

General Program Policies No. GP – 107, Change 1

Subject: Requirements and Eligibility for WIOA Adult and Dislocated Worker Programs
Effective: PY2015 - 10/19/2015

BACKGROUND:

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 1, 2014. WIOA is designed to help job seekers access employment, education, training, and supportive services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. In general, the Act took effect on July 1, 2015.

The purpose of the Workforce Innovation and Opportunity Act includes:

- Increasing access to and opportunities for the employment, education, training, and support services that individuals need, particularly those with barriers to employment.
- Supporting the alignment of workforce investment, education, and economic development systems, in support of a comprehensive, accessible, and high-quality workforce development system.
- Improving the quality and labor market relevance of workforce investment, education, and economic development efforts.
- Promoting improvement in the structure and delivery of services.
- Providing workforce development activities that increase employment, retention, and earnings of participants and that increase post-secondary credential attainment and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet skill requirements of employers, and enhance productivity, and competitiveness of the nation.

PROGRAM DESIGN & ESSENTIAL ELEMENTS

WIOA funds may only be used for authorized WIOA activities as outlined in the Workforce Innovation and Opportunity Act. These services will be provided through the one-stop delivery system in accordance with federal, state and local rules, regulations and guidance. The following program design elements shall be applied to all programs and services.

- **BUSINESS DRIVEN- Workforce Research and Regional Labor Market Analysis**

All programs and services must be aligned with targeted industry and occupation strategies documented by local boards based on economic conditions.

- **OUTREACH/RECRUITMENT**

Local areas shall conduct and document outreach to targeted populations including the following:

Veterans and eligible spouses of veterans, low-income and public assistance recipients, and individuals that are basic skill deficient.

- **WORKFORCE CONNECTION ON-LINE SYSTEM**

Adult, Dislocated Workers and Youth who receive services must be registered in the Workforce Connection On-Line System consistent with federal, state and local policy.

POLICY:

WIOA ADULT ELIGIBILITY

Following is the eligibility criteria for the WIOA Adult Program. Documentation verifying the eligibility of participants in WIOA is mandatory. Eligibility determination must be made prior to enrollment in WIOA and must include an initial determination of need for services to insure that employment and training opportunities are being provided to those who can benefit from and are in need of such opportunities to obtain or retain employment. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

PRIORITY OF SERVICE (Please see OP-404 WCCNM Priority of Service Policy, Change 4)

Adult-Priority of Service - With respect to funds allocated to a local area for adult employment and training activities under paragraph (2) (A) or (3) of WIOA section 133(b), priority shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph WIOA Section 134(b) (2) (A) (xii) and training services.

Veterans and eligible spouses covered by Public Law 107-288, who otherwise meet the eligibility requirements for enrollment and for whom WIOA services are deemed appropriate, are to be given priority over non-veterans for the receipt of

employment, training, and placement services provided under the program. Veterans' priority of service for enrollment should be implemented in the following order:

1. Veterans, and other non-veterans eligible for Veteran's Preference, who are eligible for the program and meet Adult priority of service requirements.
2. Non-veterans who are eligible for the program and meet Adult priority of service requirements.
3. Veterans, and other non-veterans eligible for Veteran's Preference, who are eligible for the program, but do NOT meet Adult priority of service requirements.
4. Non-veterans who are eligible for the program, but do NOT meet Adult priority of service requirements.

WIOA ADULT ELIGIBILITY CRITERIA

Each of the following eligibility elements must be documented for each participant **prior to the receipt of individualized /customized service**. Local boards must obtain required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in WIOA Eligibility STAG, July 1 2015. Photocopies of documentation kept on file, or scanned documents stored in electronic document management systems, must be legible.

- A. **Right to Work**– Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States as required in WIOA section 188 (a)(5).
(Exception: Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)

- B. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIOA section 189(h). See the Selective Service section of WIOA STAG, July 1, 2015.
- C. **Age** at application must be 18 or older.
- D. Unemployed or employed and **in need of services in order to obtain or retain employment**.
- E. Must meet income standards as defined in the Lower Living Standard Income Level (“LLSIL”) table. (Exception to the use of the LLSIL table for Adult eligibility is granted for Customized Training and incumbent worker training, this includes skill upgrade OJT participants.)

ELIGIBILITY OF EMPLOYED WORKERS

1. An employed worker is an individual currently working who has been determined to be in need of services in order to obtain or retain employment that leads to self-sufficiency, in accordance with the state and local definition of that term.
2. Dislocated workers who have become re-employed in "income maintenance" jobs (a job with a lower rate of pay than the job of dislocation) may also be served as long as the wage earned does not exceed the local criteria for self-sufficiency.
3. Staff is required to complete a WIOA application and verify that the worker meets all program eligibility criteria including right to work, selective service and age.
4. Employed workers must be given the same customer choice options as other WIOA participants (except for eligible employed workers who are enrolled in customized training with their employers).
5. Training must be provided in compliance with the Eligible Training Provider List and Individual Training Account (ITA) requirements unless it is customized training or On-the-Job Training.
6. WIOA employed worker services primarily are

provided for the benefit of the employed worker but it is recognized that these services may also benefit the employer.

WIOA DISLOCATED WORKER ELIGIBILITY

Following is the eligibility criteria for the WIOA Dislocated Worker Program. Documentation verifying the eligibility of participants in WIOA is mandatory. Eligibility determination must be made prior to enrollment in WIOA and must include an initial determination of need for services to insure that employment and training opportunities are being provided to those who can benefit from and are in need of such opportunities to obtain or retain employment. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

Veterans and eligible spouses covered by Public Law 107-288, who otherwise meet the eligibility requirements for enrollment and for whom WIOA services are deemed appropriate, are to be given priority over non-veterans for the receipt of employment, training, and placement services provided under the WIOA program.

WIOA DISLOCATED WORKER ELIGIBILITY CRITERIA

Each of the following eligibility elements (A-C below) must be documented for each participant **prior to the receipt of a staff-assisted career service with significant staff involvement or individualized customized service**. Local boards must obtain required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in the WIOA Eligibility STAG, July 1, 2015. Photocopies of documentation kept on file, or scanned documents stored in electronic document management systems, must be legible.

- A. **Right to Work** – Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States as required in WIOA section 188(a)(5). If the participant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied. (**Exception:** Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and

2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)

- B. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIOA section 189(h). See the Selective Service section of the Eligibility STAG, July 1, 2015.
- C. In addition to the basic WIOA eligibility criteria, staff making eligibility determinations must verify that the applicant qualifies under **one** of the following categories:
 - 1. **(a)** Has been terminated or laid off, or has received a notice of termination or layoff, from employment; and,
 - (b)** 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 State unemployment compensation; and,
 - (c)** Is unlikely to return to a previous industry or occupation.
 - 2. **(a)** 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,
 - (b)** Is employed at a facility where the employer has made a general announcement that such facility will close within 180 days, or,
 - (c)** For purposes of eligibility to receive services other than training services, career services, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

3. 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; or,
4. Is a displaced homemaker.
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.

ELIGIBILITY OF EMPLOYED WORKERS

1. An employed worker is an individual currently working who has been determined to be in need of services in order to obtain or retain employment that allows for self-sufficiency, in accordance with the locally established definition of that term.
2. Dislocated workers who have become re-employed in "income maintenance" jobs (a job with a lower rate of pay than the job of dislocation) may also be served as long as the wage earned does not exceed the local criteria for self-sufficiency.
3. Staff is required to complete a WIOA application and verify that the worker meets all program eligibility criteria including right to work, selective service, and age.
4. Employed workers must be given the same customer choice options as other WIOA clients (except for eligible employed workers who are enrolled in customized training with their employers).
5. Training must be provided in compliance with the Eligible Training Provider List and Individual Training Account (ITA) requirements unless it is customized training or On-the-Job Training.
6. WIOA employed worker services primarily are provided for the benefit of the employed worker but it is recognized that these services may also benefit the employer.

ADULT AND DISLOCATED WORKER SERVICES

BASIC CAREER SERVICES - SELF-DIRECTED AND INFORMATIONAL SERVICES

Basic Career Services must be available to all individuals seeking services in the one-stop delivery system. At a minimum, Basic Career Services consist of the following:

- determinations of whether the individuals are eligible to receive assistance from the Adult, Dislocated Worker or Youth programs;
- outreach, intake (including identification through the state's Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits) and orientation to the information and other services available through the one-stop delivery system;
- initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;
- labor exchange services, including—
 - job search and placement assistance and, in appropriate cases, career counseling, including the provision of information on in-demand industry sectors and occupations; the provision of information on nontraditional employment;
- provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, in appropriate cases, other workforce development programs;
- provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—
 - job vacancy listings in such labor market areas; information on job skills necessary to obtain the jobs; and information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations;
- provision of performance information and program cost information on eligible providers of training services as described in WIOA section 122, provided by program and type of provider;
- provision of information, in formats that are usable by and understandable to onestop center customers, regarding how the local area is performing on the local performance accountability measures described in WIOA section 116(c) and any additional performance information with respect to the one-stop delivery system in the local area;
- provision of information, in formats that are usable by and understandable to onestop center customers, relating to the availability of supportive services or assistance, including child care, child support, medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under the Supplemental Nutrition Assistance Program (SNAP); assistance through the earned income tax credit; housing counseling and assistance services

- sponsored through the U.S. Department of Housing and Urban Development (HUD); and assistance under the a State program for Temporary Assistance for Needy Families (TANF), and other supportive services and transportation provided through that program; assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act;
- Provision of information and assistance regarding filing claims for unemployment compensation, including meaningful assistance to individuals seeking assistance in filing a claim. Meaningful assistance means providing assistance on-site using staff who are properly trained in UI claims filing, and/or the acceptance of information necessary to file a claim, or by phone or via other technology, as long as the assistance is provided by trained and available staff within a reasonable time as directed by the State in coordination with the State Unemployment Insurance Operations Center. The costs associated in providing meaningful assistance may be paid for by the State's UI program, the WIOA Adult or Dislocated Worker programs, the Wagner Peyser Employment Service, or some combination of these funding services.

Basic Career Services referenced above do not require co-enrollment. No WIOA application needs to be completed.

INDIVIDUALIZED CAREER SERVICES

Individualized Career Services must be made available to individuals if the one stop operator or service provide determine the services are ***appropriate in order for an individual to obtain or retain employment.*** Staff may use recent previous assessments by partner programs to determine if individualized career services would be appropriate. Individualized Career Services consist of the following:

- comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include diagnostic testing and use of other assessment tools; and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services and career pathways to attain career objectives;
- group counseling;
- individual counseling;
- career planning;
- short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for

- unsubsidized employment or training, some instances pre-apprenticeship programs may be considered short-term pre-vocational services;
- internships and work experiences that are linked to careers;
 - workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy, and self management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, training or employment;
 - financial literacy services, such as the activities described in section WIOA 129(b)(2)(D);
 - out-of-area job search assistance and relocation assistance;
 - English language acquisition and integrated education and training programs; and

Follow-up services – follow up services must be provided as appropriate for participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Counseling about the workplace is an appropriate type of follow-up service. Follow-up services do not extend the date of exit in performance reporting.

A WIOA application must be completed for all individuals receiving Individualized Career Services. WIOA case managers are responsible for compiling eligibility and data validation documentation.

Participation for Adult and Dislocated Worker occurs after information is collected to support eligibility determination and begins when the individual receives a staff assisted service excluding those defined as a Basic Career Service.

TRAINING SERVICES

Training Services shall be used to provide training services to adults and dislocated workers who, ***after an interview, evaluation, or assessment, and career planning***, have been determined by a one-stop operator or one-stop partner, as appropriate, to meet the following:

- 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 the career services described;
- be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
- have the skills and qualifications to successfully participate in the selected program of training services;
- who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another

area to which the adults or dislocated workers are willing to commute or relocate;

- who are determined to be eligible in accordance with the priority system in effect.

RULE OF CONSTRUCTION

Nothing in this subparagraph shall be construed to mean an individual is required to receive career services prior to receiving training services.

Training services may include:

- Occupational Skills Training, including training for nontraditional employment;
- On-the-Job-Training;
- Incumbent worker training that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill Upgrading and retraining;
- Entrepreneurial Training;
- Transitional jobs;
- Job Readiness training provided in combination with services;
- Adult Education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described;
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

OBJECTIVE ASSESSMENT

An objective assessment shall be conducted to include a review of basic skills, academic and occupational skill levels, prior work experience, employability, interests, aptitude, support service needs, and developmental needs. A new assessment of a participant is not required if the local service provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program as long as all the required elements are addressed.

PERFORMANCE MEASURES

Reference WCCNM Policy OP-401 Common Measures Policy, Change #2, until new WIOA Adult/Dislocated Worker Performance Measures are developed by USDOL and NMDWS.

APPLICABILITY:

All providers of WIOA One-Stop services, all providers of Adult/Dislocated Worker programs. References: Title I of the Workforce Innovation and Opportunity Act (WIOA),

NMDWS Eligibility STAG revised July 1, 2015 and NMDWS Adult and Dislocated Worker Services STAG, Revised July 1, 2015.

INQUIRIES:

WIOA Manager 505-247-1750