

South Central Workforce Development Board (SCWDB)



POLICY: WIOA ADULT AND DISLOCATED WORKER ELIGIBILITY POLICY

EFFECTIVE DATE: JULY 1, 2016

POLICY NUMBER 2016-08

REVISION 1: OCTOBER 7, 2017

SUBJECT: DETERMINING WIOA ADULT AND DISLOCATED WORKER ELIGIBILITY FOR WIOA

PURPOSE:

To transmit policy on eligibility determination for Workforce Investment Act Adult and Dislocated Worker Program participants. The policy on eligibility ensures that every Workforce Innovation and Opportunity Act (WIOA) participant who receives WIOA Program funded services is eligible and registered to receive those services.

EFFECTIVE DATE: July 1, 2016

ACTION REQUIRED:

Within 15 days of the receipt of this policy it is the recipient's (e.g., vendors, partners) responsibility to ensure all staff are informed of the policy and to create an internal process to ensure accountability.

BACKGROUND:

WIOA provides resources, services, and leadership tools for the workforce system to help individuals find and maintain good jobs and improves employer prospects for success in the global marketplace. It ensures that the workforce system operates as a comprehensive, integrated and streamlined system to provide pathways to prosperity for those it serves and continuously improves the quality and performance of its services. Key purposes of WIOA include:

- increase, particularly for individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services needed to succeed in the labor market;
- provide workforce investment activities that increase participants' employment, retention, earnings, and attainment of recognized postsecondary credentials, and as a result, improve the quality of the workforce, reduce dependency on public assistance, increase economic self-sufficiency, meet the skills requirements of employers, and enhance the productivity and competitiveness of the nation.

WIOA merges WIA's Core and Intensive services into one category, "Career Services." WIOA removes the sequence of service requirements established under WIA. Under WIA, participants were required to undergo a sequence of Core and Intensive services in order to

receive training. WIOA clarifies that there is no sequence of service requirement in order to receive training.

POLICY:

Priority for adult services must be given to **recipients of public assistance and other low-income individuals, and individuals who are basic skills deficient** (this last priority was not included in WIA)¹. WIOA expands the definition of low-income individual to include individuals who receive or are eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act.

Training Services (WIOA sec.134(c)(3))

Training services may be made available to employed and unemployed adults and dislocated workers who, after a **documented** interview, evaluation or assessment **and documented** career planning have been determined eligible to receive WIOA training services **and**:

- 1) Are determined to be unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services; **and**
- 2) Are determined to be in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; **and**
- 3) Have the skills and qualifications to participate successfully in training services; **and**
- 4) Have selected a program of training services that is directly linked to the employment opportunities in the local area (e.g., the SCWDBs targeted industries as defined in Policy #2016-6, Revision 1: 10.7.17), which applies to all WIOA and Trade Adjustment Assistance training funds) or in another area to which the individuals are willing to commute or relocate; **and**
- 5) Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds (e.g., Worker Retraining; Temporary Assistance for Needy Families (TANF), Trade Adjustment Assistance (TAA), and Federal Pell Grants) **or** require WIOA assistance **in addition** to other sources of grant assistance, including Federal Pell Grants;
 - a. In determining whether a participant requires WIOA assistance in addition to other grant sources, one-stop operators should take into account the full cost of participating in training services (including supportive services, dependent care and transportation costs) and other appropriate costs; **and**
- 6) Have select a program of study from the Kentucky Eligible Training Provider List, found at <https://etpl.ky.gov/etpl/Default.aspx>

WIOA Adult Eligibility

To be eligible to receive WIOA services as an adult in the adult and dislocated worker programs, an individual must:

- be 18 years of age or older;
- be a citizen or noncitizen authorized to work in the US; and
- meet Military Selective Service registration requirements (males only).

Service Priority for Individualized Career Services and Training Services

Individualized career services and training services must be given on a priority basis, regardless of funding levels, to:

¹ See WDB Priority of Service Policy#2016-01

- public assistance recipients, and/or low-income adults; and/or individuals who are basic skills deficient.

Veterans/eligible spouses continue to have priority of service for WIOA and other designated job training programs funded in whole or in part by the U.S. Department of Labor. Refer to the **South Central Kentucky WDB Priority of Service for Veterans and Eligible Spouses Policy 2016-04**, for further information on this requirement.

Participants who are not in a priority of service category but are actively enrolled in a career or training service should be allowed to complete the activity. It is not expected that non-priority service participants must give up their place to an individual who is in a priority of service category and just starting a career and/or training service.

Documentation Requirements

- If the priority of service determination is based on the basic skills deficient criteria, the participant file must contain academic tests (including the participant's name, date of test, and results)
- If the individual qualifies as receiving free or reduced lunch, documentation from the school must be obtained.

WIOA Dislocated Worker Eligibility

The WIOA dislocated worker program offers employment and training services for eligible workers who are unemployed through no fault of their own or who have received an official layoff notice. WIOA expands the definition of dislocated worker to include the spouse of an active military member who lost employment as a result of a permanent change in duty location or is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment. The goal of dislocated worker services is to help these individuals obtain quality employment in in-demand industries.

WIOA Dislocated Worker Eligibility

To be eligible to receive WIOA services as a dislocated worker in the adult and dislocated worker programs, an individual must:

- be a citizen or noncitizen authorized to work in the US;
- meet Military Selective Service registration requirements (males only); and
- Meet the definition of dislocated worker at WIOA Sec. 3(15).

Definition of Dislocated Worker [WIOA Sec. 3(15)].

A dislocated worker is an individual who meets one of the following six criteria:

1. The individual:

- has been terminated or laid off, or has received a notice of termination or layoff, from employment;
- is eligible for or has exhausted entitlement to unemployment compensation, or has been employed for a duration sufficient to demonstrate attachment to the workforce, 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's Unemployment Insurance law; and
- Is unlikely to return to a previous industry or occupation.

2. The individual:

- has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;

- is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
 - for purposes of eligibility to receive services other than training services, career services, or support services, is employed at a facility at which the employer has made a general announcement that such facility will close.
3. The individual was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters. This includes individuals working as independent contractors or consultants but not technically employees of a firm.
 4. The individual is a displaced homemaker
The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who—
(A)(i) has been dependent on the income of another family member but is no longer supported by that income; or
(ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and
(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. **[WIOA Sec. 3(16)]**
 5. Is the spouse of a member of the Armed Forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such members; or is the spouse of a member of the Armed Forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
 6. A separated service member with a discharge other than dishonorable, who has received a notice of separation from the Department of Defense and is unlikely to return to a previous industry or occupation.
 - UI-Eligible for or Exhausted
 - Not UI Eligible, but Sufficient Employment Duration

The matrix in **Appendix A** is meant to provide clarity on the requirements within each Dislocated Worker category. Military Service Members (category 5) and Spouses of Dislocated Military Service Members (category 6) have been included as individual categories to allow for specificity, though it is commonly understood that these categories fall under the General Dislocation category (1).

Previous Assessments

WIOA allows the use of previous assessments for determining appropriate career and training services for participants. WDBs should ensure the previous assessment contains current information and is no more than six months old.

Follow-Up Services

Follow-up services must be made available, as appropriate—including counseling regarding the workplace—for participants in adult or dislocated worker activities who are placed in unsubsidized employment for a minimum of 12 months after the first day of employment.

Co-Enrollment in the WIOA Youth and Adult Program (TITLE I) and Other Core Programs

The SCWDB encourages co-enrollment in youth and adult programs (Title I) and across all WIOA core programs where appropriate. Individuals who meet the respective program eligibility requirements may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth or adult eligibility criteria applicable to the services received. Program operators may determine, for these individuals, the appropriate level and balance of services under the youth and adult programs. Program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult programs concurrently, and ensure no duplication of services. Individuals who meet the respective program eligibility requirements for WIOA youth Title I and Title II may participate in Title I Youth and Title II (Adult Education and Literacy) concurrently. **(20 CFR 681.430)** When determining in which program(s) to enroll a participant, the decision must be based on the service needs of the participant, and if they are career ready based on an objective assessment of their occupational skills, prior work experience, employability and needs as required in WIOA. Sec. 129 (c) (1) (A). **(20 CFR 481.440)**

Eligibility Verification

When registering a Youth participant for WIOA services, service providers must ensure that the individuals are eligible in accordance with the eligibility requirements for WIOA (age, selective service registration, and citizenship, or eligible non-citizen). Each file must include a completed application for each applicant and documents that confirm eligibility. All questions on the intake form must be answered, and both the applicant and intake staff must sign the intake form.

All documents supporting eligibility must be included in the participant's file and available for review by the SCWDB and/or its fiscal agent. Examples of acceptable documentation are included in Attachment A. The applicant must be informed that all information is subject to verification and that false information is grounds for termination and possible prosecution under the law. The order of priority for methods of verification is:

1. Documentary evidence identified in Attachment A or approved by the SCWDB Director.
2. If documentary evidence is not available or if it cannot be provided when time is of the essence, collateral contacts that confirm the participant's eligibility by someone outside the participant's immediate family (Attachment B).
3. Notary-certification of eligibility criteria that includes reason why other documentation is unavailable (Attachment C).

Primary Eligibility Review

It is the contractor's (e.g. sub-recipient) responsibility to review and sign off on all registration paperwork for completeness, and accuracy prior to workforce delivery system staff review. The sub-recipient must maintain a centrally controlled file for each program applicant and registrant which contains copies of all documents collected. The sub-recipient will provide Federal, State, and WDB monitors with access to such records given reasonable notice.

It is the responsibility of the sub-recipient to enter the appropriate eligibility data into the Kentucky EKOS system with 100% accuracy and within 3 business days.

See attachment A for most common documents for proving WIOA Adult and Dislocated Worker Eligibility.

Secondary Eligibility Review

SCWDB staff or designee will review a sample of files quarterly to ensure completeness and accuracy. Both paper files and electronic files will be reviewed. It will be the responsibility of the sub-recipient to make any corrections and to conduct an internal review of all files if areas of concern are found.

Forms found in the Kentucky Career Center, WIOA Preliminary Eligibility Policy - #16-026, WIOA-1 and WIOA 2, must be included in the participant file.

Self-Certification

Self-certification is allowed as a viable source for documenting eligibility for all WIOA Title I program participants.

- Date of dislocation (Dislocated Worker)
- Displaced Homemaker (Dislocated Worker)
- Reemployment opportunity is poor/unlikely to return to work (Dislocated Worker)
- Permanently or temporarily laid off as a consequence of disaster (Dislocated Worker)
- English language learner (youth)
- Homeless (Adult and youth)
- In/Aged out of the foster care system (youth)
- Offender (youth)
- Pregnant or parenting (youth)
- Requires additional assistance (youth)
- Runaway (youth)
- School status at time of registration (youth)

Family income level may not be self-certified in any case.

Telephone Verification

Providers are encouraged to utilize telephone verification prior to self-attestation for adult, dislocated worker, and ISY populations where possible. Telephone verification involves verification of eligibility criteria through phone calls with recognized governmental or social services agencies. Information obtained through this method should be documented on the attached Telephone Verification Form (**Attachment D**). This form may be used when eligibility criteria are verified through telephone contact with agencies that could provide a written statement. Telephone verification should include the following: (a) date of contact; (b) person/agency contacted, including name address and telephone number; (c) potential participant's name; (d) signature/initials of person making contact.

Random Sampling Methodology

In order to verify applicant self-certification usage and to monitor self-attestations, the SCWDB will adopt a random sampling methodology. The methodology will verify eligibility in self-attested applications and will be implemented for all Title I programs.

Based on previous experience, the WDB estimates that less than 1% of participants report incorrect information when self-attesting on application forms. For the purposes of ensuring the validity of self-attested data, the WDB will use a 90% confidence interval and 5% margin of error. A random sample of the population utilizing self-attestation will be selected to verify if the information those individuals reported is correct. The size of the sample depends on the size of

the population and is outlined in the table below. Population will be measured by funding stream (e.g. all OSY) and not by individual provider. Participants selected through the random sampling methodology will be notified at the time of eligibility and required to provide additional eligibility documentation.

Population Size	Random Sample Size
25	8
50	9
75	9
100	10
200	10
300	10
400	10
500	14
750	20
1000	26

Selective Service Requirements

Every male citizen and male permanent resident noncitizen in the United States between the ages of 18 and 26 are required to register with Selective Service. Males who failed to register with Selective Service by their 26th birthday and can provide written explanation and supporting documentation of any of the following may be eligible for WIOA services:

- over the age of 26 and were willing but unknowing of the requirement to register with Selective Service;
- incarceration, institutionalization, or hospitalization between the ages of 18-26; or
- non-citizen status and non-permanent resident status before age 26.

The SCWDB will monitor Selective Service exceptions to ensure that proper procedures are followed.

REFERENCES:

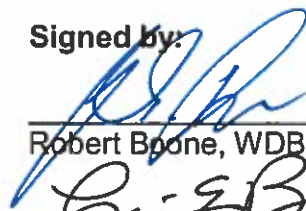
- WIOA Section 3(15); 134(c)(3); 20 CFR Part 680;
- Kentucky Career Center, WIOA Preliminary Eligibility Policy - #16-026
- Kentucky Career Center, Co-Enrollment Policy
- Kentucky Eligible Training Provider List - <https://etpl.ky.gov/etpl/Default.aspx>

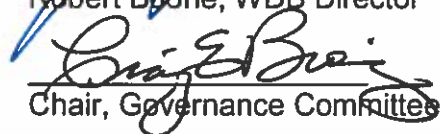
Approved:

12-14-2017
Date of WDB Approval

12-5-2017
Date of Governance
Committee Approval

Signed by:


Robert Boone, WDB Director


Chair, Governance Committee

APPENDIX A: Dislocated Worker Eligibility Criteria

Category	Criteria	Check
1. General Dislocation	1.1 An individual who was terminated, laid off, or received a notice of termination or layoff. AND	
	1.2 Is determined unlikely to return to previous industry or occupation (defined by WDCs); AND	
	1.3.1 Is eligible for or has exhausted entitlement to unemployment compensation; OR 1.3.2 Is not eligible for unemployment compensation but can show attachment to the workforce of sufficient duration.	
2. Dislocation from Facility Closure / Substantial Layoff	2.1 An individual who was terminated, laid off, or received a notice of layoff from employment at a plant, facility, or enterprise as a result of: <ul style="list-style-type: none"> • Permanent closure; or • Substantial layoff. OR 2.2 An individual employed at a facility at which the employer has made a general announcement that such facility will close within 180 days.	
3. Self-employed Dislocation	Was self-employed (including employment as a farmer, rancher or a fisherman), but is unemployed as a result of general economic conditions in the community in which the individual resides or because of a natural disaster.	
4. Displaced Homemaker	4.1 An individual who was dependent on the income of another family member and is no longer supported by the income of that family member; OR Is the dependent spouse of a member of the armed forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, or service connected death or disability of the service member. The WDC has determined that if a service member's family income is reduced, as evidenced by family or business financial records, such that the family is unable to meet current financial obligations, their income is considered to be "significantly reduced";	

	AND	
	4.2 Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.	
5. Dislocated/ Separating Military Service Members	5.1 A non-retiree military service member who was discharged or released from service under conditions other than dishonorable, or has received a notice of military separation (defined by WFC as "separation" orders, e.g., Effective Termination of Service or "ETS" Orders or DD-2648-ACAP Transition checklist and issued in advance of 180 days). Per proposed 20 CFR 680.660, separating military service members automatically qualify as unlikely to return to a previous industry or occupation and as eligible for or exhausted entitlement to Unemployment Insurance.	
6. Spouses of Military Service Members	6.1 The spouse of a member of the armed forces on active duty, and who has experienced the loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; OR 6.2 The spouse of a member of the armed forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. NOTE: A military spouse may also qualify as a Displaced Homemaker (category 4).	

APPENDIX B: ELIGIBILITY REQUIREMENT CHECKLIST
(Complete only one section – either Adult or Dislocated Worker)

ADULT ELIGIBILITY (Check boxes if Yes)

- U.S. Citizen/or Legal Alien
- Social Security Number
- 18 years old or older
- Selective Service Registration
(Males only, born on or after 1/1/1960) www.sss.gov
- Unemployed at time of application OR Under-employed
OR family meets adult low income on the income guidelines

REQUIRED DOCUMENTATION

- Driver's License OR State I.D. OR Birth Certificate
- Social Security Card (or alternative in Appendix C)
- Selective Service Registration
(Males only, born on or after 1/1/1960) www.sss.gov
- Proof of unemployed status at time of application
including information on last employment/employer,
pay stubs for last employment period and/or tax forms (W-2)
- For under-employed or low-income:
Food Stamps within last 6 months OR Paycheck
Stubs for 6 months prior to date of application
AND Family Income and Composition Form

DISLOCATED WORKER & DISPLACED HOME MAKER ELIGIBILITY (Check boxes if Yes)

- U.S. Citizen or Legal Alien
- Social Security Card (or alternative in Appendix C)
- 18 years old or older
- U. I. (Unemployment) Recipient
- Selective Service Registration
(Males only, born on or after 1/1/1960) www.sss.gov
- Notice of no fault termination or layoff

- Previously Self Employed and Unemployed
(due to general economic conditions or natural disaster)
- Displaced Homemaker (may include spouses of dislocated workers)
- Unlikely to Return to previous occupation without additional services
- Currently employed dislocated worker

REQUIRED DOCUMENTATION

- Driver's License OR State I.D. OR Birth Certificate
- Social Security Card (or alternative in Appendix C)
- Notice of layoff or no fault termination notice
(Displaced Homemakers: Bring copies of layoff of spouse)
- Selective Service Registration
(Males only, born on or after 1/1/1960) www.sss.gov
- Verification of Unemployment Insurance Status
(Claims Determination Letter)
- Job Search Records (can send copies of records submitted to U.I.)

Appendix C: Sample File Organization and Supporting Documentation

Most Common Documents for Proving WIOA Eligibility

Providers are required to document youth eligibility. Use this checklist to determine what documents are acceptable forms of documentation. All of the required documentation, including the Application Packet, should be retained in the participant file. At least one document from every applicable category must be provided.

Left Side (of file)	Right Side (of file)
<ul style="list-style-type: none">• Eligibility Check List• Intake/Application/Eligibility determination forms• Documentation to support eligibility (eg selective service, birth certificate, income verification, self attestation/certification, drivers license, etc.)• Disability Documentation (if applicable)• Rights and responsibilities form - signed• Equal Opportunity (EO) Notification and Grievance Procedures• Release of Information - signed	<ul style="list-style-type: none">• ISS<ul style="list-style-type: none">• Include partners providing services and what they are providing• Assessment results• Customer Activity Record• Case Notes• Copies of any correspondence with the customer

DOCUMENTATION

Unless otherwise specified, each contractor may use their own forms and process. The items listed below indicate the type of documentation rather than a specific form.

Documenting General Information:

EO

- WDB-issued statement with a notification about the participant's rights, how to file a grievance, and about assistance available for handicapped persons.
- Participants must sign that they have received copies of the EO notification and grievance procedures, and these signed documents must be in each participant file.

Individual with a Disability

- Letter from Drug or Alcohol Rehabilitation Agency
- Medical Records
- Physician, Psychiatrist or Psychologist diagnosis/statement
- Rehabilitation evaluation
- School records
- Documentation from sheltered workshop
- Social Security Administration Disability records
- Social Service records/referrals
- Veterans Administration letter/records
- Vocational Rehabilitation letter/statement
- Worker's Compensation records/statement
- Case notes regarding observable condition

Temporary Assistance for Needy Families (TANF)

- Notice of eligibility and benefits from public assistance agency
- Copy of check
- Signed statement or telephone verification from Human Services Agency

Social Security Number:

- Signed Social Security Card,
- Social Security Benefits Documents,
- Employment Records (showing number),
- DD-214,
- UC Records (showing number)

Citizenship or Eligibility to Work:

- Birth Certificate,
- Alien Registration Card,
- Public Assistance Records,
- Social Security Card (work eligible) with ID,
- Passport,
- Telephone Verification Form,
- Self-Certification

Age/Date of Birth:

- Birth Certificate,
- Federal, State or Local Government ID,
- Public Assistance Records,
- Telephone Verification Form,
- Self-Certification

Selective Service Registration:

- Internet Verification/Registration

Family Income:

- Pay Stubs,

- Pension Statement,
- Social Security Benefits,
- UI Documents,
- Statement of Family Size/Family Income

Cash Public Assistance:

- Public Assistance Records

Food Stamps:

- Public Assistance Records

Basic Skills Deficient:

- Standardized Test

Assessment Results

Documentation of assessments performed must be maintained in the case file and the results of assessments reported in MWE. Documentation may be from an authorized 3rd party (e.g., DRS, other vocational assessments, etc.). Assessment elements may include:

1. Work History - obtained by interview; participant statement
2. Education - participant statement, diplomas, school transcripts, etc.
3. Basic Skills - results of basic skills assessments
4. Occupational Skills - skill assessments, work and life experience, training certificates, educational records, participant statement
5. Interests - participant statement, formal occupational interest assessment
6. Aptitudes - work and life experience, educational records, formal occupational aptitude assessment
7. Aptitudes and Interest in Nontraditional Occupations – participant statement, work and life experience, educational records, formal occupational aptitude assessment
8. Employment Barriers - formal or informal assessment, participant statement
9. Financial Resources and Needs - documentation of income, records of public assistance, participant statement, statement from debt management agency
10. Supportive Service Needs - formal or informal assessment, participant statement, documentation

Case Notes

Record participant's progress toward reaching goals, document need for and the delivery of additional services. Document contacts with participant and report any new information pertaining to participant's employability. Entries must be made at regular intervals during customer's participation. Document contacts, events, services, etc. Case notes in MWE.

Customer Activity Record: Record contacts with case manager(s) and in other education and employment activities.

