



ETLWDA
WORKFORCE INNOVATION AND
OPPORTUNITY ACT
POLICY MANUAL

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SUBJECT: WIOA ELIGIBILITY DETERMINATION

APPROVED ETLWDB BOARD CHAIR:

POLICY STATEMENT: Individuals must be registered, determined eligible, and enrolled to receive WIOA Title Ifunded, staff assisted career services beyond self-service and informational activities

Introduction: Training services are funded and provided to job seeking customers under WIOA Title I programs. Individuals provided training services funded by WIOA Title Ifunds must be registered, determined eligible, and in need of additional service beyond career services to obtain or retain employment. As a part of the eligibility process, individuals must receive at minimum a documented interview, evaluation, assessment, and career planning or other means by which eligibility of WIOA-funded training services can be determined, documented, and justified.

Purpose: This policy on eligibility determination ensures that every Workforce Innovation and Opportunity Act (WIOA) client who receives WIOA Title I services is both eligible and registered in JOBS4TN.

Eligible WIOA Customer: adult, dislocated workers, and youth

Process:

Adult Eligibility:

WIDA Adult Eligibility

Basic eligibility requirements include:

- be 18 years of age or older (adults);
- be a citizen or noncitizen authorized to work in the U.S.; and
- meet selective service registration requirements (males only) (see below).

See the *Priority of Service* policy for additional eligibility requirements for adults to qualify for priority of service to receive training or career services.

Dislocated Worker/Displaced Homemakers Eligibility

A dislocated worker has to fit in one of the following categories in order to be eligible for WIOA Title I services under Dislocated Worker status:

- Terminated/laid off; eligible for unemployment compensation, and unlikely to return to work
- Permanent closure/substantial layoff
- General announcement of employer closure
- Formerly self-employed and currently unemployed
- Dislocated military service member and spouse
- Displaced homemaker
- Applicants who are currently receiving unemployment benefits, or who have exhausted their benefits, are eligible for WIOA enrollment as a dislocated worker.

- Applicants who have recently lost over 50% of their income due to: (1) the closure of their small business, (2) a recent divorce or separation, or (3) the death of a spouse/family member who provided over 50% financial support, are eligible for enrollment as a Displaced homemaker/Displaced worker.

Required Documentation:

- 1) UI printout,
- 2) Divorce decree,
- 3) Death certificate,
- 4) Written statement of self-attestation

In special instances, an applicant may be eligible as a dislocated worker if the applicant was laid off through no fault of his/her own and is working a "survival" job making significantly less than what he/she was earning prior to layoff. See TEGL 19-16 §11 for a discussion of underemployed adults.

Youth Eligibility:

In-School 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.; and
- meet selective service registration requirements (males only if applicable) (see below).

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 (see Definition of Key terms Section); and
- One or more of the following:
 - o Basic skills deficient;
 - o An English language learner;
 - o An offender;
 - o homeless individual; (defined by the Violence Against Women Act or the McKinney-Vento Homeless Assistance Act)
 - o Pregnant or parenting;
 - o A youth who is an individual with a disability;
 - o An individual who requires additional assistance to complete an educational program or to secure or hold employment.

Out of School Youth:

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 -
 - o Basic skills deficient; or
 - o 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; (defined by the Violence Against Women Act or the McKinney-Vento Homeless Assistance Act)
- 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 (See above for definition).
- An 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. Requests to enroll youth who are not low income must be approved by ETLWDB staff. At least 95% of registered youth must be classified as low income.

Definition of Key Terms

"Basic Skills Deficient" individuals are:

- A youth with English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- A youth or adult who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

Displaced Homemaker means an individual who has been providing unpaid services to family members in the home and who-

- Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; and
- Has 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 and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member.

Low-income individuals meet one or more of the characteristics listed below:

- Recipient of Cash Public Assistance
- Family Income that does not exceed the higher of 70% of the Lower Living Standard Income Level (LLSIL) or the poverty line
- Receives Food Stamps or was determined eligible to receive in the last six months
- Homeless (defined by the Violence Against Women Act or the McKinney-Vento Homeless Assistance Act)
- Publicly supported Foster Child
- Individual with a disability and own income at or below 70% of the LLSIL or the poverty line
- Receives, or is eligible to receive a free or reduced price school lunch
- An individual who resides in a high poverty area, defined as an area that has a poverty rate of at least 30% (set every 5 years, using ACS 5 year estimates)

An individual who requires additional assistance to complete an educational program or to secure or hold employment is defined by as a youth who meets one or more of the following criteria:

- Has an Individualized Education Program (IEP);
- Has a letter from a guidance counselor asserting their need of additional assistance to complete an educational program or to secure or hold employment;
- Is currently credit deficient (i.e., one or more grade levels behind peer group);
- Has a poor work history (been fired from 1 or more jobs within the last six months, OR has a history of sporadic employment, such as "has held 3 or more jobs within the last 12 months, and is no longer employed");
- Has actively been seeking employment for at least 2 months, but remains unemployed or underemployed. This includes a youth with no employment history, with limited work experience, and/or actively seeking full-time employment, but have only achieved part-time employment; or

- Has incarcerated parent(s)

Not attending any school means a youth not receiving services from a public school, charter school, cyber charter school, career and technical school, sectarian school, or private school. Individuals who are enrolled in adult basic education/GED preparation, skills training, or other remedial education programs, including YouthBuild and Job Corps are not attending any school for the purposes of this policy.

Self-attestation occurs when an individual states his or her status for a particular data element, and then signs and dates a form acknowledging this status.

"Self-certification" means an individual's signed attestation that the information said individual submitted to demonstrate eligibility for a program under title I of WIOA is true and accurate.

Family Size:

Two or more persons related by blood, or marriage (including same sex marriages), or decree of court, or guardian who are living in a single residence. The single residence unit includes household dependents.

A dependent is defined as a child who is of the age:

1. 18 and under at the end of the previous calendar year or
2. 24 and under at the end of the previous calendar year and was attending school
 - a. regardless of residence, and or citizenship, anyone claimed as a dependent on another person's federal income tax for the previous federal year must be presumed to be part of the household dependents. The person who was claimed as the dependent for income tax purposes must provide information that demonstrates the person is no longer financially dependent to be excluded from household dependents when determining family income.
 - b. IRS dependent definition may be found at IRS Publication 501-Exemption for dependent.
 - c. IF A COLLEGE STUDENT IS NOT CLAIMED AS A DEPENDENT ON ANYONE ELSE'S TAX RETURN, THEY ARE NOT A DEPENDENT CHILD.

A guardian is defined as:

- An individual related by blood, marriage, or decree of court, living in a single residence where the parents ARE NOT present in the residence.