



ELIGIBILITY

Department: Office of Economic & Workforce
Development

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Overview

WIA eligibility determination is required when a job seeker needs staff-assisted services to obtain or retain employment. As a job seeker moves through the service levels, additional requirements must be met to show that the job seeker is appropriate for the next level of service, and requires that level of service to obtain or retain employment.

Basic Eligibility Requirements

The basic requirements for WIA eligibility are as follow:

- 18 years of age or older
- A citizen or noncitizen authorized to work in the U.S.; and
- Meet Military Selective Service registration requirements (males only).

Additional Requirements for Adults

In addition to meeting the basic eligibility requirements, potential participants must be considered a member of a *low income household*. A job seeker who meets any *one* of the following criteria satisfies the low-income requirement for WIA adult services:

- Receives or is a member of a family that receives cash payments under a federal, state, or local workforce development area income-based public assistance program;
- Receives food stamp benefits or is a member of a family that receives food stamp benefits, or was determined eligible to receive food stamp benefits within the last 26 weeks;
- Receives an income or is a member of a family receiving an income that, in relation to family size, is not in excess of the current combined 70 percent Lower Living Standard Income Level and poverty income guidelines.
- Is a homeless individual as defined in the Stewart B. McKinney Homeless Assistance Act, §103(A) and (C);
- Is a foster youth for whom a court order exists and on behalf of whom the state or local government makes payments; or

- Is an individual with a disability whose own income meets the requirements, even if the individual's family income does not meet the requirements.

Note: WIA provides specific eligibility consideration for job seekers with disabilities. If a job seeker with a disability proves to be ineligible because of family income, his or her income may be separated from the family's income. For the purposes of income eligibility determination, the job seeker with a disability may be considered an unrelated individual who is a *family unit of one*.

Requirements for Dislocated Workers

To qualify for services as a dislocated worker, job seekers must satisfy the basic WIA eligibility requirements and fit in one of the following five dislocated worker categories:

Category 1

The job seeker must meet all of the following criteria:

- Terminated, laid off, or have received a notice of termination or layoff;
- Unlikely to return to the previous occupation or industry; and
- Either eligible for or have exhausted entitlement to UI compensation; *or* ineligible for UI compensation, but able to show an attachment to the workforce.

Category 2

The job seeker must have been terminated, laid off, or received a notice of termination or layoff from employment as a result of:

- any permanent closure of a plant, facility, or enterprise; *or*
- a substantial layoff at a plant, facility, or enterprise.

Category 3

The job seeker must have been self-employed (including employment as a farmer, rancher, or fisherman), and currently be unemployed as a result of:

- general economic conditions in the community in which the job seeker lives; *or*
- a natural disaster.

Economic conditions that result in the dislocation of a self-employed individual may include but are not limited to:

- failure of one or more businesses for which the self-employed individual supplied a substantial portion of products or services;
- failure of one or more businesses from which the self-employed individual obtained a substantial portion of products or services;
- substantial layoffs from, or permanent closure of one or more plants or facilities that support a significant portion of the state or workforce area economy;
- depressed prices or markets for the article(s) or service(s) produced or provided by the self-employed individual; or
- generally high levels (above 4.5 percent) of unemployment in the workforce area.

Category 4

The job seeker must be employed at a facility where the employer made a public announcement that the facility will close within 180 days. The announcement must be made with both a:

- declaration of closure, which states a planned date of closure, to the media; *and*
- documented verification to the State.

Category 5

The job seeker must be classified as a displaced homemaker (male or female) who:

- provided unpaid services to family members in the home;
- has been dependent on the income of another family member but is no longer supported by that income; and
- is unemployed or underemployed and experiencing difficulty finding or upgrading employment.

A displaced homemaker may lose supportive income due to divorce or the death of a spouse. However, the loss of supportive income may also be the result of a former wage earner's job loss and that former wage earner may still be living in the home.

Note: When job seekers do not meet eligibility requirements for any WIA-funded services, refer them to alternate sources of funding.

Serving Military Service Members and Spouses

Current WIA law and regulations provide limited guidance on serving the following populations, both of which may meet WIA dislocated worker eligibility criteria:

Military service members who are non-retirees and who are being discharged under honorable conditions; and military Spouses.

An individual must first meet WIA eligibility criteria to qualify as a dislocated worker. Then, if the individual is either a military service member who is not retiring, but is being honorably discharged due to special circumstances, or a qualifying military spouse, the individual must be given priority over nonveteran dislocated workers.

• **Separating military personnel must:**

- ✓ be discharged under conditions other than dishonorable, whether voluntarily or involuntarily;
- ✓ be non-retirees; and
- ✓ satisfy other WIA criteria for dislocated worker eligibility, including the requirement that the individual is unlikely to return to his or her previous industry or occupation.

• **A military spouse must:**

- ✓ leave a job to follow his or her spouse who is a military service member; or
- ✓ be unable to continue employment because of his or her spouse's change of military station, or lose employment as a result of his or her spouse's discharge from the military; and
- ✓ satisfy other WIA criteria for dislocated worker eligibility, including the requirement that the spouse is unlikely to return* to his or her previous industry or occupation.

*Spouses Unlikely to Return to a Previous Industry or Occupation – In the majority of cases, the circumstances in which spouses of active military service members are required to leave a job or occupation because of the military member's transfer do not position the spouse to return immediately to his or her previous occupation or industry—particularly at the same pay level—for the following reasons:

- Spouses are generally not resuming employment with the same employer;
- Even if a spouse resumes employment with the same employer, the employment is in a new location, and occupations will generally not be structurally or organizationally the same as in the prior location;

- When military spouses do obtain jobs in their new locations, as new employees they will often start at lower levels of seniority than that attained in prior locations; and
- There is frequently a gap in employment as spouses make the move and search for new employment, which can lessen their likelihood of returning to the same level of occupation or type of job.

Acceptable Support Documentation

Eligibility determination must be accompanied by supportive documentation. Acceptable documentation is finite and very specific for each eligibility criteria. Acceptable documentation can be found in the *WIA Technical Assistance Guide* (TAG).

Eligibility Availability

The Eligibility provider will have certifying staff available at each One Stop site a minimum of one day each week. Visits will adhere to the visitation calendar developed by OEWD. Participants may be certified at their primary One Stop on the regularly scheduled day or, if they would like to be assessed sooner, they may visit any other One Stop for assessment.

Eligibility Timeline

The Eligibility provider will provide the referring provider with the participant's eligibility paperwork within three (3) business days of the date eligibility was determined. Adherence to this timeline is required in the best interest of the participant. Adherence is also a performance expectation and a compliance issue.