

Southwest Iowa Workforce Development Board

WIOA Title I Eligibility Policy

Approved Date: January 24, 2022

Effective Date: January 24, 2022

Purpose

The purpose of this policy is to provide guidance on participant eligibility for enrollment. The Workforce Innovation and Opportunity Act (WIOA) Title I program is designed to provide employment and training opportunities to those who can benefit from, and who are in need of such opportunities. Meeting the eligibility criteria for a WIOA-funded program does not entitle an Adult, Dislocated Worker or Youth to receive certain employment and training services. This policy covers WIOA participants under the funding streams of Adult, Dislocated Workers and Youth.

Responsibilities

Service providers are responsible for understanding the eligibility criteria for WIOA funded programs and for following the eligibility guidance contained in this policy, the WIOA legislation, the WIOA Rules, Iowa policy and any other local board policies. The Southwest Iowa Workforce Development Board (SWIWDB) is responsible for oversight and revision of this policy.

Geographical Preference for Enrollment

Geographical preference for WIOA-funded activities and services will be first given to residents of the eight counties in the Southwest Iowa Workforce Area. Second preference will be given to eligible participants from other Local Workforce Development Areas in the state of Iowa. Third preference will be given to those individuals in adjacent counties in neighboring states affected by a mass layoff. Lastly, individuals from other adjacent counties in other states may be served if funding is available. Informational and basic career services will be available to all individuals regardless of residence. Validation that the participant is not receiving services through another Local Area is required and must be noted in the IowaWORKS case management system.

Economic Self-Sufficiency

In SWILDA the criteria for economically disadvantaged adults will be the following:
Selection of training which meets demand occupation criteria as noted in Labor Market Information data. Willingness to relocate to obtain such employment if not available in the local area. Projections that such training will result in meeting or exceeding the regional standard for self-sufficiency wage levels. The Lower Living Standard for self-sufficiency in SWILDA is 150%, however, if a participant indicates that they are satisfied that their wage (even if under 150%) meets their families needs for self-sufficiency, the career planner will put this detail into a case note to explain.

For the WIOA Title 1 Dislocated Worker program, the same standards previously described (selection of demand occupations and willingness to relocate).

The self-sufficiency wage standard is updated annually based on the most recent LLSIL data.

Eligibility Determination

Determination of eligibility for WIOA Title I programs must be based on information gathered at, or prior to, the time of enrollment. All individuals must be determined eligible before they can participate in any Title I activities. Requirements for verification of eligibility through source documentation are outlined in Appendix A: Allowable Source Documentation for WIOA Title I Eligibility located at <https://epolicy.iwd.iowa.gov/Policy/Home>

An application for WIOA Title I services is required. Once an application has been completed, career navigators must verify and document program eligibility within 30 days. Once an individual has been deemed eligible, they must be enrolled into a program service that triggers inclusion as a participant within 30 days of the date of eligibility determination. If any of these deadlines are not met, a new application for services is required and the same time requirements outlined apply.

Veterans Priority of Service

WIOA Title I eligibility determination must comply with the local Priority of Service policy.

Electronic Signatures

Electronic signatures are allowable on the application in the IowaWORKS case management system, or may be on paper and uploaded to the data management system, as applicable. Additional paper forms and signatures verifying self-certification for eligibility criteria must be uploaded to the IowaWORKS case management system. Acceptable electronic signatures include but are not limited to IowaWORKS electronic signature feature, HelloSign, DocoSign and Adobe sign.

Adult Program Eligibility

Individuals are eligible for the WIOA Title I Adult program if they meet all of the following criteria:

- 18 years of age or older; and
- A citizen of the United States or U.S. Territory, a U.S. permanent resident, or an alien/refugee lawfully admitted to the U.S; and
- Registered with Selective Service if applicable

There are no additional eligibility criteria for the Adult program. However, priority for individualized career and training services funded by and provided through the adult program shall follow the local priority of service policy.

Dislocated Worker Program Eligibility

Individuals are eligible to receive individualized career services under the WIOA Title I Dislocated Worker program if they meet all of the requirements listed below:

- 18 years of age or older; and
- A citizen of the United States or U.S. Territory, a U.S. permanent resident, or an alien/refugee lawfully admitted to the U.S; and
- Registered with Selective Service if applicable; and
- Meet the requirements of at least one of the additional eligibility categories

Additional Eligibility Categories

- An individual who has been terminated or laid off, or who has received a notice of termination or layoff-from employment, including separation from active military service (other than dishonorable discharge) and;
 - a. is eligible for or has exhausted entitlement to unemployment compensation and is unlikely to return to a previous industry or occupation; or
 - b. 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.
- An individual who:
 - 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 substantiation layoff at, a plant, facility, military installation or enterprise;
 - is employed at a facility at which the employer has made a general announcement that such facility or military installation will close within 180 days; or
 - for purposes of eligibility to receive services other than training services, individualized career services or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.
- An individual who was self-employed (including employment as a farmer, rancher, or fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters. The SWIWD follows FEMA's definition of natural disasters. This includes family members and farm workers or ranch hands; or
- Is a displaced homemaker; or
- Is the spouse of:

- a member of the Armed Forces on active duty who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or
- a member of the Armed Forces on active duty and who meets the criteria for displaced homemaker.

Serving Separating Service Members and Military Spouses with Dislocated Worker Funds

Under 20 CFR 680.660, service members exiting the military, including, but not limited to, those who receive or are eligible for Unemployment Compensation for Ex-service members (UCX), generally qualify as dislocated workers. Dislocated Worker funds under title I can help separating service members to enter or reenter the civilian labor force. Generally, a separating service member needs a notice of separation, either a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation or imminent separation from the Armed Forces. These documents meet the requirement that the individual has received a notice of termination or layoff, to meet the required dislocated worker definition. In the case of separating service members because they may be on a terminal leave from the military, it may make sense to begin providing career services while the service member may still be part of the Active-Duty military, but has an imminent separation date. It is appropriate to provide career services to separating service members who will be imminently separating from the military, provided that their discharge will be anything other than dishonorable. Lastly, ETA policy generally dictates that a separating service member meets the dislocated worker requirement that an individual is unlikely to return to his or her previous industry or occupation in the military.

Regarding military spouses, 20 CFR 680.630 expands the definition of dislocated workers to include military spouses who have experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the spouse. Military spouses also can qualify if they are unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment (see WIOA secs. 3(15)(E) and 3(16)(A) and (B)) and 20 CFR 680.630 of the DOL-only Final Regulations). Military spouses may also qualify if they are a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced, as determined by the State or local area, 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 service member.

Dislocation Designation

In determining the initial eligibility for Dislocated Workers, an individual may continue to be considered to be dislocated from a previous employer until:

- The individual works in a permanent, full-time job (minimum of 30 hours per week) for four weeks; or
- After an individual works for four weeks and is laid off again or subject to a plant closure, this employer becomes their new employer of dislocation; or
- If there is a National Dislocated Worker Grant (NDWG) or Rapid Response Additional Assistance Grant (RRAAG) for the original employer of dislocation and the individual

was part of the target group, the individual may be served by the NDWG or RRAAG funds if they are still available, and the individual meets the definition of a Dislocated Worker. This is true even though the individual has worked for a new employer since the original dislocation.

Funding Eligibility upon Employment

If a Dislocated Worker is enrolled in a training service and works in a permanent, full-time job that leads to self-sufficiency, career planners must determine if WIOA Title I services can continue to fund the training service based on the following criteria:

- If the individual has accepted full-time permanent employment to meet basic needs of the individual or family to meet their immediate employment goal, training services can continue.
- If the job that the individual has taken requires the training he or she is currently receiving, training services can continue. For example, a participant must obtain a teaching certificate to get or keep a teaching job.
- If the participant has obtained full-time permanent employment and is no longer pursuing the career goal in the Individualized Employment Plan (IEP) but simply wants to complete the training services, funding for the training services should cease. In the event this precludes the participant from completing the training program, consideration to continue funding the training is at the discretion of the SWIWDB.

The WIOA Title I Dislocated Worker program does not require an individual to return to the employer of dislocation. A description of their employment must be documented in the IowaWORKS case management system.

General Youth Eligibility

To be eligible to receive WIOA Title I Youth services, at the time of eligibility determination an individual must meet all of the following criteria:

- Be a citizen or non-citizen authorized to work in the United States.
- Meet Military Selective Service Act registration requirements (males 18 years and older only). If an individual who is required to register at age 18 turns 18 during his period of youth program enrollment, he must register in order to remain enrolled in the program. Failure to register must result in immediate termination from the youth program.
- Be an out-of-school youth (OSY) or an in-school youth (ISY).

Out-of-School Youth (OSY) Eligibility

To be provided services under the youth funding stream as an out-of-school youth (OSY), the individual must be:

- Not attending any school as defined under State law.
 - Individuals attending Adult Education provided under WIOA Title II, YouthBuild or Job Corps are also classified as out-of-school youth
- Not younger than age 16 or older than age 24; and

- One or more of the following:
 - school dropout
 - within the age of compulsory school attendance, but has not attended school for at least the most recently completed school year calendar quarter
 - a recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is also either one of the following:
 - Basic Skills Deficient, or
 - An English Language Learner
 - offender
 - homeless individual, a homeless child or youth aged 16 to 24, or a runaway
 - individual in foster care or has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship, guardianship or adoption, a child who is likely to remain in foster care until 18 years of age, or in an out-of-home placement
 - pregnant or parenting
 - individual with a disability
 - low-income individual or person living in a high-poverty area, requiring additional assistance to enter or complete an educational program, or to secure or hold employment

Per 20 CFR § 681.250 for OSY, only those youth who are the recipient of a secondary school diploma or its recognized equivalent and are either basic skills deficient or an English language learner, and youth who require additional assistance to enter or complete an educational program or to secure or hold employment, must be low-income. All other OSY meeting OSY eligibility under § 681.210(c)(1), (2), (4), (5), (6), (7), and (8) are not required to be low-income.

In-School Youth Eligibility

To be provided services under the youth funding stream as an in-school youth (ISY), the individual must be:

- Attending school (as defined by State law)
- Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21
- A low-income individual; and
- One or more of the following:
 - basic skills deficient
 - English Language Learner
 - offender
 - homeless individual, a homeless child or youth aged 16 to 24, or a runaway
 - individual in foster care or has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child who is likely to remain in foster care until 18 years of age, or in an out-of-home placement
 - pregnant or parenting

- individual with a disability
- an individual who requires additional assistance to complete an educational program or to secure or hold employment

Not more than 5% of total in-school youth enrolled in the youth program can be enrolled under the “individual who requires additional assistance” component. Calculation is based on all in-school youth served within the given program year.

Additional Assistance

Per Iowa policy Chapter: 8 Section: 2.3.4 Youth who require additional assistance to complete an educational program or to secure or hold employment, includes:

- Migrant youth
- Incarcerated parent
- Behavior problems at school
- Family literacy problems
- Domestic violence
- Substance abuse
- Chronic health conditions
- One or more grade levels below appropriate for age
- Cultural barriers that may be a hindrance to employment
- • American Indian, Alaska Native or Native Hawaiian
- Refugee; or

Locally Defined Additional Assistance

Locally-defined youth who require additional assistance are: potential dropouts, substance users, low academic achievers, abused individuals, economically deprived, minorities, culturally deprived, culturally different, those with sudden negative changes in performance due to environmental or physical trauma and those with language barriers, gender barriers, and disabilities.

Low Income Exception

Five percent of Youth per region may be exempted from the low-income requirement based on the number of youths enrolled in a given program year who would ordinarily be required to meet the low-income criteria. Individuals who may go into this exception include:

- All in-school youth (ISY), and
- Out-of-school youth (OSY) who only meet the criteria of:
 - Basic Skills Deficient
 - English Language Learner, or
 - Require additional assistance to complete an educational program or to secure or hold employment.

This percent is calculated at the end of a program year based on new enrollees in that program year. Documentation for this exception must be maintained by the Title I Youth service provider.

High Poverty Area

A youth who lives in a high poverty area is automatically considered to be a low-income individual for purposes of eligibility determination. A high poverty area is defined as one of the following that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data:

- Census tract
- Set of contiguous Census tracts
- An American Indian Reservation
- Oklahoma Tribal Statistical Area, as defined by the U.S. Census Bureau
- Alaska Native Village Statistical Area or Alaska Native Regional Corporation Area
- Native Hawaiian Homeland Area
- Other tribal land, or
- County

Authorization for Program Participation of Minors

For purposes of authorizing a minor to participate in the WIOA Title I youth program, the signature of a parent, guardian, or other responsible adult is required. Another responsible adult may include:

- A relative with whom the individual resides,
- An adult who has been delegated custodial or administrative responsibilities in writing, either temporarily or permanently, by parents or by an appropriate agency,
- An agency or organization representative who is in a position to know the individual's circumstances (i.e., that they could not get a parent's or guardian's signature authorizing participation), for example, a clergy person, a schoolteacher or other school official, a probation or other officer of the court, a foster parent,
- A representative of an agency which provided support services to the individual and who is aware of the individual's circumstances (i.e., that they cannot get a parent's or guardian's signature authorizing participation), for example, a social worker, a homeless shelter official, a child protective worker, a health clinic official; or
- The local SWIWDB allows legally emancipated minors to authorize their own participation.

Eligibility documents which a minor present on behalf of a parent or guardian (e.g., income in regard to family income) must be verified by a parent or guardian. Verification by another responsible adult would not be acceptable.

Self-Certification

There are limited circumstances that may warrant self-certification, as detailed in Appendix A Allowable Source Documentation. Self-certification is limited and only available after all other sources of eligibility verification are exhausted (i.e., self-certification is the “last resort” for documenting title I program eligibility). Self-certification occurs when a participant states his or

her status for a particular eligibility criterion, and then signs and dates a form acknowledging this status. The key elements for self-certification are:

- The participant identifying his or her status for permitted criteria, and
- Signing and dating a form attesting to this self-identification.

Ineligibility

If a participant is determined to be ineligible at any time, the individual must be informed of the determination in writing, and given 30 days to respond. The SWIWDB will mail a hard copy letter to the last known mailing address on file within 10 days of the determination. The letter will include the participant's name, date, location of center, program, reason for ineligibility and next steps if applicable.

Upon final determination of ineligibility for a program, the participant's activities must be closed. This must occur the same day that the final determination of ineligibility is made. The reason for the ineligibility, the date of final determination of ineligibility, and the date of discontinuation of services must be documented in the data management system.

Closing services Due to Fraud

If at any time it is found that a participant has committed fraud to receive WIOA Title I assistance or has attempted to defraud a WIOA Title I program, the individual must be informed of the determination in writing, and given 30 days to respond. The SWIWDB will mail a hard copy letter to the last known mailing address on file within 10 days of the determination. The letter will include the participant's name, date, location of center, program, reason for closing services due to fraud, and next steps if applicable.

If it is found the individual did commit fraud to receive services, the participant's activities must be immediately closed. All circumstances related to the fraudulent act or attempt to defraud, along with the last date of services, must be documented and maintained in the data management system.

Non-Eligible Individuals

Any costs associated with providing WIOA Title I services to non-eligible individuals may be disallowed.

Exceptions

Any exception to this policy must be approved by the SWIWDB executive director in consultation with the appropriate Committee chair and documented in the IowaWORKS case management system.

Equal Opportunity Programs/Employer – Auxiliary aids and services available upon request for individuals with disabilities