

# Region 2 Workforce Investment Board Policy #5

**SUBJECT: Customer Grant Eligibility and Registration**

**EFFECTIVE DATE: 12.6.17**

**Board Approval 12.6.18**

**I. REFERENCE(S):**

WIOA Section 3(2), (5), (15), (16), (36)  
WIOA Section 129 (a) (1) (B) and (C)  
CFR Part 680  
State –WIOA Guidance Notice 6-16 Change 2  
TEGL 3-15

**II. PURPOSE:**

To provide guidance notice on eligibility and registration ensures that every WIOA participant receives WIOA program funded services is eligible and registered to receive those services.

**III. BACKGROUND:**

WIOA authorizes Region 2 to provide workforce preparation and employment to eligible adults and dislocated workers and associated individuals such as displaced homemakers, Self-employed individuals, and Military Spouse.

**IV. ACTION:**

- Policy 5 reflects the statutory eligibility requirements for adult and dislocated workers but also contains Region 2 policies for eligibility and registration.

**Statutory Eligibility Requirements for Adult and Dislocated Workers**

Individuals wishing to receive training services funded through adult and dislocated worker programs must meet all of the following requirements: All individuals are adult until placed in Dislocated Worker category after application.

1. Be legally authorized to work in the United States
2. Be 18 years of age or older
3. Be properly registered for Selective Service
4. Be a resident of the state of West Virginia, employed and dislocated from a West Virginia employer, or meets definition under WBLIS for WB Registered Apprenticeship Program.

Please Note: In addition to providing career and training services to individuals who are unemployed, there remains a significant population of job seekers who are underemployed. Individuals who are underemployed may include:

- Individuals employed less than full time who are seeking full time employment;
- Individuals who are employed in a position that is inadequate with respect to their skills and training;
- Individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); and
- Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment.

### Additional Eligibility Requirements for Adults

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. *See WorkForce West Virginia WIOA Policy 2-16 Priority of Service Policy for Adult Title I Training.*

Individuals who are underemployed and meet the definition of a low-income individual may receive career and training services under the Adult program on a priority basis. Individuals who meet the definition of an individual with a barrier to employment (see WIOA sec. 3(24)) who are underemployed may also be served in the Adult program.

### Additional Statutory Eligibility Requirements for Dislocated Workers

In addition to the requirements listed above, an individual must also fall into one or more of the following eligibility categories as outlined in section 3(15)(A-E) of WIOA:

Category A: Terminated or Laid Off, or Received a Notice of Termination or Layoff from Employment

- Has been terminated or laid off or has received a notice of termination or layoff from employment; AND
- 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 unemployment compensation law; AND

- Is unlikely to return to a previous industry or occupation.

#### Category B: Plant Closure or Substantial Layoff

- 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 described in section 134(c)(3) of WIOA, career services described in section 134(c)(2)(A)(xii) of WIOA, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

#### Category C: Self-Employed Individual

- 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.

#### Category D: Displaced Homemaker

- The term 'displaced homemaker' means an individual who has been providing unpaid services to family members in the home and who-
  - Have been dependent on the income of another family member but is no longer supported by that income; OR
  - 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
  - 
  - Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

#### Category E: Military Spouse

- Is the 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 who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty state of such member; OR
- Is the spouse of a member of the Armed Forces on active duty and who meets the criteria of a displaced homemaker who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

### Additional Clarification for Dislocated Workers

#### Terminated or Received Notice of Termination-

Within Category A, the term 'termination' is clarified to mean individuals who could have been 'fired' but are nevertheless eligible for or exhausted their Unemployment Insurance (UI) benefits. Therefore, individuals who are 'fired' and are not eligible to receive UI benefits, due to the nature of their termination, are also not eligible for WIOA Dislocated Worker.

Individuals who have been separated for cause and/or those who voluntarily left, who are also eligible for UI, can be considered under the term 'terminated'.

#### **Underemployed-**

The WIOA definition of dislocated worker, within categories A, B, and C, does not include underemployed workers unless the worker who is considered underemployed first meets one or more of the other 'prong(s)' (categories), as applicable.

To be considered underemployed, the worker entered employment after being recently dislocated earning a salary of 80% or less of the previous employer's annual salary (from whom they are dislocated), prior to eligibility determination. Staff must obtain, at a minimum, the following information to make and support the determination:

- Current Employer Name/Location
- Current Employer Hire Date
- Current Annual Wage (Rate of pay and hours worked)
- Previous Employer Name/Location
- Previous Employer Hire Date
- Previous Employer Separation Date
- Previous Annual Wage (Rate of pay and hours worked)

By expanding the definition of Dislocated Worker, as it pertains to Categories A, B, and C, to include those who are underemployed, Workforce Development Boards will be able to serve workers who have been recently dislocated in a more equitable manner.

Within Category D, for a Displaced Homemaker to be considered underemployed, their income and family size must be collected, documented, and calculated against the 70% Lower Living Standard Income Levels (LLSIL) chart. The income cannot exceed the LLSIL to be determined eligible.

### **Unlikely to Return to Previous Industry or Occupation-**

An individual who is unlikely to return to previous industry/occupation due to no growth or decline in job openings or employment search, or has been laid off without a recall date, or the date has passed, and is in need of additional services or training.

Examples of No Growth, Decline in Job Openings or Employment Search:

- Skill Oversupply-State or Local supply of persons with the specific skills of the applicant exceeds current demand for those skills; OR
- Obsolete Skills-Applicants can no longer meet the minimum requirements of jobs available in their occupation (e.g. clerical worker without work processing skills, etc.); OR
- Local Layoff Impact-A local plan or business closing or layoffs has had a significant negative impact on the availability of jobs in the applicant's primary occupation and accustomed wage/hour/skill level; OR
- No Job Offers Received-Applicant has been available and looking for work for a number of weeks and has not received an offer for work; "number of weeks" might range from 6-12 weeks, depending upon the occupation, economy, and/or applicant's verified job search efforts; OR
- Physical Limitations or Disabilities-Newly acquired physical limitations or injuries occurring which limit the individual's ability to perform the job from which they were dislocated may make an individual unlikely to return to the previous occupation. Such individuals could be eligible if they fit one of the categories of the WIOA Dislocated Worker program eligibility, but shall have a doctor's release to work; OR
- Other Factors-Factors that can be recorded in the customer's file from written or verbal sources, including staff judgment, indicating "unlikely of returning to the previous industry or occupation".

The following forms of documentation can be used to demonstrate "unlikely to return":

- Labor market information showing that the applicant skills are not currently in demand.
- Labor market information showing that the applicant cannot meet the skills requirements for jobs currently available in their chosen occupation.
- Labor market information showing no jobs or only stop gap jobs are available that match the applicant's skills.
- Job search logs put together by the client that demonstrate no job offers received for a period of weeks prior to WIOA enrollment.
- Documentation of acquired physical limitations or injuries that make an individual

unable to perform the same work as the job of dislocation.

### Statutory and State Eligibility Requirements for Youth

Youth must meet basic eligibility requirements to participate in the WIOA Youth program. Both In School and Out of School Youth must meet the following eligibility requirements:

- be a citizen or noncitizen authorized to work in the U.S.;
- meet selective service registration requirements; and
- be a resident of the state of West Virginia, or if not a state resident, been employed and dislocated from a West Virginia employer.

### Additional eligibility requirements for In School Youth include:

- An individual who is between 14 and 21 years of age;
- An individual who is attending school, including secondary and post-secondary school (as defined by State law);
- A low income individual; and
- One or more of the following:
  - Basic skills deficient;
  - An English language learner;
  - An offender;
  - A homeless individual;
  - Pregnant or parenting;
  - A youth who is an individual with a disability;
  - An individual who requires additional assistance to complete an educational program or to secure or hold employment

### Additional eligibility requirements for Out of School Youth include:

- An individual who is not attending any school (including secondary or post-secondary);
- An individual between the ages of 16 and 24 years of age; and
- One or more of the following:
  - A school dropout;
  - A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
  - A recipient of a secondary school diploma or its recognized equivalent who

is a low-income individual and is—

- Basic skills deficient; or
- An English language learner.
- An individual who is subject to the juvenile or adult justice system;
- A homeless individual, a runaway, an individual in foster care, or an individual who has aged out of the foster care system;
- An individual who is pregnant or parenting;
- A youth who is an individual with a disability;
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

n eligible in-school youth or an out of school youth who have their high school diploma or GED and are basic skills deficient or an English language learner must also meet low-income definition (WIOA Section 3, 36).

Up to 5% of youth registered may be classified as not low income but meet the other requirements.

### **Definitions of Terms:**

#### **Low Income-**

1. Receives cash benefits based on public assistance program
2. Poverty line or 70% of lower living standard income last 6 months
3. Food Stamps received or eligible in last 6 months
4. Homeless
5. Foster child
6. Disabled person whose self-income qualifies when family income does not qualify.

#### **Basic Skills Deficient-**

1. Unable to compute, read, write or speak English in order to function on job, in individual's family or in society
2. Lacks Diploma, GED and not in secondary education
3. Enrolled in Adult Education
4. Reading or math below 8.9 /Workkeys at or below 4
5. Limited English by trough documented observation

### **Initial Assessment for Eligibility**

The initial assessment provides preliminary information about the individual's skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs. (WIOA 134(c))

As a basic career service for adults and dislocated workers, the initial assessment is intended to be a brief, preliminary information gathering process that, among other things, provides sufficient information about an individual's basic literacy and occupational skill levels to enable the One-Stop operator to make appropriate referrals to services available through the One-Stop operator and partner programs.

When choosing who shall participate in the Title I programs, refer to *WorkForce West Virginia Guidance Notice 6-16*. In addition, special care must be exercised to not discriminate on the basis of race, color, national origin, sex, age, disability, religion, political affiliation or belief, participant status, and against certain noncitizens.

## **Registration**

Registration is the process for collecting information to support a determination of eligibility. This Information may be collected through methods that include electronic data transfer, personal interview, or an individual's application. Participation occurs after the registration process of collecting information to support an eligibility determination and begins when the individual receives a staff-assisted WIOA service, which does not include self-service or informational activities. Adults and Dislocated Workers who receive services funded under Title I other than self-service or informational activities must be registered as a participant. Work Keys is part of the information gathering system which leads to the discussion of training options.

## **Eligibility for Training Services**

Under Section 134(c) (3) (A) of WIOA training services may be made available to employed and unemployed adults and dislocated workers who:

- A One-Stop operator or One-Stop partner determines, after an interview, evaluation, assessment, and career planning are: 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;
- 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
- Have the skills and qualifications to participate successfully in training service; (20 CFR 668.210)
- Have selected a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individuals are willing to commute or relocate; (20 CFR 680.210)
- Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Pell Grants, or require WIOA assistance in addition to other sources of



grant assistance, including Pell Grants (provisions relating to fund coordination are found at 20 CFR § 680.230 and Section 134(c)(3)(B) of WIOA); and

- If training services are provided through the adult funding stream, are determined eligible in accordance with the state and local priority system, if any, in effect for adults under Section 134(c)(3)(E) of WIOA and 20 CFR § 680.600. (20 CFR 680.210)

### **Individual Service Strategy Plan**

The individual employment plan (IEP) is an individual career service, under Section 134(c)(2)(A)(xii)(II), that is jointly developed by the participant and career planner when determined appropriate by the One-Stop operator or One-Stop partner. The plan is an ongoing strategy to identify employment goals, achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals. (20 CFR 680.180)

- If determined appropriate based on the need of the individual participant, the "combination of services" includes supportive services if approved for ITA. OJT only eligible for 30 days of employment. Books may be included in ITA costs if not, maybe included in supportive services.
- The development of an IEP is only one of the career services that may be provided to adults and dislocated workers determined to be in need of such service; it is not a condition to receive that service.
- Local youth programs must develop Individual Service Strategies (ISS) for each participant that are directly linked to one or more of the indicators of performance described in Section 116(b)(2)(A)(ii) of WIOA, and that shall identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the objective assessment. (WIOA 129(c))
- A new service strategy for a youth participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant. (WIOA 129(c))

### **Supportive Services**

The term "supportive services" means services such as transportation, child care, dependent care, housing, relocation, tools and work boots, etc. that are necessary to enable an individual to participate in activities authorized under WIOA Title I. Region 2 does not provide Needs Related payments under formula funds due to lack of funds. Region 2 will not provide or purchase computer unless required for class and no Pell Grant involved.

### **Training Decisions for Adults and Dislocated Workers**

After an interview, evaluation, or assessment, and career planning before deciding on training, the career planner/case manager must ask these questions:

1. Has the applicant met the qualifications to be eligible for training services (i.e., received either an interview, planning or any other method through which the One-Stop operator or partner can obtain information and make an eligibility determination to be determined eligible for training service)? (WIOA 134(c) and 20 CFR 668.220) Region 2 has no required period for participation in career services before receiving training services but all required forms and documents must be filed with Region 2. (20 CFR 680.220)
2. Does the applicant have the skills and qualifications to successfully complete the selected training program?
3. Is the program of training services directly linked to Demand Occupation in the local area or in another area to which the participant is willing to relocate?
4. Is there another funding source willing to pay the costs of the training, including such source as state-funded training funds, Trade Adjustment Assistance and Federal Pell Grants?
5. If funding is limited in Region 2, does the adult participant meet the priority requirements given to recipients of public assistance and other low income individuals?
6. The following programs offered through the integrated One-Stop Career Centers system are not covered by this policy: Trade Act, Adult Basic Education, Veterans Employment and Training services, and Wagner-Peyser. Applicants need only test once through the period of training unless a positive result in which case an appeal process is available which may require another test.
7. Is ITA training program on the state list of approved training programs
8. If the cost of training exceeds the \$5000.00 that Region 2 will provide, does applicant have another means of providing difference?

**Exits** For purposes of performance calculations, exit is the last date of service after which an individual received services through the adult, dislocated worker, or youth program under WIOA Title I, the Adult Education and Literacy program under WIOA Title II, or the employment services authorized by Wagner-Peyser as amended by WIOA Title III, and no future services other than follow-up services are planned. (20 CFR 677.150) Ninety days of no service does not include self-service or information-only activities or follow-up services. (20 CFR 677.150)

### **Follow-Up/Post Placement Contact**

Adult and dislocated workers follow up services, as described in Section 134(c)(2)(A)(xiii) of WIOA and 20 CFR § 678.430(c), must be made available, as appropriate, for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment. (20 CFR 680.150) Follow-up services must be provided, as appropriate, including: counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment. (20 CFR 678.430)

**References:** WIOA Section 3,129, 134 and 171 WIOA Code of Federal Regulations, 20 CFR 680.900, 680.910, Through 680.970, 681.570, 688.120

**Purpose: To provide guidance to Career Planner/Case Manager on proper use of Supportive Services**

### **Supportive Services**

To be eligible for supportive services, a participant must have been determined WIOA eligible and:

- Participating in career and training services. Limited supportive services may be provided to eligible applicants (e.g., paying for a birth certificate) before they are enrolled as participants to permit participation in assessment activities; and
- Are unable to obtain supportive services through other programs providing such services.
- Maximum amount of Supportive Services available \$1,500 + any ITA unused Funds
- Applicant must request Supportive Services and family Income Guide should be reviewed to determine eligibility for Supportive Services.

**Supportive services include, but are not limited to,**  
cash assistance or referral to the following:

- Transportation assistance and auto repairs; Refer to Partner-DHHR or Community Action
- Child care and dependent care costs;-Refer to Partner-DHHR-Community Action
- Housing and utility assistance; Refer to Partner-DHHR or Community Action
- Groceries and hygiene items (including haircuts); Refer to Partner-DHHR, Community Action, or Food Pantry
- Assistance with medical and prescription (including eyeglasses) services;-Refer to Partner-DHHR, Community Action, or Community Organization
- Interview clothing, uniforms, and other appropriate work attire;-Goodwill, Dress for Success, Community Action
- Tools or other work or training-related materials; -Community Action-Goodwill-R2 WIB

- Job-related adult basic education and English as a Second Language training; Partner Adult Basic Education(ABE)-local CTC
- Translation services; Partner ABE-local CTC
- Non-commercial driver's license training and assistance with driver's license fees; -County School System
- Work and training-related licenses, permits, and fees;-Local or State Agency
- Assistance with special services and materials for individuals with disabilities; DHHR
- Out-of-state job search and relocation to a new job;-R2 WIB
- Legal aid services meant to reduce barriers to employment and establish employment eligibility such as by helping secure a driver's license, expunging criminal records, and addressing debts or credit reporting issues.-Legal Aid Services-County Magistrate office

Supportive services cannot be provided for:

- Fines and penalties such as traffic violations, late finance charges, and interest payments;
- Entertainment including tips;
- Contributions or donations;
- Vehicle payments;
- Refundable deposits;
- Alcohol or tobacco products;
- Pet products;
- Supplies for plants;
- Membership fees (e.g., fitness or social club memberships, annual fees on personal credit cards);
- Excessive or costly food purchases beyond normal dietary needs; and
- Out-of-state job search and relocation expenses that are paid for by the prospective employer or by the employer who has laid-off the individual.

#### V. INQUIRIES:

Please direct any questions regarding this Policy Letter to Region 2 Workforce Investment Board.