1965, including the Pell Grant, Supplemental Education Opportunity Grant, State Student Incentive Grants, National Direct Student Loan, PLUS, College Work Study and Byrd Honor Scholarships, to the extent excluded by the Act; and • Payments received under the Carl D. Perkins Vocational Education Act, as amended by the Carl D. Perkins Vocational and Applied Technology Act Amendments of 1990, P.L. 101-392.
Military Service-related Income	<ul style="list-style-type: none"> • Any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments or related VA-funded programs are not to be considered as income, in accordance with VA Title 38 U.S.C. 4213 and 20 CFR 683.230. For additional information about assisting veterans, please see Training and Employment Guidance Letter NO. 10-09.

	<p>All pay and/or financial allowances earned while a veteran was on active duty are exempt. Title 38 U.S.C. 4213 also exempts from inclusion in “low income” calculations any financial benefits received by a covered person under the following Chapters of Title 38 of the U.S. Code:</p> <ul style="list-style-type: none"> 11. Compensation for service-connected disability or death. 13. Dependency and indemnity compensation for service- connected deaths. 30. All-volunteer force educational assistance program. 31. Training and rehabilitation for veterans with service-connected disabilities. 35. Survivors’ and dependents’ educational assistance. 36. Administration of educational benefits. <p>Also excluded from “low income” calculations are benefits received under Chapter 106 of Title 10 U.S. Code, Educational assistance for members of the selected reserve.</p> <p>Note: Pension payments authorized by Title 10 U.S. Code, such as those received by military retirees whether or not their retirement was based on disability, are not exempt and are to be included in “low income” calculations. Also not exempt are pension benefits paid under Chapter 15 of Title 38 U.S. Code.</p>
Lump sum payments	<ul style="list-style-type: none"> • Lump sum payments or large cash settlements are not counted as income since they are not received on a regular basis. These funds may be provided as compensation for a loss that must be replaced, such as payment from an insurance company for fire damage to a house. <p>Note: When lump sum payments are put into a savings account and the household regularly draws from that account for living expenses, the amount withdrawn is counted as income.</p>

Examples of Methods for Calculating Income

MSFWs experience earning fluctuations throughout the year due to the nature of working in the agriculture industry. Determining whether an individual meets the low-income requirement by gathering source documentation for the past 12 months may be challenging and may distort an individual’s financial circumstance at the time of application. FCDP sub-recipients must document in the case notes any changes in wages and salaries and document the reason they chose a specific method to annualize an individual’s income. When calculating an individual’s family income under WIOA Section 3(36)(A)(ii), grantees may use **one item** from the source documentation list for the Participant Individual Record Layout (PIRL) Data element #802 in Attachment II of TEGL 23-19 Change 2.

Net Income or Gross Income. Depending on the type of source documentation that an applicant provides, a grantee may have access to an individual’s net income or gross income information. To encourage flexibility and allow grantees to use the full list of source documentation while balancing consistency, ETA recommends that grantees use the net income to calculate an individual’s family income, if it is available. However, if the net income is not available, grantees may use the gross income when calculating an individual’s family income.¹ All methods must be aligned with the grantee organization’s policies and procedures.

Note: Gross usually refers to total earnings, before any deductions (such as tax withholding) including, where applicable, overtime payments, shift differentials, production bonuses, cost-of-living allowances, commissions, etc. See definition at <https://www.bls.gov/bls/glossary.htm#earnings>. Net refers to total earnings after any deductions.

FCDP sub-recipients have the flexibility to use different methods for calculating income and should use a method that considers an individual's current income. Methods to annualize income are not limited to but may include the following approaches below. When annualizing an individual's income, FCDP sub-recipients must also include other sources of income that are listed above under section A, of this tool. The examples below demonstrate three different ways to calculate an individual's wages. The methods only reflect income calculations to determine an individual's eligibility for FCDP (NFJP grant). Use any of the methods listed below if needed. The case manager should identify which one is used in the eligibility case note.

Salary Method: Use this method for individuals who have pay stubs or other source documentation covering the most recent 6 months of their family's wages. Grantees should use this method when there is little or no variation in the wages or salaries for any of the pay stubs submitted for income verification. To calculate an individual's annual income based on wages or salaries, first multiply the pay listed on the paystub or source documentation by the number of pay periods in the six-month determination period. Next, multiply the result by two to determine the annual wages or salaries. Example: Five pay stubs are provided, indicating wages of \$772 each. The pay frequency is bi-weekly (13 times in six months). $[(\$772 \times 13 = \$10,036) \times 2] = \$20,072$.

Average Pay Method: Use this method for individuals who have six monthly bank statements or other source documentation which show variation in the individual's wages. These variations may result for several reasons, including overtime or work for a different employer. In circumstances where variation exists, grantees can determine an individual's average wages by adding the total wages and dividing the result by the number of monthly bank statements. Example: an individual shows bank statements from the most recent 6 months. The bank statements for 6 months show the following monthly income \$770, \$290, \$490, \$490, \$490, \$490 and \$490. The total income for the individual for 6 months is \$3,020. To calculate the monthly average, divide the result by 6. Then to calculate the individual's annual income from wages, multiply the month average \$503 by 12 to calculate annual income ($\$503 \times 12 = \$6,040$).

Intermittent Work Method: Use this method for individuals who have irregular income or are self-employed. In circumstances where the individual does not have steady work, the FCDP sub-recipients should ask the individual to supply as many pay stubs or other source documentation as possible. To determine average wages, use the individual's income from the prior month. When using the Intermittent Work Method, the grantee must explain missing pay stubs, non-work periods, etc., and selected method in their case notes. FCDP sub-recipients should use any information that an individual submits to calculate annual income.