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POLICY # 8

Title:	Adult/DW Eligibility Criteria and WIOA Registration Guidelines	
Program:	Workforce Innovation and Opportunity Act	
Effective:	July 1, 2023	
Revision #:	8	Original policy date: June 26, 2015

Purpose: To establish guidelines on eligibility and registration of Workforce Development Board Mid-Ohio Valley (WDBMOV) Workforce Innovation and Opportunity Act (WIOA) adult and dislocated worker customers.

References: WIOA Section 3 (2) (5) (15) (16) and (36); CFR 680.110; 677.150; TEGL 3-15, and WIOA Guidance Notice No. 6-16, Change 2; (WDBMOV) Policy #9 Priority of Service—Adult/DW

Background: WIOA 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 WDBMOV issues this policy to establish eligibility criteria for adults and dislocated workers to receive job preparation, employment, and training assistance through WIOA funded services. Eligibility criteria differ for “Adults” and “Dislocated Workers”.

Adult and Dislocated Worker Eligibility Requirements

All employment and training services funded through the adult and dislocated worker programs must meet all the following requirements:

- 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 WDBMOV Policy #9 Priority of Service.)

Underemployed

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.

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.

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

Dislocated Worker Eligibility

In addition to meeting the requirements above, a 'dislocated worker' means an individual who falls into one or more of the following eligibility categories as outlined in section 3(15)(A-E) of WIOA

Category A: **Terminated or Laid off, or Received a Notice of Termination or Layoff from Employment

- 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**
- 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’.

Category B: Plant Closure or Substantial Layoff

- 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**
 - *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’.
 - ** Substantial layoff is defined as: Any reduction in force that is not the result of a total plant/branch/office closing, but still results in an employment loss at a single site of employment during any 60 day period for: (A) At least 25 percent of employees, or (B) At least 50 employees
 - *** General Announcement: An official communication by an employer stating intent to close a business at a planned future date. This may be a written or verbal acknowledgement of the fact that the business will close. The closure may include a single site of employment, or one or more facilities or operating units within a single site of employment.

Category C: Self-Employed Individual

- was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed because of general economic conditions in the community in which the individual resides or because of natural disasters;

Category D: Displaced Homemaker

- 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;

Category E: Spouse of a Member of the Armed Forces

- 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 is a displaced homemaker who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

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 needs 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 word processing skills, etc.); **OR**
- Local Layoff Impact- A local plant 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.

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 WDBMOV.