

The Workforce Connection Board

Policy Title: Eligibility – Adult / Dislocated Worker / Youth

Reference Number 2015-400-01

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Status: Active

Modifications: 05-2017 Name Change

Purpose:

To provide information regarding eligibility for WIOA funded Dislocated Worker, Adult, and Youth programs

References:

- Department of Commerce Policy 15-WIOA-4.1 General Eligibility Requirements
- Department of Commerce Policy 15-WIOA-4.2 Dislocated Worker Eligibility
- Department of Commerce Policy 15-WIOA-4.3 Adult Eligibility
- Department of Commerce Policy 15-WIOA-4.4 Youth Eligibility
- Department of Commerce Policy 15-WIOA-4.5 Veterans
- Department of Commerce Policy 15-WIOA-4.6 Low Income
- Attachment to above Policy letters “WIOA Title IB General and Fund Source Eligibility Requirements and Documentation Sources”

Background:

Services provided in accordance with the Workforce Innovation and Opportunity Act (WIOA) require eligibility determination based on general eligibility for self-services and informational activities; and further determinations of eligibility for staff-assisted, individualized career and training services for dislocated workers, adults and youth.

Responsible Party:

One Stop center program directors and staff responsible for WIOA funded programs must verify and document WIOA eligibility requirements for Dislocated Worker, Adult and Youth programs prior to enrollment. (See attached)

Policy/Procedures:

I. General Eligibility Requirements

- A. All individuals seeking assistance through the workforce system, through One-Stop Center(s) or technology, must have basic career services made available to them. The level of service requested will determine the information required from the individual and the need for eligibility determination.
 1. Individuals seeking only self-services and information activities through the Resource Room, online materials and reference documentation, workshops, job fairs and employer training will be available to all individuals without determination of eligibility.
- B. Individuals receiving only self-service or information activities may be considered as reportable or non-reportable for performance purposes.
 1. All individuals will be asked to sign in using the computer kiosks and/or paper registration.
 2. Individuals are request to complete the registration, but must, at a minimum, provide their name to receive these services. A customer who only provides a name (or name and address) is considered non-reportable and unavailable to be included in any performance reports. However, failure to provide additional information does not deny the individual from receiving self-services and informational activities.

3. Individuals may be counted a reportable by providing their name, address, and social security number. This information allows the reporting system to identify them as a unique individual and be counted in required reports.
 4. Reportable individuals receiving more than self-service or informational activities (i.e., staff-assisted services) must be determined eligible for the applicable program as outlined in this policy.
- C. Individuals seeking staff-assisted WIOA services must be registered following an eligibility determination. Registration is the process of collecting information through an online or paper application for entry and subsequent eligibility determination into the Illinois Workforce Development System (IWDS)
1. Eligibility certification shall be based on the information provided in the individual's signed and dated application.
 - a. Applications must be signed and dated on or prior to the application certification date in IWDS.
 2. Once an individual is registered, the individual is considered a "participant" and is generally subject to performance requirements.
 3. All Title IB registrations must be recorded in IWDS.
- D. WIOA requires all registered individuals under Title IB WIOA programs to meet two general eligibility requirements:
1. Authorized to work in the United States. Individuals participating in Title I programs and activities or receiving funds under Title I shall be citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. (Sec. 188 (a)(5))
 2. Compliance with Military Selective Service Requirement. All males born after December 31, 1959, who have reached age 18, must be registered with the Selective Service Administration as required by the Selective Service Act, (50 USC App. 453). (Sec. 189(h))
- E. All eligibility determinations must have supporting documentation as outlined in "WIOA Title IB General and Fund Source Eligibility Requirements and Documentation Sources" (Attached). It provides a list of sources of documentation allowed as evidence of general or program specific eligibility.
1. Evidence of general eligibility must be maintained in the participant's case file.
 2. Self-attestation may be used to support most eligibility determinations; however, it should always be used as the last option for support. All other options available under a particular eligibility determination decision must be reviewed before relying only on self-attestation.
 - a. The only exception is for an eligibility determination of an individual with disabilities. If the disability is the only means for determining eligibility, then the

customer should provide a source of support other than self-attestation, if available.

- b. If the disability is not the only means to determine eligibility, then self attestation alone is sufficient to document the existence of a disability.

- 3. Self-attestation is the only requirement for the purposes of collecting demographic information or when a participant seeks accommodations to participate in services.

II. Adult Eligibility

- A. An “adult” customer of WIOA must:

- 1. Meet general eligibility requirements; and
- 2. Must be age 18 or older.

- B. After eligibility determination, priority for individualized career services and training service shall be given to:

- 1. Recipients of public assistance;
- 2. Other low-income individuals; and
- 3. Individuals who are basic skills deficient.

- C. Priority for services is established at any time or point in the service delivery process that individuals are waiting for appointments, training funds and/or supportive services. If waiting to access services occurs the priority populations identified in B. are served first, after Veterans.

III. Dislocated Workers Eligibility

- A. A “dislocated worker” customer of WIOA must meet general eligibility requirements and at least one of the following dislocated worker eligibility requirements:

- 1. The individual:

- a. Has been terminated or laid off, or has received notice of employment termination or layoff; and

- b. Is eligible for or has exhausted entitlement to unemployment compensation.

- 1) The classification of persons as eligible for unemployment compensation is limited to those who have been determined eligible to receive a monetary benefit by the state unemployment insurance administering agency, or who have been determined by the state unemployment insurance administering agency to have exhausted their benefits, or
- 2) Has been employed for a duration sufficient to demonstrate attachment to the workforce (meaning the individual must have at least six months employment in the industry or occupation from which he/she was dislocated), but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law; and

- c. Is unlikely to return to a previous industry or occupation because the occupation or industry is low growth or in decline; for example:

- 1) Laid off or terminated from a low growth industry, defined by a North American Industrial Classification System (NAICS) code category with less than the statewide average growth rate;

- 2) Laid off or terminated from a low growth occupation, defined as any O*NET Codes category with an average annual employment growth rate of less than the statewide average growth rate for all occupations;
 - 3) Have been unemployed for at least 26 weeks and have completed one month of documented job search through Illinois workNet; or
 - 4) After an assessment of education, skills and work experience have been determined by the Title IB entity to require additional assistance to qualify for any available openings in the industry or occupation from which the person was laid off, or to obtain employment in another occupation. Such determination must be documented in the person's case file.
2. The individual:
 - a. Has been terminated or laid off, or has received notice of termination or layoff from employment due to a permanent closure of or a substantial layoff at a plant, facility or enterprise; or
 - b. Is employed at a facility in which the employer has made a general announcement that that the facility will close within 180 days; or
 - 1) Customers determined eligible under this criteria may receive the full array of career services, training services, and supportive services, as appropriate.
 - c. For purposes of eligibility to receive basic career services, the individual is employed at a facility at which the employer has made a general announcement that such facility will close.
 - 1) Customers determined eligible under this criteria are not eligible to receive individualized career services, training services, or supportive services unless it is within 180 days of planned facility closure (at which time they become eligible under 2.b. above for all WIOA services.
 - d. General announcements for plant closings may be received via social media, newspaper, local news, and individuals (either company official or affected employees). If the general announcement comes from an affected employee(s), staff will verify the general announcement(s) by:
 - 1) Contacting the company; and
 - 2) Requesting formal notice from the company on company letterhead acknowledging the closure.
 3. The individual is self-employed (including employment as a farmer, a rancher or fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;
 4. Is a Displaced homemaker; or
 5. Is the Spouse of a member of the Armed Forces on active duty:
 - a. Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station; or
 - b. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

B. Eligibility determination for the self-employed is based on the following requirements:

1. Formerly self-employed but currently unemployed, including individuals who have lost their business(es) due to a specified natural disaster or a specific economic condition.
2. Self-employed and going out of business or in the process of going out of business due to specified events or conditions that provide evidence of impending business failure.
3. Family member of, or worker for a formerly self-employed individual including farm hands or ranch hands of persons in categories 1. and 2. above, provided that their contribution to the business constituted as least one year of full-time work.
4. This would include independent contractors or consultants who are not employees of an entity.

IV. Youth Eligibility

A. A “youth” customer of WIOA must meet general eligibility requirements and, at the time of eligibility determination, meet the requirements for an in-school or an out-of-school youth.

1. Out-of-school Youth Eligibility Requirements

- a. To be provided services under the youth funding stream as an “out-of-school youth”, the individual must be:
 - 1) Not attending any school as defined under state law, individuals attending Adult Education provided under Title II of WIOA, YouthBuild or Job Corps are also classified as out-of-school youth;
 - 2) Not younger than age 16 or older than age 24; and
 - 3) One or more of the following:
 - a) A school dropout as defined by the state,
 - b) Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter as defined by the school district and the applicable school based on the student’s residence or assignment;
 - c) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is:
 - i) Basic skills deficient (20 CFR 681.290); or
 - ii) An English language learner.
 - d) Subject to the juvenile or adult justice system;
 - e) Homeless¹, a homeless child or youth², a runaway, in foster care or aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act³, or in an out-of-home placement;
 - f) Pregnant or parenting;
 - g) An individual with a disability⁴;
 - h) A low-income individual requiring additional assistance to enter or complete an educational program or to secure or hold employment.
- (See section VII.)*

- b. For individuals required to attend school under applicable state compulsory school attendance laws, the priority of assistance shall be for the individual to attend school regularly.

2. In-school Youth Eligibility Requirements

- a. To be provided services under the youth funding stream as an “in-school youth”, the individual must be:
 - 1) A low-income individual, including an individual that receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (Sec. 3(36)(A)(iv)) or who lives in a high poverty area;
 - 2) Attending school (as defined by state law);
 - 3) Not younger than 14 (unless an individual with a disability attending school under State law) or older than 21; and
 - 4) One or more of the following:
 - a) Basic skills deficient.
 - b) An English language learner.
 - c) An offender.
 - d) Homeless⁵, a homeless child or youth⁶, a runaway, in foster care or aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act⁷, or in an out-of-home placement.
 - e) Pregnant or parenting.
 - f) An individual with a disability⁸.
 - g) An individual requiring additional assistance to enter or complete an educational program or to secure or hold employment. (*See section VII.*)
- B. Not more than 5 percent of the youth individuals assisted under this section may be persons who would be covered individuals, except that the persons are not low-income individuals.
 - a. The calculation is based on the percentage of all youth served by the program in a given program year.
- C. Individuals that choose to access the youth program based solely on disability as an eligibility criterion will be required to provide evidence of disability.
 - a. If an individual is determined eligible for the youth program based on other eligibility criteria or if disability status is disclosed after enrollment, disability self-attestation is sufficient for the participant’s file.
 - b. Additional evidence of disability is not required if the youth eligibility determination is not made based solely on disability.

1 As defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 USC 14043e-2(6)).

2 As defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 USC 11434(2)).

3 42 USC 677

4 As defined in Section 3 of the Americans with Disabilities Act of 1990 (42 USC 12102). Refer to 20 CFR 681.280 for income parameters.

5 As defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 USC 14043e-2(6)).

6 As defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 USC 11434a(2))

7 42 USC 677

8 As defined in section 3 of the Americans with Disabilities Act of 1009 (42 USC 12102). Refer to 20 CFR 681.280 for income parameters.

V. Low Income Individuals

WIOA requires that all registered participants meet minimum eligibility requirements depending on the program for which they are being enrolled.

A. As outlined previously for program eligibility:

1. Low-income may be a qualifying criteria for being determined eligible for the youth program. These individuals are considered as having a barrier to employment.
2. Participants of the adult program must receive priority of services if they are a low-income individual, among other priority criteria.

B. A low-income individual is a person who:

1. Personally receives or received in the past six (6) months or is a member of a family that receives or received in the past six (6) months assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008, the program of block grants to states for temporary assistance for needy families program under part A of Title IV of the Social the supplemental security income program established under Title XVI of the Social Security Act, or State or local income-based public assistance; or
2. Is in a family with total family income that does not exceed the higher of:
 - a) The poverty line; or
 - b) Seventy percent (70%) of the lower living standard income level; or
3. Is a homeless individual (as defined in section 41403(6)) of the Violence Against Women Act of 1994 (42 USC. 14043e-2(6)), or a homeless child or youth (as defined under Section 725(2)) of the McKinney-Vento Homeless Assistance Act (42 USC. 11434a(2)) ; or
4. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.); or
5. Is a foster child on behalf of whom state or local government payments are made; or
6. Is an individual with a disability whose own income does not exceed the higher of:
 - a) The poverty line; or
 - b) Seventy percent (70%) of the lower living standard income level, but who is a member of a family whose income does not meet this requirement; or

7. A youth customer living in a high-poverty area.
- C. In making determinations of low-income status, the list of income source inclusions and exclusions found in Attachment A should be referenced.
 1. Any income source NOT included on the exclusions list of income sources should be interpreted as being an inclusion of the income source.
- D. When past income is an eligibility determinant for federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination.
 1. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 U.S.C. 4213.
 2. Please reference the attachment on Inclusions and Exclusions for Determining Family Income for further guidance.
- E. All determinations of low-income status for customers must be supported by proper documentation of the qualifying condition as outlined in the “WIOA Title IB General and Fund Source Eligibility Requirements and Documentation Sources” attachment.

VI. Serving Veterans

- A. Under the Workforce Innovation and Opportunity Act (WIOA), priority requirements under the Adult and Dislocated Worker programs are given to individuals with connections to the military.
 1. Veterans and eligible spouses continue to receive priority of service for all USDOL-funded job training programs, which include WIOA programs.
 2. As described in TEGL 10-09 and 03-15, when programs are statutorily required to provide priority for a particular group of individuals, such as are outlined in this policy under specific adult program eligibility, priority must be provided in the following order:
 - a. First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA Adult Formula funds.
 - 1) This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds.
 - b. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.
 - c. Third, to veterans and eligible spouses who are not included in WIOA’s priority groups.
 - d. Last, to non-covered persons outside the groups given priority under WIOA.
 3. A veteran who is eligible or spouse of an eligible veteran who is entitled to receive priority of service is a person who has served at least one day in the active military, naval, or air service, and who was discharged or released from service under any condition other than a condition classified as dishonorable is a covered person.

- a. This definition includes Reserve units and National Guard units activated for Federal Service.
 - b. Please reference TEGL 15-10 and 10-09 for further discussion on who is a covered person under these provisions and how to determine the status of veterans and their eligible spouses.
4. Local areas must establish written policies and procedures to ensure priority for the populations described above for participants served in the WIOA Adult program, for eligibility determinations beginning on or after July 1, 2015.
- B. Exiting service members and their spouses may be treated as dislocated workers under the following guidance.
- 1. Under TEGL 22-04, service members exiting the military, including, but not limited to, recipients of Unemployment Compensation for Ex-Military members (UCX), generally qualify as dislocated workers.
 - a. Dislocated Worker funds under Title I can help separating service members to enter or reenter the civilian labor force. Generally a separating service member needs a notice of separation, either a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation or imminent separation from the Armed Forces qualifies as the notice of termination or layoff, to meet the required dislocated worker definition.
 - b. Additionally, in most instances an individual will have to be eligible for or exhausted entitlement to unemployment compensation in order to receive dislocated worker services.
 - c. In the case of separating service members, because they may be on a terminal leave from the military, it may make sense to begin providing career services while the service member may still be part of the Active Duty military, but has an imminent separation date.
 - d. It is appropriate to provide career services to separating service members who will be imminently separating from the military, provided that their discharge will be anything other than dishonorable.
 - e. Lastly, the Employment and Training Administration (ETA) policy generally dictates that a separating service member meets the dislocated worker requirement that an individual is unlikely to return to his or her previous industry or occupation.
 - 2. Regarding military spouses, WIOA expands the definition of dislocated workers to include military spouses who have lost employment as a direct result of a relocation to accommodate a permanent change in duty station of the spouse.
 - a. Military spouses may also qualify if they are a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced, as determined by the State or local area, because of a deployment, a call or order to active duty, a permanent change of station, or the service connected death or disability of the service member.

- b. Military spouses also can qualify if they are unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment (see WIOA sections 3(15)(E) and 3(16)(A) and (B)).

VII. Definitions for WIOA Youth Requiring Additional Assistance to Complete An Educational Program or to Secure and Hold Employment

A. ***Out-of-School Youth (16-24)***: A low-income individual who requires additional assistance to:

1. Complete an educational program;
 - a. A youth who is in need of a high school diploma or equivalent; or
 - b. Has dropped out of a post-secondary educational program during the past 12 calendar months; or
 - c. Has a diploma but requires additional education in order to obtain or retain employment.

OR

2. Secure and hold employment:
 - a. A youth that is **not currently attending** any school (including a youth with a diploma or equivalent) who has not held a full-time job for more than three consecutive months; or
 - b. Has a poor work history, to include no work history; or
 - c. Has been fired from a job in the last 6 calendar months; or
 - d. Lacks work readiness skills necessary to obtain and/or retain employment;

AND

3. **Includes at least one of the following characteristics:**

- Child of Incarcerated Parent(s)
- Lacks occupational and/or educational goals/skills
- Migrant Youth
- Chronic behavior problems at school
- Youth at-risk of court involvement
- Refugee / Immigrant
- Substance abuse (individual and/or family)
- Deceased Parent or Guardian
- Mental Illness or History of Mental Illness (individual and/or family)
- Family Illiteracy
- Victim/witness of domestic violence or other abuse

B. ***In-school youth (14-21)***: A youth who requires additional assistance to:

1. Complete an educational program:
 - a. A youth who is at risk of dropping out of high school as documented by his/her school; or
 - b. Had previously dropped out of an educational program but has returned to school (including an alternative school); has below average grades; or
 - c. A youth with poor attendance patterns in an educational program during the last twelve calendar months; or
 - d. Has previously been placed in out-of-home care (foster care, group home, or kinship care) for more than 6 months.

OR

2. Secure and hold employment:
 - a. An in-school youth who has not held a job for more than three consecutive months; or
 - b. Has a poor work history to include no work history; or

- c. Has been fired from a job in the last 6 calendar months; or
- d. Lacks work readiness skills necessary to obtain and/or retain employment.

AND

3. Includes at least one of the following characteristics:

- Child of Incarcerated Parent(s)
- Lacks occupational and/or educational goals/skills
- Migrant Youth
- Chronic behavior problems at school
- Youth at-risk of court involvement
- Refugee / Immigrant
- Substance abuse (individual and/or family)
- Deceased Parent or Guardian
- Mental Illness or History of Mental Illness (individual and/or family)
- Family Illiteracy
- Victim/witness of domestic violence or other abuse

Attachments:

- *WIOA Title IB General and Fund Source Eligibility Requirements and Documentation Sources*
- *Inclusions and Exclusions in Determining Family Income*

Action Required:

This information should be disseminated to all The Workforce Connection WIOA One-Stop program directors/staff and partner agencies.

Inquiries:

Questions regarding this policy should be directed to The Workforce Connection Board Executive Director

Effective Date:

Immediately