



## Workforce Development Board Mid-Ohio-Valley

Policy # 8

### **Subject: Adult/DW Eligibility Criteria and WIOA Registration Guidelines**

**Effective Date: November 30, 2018**

**Purpose:** To establish guidelines on eligibility and registration of Region 4 WIOA customers.

**References:** WIOA Section 3 (2) (5) (15) (16) and (36); CFR 680.110; 677.150 WDB-MOV Policy #9 Priority of Service—Adult/DW

**Background:** The Workforce Innovation and Opportunity Act states adults and dislocated workers who receive services funded under title I other than self-service or informational activities must be determined eligible and registered. WIOA does not prohibit or require local residency for an individual to receive services.

**Policy:** The WDB-MOV issues this policy to establish eligibility criteria for adults to receive job preparation, employment, and training assistance through Workforce WV. Eligibility criteria differ for “Adults” and “Dislocated Workers”.

### **Adult and Dislocated Worker Eligibility Requirements**

**All adults** wishing to receive services through Workforce WV Mid-Ohio Valley must meet the following criteria:

- Be legally authorized to work in the United States.
- Be 18 years of age or older.
- Be registered with Selective Service
- Be a resident of the state of West Virginia, or if not a state resident, been employed and dislocated from a West Virginia employer.

(Additional requirements for receiving Individual Career services and Training services can be found in WDB-MOV Policy #9 Priority of Service.)

In addition to providing career and training services to individuals who are unemployed, there remains a significant population of job seekers who are underemployed. Individuals who are underemployed may include:

- Individuals employed less than full time who are seeking full time employment;
- Individuals who are employed in a position that is inadequate with respect to their skills and training;
- Individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); and
- Individuals who are employed, but whose current job’s earnings are not sufficient

compared to their previous job's earnings from their previous employment.

**Dislocated Worker Eligibility:**

In addition to meeting the requirements above, a 'dislocated worker' means an individual who--

- has been terminated or laid off, or who 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, to the appropriate entity at a one-stop center referred to in section 121(e), 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 laid off or is a separated service member who has been separated from an occupation/industry that is not on the demand occupation list, has given notice of the industry/occupation closing or moving out of the region, or is unable to do the work because of documented physical or other limitations); OR
  - has been terminated or laid off, or has received a notice of termination or layoff, from employment because of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; OR
  - is employed at a facility at which 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), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close; OR
  - was **SELF-EMPLOYED** (including employment as a farmer, a rancher, or a fisherman) but is because of general economic conditions in the community in which the individual resides or because of natural disasters; OR
  - is a **DISPLACED HOMEMAKER**: an individual who has been providing unpaid services to family members in the home and who--
    - 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 the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; **AND** is unemployed or underemployed and is having trouble obtaining or upgrading employment.
- or
- 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 station of such member; OR
  - is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

(See WDB-MOV Policy #9 Priority of Services, for the definition of Under-employed Dislocated Worker.)

Dislocated Worker individuals who have been separated for cause and/or those who voluntarily left, who are also eligible for UI, can be considered under the term 'terminated'.

To be considered underemployed, the worker entered employment after being recently dislocated earning a salary of 80% or less of the previous employer's annual salary (from whom they are dislocated), prior to eligibility determination. Staff must obtain, at a minimum, the following information to support the determination

- Current Employer Name/ Location
- Current Employer Hire Date
- Current Annual Wage
- Previous Employer Name/ Location
- Previous Employer Hire Date
- Previous Employer Separation Date
- Previous Annual Wage

Within Category D, for Displaced Homemaker to be considered underemployed, their income and family size must be collected, documented, and calculated against the 70% Lower Living Standard Income Levels (LLSIL) chart. The income cannot exceed the LLSIL to be determined.

### **Unlikely to Return to Previous Industry or Occupation**

An individual who is unlikely to return to previous industry/occupation due to no growth or decline in job openings or employment search, or has been laid off without a recall date, or the date has passed, and is in need of additional services or training.

Examples of No Growth, Decline in Job Openings or Employment Search:

- Skill Oversupply-State or Local supply of persons with the specific skills of the applicant exceeds current demand for those skills; OR
- Obsolete Skills- Applicants can no longer meet the minimum requirements of jobs available in their occupation (e.g. clerical worker without work processing skills, etc.); OR
- Local Layoff Impact- A local plan or business closing or layoffs has had a significant negative impact on the availability of jobs in the applicant's primary occupation and accustomed wage/hour/skill level; OR
- No Job Offers Received- Applicant has been available and looking for work for a number of weeks and has not received an offer for work; "number of weeks" might range from 6-12 weeks, depending upon the occupation, economy, and/or applicant's verified job search efforts; OR
- Physical Limitation or Disabilities- Newly acquired physical limitations or injuries occurring which limit the individual's ability to perform the job from which they were dislocated may make an individual unlikely to return to the previous occupation. Such individuals could be eligible if they fit one of the categories of the WIOA Dislocated Worker program eligibility but shall have a doctor's release to work.; OR
- Other Factors- Factors that can be recorded in the customer's file from written or verbal sources, including staff judgement, indicating "unlikely of returning to the previous industry or occupation.

The following forms of documentation can be used to demonstrate "unlikely to return":

- Labor market information showing that the applicant skills are not currently in demand.
- Labor market information showing that the applicant cannot meet the skill requirements for jobs currently available in their chosen occupation.
- Labor market information showing no jobs or only stop gap jobs are available that match the applicant’s skills.
- Job search logs put together by the client that demonstrate no job offers received for a period of weeks prior to WIOA enrollment.
- Documentation of acquired physical limitations or injuries that make an individual unable to perform the same work as the job of dislocation.

It is the policy of the WDB-MOV that an adult customer will be registered in the Workforce WV system at the time of eligibility determination for the ADULT or DISLOCATED WORKER program. Appropriate supporting/matching documents that verify eligibility will be maintained in the customer’s file and eligibility data entered into the state management information system (MACC). All registered persons will count toward performance measures as outlined in WIOA.

**Action:** Local staff and Work Force WV will be informed of this policy.

**Expiration Date:** This policy shall be in effect until revised or canceled by the Workforce Investment Board Mid-Ohio Valley.

<b>Approved:</b>	June 26, 2015	LEOs/Executive Committee
	July 24, 2015	LEOs/Board
	October 28, 2016	LEO/WDB
	April 28, 2017	LEO/Board
	May 25, 2018	LEO/Board
	September 28, 2018	LEO/Board
	November 30, 2018	LEO/Board