



Workforce Innovation and Opportunity Act (WIOA) Transition Policy

WFC WIOA TITLE I-B ADULT ELIGIBILITY DETERMINATION POLICY

POLICY NUMBER: WIOA-TP-A-001

EFFECTIVE DATE: 7-1-2015

Supersedes: This policy does not supersede a previous policy. This is a modification of the current WIA Adult, Dislocated Worker and Youth Eligibility Policy, Policy Number WFC-WIA-08-26-2013ELIG/DOC and serves as a WIA/WIOA transition policy. This policy will be revised and reissued after the WIOA final rules are issued and as further DOL/ETA guidance is received.

PURPOSE

This policy communicates key provisions and changes authorized by the Workforce Innovation and Opportunity Act (WIOA) to determine eligibility for adults seeking services funded by WIOA Title I-B. The WFC WIA Adult, Dislocated Workers and Youth Eligibility & Documentation Policy Handbook, Revision 3, remains in effect except for the changes noted here until the release of the Final WFC WIOA Eligibility & Documentation Handbook.

This policy also includes the priority of service to specific groups of individuals mandated by WIOA.

BACKGROUND

WIOA Section 3 (2) defines the term adult as an individual who is age 18 or older. Under WIA, priority of service applies to low-income adults and public assistance recipients in local areas where funds are limited. Under WIOA, however, priority for individualized career services and training services automatically applies to low income adults, public assistance recipients and individuals who are basic skills deficient regardless of the availability of funds. (WIOA Section 134 (c) (3)(E)). Under WIOA, as was the case under WIA, veterans receive priority of service in all DOL funded employment and training programs. (38 U.S.C. 4215 and 20 CFR 1010)

Under WIA, career services were identified as core and intensive services and generally participants would go through each level of service in order to eventually receive training. WIOA clarifies that an individual receiving service in the one-stop centers must receive the service that is needed to assist the individual to meet his or her job search goals, and *does not need to follow a fixed sequence of services*.

WIOA merges the categories of core services and intensive services under WIA into the category of career services: basic and individualized career services.

Basic career services must be made available to all job seekers and include services such as labor exchange services, labor market information, job listings and information on partner programs. Individualized career services include services such as comprehensive skills assessment, career planning, development of an individual employment plan and training services.

Individuals who are primarily seeking information need not be registered in WIOA, however, when an individual seeks more than minimal assistance from staff, the person must be determined eligible and registered.

POLICY

Adults must meet the following eligibility criteria for the WIOA Adult Program:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Age 18 or older; and
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960) unless an exception is justified.

Adults who receive services other than self-service and informational activities must be determined eligible, registered and considered a participant for WIOA Title I services.

WIOA establishes priority for certain populations (WIOA Section 134(c) (3)(E), proposed 20 CFR 680.600, proposed 20 CFR 680.640, and TEGL 10-09). For purposes of this section, the term "covered person (s)" refers to veterans and eligible spouses per priority of service for veterans.

First Priority: Veterans and eligible spouses (covered persons) who are low-income or recipients of public assistance or who are basic skills deficient.

Second Priority: Individuals (non-covered persons) who are low-income or recipients of public assistance or individuals who are basic skills deficient.

Third Priority: Veterans and eligible spouses who are not low-income and are not recipients of public assistance or basic skills deficient.

Individuals who do not meet the above priorities may be enrolled on a case by case basis with managerial approval. The number of adults enrolled in WIOA who are not public assistance recipients, low-income or basic skills deficient cannot exceed 10% of all adults registered in the current program year.

Current WIA participants must be grandfathered into WIOA, even if the participant would not otherwise be eligible for services under WIOA. Additional reassessments are not required to be completed for participants already determined eligible and enrolled under WIA. Furthermore, these participants must be allowed to complete the WIA services specified in their individual service strategy and individual employment plan, even if the services are no longer allowable under WIOA. (TEGL 30-14)

DEFINITIONS

Basic Skills Deficient is an individual unable to compute or solve problems, read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

Public assistance means Federal, State, or local government cash payments of which eligibility is determined by a needs or income test.

Low Income means an individual who:

- a. Receives, or is a member of a family that receives, cash benefits under a federal, state or local income based public assistance program;
- b. 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 involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under Section 202 of the Social Security Act (42 U.S.C. 402) that, in relation to family size, does not exceed the higher of-
 - (i) the poverty line, for an equivalent period; or
 - (ii) 70% of the lower living standard income level, for an equivalent period;

- c. 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 pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);
- d. Qualifies as a homeless individual, as defined in subsections (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);
- e. Is a foster child on behalf of whom State or local government payments are made; or
- f. In cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (a) or of subparagraph (b), but who is a member of a family whose income does not meet such requirements.

Refer to the WIA Adult, Dislocated Worker & Youth Eligibility & Documentation Handbook, Revision 3 for definitions of key terms and additional intake and eligibility requirements including:

- PARTICIPANT FILE DOCUMENTATION
- SKIES
- FOLLOW-UP SERVICES
- DEFINITION OF LOW INCOME
- DEFINITION OF SELF-SUFFICIENCY

NOTE: The WIA Adult and WIA Youth Program Income Guidelines for 2015 are applicable for WIOA adult enrollments. Eligibility Income guidelines are published annually and posted on WFC's website and SharePoint.

NOTE: Amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for VR, disability, or other related VA programs are not considered as income when determining low-income status for veterans.

INQUIRIES

Direct Inquiries To:

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APPROVED



 Linda Nguyen, WFC CEO

Date: 6/18/15

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