

WORKFORCE DEVELOPMENT BOARD

Area 8

Workforce Innovation and Opportunity Act

Policy number	500
Subject	WIOA PARTICIPANT ELIGIBILITY
Ohio WIOA Policies addressed	WIOAPL 15-2; WIOAPL 15-17;
May apply for waiver	NA
Board approved	8/8/17
Effective date	8/8/17
Revisions approved	8/16/18

1. Purpose

To provide guidance on participant eligibility for enrollment. The WIOA program is designed to provide employment and training opportunities to those who can benefit from, and who are in need of such opportunities. Meeting the eligibility criteria for a WIOA-funded program does not entitle an adult or dislocated worker to receive certain employment and training services.

2. Scope

The policy covers WIOA participants under the funding streams of Adult, Dislocated Workers and Youth.

3. Summary of Law, Rules, Governing Policies

WIOA Youth eligibility requirements are covered in WIOA Section 129. Adult and Dislocated Worker eligibility requirements are covered under the definitions in WIOA Sections 3(2) and 3(15). Selective Service requirements are covered in WIOA Section 189(h). Priority of Service for Adults is covered in Section 134(d)(3)(H).

4. Responsibilities

Service providers are responsible for understanding the eligibility criteria for WIOA funded programs and for following the eligibility guidance contained in this policy, the WIOA legislation, the WIOA Rules, Ohio policy and any other guidance.

Area 8 WDB is responsible for oversight and revision of this policy. The Area 8 One Stop Operator is responsible to ensure that it is being properly implemented.

5. Policy Statement

All eligibility for the Adult, Dislocated Worker and Youth programs shall be determined at the point of enrollment and shall not change during that period of participation. Eligibility criteria are outlined below.

Adult Eligibility

The eligibility criteria for enrollment into the Adult WIOA program include:

- Age – The participants must be 18 years or older.
- Selective Service – Male participants 18 years or older must be registered with the Selective Service. Refer to WIOAPL No. 15-04, Selective Service Registration, for details, including the list of exceptions to this requirement.
- Be legally authorized to work in the United States

There are no additional eligibility criteria for the adult program. However, priority for career and training services funded by and provided through the adult program shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of those career services determined appropriate to obtain or retain employment.

Dislocated Worker Eligibility

The eligibility criteria for Dislocated Workers WIOA program include:

- Age – There are no age requirements for dislocated worker eligibility.
- Selective Service – Male participants 18 years or older must be registered with the Selective Service. Refer to WIOAPL No. 15-04, Selective Service Registration, for details, including the list of exceptions to this requirement.
- Be legally authorized to work in the United States
- Categories – There are five independent eligibility categories for dislocated workers. Any individual who meets one or more of these categories is eligible for dislocated worker services under WIOA.
 - Category 1. Permanent Layoff
 - An individual who was 1) terminated or laid off, 2) eligible for unemployment compensation and 3) unlikely to return to that industry or occupation; or
 - An individual who 2) has received written notice of termination or layoff, 2) would be eligible for unemployment compensation and 3) is unlikely to return to that industry or occupation; or

- An individual who has been 1) employed sufficient time to demonstrate attachment to the labor force, 2) is not eligible for unemployment compensation, and 3) is unlikely to return to such industry or occupation.
- Category 2. Plant Closure
 - An individual who has been terminated or laid off or received a notice of such as a result of a permanent, substantial closure of a plant, facility or enterprise, or
 - An individual who is employed with a plant, facility, or enterprise at which the employer has made a general announcement of closure.
- Category 3. Self Employment
 - An individual who was self-employed and is unemployed as a result of general economic conditions in the community in which the individual resides, or
 - An individual who was self-employed and is unemployed as a result of a natural disaster that has been officially declared.
- Category 4. Displaced Homemaker
 - An individual who 1) has provided unpaid services to family member(s) and 2) is no longer supported by that income, or
 - An individual who 1) is the dependent spouse of a member of the Armed Forces on active duty and 2) whose family income is significantly reduced because of deployment, a call to order, or other official call to active duty.
- Case 5 Military Spouse
 - An individual who is 1) a spouse of a member of the United States Armed Forces on active duty, 2) unemployed or underemployed and 3) have difficulty in obtaining or upgrading their employment (for underemployed).

Special Eligibility Conditions for Dislocated Workers – See Ohio’s WIOAPL 15-02 (Adult and Dislocated Worker Eligibility) for additional specialty eligibility conditions special circumstances that, when met, allow the worker to be determined eligible for the dislocated worker program provided the applicant is authorized to work in the United States, is 18 years of age or older, and is properly registered for selective service.

Reporting - Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, information regarding WIOA participants and their activities and performance must be entered into Ohio Workforce Case Management System (OWCMS) accurately and timely. OWCMS may be used to assist in the determination of eligibility. However, OWCMS cannot be used as verification of adult or dislocated worker eligibility. WIOAPL No. 15-07, Source Documentation for WIOA Eligibility, lists the type of acceptable documentation to verify eligibility for the WIOA adult and dislocated worker programs.

Youth Eligibility

Youth Eligibility will be addressed in two parts – in-school and out-of-school. WIOA requires that a minimum of 75% of youth served are out-of-school youth. ~~The Area 8 WDB has determined, due to a decrease in WIOA youth funds, only out-of-school youth will be enrolled after July 1, 2015.~~ (Eliminated in this document 8/16/18).

Out-of-school youth has four basic eligibility criteria:

- Out-of-School – The youth must be out-of-school. They must not be attending a school as defined in State law. (see Definition section)
- Age – Youth cannot be younger than 16 and must be under 25 years of age at the time of enrollment.
- Selective Service – Male participants 18 years or older must be registered with the Selective Service. Refer to WIOAPL No. 15-04, Selective Service Registration, for details, including the list of exceptions to this requirement.
- Barriers – Youth must also have at least one of the following barriers:
 - Be a high school dropout
 - Be of compulsory age for attending school, but have not attended school for at least the most recent complete school calendar quarter
 - Be an individual who is or has been involved with the juvenile or adult justice systems
 - Be homeless, runaway, in foster care or aged out of the foster care system, eligible for assistance under Section 477, Social Security Act or in out-of-home placement
 - Be pregnant or parenting
 - Have a disability
 - Have a secondary high school diploma (or recognized equivalent) and be low income (See “Determining Low Income for Youth” Section below) and either basic skills deficient or an English language learner, or
 - Be low income (See “Determining Low Income for Youth” Section below) and need additional assistance to enter or complete an educational program or to secure and hold employment.

In-School Youth - If/when the ban on serving in-school youth is lifted, the following five basic eligibility criteria will be followed.

- In-School – The youth must be in-school. They must be enrolled and/or attending secondary or postsecondary school.
- Age – Youth cannot be younger than 16 and must be under 21 (unless an individual with a disability who is attending school under state law)

- Selective Service – Male participants 18 years or older must be registered with the Selective Service. Refer to WIOAPL No. 15-04, Selective Service Registration, for details, including the list of exceptions to this requirement.
- Low Income – All in-school youth must be low income. (See “Determining Low Income for Youth” Section below)
- Barrier – The in-school youth must have at least one of the following barriers:
 - Be basic skills deficient
 - Be an English language learner
 - Be an offender or ex-offender
 - Be homeless, runaway, in foster care or aged out of the foster care system, eligible for assistance under Section 477, Social Security Act or in out-of-home placement
 - Be pregnant or parenting, or
 - Need additional assistance to enter or complete an educational program or to secure and hold employment

Determining Low Income for Youth

Under WIOA there are multiple ways to determine low income for youth including:

- The family income must be below the higher of the poverty level or 70% of the lower living standard
- The youth lives in an area that is identified as a high poverty area (county or census tract that has a poverty rate of 30% or higher)
- At the time of enrollment in the program or in the previous six months the family received or was eligible to receive Food Stamps, TANF, SSI assistance or any state/local income based assistance
- The youth is homeless as defined by the Violence Against Women Act of 1994 or the McKinneyVento Homeless Assistance Act
- The youth or a family member is eligible for free or reduced lunches at school
- The youth is a foster care youth or has aged out of foster care
- The youth is disabled and their personal income (not family income) is below the higher of the poverty level or 70% of the lower living standards during the six month period prior to enrollment in the program

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determination of eligibility. However, OWCMS cannot be used as verification of youth eligibility. WIOAPL No. 15-07, Source Documentation for WIOA Eligibility, lists the type of acceptable documentation to verify eligibility for the WIOA youth program.

6. Exceptions

A low-income requirement for youth may be waived for up to 5% of the participants. This must be requested from and granted in writing by the WDB Director. A copy of the approval must be maintained in the case files.

7. Definitions

Dependent Children – Any child, age up to and including the age of 17; Any child over the age of 17 who did not provide more than 50% of his/her own support for the 8 months prior to application.

Eligible for or has exhausted unemployment insurance - An individual who has been determined to be eligible for benefit payments under one or more State or Federal unemployment compensation programs whether or not he or she has exhausted his/her benefit rights. An individual need not actually receive benefits to be eligible.

Family – two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A husband, wife and dependent children
- A parent or guardian and dependent children
- A husband and wife

Laid-off or layoff - A separation due to the lack of work or other factor(s) not related to the behavior of the employee.

Independent - An applicant who falls into any one of the categories below:

- Under 18 years of age, not living with parents or guardians, and is not receiving any support from them;
- Individuals, age 18-24, providing more than 50% of their own support;
- Age 25 or older;
- Married (including separated, but not divorced);
- Has children that receive more than half of their support from the applicant;
- Has dependents other than a spouse or children who live with the applicant and receive more than half of their support from the applicant;
- Lives in own residence or in a residence without financial or other support from parents or guardians;

- Is on active duty in the U.S. armed forces for purposes other than training; or
- A veteran of the U.S. armed forces.

Notice of termination from employment - A written notice from an employer concerning the layoff or termination of an employee. Such written notice of layoff or termination may consist of:

- A final letter from an employer laying off or terminating the employee (which includes the layoff or termination date); or
- A public announcement by an employer about an upcoming lay-off or termination affecting groups of employees, provided that the announcement makes clear that the applicant is a member of that group.

Substantial layoff - Any reduction in force that is not the result of a total plant/branch/office closing, but still results in an employment loss at a single site of employment during any 60 day period for:

- At least 25 percent of employees, or
- At least 50 employees.

Support (as it relates to dependent) - Financial assistance from parents or guardians to help pay for food, clothing, shelter, utilities, education, medical and dental care, recreation, transportation, and any other living expenses; as well as government-provided cash public assistance and food assistance.

Underemployment - An individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement. Also, includes individuals who fall below the dislocated worker self-sufficiency threshold, as defined by the local WDB.

Unemployed individual - An individual who is without a job, able to work, and is available for work. The determination of whether an individual is without a job is made in accordance with the criteria used by the Bureau of Labor Statistics in defining individuals as unemployed.

Unlikely to return to previous industry or occupation - An individual who is laid off without a recall date (or the recall date has passed) and falls into one of the following categories:

- The number of jobs in the applicant's previous industry/occupation is declining based on Labor Market Information (LMI) data;
- The projected annual increase in employment growth within the local area based on LMI or O*Net is fewer than 100 jobs in the previous industry (including replacements) or the projected annual increase in growth openings is fewer than 30 jobs in the previous occupation;
- The applicant is dislocated from a job not found on the most recent local or state list of demand occupations (if applicable);
- The applicant has conducted a dedicated but unsuccessful job search in the previous industry/occupation, as evidenced by employer rejection letters or employer contact logs;

- Evidence, preferably from several sources including OhioMeansJobs.com, professional journals, etc., of few openings in the previous industry or occupation; or
- The applicant is unable to perform the duties of the previous job due to age, ability, or disability (as defined in this section).

8. Related Policies and Documents

WIOAPL 15-02 (Adult and Dislocated Worker Eligibility)

WIOAPL 15-04 (Selective Service Registration)

WIOAPL 15-03 (Youth Program Eligibility)

WIOAPL No. 15-07 (Source Documentation for WIOA Eligibility)

WIOAPL 15-06 (Determination of Dependent Status)

Board Approved **Disapproved** _____

Date 8/8/17

Motioned by Art Swain Seconded by Michelle Steinke Motion Carried

Updated

Date: 8/16/2018 -Executive Committee _____

Motion made by: Rob Radway

Motion seconded by: Michelle Steinke

Vote 4 aye 0 nay 0 abstain **motion carries** **motion rejected**