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Title: WIOA Adult, Dislocated Worker, and Youth Eligibility Policy



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To: All CareerSource North Florida Staff

Purpose: To provide staff with eligibility requirements for participant enrollment into Workforce Innovation and Opportunity Act Adult, Dislocated Worker, and Youth.

Reference:

- WIOA Sections 3, 129, and 134
- 20 C.F.R. § 675.300
- 20 C.F.R. § 680
- Training and Employment Guidance Letter (TEGL) NO. 19-16
- CareerSource Florida Workforce Policy P95 Youth Program Eligibility
- CareerSource Florida Workforce Policy Number P122 Adult and Dislocated Worker Program Eligibility
- PL-16.003 Self-Sufficiency Policy
- PL-16.002 Underemployment Policy
- PL-16.001 Priority of Service Policy
- The State of Florida's waiver of Workforce Innovation and Opportunity Act (WIOA) Section 129(a)(4)(A) and 20 Code of Federal Regulations (CFR) Section 681.410

Background

The Workforce Innovation and Opportunity Act (WIOA) and its associated regulations provide eligibility requirements for participants to be enrolled in, and receive, services from WIOA Adult, Dislocated Worker, and Youth programs. In order to ensure that eligibility guidelines are followed in accordance with federal requirements, CareerSource North Florida (CSNF) has developed this policy outlining the WIOA Adult, Dislocated Worker, and Youth program eligibility requirements.

Content

DEFINITIONS

Basic Skills Deficient—A youth or adult individual that has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or who is a youth or adult, that the individual 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.

Compulsory School Attendance Laws—WIOA section 129(a)(5) and section 1003.21, Florida Statute, states that all children who are either six years of age, will be six years old by February 1 of any school year, or are older than six years of age but who have not attained the age of 16 years, must attend school regularly during the entire school term. A student who attains the age of 16 years during the school year is not subject to compulsory attendance beyond the date the student attains that age if he/she files a formal declaration of intent to terminate school enrollment with the school district.

Dropout—An individual who is no longer attending any school and who has not received a secondary school diploma; or its recognized equivalent. An individual who is between the ages of 16 and 24 at the

time of enrollment into a WIOA-funded youth activity, who is not attending a regular or alternative school, but is enrolled in an adult education or GED program. A dropout, for purposes of WIOA, is also an out of school youth who has not received a high school diploma.

English Language Learner—An eligible individual who has limited ability in reading, writing, speaking or comprehending the English language, and whose native language is a language other than English or who lives in a family or community environment where a language other than English is the dominant language.

Foster Care—A temporary arrangement in which adults provide for the care of a child or children whose birthparent is unable to care for them.

High Poverty Area Designation—An area is designated as high poverty if it has a poverty rate of at least 25 percent as set every five years using American Community Survey five-year data.

Homeless—An individual who lacks a fixed, regular and adequate nighttime residence; or an individual who:

- Is sharing the housing of other persons due to loss of housing, economic hardship or similar reason;
- Is living in a motel, hotel, trailer park or campground due to the lack of alternative adequate accommodations;
- Is living in an emergency or transitional shelter;
- Is abandoned in a hospital;
- Is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting;
- Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodation for human beings; or
- Is a migratory child living in circumstances described in this definition.

Low Income Individual—An individual who:

- Receives, or has received in the past 6 months, 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 (SNAP), or the supplemental security income program established under Title XVI of the Social Security Act, or State or local income based public assistance.
- Is in a family with total income that does not exceed the higher of –
 - The poverty line; or
 - 70 percent of the lower living standard income level.
- Is a homeless individual.
- Receives or is eligible to receive free or reduced price lunch.
- Is a foster child on behalf of whom State or local government payments are made.
- Is an individual with a disability whose own income meets the low-income level for eligibility purposes but who is a member of a family whose income does not meet this requirement.
- Is a youth who resides in a high poverty area.

Migratory Child—A child who is, or whose parent or spouse, is a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work – has moved from one residence to another residence and from one school district to another due to economic necessity.

Offender—An individual who:

- Is or has been subject to any stage of the criminal justice process, and for whom services under WIOA may be beneficial; or
- Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Requires Additional Assistance to Complete an Education Program or to Secure or Hold Employment—In order to be considered as “requiring additional assistance to complete an education program or to secure or hold employment, a WIOA Youth should fall within at least one of the following categories:

- Is at risk of dropping out of high school due to grades/credits/attendance/not passing proficiency exam or has had an out-of-school suspension or expulsion from school (for In-School Youth only);
- Has a court/agency referral mandating school attendance (for In-School Youth only);
- Is attending an alternative school/education program or has been enrolled in an alternative school within the past 12 months (for In-School Youth only);
- Is or was a Ward of the State;
- Has been referred to or treated by an agency for substance abuse or psychological problems;
- Has been a victim of domestic abuse or violence;
- Has a currently-incarcerated parent(s);
- Has neither the work experience nor the credential required for an occupation in demand for which training is necessary and will be provided (for Out-of-School Youth only);
- Is pregnant or parenting;
- Is in the custody of/living with a family member other than biological parents;
- Has been fired from a job within the 6 months prior to receiving WIOA services (for Out-of-School Youth only); or
- Has never had a full-time job (30+ hours per week) for more than 13 consecutive weeks (for Out-of-School Youth only).

Selective Service Registration—Males age 18 or older must be registered with the Selective Service in order to be eligible for WIOA Services. In order to maintain eligibility for the WIOA services, a male participant who turns age 18 while participating in the program must register for Selective Service.

Self-sufficiency—The Definitions of Self-sufficiency are:

- WIOA employed Adult—having income equal to or exceeding 250% of the average hourly wage (annualized) for the LWDA. All Adult employed workers must earn less than this amount to be considered for training. This may be through individual (ITA) request or employer request (CEWT or OJT). Both situations need employer support statement.

- WIOA Dislocated Worker—having income 90% or above the wage at dislocation. All Dislocated Workers who are working "income maintenance" jobs (a job with lower rate of pay than the job or dislocation) should not exceed earnings of this percent of their dislocation wage in order to be considered for training. Example: If a person earned \$50,000 at dislocation, and are now making \$42,000, they may be considered to not be self-sufficient because their current wage is not at least 90% of their wage at dislocation.
- WIOA unemployed at participation—Adjusted Lower Living Standard Income Level (LLSIL) currently in effect for the Area. To be considered self-sufficient, individuals should be placed into a position at this wage rate. This is also the WIOA self-sufficiency rate.
- WIOA underemployed at participation—for underemployed workers, self-sufficiency is defined as greater than the State’s average wage. Wages should be considered on a weekly or monthly basis, not just per hour. To be eligible for an individual (ITA) through WIOA, an employed worker requesting career and training services must earn less than this amount. Underemployed individuals do not need an employer statement to support training.
- WTP—having income at or above 200% of the Federal Poverty Rate currently in effect.

See PL-16-003 Self-Sufficiency Policy.

Substantial Layoff—A layoff affecting 33% of a local workforce.

Underemployed—Individuals are considered underemployed if any of the following criteria are met:

1) Individuals employed less than full-time who are seeking full-time employment; 2) Individuals who are employed in a position that is inadequate with respect to their skills and training; 3) Individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); and 4) Individuals who are employed, but whose current job’s earnings are not sufficient compared to their previous job’s earnings from their previous employment, per State and/or local policy. *See PL-16.002*

Underemployment Policy

Youth with Disabilities—WIOA has made youth with a disability a separate eligibility criterion. Out-of-School Youth (OSY) with a disability are not required to be low income but In-School Youth (ISY) with a disability must be low income. However, an individual with disability verification is not based on the family income but the income of the youth as a family of one.

DESCRIPTION

Priority of Service

CSNF offers priority for services and funding to individuals based PL-16.001 Priority of Service Policy.

WIOA Adult Eligibility

To be eligible as a WIOA adult, an individual must be:

- Age 18 or older;
- A citizen or noncitizen authorized to work in the US; and
- Meet selective service registration requirements, if applicable

WIOA Dislocated Worker Eligibility

To be eligible as a WIOA Dislocated Worker, an individual must be:

- Age 18 or older;
- A citizen or noncitizen authorized to work in the US;
- Meet selective service registration requirements, if applicable; and
- Meet at least one of the following categories:
 - Terminated/Laid off
 - Permanent Closure/Substantial Layoff
 - Formerly Self-Employed
 - Displaced Homemaker
 - Spouse of a member of the Armed Forces

WIOA Youth Eligibility

To receive WIOA youth services, an individual must be enrolled as a youth participant. Enrollment requires the collection of information to support an eligibility determination. A youth applicant's eligibility is determined at registration. Accordingly, a youth remains eligible to receive youth services within their originally designated category until exited from the program.

NFWDB's primary focus for its Youth services is Out of School Youth between the ages of 16 and 24. In-School and/or younger youth will only be considered for enrollment by way of Program Director recommendation and upon approval of the Executive Director.

Both in-school (ISY) and out-of-school youth (OSY) must meet the following basic eligibility requirements:

- Be a citizen or non-citizen authorized to work in the US, and
- Meet selective service registration requirements, if applicable.

Out-of-School Youth (OSY)

To be eligible as a WIOA OSY, an individual must:

- Not be attending school and,
- Be between the ages of 16 to 24 at the time of enrollment, and
- Meet one or more of the following conditions:
 - A school dropout;
 - A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
 - A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is—
 - Basic skills deficient; or
 - An English language learner;
 - An offender;
 - A homeless individual;
 - A runaway;
 - In foster care or has aged out of the foster care system;
 - Eligible for assistance under section 477 of the Social Security Act;

- In an out-of-home placement;
- Pregnant or parenting;
- An individual whose parent(s) is incarcerated;
- Have a documented disability; or
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

Note: Up to five percent of youth in a given program year (ISY and OSY), who ordinarily would be required to meet the low-income criteria for eligibility purposes, are allowed a low-income exemption based on this barrier.

In-School Youth (ISY)

To be eligible as a WIOA ISY, an individual must:

- Be attending school, including secondary or postsecondary school and,
- Be between the ages of 14 and 21 at the time of enrollment and,
- Low-income, and
- Meet one or more of the following conditions:
 - Basic skills deficient;
 - An English language learner;
 - An offender;
 - A homeless individual;
 - A runaway;
 - An individual in foster care or has aged out of the foster care system;
 - A child eligible for assistance under section 477 of the Social Security Act or in an out-of-home placement;
 - An individual who is pregnant or parenting;
 - An individual whose parent(s) is incarcerated;
 - A youth who is an individual with a disability; or
 - An individual who requires additional assistance to complete an educational program or to secure or hold employment.

Eligibility Documentation

In order for individuals to receive WIOA services, the individual must meet the program's eligibility criteria. CSNF staff are required to collect supporting eligibility documentation used to determine eligibility. WIOA establishes strict participant eligibility, priorities, and requirements for participation to account for the proper use of Title I funds. Service providers must obtain and maintain documentation that supports the determination for eligibility and continuous participation. Staff must ensure documentation is collected and made available for review by auditors and local, state, and federal representatives.

Action

For immediate implementation. CSNF staff should adhere to this policy when determining participant eligibility for WIOA programs, including following associated guidance and procedures, including any future updates.

Timeline

This policy is effective until further notice. It should be reviewed following three years of issuance or a change in referred guidance.

CareerSource North Florida is an Equal Opportunity Program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this website may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.