



WIA 201: Adult and Dislocated Worker Eligibility

November 20, 2009

Session Overview

- WIA / One-Stop System Background
- WIA Performance
- Adult and Dislocated Worker Eligibility Criteria
- Local Policies
- Program vs Service Eligibility
- Service Eligibility - Core, Intensive, Training
- Source Documentation
- Questions?

Goal of the Workforce Investment System

To increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance productivity and competitiveness of the Nation.



Primary Customers of WIA Title I



- Job Seekers
- Employers

The Act provides states and local areas with the opportunity to completely streamline their workforce investment systems to meet local needs as determined by the local elected officials and the local Workforce Investment Boards (WIBs).



One-Stop System



- The cornerstone of the Act
- Allows for a central point of entry to job training programs
- Anyone desiring services will have access to core employment related services
- One comprehensive center with all required partners is required per local area to ensure all required services are available and accessible to all customers

Required One-Stop Partners



- WIA adult, dislocated worker, youth
- Wagner-Peyser Act / Labor Exchange
- Adult Education and Literacy (ABLE)
- Rehabilitation Services Commission
- Older Americans / Senior Community Service Employment program
- Postsecondary vocational education
- NAFTA, Trade Act, Veterans, UC
- Community Services Block Grant E&T Program
- HUD E&T Program
- TANF
- Job Corps



General Observations



- Need for understanding about state/federal requirements vs local policy
- Some local areas have applied TANF and other public assistance rules to WIA requirements
- Misunderstandings about basic criteria for WIA services
- Overall - Low WIA expenditures
- Overall - Low participant numbers – under reporting
- Too many services being provided as non-registered activities
- Fear of not meeting performance measures

Think Integration!



- One program can't do it all
- Minimize duplication / maximize resources
- WIA / Trade Integration
- WIA / VSTP and VR2
- Applies to all partners in the One-Stop!

Performance Measures



- Performance Waiver effective 7/1/07
- No more statutory measures - common measures only
- All measures are exit based
- States will be held accountable to negotiated standards and will be subject to incentives and sanctions for performance
- "Attainment of recognized credentials relating to achievement of education or occupational skills" measure went away, but reporting is still required
- WIATL 37 provides guidance on Common Measures Reporting



Performance Measures



For Adults and Dislocated Workers:

- Entry into unsubsidized employment
- Retention in unsubsidized employment 6 months after entry into employment
- Earnings received in employment



WIA Categories



- Youth, Age 14-21
- Adults, Age 18 and up
- Dislocated Workers



Overlapping categories require full understanding of requirements of both Adult and Youth program eligibility

Program vs Service Eligibility



- WIA is not an entitlement program
- Eligibility criteria permits local flexibility and ability to design programs that are responsive to local needs
- There is a difference between wanting services and needing services

Entitlement vs Need



From WIA Section 195 "General Program Requirements"

- (1) Each program under this title shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. In addition, efforts shall be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and opportunities for nontraditional employment.
- (12) Nothing in this title shall be construed to provide an individual with an entitlement to a service under this title.

Program vs Service Eligibility



- Access to WIA services is based on many factors which include:
 1. Program eligibility
 2. Suitability for services available(ability to benefit from and successfully complete program)
 3. Customer career goals and objective
 4. Local area policies and procedure
 5. Local funding, capacity, and resources

Suitability



WIA Policy Letter 08-12.2: Suitability Requirements for the Workforce Investment Act

- Provides direction to local Workforce Investment Boards regarding the development of local policy for determining suitability and the need for intensive and training services.



(Q) The subrecipient hereby agrees that in administering its local area, it will comply with the standards of conduct for maintaining the integrity of the project and avoiding any conflict of interest in its administration including, but not limited to, 29 U.S.C 2832(g) and Ohio ethics law . Every reasonable course of action will be taken by the subrecipient in order to maintain the integrity of these expenditures of public funds and to avoid any favoritism or questionable or improper conduct. The local area will be administered in an impartial manner, free from personal, financial, or political gain. The subrecipient, its executive staff and employees, in administering this subgrant, will avoid situations which give rise to a suggestion that any decision was influenced by prejudice, bias, special interest, or personal gain.

Rule # 5101:9-31-01
So What Does this Mean?



- These are public funds – you are responsible to maintain the integrity of them
- Questionable or improper conduct can be real or perceived
- If your story was on the front page of the paper, how would it look to the general public?
- "Every reasonable course of action will be taken to maintain the integrity of these funds..."
- Many individuals will be eligible for this program – the question is should they be and are they in need of them?

Conflict of Interest



WIA Policy Letter 08-13.1: Serving Immediate Family Members, Close Acquaintances, and Other Stakeholders in the WIA Program

- Provides direction to local Workforce Investment Boards regarding the establishment of local policies that ensure all individuals enrolled in the WIA program have been determined eligible, assessed, and served in an ethical manner that is free of any real or perceived conflict of interest.

More Local Policies
Tied to Eligibility . . .



- Self-Sufficiency
- Limited Funds
- Priority of Service



Eligibility Do's and Don'ts



- If the customer is not eligible, make appropriate and informed referrals to partners and community services
- Be consistent, compliant, and customer-focused (do you screen them in or screen them out?)
- Document as needed – follow federal, state, and local rules but make sure there is a reason why you're requiring the information from the customer!
- Be as expedient as possible – you are the gatekeeper for individuals getting the services they need!!

Adult /Dislocated Worker
Eligibility Criteria – Common to All



Citizenship Status/Authorization to Work:
Section 188(a)(5)

Participation in programs and activities shall be available to:

- Citizens and nationals
- Lawfully admitted permanent resident aliens, refugees, asylees, and parolees
- Other immigrants authorized by the Attorney General to work in the United States

Authorization to Work



Not all participants must be citizens, but all participants must be authorized to work



Adult /Dislocated Worker Eligibility Criteria - Common to All



Proper Selective Service Registration

- All applicants must meet requirements of the Military Selective Service Act
- Males born on or after Jan 1, 1960
- Can register within 6 months of their 18th birthday and up to the age of 26
- Exempt from registration if he is an honorably discharged veteran or has an obvious mental or physical disability which would permanently disqualify him from military service
- www.sss.gov - website to check / verify compliance with this requirement

Adult /Dislocated Worker Eligibility Criteria - Common to All



Selective Service, continued

- If registration is not found or proven, and exempt categories are not applicable...
 - if he is 18-25 years of age, can register him at application
 - if too old to register, ask if his failure to register was knowing or willful. If "no," he can be served in the program

This is it . . .



For adult participants there are **no other** eligibility requirements for basic services!

Enrollment into core services can occur right now – both self-directed and staff assisted

Additional criteria must be met if registered core service participants are interested and/or need intensive or training services

What if the registered core service participant needs more assistance?



- May be eligible to receive intensive services if he/she is not “self-sufficient”
- Self-sufficient is defined by the local WIB
- Documentation for this is driven by what is included in local policy
- **This screening is only required for individuals who are employed**

Regulatory Requirements – Self-Sufficiency Definition



- State or local boards must set the criteria
- Criteria must provide, at a minimum, that self-sufficiency means employment that pays at least the lower living standard income level
- Self-sufficiency for a dislocated worker may be defined in relation to a percentage of the layoff wage
- Special needs of individuals with disabilities or other barriers to employment should be taken into account when setting criteria

Local Policy – Limited Funds
Priority of Service



- In the event that funds allocated to a local area for employment & training activities are limited, priority for intensive and training services must be given to recipients of public assistance and other low-income individuals.
- States and local areas must establish criteria by which local areas can determine the availability of funds and the process by which any priority will be applied.

Local Policy – Limited Funds
Priority of Service



- Requirement does not necessarily mean that only public assistance and low-income individuals receive WIA adult intensive and training services
- This statutory requirement applies to adult funds for intensive and training services
- **Funds allocated for dislocated workers are NOT subject to this requirement**

What is “Low Income”



- This is a statutory definition
- Six different categories – any one of them will identify an individual as “low income”
- 95% of all eligible youth must be low income
- Previously known as “economically disadvantaged” in the JTPA program
- If the local area is not in “limited funds” status, low income is irrelevant to adult eligibility’

It never matters for dislocated worker eligibility

Low Income - Categories



- Receives or is a member of a family that receives cash payments under a Federal, State, or local income based public assistance program

(TANF/OWF, SSI, Refugee Assistance, Disability Assistance)

Adult eligibility when area is in limited funds

Low Income - Categories



- Received an income, or is a member of a family that received a total family income for the 6-month period prior to application for the program that, in relation to family size, does not exceed the higher of the poverty level (for the equivalent period of time) or 70% of the lower living standard income level (LLSIL) for an equivalent period of time

Adult eligibility when area is in limited funds

Low Income – Income Guidelines



- It's the higher of either 100% of the poverty level OR 70% of LLSIL
- Tables are revised in SCOTI when both tables are revised at the federal level
- Poverty tables are revised first (winter), followed by LLSIL in late spring
- Notification of SCOTI update is made via e-alert on website and SCOTI What's New

Adult eligibility when area is in limited funds

Low Income - Categories



- Is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps
- Qualifies as a homeless individual
- Is a foster child on behalf of whom State or local government payments are made

Adult eligibility when area is in limited funds

Low Income - Categories



- Is an individual with a disability whose own income meets the income requirements described for a family size of one but who is a member of a family whose income does not meet such requirements

Note: Local areas need to continue to assess if family will fall within income guidelines. If not, based upon initial assessment, local areas can consider this category. Documentation of the 6-month family income is not expected.

Adult eligibility when area is in limited funds

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. A husband, wife, and dependent children
 - B. A parent(s) or guardian(s) and dependent children.
 - C. A husband and wife.

The issue of guardianship concerning dependent children may be determined by decree of court or may be determined by a state or federal agency which has established or assumed guardianship.

Dependent Child



- Defined as those children living in a single residence with parent(s) or guardian(s) and who are included in one or more of the following categories:
 - Children aged 18 and under
 - Children aged 18 to 21 who are not attending school and who are not supporting themselves
 - Children aged 18-23 who are attending full-time secondary or post-secondary school and not supporting themselves

Dependent Child, continued



- Children aged 18 to 23 who are attending part-time secondary or post-secondary school and are not supporting themselves
- Biological or adoptive children aged 18 or over who are unable to work due to a medically documented, permanent, physical or mental disability.

Note: Dependent children "living in a single residence with parent(s) or guardian(s)" would include children living away from home while attending a post secondary educational institution, but where permanent residence is the same as the parent(s) or guardian(s).

Veterans' Priority of Service



- Veterans' priority of service means that veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training, and placement services provided under a qualified job training program (including WIA and Wagner-Peyser)
- Veterans' Preference applies to all DOL-funded employment and training programs – not just when a local area is in limited funds!
- Federal law requires that the individual receiving priority must first meet the program's existing eligibility requirements.

Veterans' Priority of Service



References:



- The "Jobs For Veterans Act" (PL 107-288) and
- TEGL 10-09, Implementing The Veterans' Priority Provisions Of The Jobs For Veterans Act:
<http://wdr.doleta.gov/directives/attach/TEGL/TEGL10-09.pdf>

Dislocated Workers



- Generally speaking..... Workers are considered to be dislocated if they lose their jobs through no fault of their own
- However, they must fall into one of four categories in order to satisfy the definition
- Documentation Tip – follow the path of least resistance! Look for the applicable category with the least amount of data elements to verify

Four Categories for Dislocated Worker Eligibility



1. Is terminated, laid off, or received notice of termination or lay off from employment
AND....
Is eligible for or has exhausted unemployment benefits (UI)
OR...
Has been employed for a sufficient time to demonstrate attachment to the workforce but is not eligible for UI due to insufficient earnings or having performed services for an employer not covered by UI
AND...
Is unlikely to return to previous industry or occupation

Four Categories for
Dislocated Worker Eligibility



- 2. 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
- OR...
 - Is employed at a facility where 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 in Section 134(d)(4A), intensive services in Section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

Four Categories for
Dislocated Worker Eligibility



- 3. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of natural disasters; or general economic conditions in the community where the individual resides.

Four Categories for
Dislocated Worker Eligibility



- 4. Is a displaced homemaker.
 - "Displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who:
 - has been dependent on the income of another family member but is no longer supported by that income; AND
 - is unemployed or underemployed and is experiencing difficulty upgrading or obtaining employment.

WPRS/UCRS - WIATL 24



- WIATL 24: Worker Profiling and ReEmployment Services (WPRS), ReEmployment Eligibility and Assessment (REA), and Workforce Investment Act (WIA) Eligibility for Dislocated Workers
- Acknowledges that individuals identified for WPRS/UCRS meets the criteria for WIA dislocated worker eligibility
 - Laid off
 - UC Claimant
 - Unlikely to return to industry or occupation

Special Circumstances



- Buyouts – Memo dated June 29, 2006
- Lock-outs – WIATL 29

Recommended Local Definitions



- Unlikely to Return to Industry or Occupation
- Substantial Layoff



Adult & Dislocated Worker Services



- Core (Registered and Non-Registered)
- Intensive
- Training



Based upon eligibility
....and need

Core Services



- Universal access
- Self-Help to Minimal Staff Assistance
- Unregistered core
(Self-Help and Information Activities)
- Registered core
(Significant Staff Involvement)

Intensive Services – Service Eligibility



- Be unemployed and received at least one core service and have been unable to obtain employment through core services
- AND...
- Determined by the One-Stop Operator to be in need of more intensive services to obtain employment
- OR...
- Be employed and received at least one core service
- AND...
- Be in need of intensive services in order to obtain employment or retain employment to attain self-sufficiency.

Training Services
– Service Eligibility



- Have met the eligibility requirements for intensive services

AND...

- Have received at least one intensive service and have been determined to be unable to obtain or retain employment through such services

AND...

Training Services
– Service Eligibility



- After an interview, evaluation, or assessment, and case management, have been determined by One-Stop Operator or partner (as appropriate) to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services

AND....

Training Services
– Service Eligibility



- Select a program of training services that is directly linked to the employment opportunities either in the local area involved or in another area to which the individual is willing to relocate

AND....

- Be unable to obtain grant assistance from other sources to pay the costs of such training, including federal Pell Grants or require WIA assistance in addition to other sources of grant assistance (including Pell Grants)

AND...

Training Services – Service Eligibility



- Are determined to be eligible in accordance with the local priority policies, if any are in effect

REMINDER: Priority of service / limited funds policies do not apply to the Dislocated Worker Program

Documentation



WIATL 27: Source Documentation for WIA Eligibility

- Provides guidance on acceptable sources of documentation for establishing WIA adult, dislocated worker, and youth eligibility.
- Based on USDOL data validation requirements



Documentation



WIATL 27: Source Documentation for WIA Eligibility

- Local workforce areas are required to verify eligibility through an examination of documents
- Physical evidence is required in participant files
- Self-attestation is acceptable for some data elements - still must be recorded.
- Local areas may choose to implement a more restrictive documentation policy, but it should not be so restrictive as to create an unnecessary burden.



Documentation



The following items must be verified and documented for all participants:

- Age/Birth Date
- Citizenship Status/Authorization to Work in the US
- Selective Service Registration
- Social Security Number



Documentation



You will also find requirements for documenting:

- Low Income Individual
 - Cash Public Assistance
 - Family Income
 - Food Stamps
 - Homeless Individual
 - Foster Child
 - Disabled Individual
- Dislocated Worker Criteria
 - Termination/Laid Off
 - Plant Closure/Substantial Layoff
 - Self Employed, but now Unemployed
 - Displaced Homemaker



Reminder . . .



DATA RULE #1

If it's not in SCOTI....
it didn't happen!!



For more information . . .



■ <http://jfs.ohio.gov/workforce/>

■ Workforce Development Professionals

■ [Issuances](#) State and Federal policies; laws and regulations; memos; glossary; WIA state plan . . .

Need Help? Have a question?



Send an e-mail to:

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