



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF SOCIAL SERVICES
WORKFORCE DEVELOPMENT BOARD

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POLICY NO: 01-19
TO: Service Providers
FROM: Department of Social Services
EFFECTIVE: January 01, 2020
SUBJECT: WIOA Title I Adult and Dislocated Worker Eligibility and Registration

REFERENCES:

Workforce Innovation and Opportunity Act Sec. 3 Definitions, 20 CFR Section 680.110, 680.120, 680.130

PURPOSE:

The purpose of this policy is to provide guidance and parameters for Service Providers regarding the requirement to register, document and verify eligibility for the Adult and Dislocated Worker programs under the Workforce Innovation and Opportunity Act (WIOA) of 2014.

BACKGROUND:

The Workforce Innovation and Opportunity Act (WIOA) of 2014 establishes required employment and training activities in two categories: career services and training services. The Act requires registration for individuals who receive a WIOA career service that is beyond self-service or information-only activities.

The process of registration includes the collection of information to support a determination of eligibility and completion of a WIOA application. Registration is also the point at which performance outcome information begins to be collected. Verification of eligibility criteria may include collection of documents, electronic data transfer, personal interview, or an individual's application for services. Additional eligibility verification is required for training services as identified in the Training Services policy.

Additionally, equal opportunity data must be collected on every individual who is interested in being considered for WIOA Title I financially assisted aid, benefits or services or training, and who has signified that interest by submitting personal information to the service provider.

POLICY:

It is the policy of the San Luis Obispo Workforce Development Board that all WIOA applicants who receive services other than self-service or informational activities shall be registered and undergo eligibility determination for WIOA funded activities in accordance with federal, state and local laws, regulations and policies. Prior to registration individuals can access AJCC basic services including job search workshops, labor market information, and referral to resources.

Service Providers shall ensure individuals wishing to receive employment and training services meet all WIOA eligibility requirements prior to providing career and/or training services. The eligibility determination shall include collection of appropriate documentation to substantiate each eligibility element. Service Provider shall also complete a WIOA application in the CalJOBS system, maintain a file containing a printed and signed copy of the WIOA application and photocopies of original documents submitted for verification of eligibility.

DEFINITIONS:

Basic skills deficient: an individual 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.

Disability: Any person who has a physical, sensory, or mental impairment, which substantially limits one or more major life activities per the American Disabilities Act of 1990 (42 U.S.C. 12102) and has record of such impairment or is regarded as having such impairment.

Displaced homemaker: 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 (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 a

service-connected (as defined in section 101(16) of title 38, United States Code) death or disability.

Eligible for or has exhausted unemployment insurance: An individual who has been determined to be eligible for benefit payments under one or more State or Federal unemployment compensation programs whether or not he or she has exhausted his/her benefit rights. An individual need not actually receive benefits to be eligible.

General announcement: A communication by an employer stating intent to close a business within 180 days.

Laid-off or layoff: A separation due to the lack of work or other factor(s) not related to the behavior of the employee.

Low-income individual: Section 3(36) of WIOA defines a "low income individual" as one who:

- Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the Supplemental Nutrition Assistance Program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for Temporary Assistance for Needy Families program under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income established under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or State or local income-based public assistance;
- Is in a family with total family income that does not exceed the higher of:
 - The poverty line; or
 - Seventy percent of the lower living standard income level.
- Is a homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- Is a foster child on behalf of whom state or local government payments are made; or
- Is an individual with a disability whose income meets the income requirement, but who is a member of a family whose income does not meet this requirement. (Reference WIOA Section 3[36])

Notice of termination from employment: A written notice from an employer concerning the layoff or termination of an employee. Such written notice of layoff or termination may consist of:

- A final letter from an employer laying off or terminating the employee (which includes the layoff or termination date); or
- A public announcement by an employer about an upcoming lay-off or termination affecting groups of employees, provided that the announcement makes clear that the applicant is a member of that group.

Permanent closure: The permanent shutdown of a plant, facility or enterprise.

Public assistance: as defined in section (3)(50) of WIOA, federal, state, or local government case payments for which eligibility is determined by a needs or income test. This includes temporary assistance for needy families (TANF), supplemental nutrition assistance program (SNAP), or supplemental security income (SSI).

Plant, facility or enterprise: A distinct unit of business or industry; for example the closure of a division of a corporation, the entire facility at a specific site or location, or the closure of a functional unit, such as a warehouse.

Recently separated veteran: any veteran who applies for participation under WIOA within 48 months after the discharge or release from active military, naval, or air service.

Self-employed: Persons who work for profit or fees in their own business, profession, trade, or farm.

Substantial layoff: Any temporary or permanent reduction in workforce by 10% of employees by department or total company, but not necessarily resulting in permanent closure.

Termination of employment: Separation from employment due to reasons other than discharge for cause, voluntary departure or retirement; OR individuals who accept early or forced retirement as part of a reduction in workforce; OR an individual who has been dismissed but is still eligible for unemployment compensation.

Transitioning service member: an individual in active duty status (including separation leave) who registers for employment services and is within 24 months of retirement or 12 months of separation.

Underemployment: An individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement. Also, includes individuals who fall below the dislocated worker self-sufficiency threshold, as defined by the local WDB.

Unemployed individual: An individual who is without a job, who is able to work, and who is available for work. The determination of whether an individual is without a job is made in accordance with the criteria used by the Bureau of Labor Statistics in defining individuals as unemployed.

Unemployed as a result of general economic conditions or natural disaster: Business lost due to one of the following reasons:

- The closure or substantial lay-off of a primary supplier or customer affecting the self-employed applicant's products or services;
- Less demand for the occupation or product within the community;
- A decline in profits significant enough to lead to closure, documented by most recent tax return or other company documents showing negative gains/losses statement; or
- Natural disaster, as defined by State or Federal declaration.

Unlikely to return to previous industry or occupation: An individual who is laid off without a recall date (or the recall date has passed) and falls into one of the following categories:

- Worked in a declining industry/occupation, as documented on State or locally-developed lists of such industries/occupations. State lists are available from the Employment Development Department's (EDD) Labor Market Information Division. Local lists must be developed by an appropriate entity, such as the Chamber of Commerce, the local board, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information.
- Has had a lack of job offers as documented by local EDD Workforce Services or Unemployment Insurance staff, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry/occupation.
- Worked in an industry/occupation job for which there are limited job orders in the EDD CalJOBSSM system at the time of eligibility determination, as certified by EDD or America's Job Center of CaliforniaSM staff with access to the CalJOBSSM database.
- Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation, as documented through the assessment of the individual's educational achievement, testing, or other suitable means.
- Has physical or other problems which would preclude reentry into the former industry/occupation, as documented by a physician or other professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.).

Veteran: An individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable, which may include National Guard or Reserve personnel.

PROCEDURES:

The following procedures will be used to determine eligibility for services funded under WIOA:

1. Service provider staff will schedule an appointment with their customer and complete a preliminary assessment to determine if they appear eligible for WIOA-funded services. Staff will determine the appropriate funding source (Adult and/or Dislocated Worker) and will review with the customer a list of documents needed to verify eligibility. The list of acceptable documents (Attachment I) will provide staff with a comprehensive list of documents that can be used to verify each applicable eligibility factor. Any additional sources of verification should be approved by the WIOA Program Manager to ensure they are valid, accepted forms of documentation prior to use.
2. Documentary evidence of eligibility factors will be required. However, if third party documentary evidence is not verifiable, not readily available, or will entail privation or suffering (undue hardship) for the customer to obtain such documentation, an "Applicant Statement" may be used. This will require completion of a standard Applicant Statement form (Attachment II) by the customer with verification of information by the staff. Every possible effort must be made to collect all necessary documentation to verify eligibility prior to using an Applicant Statement. All steps taken to attempt to secure documentary evidence must be documented on the Applicant Statement.

- **Verification**

Verification means confirmation of an eligibility requirement through examination of official documents, e.g. birth certificates, public assistance records, or by verbally confirming information by speaking with representatives of appropriate agencies. In the case of verbal confirmation, written documentation of the conversation should be included in the file. Service providers shall verify each criteria as required to make a determination of eligibility for the appropriate funding stream. Where feasible, staff should verify eligibility for all eligible funding streams to ensure flexibility when funding may be limited in a particular source of funds.

- **Documentation**

Documentation means to maintain on-file physical evidence, which is obtained during the verification process. Such evidence may include copies of documents, completed telephone/document inspection forms and signed applicant statements. All documentation must be dated on or before the final determination of eligibility.

Eligibility for program enrollment and services does not entitle an individual to program enrollment or program services. Eligibility for services requires documented evidence of an applicant's need for and ability to benefit from services, i.e. would otherwise be unable to obtain or retain employment that would lead to self-sufficiency.

Eligibility Requirements for Adults

Service providers shall ensure individuals applying for WIOA funded services meet all of the following requirements:

1. Be legally authorized to work in the United States;
2. Be 18 years of age or older;
3. For males born on or after January 1, 1960, comply with the requirements to register for Selective Service.

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 in accordance with the local policy on priority of service. (Please see Priority of Service policy).

The individual must also demonstrate need for services beyond Basic Career Service (which do not require eligibility determination) **and** must be below the local self-sufficiency standard relative to the applicable family size (see local policy on Self-Sufficiency for additional information). In general, self-sufficiency for adult customers is a family income at or below 150% of the Lower Living Standard Income Level.

Additional requirements apply for individuals seeking training and are described further in the Training Services policy.

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 to qualify as a dislocated worker:

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

- Is a displaced homemaker.

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.

3. Upon collection of all required verification documents, staff shall complete a WIOA application in the CalJOBS system. The application process must be completed no later than 30 days from the date the documentation is collected. Failure to complete the required application may require the collection of updated documents to ensure an accurate assessment of eligibility.

4. The WIOA application must be printed, signed and dated by the customer and retained in the customer file. A secondary review of the eligibility determination must be conducted by staff or a manager to ensure the documentation and determination are accurate and complete.
5. Service Provider must develop internal policies and procedures for the completion of an application, collection of documentation, timely entry of data and final review process.

ACTION:

All WIOA Adult and Dislocated Worker Service Providers shall comply with this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

INQUIRIES:

Any questions regarding this policy may be directed to the DSS WIOA Program Manager at 805-781-1838.

ATTACHMENTS:

Attachment 1: Required Verification Documents Eligibility Checklist, Adult/DW

Workforce Development Board (WDB) Approval Required? Yes No X

Initial approval date: _____

WDB revision approval date: _____