

AUTHORITY: The Michigan Works! Southwest Workforce Development Board is established under the Workforce Investment Act of 1998 (as a “local workforce investment board”), the Workforce Innovation and Opportunity Act of 2014, and subsequent changes. The Board is assigned the responsibility to set policy for the workforce investment system within the local area.

ORDER OF PRECEDENCE: Where any part of this policy shall be determined to be in conflict with any federal, state or local policy, the federal, state, and then local policy shall take precedence without affecting any other part or parts of this policy.

WIOA Program Eligibility

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) of 2014 allows flexibility for local Workforce Development Boards to establish and/or define certain elements of program design, participant eligibility, and priority of service for the use of WIOA funds based on local conditions and within Federal and state regulations and policies.

This policy describes those eligibility criteria that are common to all WIOA programs, those that are unique to each program and defines the criteria that allow local flexibility.

Elements of WIOA program design and priority of service for WIOA funds are defined in WDB policies listed in the reference section below.

SCOPE

Programs funded through the Workforce Innovation and Opportunity Act of 2014 and under the auspices of the Michigan Works! Southwest Workforce Development Board.

REFERENCES

Workforce Innovation and Opportunity Act of 2014

Draft WIOA Manual, WDA, XX/XX/XXXX

Workforce Development Agency, (WDA) Electronic WIOA Participant Management Information Guide (e-PMIG)

WDB Policy 01 and subsequent changes, Program Design for Workforce Innovation and Opportunity Act and Employment Services

WDB Policy 07 and subsequent changes, Workforce Innovation and Opportunity Act Priority of Service

WDB Policy 32 and subsequent changes, Selective Service

DEFINITIONS

Basic Skills Deficiency-includes individuals who meet the following criteria:

Youth who have English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test

OR

A youth or adult who is unable to compute or solve problems, read, write or speak English at a level necessary to function on the job, or in the individual’s family or in society. Locally this definition will include those who score below the 8th grade level on a generally accepted standardized test, individuals who have lost employment due to their inability to read, write, compute or speak English at a level required by the employer, or those who have been unable to pass pre-employment assessments due to their inability to read, write, compute or speak English at a level that met the employer’s requirements.

Low Income-is a statutory definition and includes individuals whose personal and or family circumstances place them in one of the following categories:

1. Receives or is a member of a family that during the past six months, received assistance through the Supplemental Nutrition Assistance Program (food stamps), Temporary Assistance to Needy Families (TANF), Social Security Income (SSI), or state or local income based public assistance.
2. Receives an income, or is a member of a family whose total family income for the six month period prior to application that, in relation to family size, does not exceed the higher of the poverty level or 70% of the lower living standard income level (LLSIL) for an equivalent period of time. The Michigan Works! Southwest area will use the poverty level guidelines for Metropolitan Areas issued and updated annually by the U.S. Department of Health and Human Services. These updated guidelines will be included in the WDA Electronic WIOA Participant Management Information Guide (e-PMIG).
3. Qualifies as a homeless individual.
4. Receives or is eligible to receive free or reduced price lunch through the federal school lunch act.
5. Is a foster child on whose behalf state or local government payments are made.
6. Is an individual with a disability whose own income meets the income requirements for a family size of one but who is a member of a family whose income does not meet such requirements.

Responsible Adult-is defined as a parent, a court or other legally appointed guardian, a relative with whom the youth lives, a representative of an agency or organization that provides support service to the youth and is aware of the youth's circumstances, or a representative of an agency or organization who is in a position to know the youth's circumstances (i.e., why they could not get a parent/guardian signature) including foster parents, probation officers, a school official or others.

Self-Sufficiency-for services where income is an eligibility criteria, self-sufficiency is income, based on family size, of at least 150% of Metropolitan Area poverty guidelines. For services where dislocation from employment is an eligibility criteria, self-sufficiency is defined as wages that are at least 80% of their wage at the time of dislocation.

Substantial/Mass Layoff-is any reduction in a workforce including those who have received a layoff notice, which is not the result of a plant closing and which result in an employment loss at a single site of employment during any 30-day period for:

- a. at least 33% of the employees; AND
- b. at least 50 employees; OR
- c. at least 500 employees.
- d. Employees regularly working less than 20 hours per week are excluded from the worker populations described in a. through c. above.

Suitability-the individual is able to honor commitments, demonstrates positive attendance and timeliness, is interested in personal growth, has a transportation plan, if needed has a childcare plan, is willing and able to work to address personal issues that may affect program participation/completion, is willing to develop a realistic plan of action for education/training and employment and is willing to be open minded to new ideas and concepts.

POLICY

- I. Eligibility Requirements for All WIOA Funded Programs
 - A. All individuals applying for individualized career and/or training services funded by WIOA must participate in an eligibility determination process and be willing and able to supply supporting documentation.
 - B. Federal and state regulations and policies will be used to determine acceptable documentation to validate eligibility criteria.
 - C. All service providers contracted to administer WIOA funds will establish written policies and procedures for eligibility determination that include:

1. How the required forms of documentation are communicated to applicants.
 2. The requirement for a “responsible adult signature” on application and intake paperwork for minors applying for the WIOA Youth Program.
 3. An internal review procedure for the eligibility determination process.
- D. WIOA individualized career and training services for adults are targeted to individuals who are recipients of public assistance, low income and/or basic skills deficient. These services are typically provided to individuals who are unemployed, but may also be provided to individuals who are employed but not self-sufficient (underemployed).
- E. In addition to meeting the Federal and state eligibility criteria and the local priority for WIOA activities and services, access to services is also based on factors, including:
1. Suitability for program services and activities,
 2. Has or is willing to establish career goals that are consistent with local occupational demand, and
 3. Local funding, service capacity, and resources are available to assist the individual to meet their employment goals.
- F. Individuals who do not meet the eligibility requirements for WIOA funded training and/or individualized career services will be notified in writing of their status and referred to career services open to the general public through the Michigan Works! system and other community agencies and services. This includes individuals who are unable to document their authorization to work in the U.S.
- G. Only those individuals who meet the required eligibility criteria will be served with WIOA funds. Services provided to non-eligible individuals may result in disallowed costs for the subrecipient authorizing the services.
- H. Once determined to be eligible and after completing the necessary intake process and paperwork, the individual is enrolled in the appropriate WIOA activity and becomes a WIOA participant. All documentation used to support eligibility determination must be retained on file.
- I. Eligibility determination and documentation will be reviewed by the Michigan Works! Administrative staff using a quarterly eligibility monitoring process and also as part of the annual program monitoring.
- J. The Michigan Works! Agency may adjust the eligibility requirements in response to the specific stipulations of special funding allocations such as National Emergency Grants.
- II. Eligibility Criteria Common to the WIOA Adult, Youth, and Dislocated Worker Programs
- A. There are three (3) criteria that must be validated for applicants to all programs:
1. Authorization to work in the United States
 2. Age/date of birth
 3. Selective Service registration, as applicable. Applicants, 26 years of age or older, who were required to register for Selective Service but failed to comply with this requirement may request a local determination of whether their failure to register was knowing and willful (see WDB Policy 32, Selective Service).
- B. Once eligibility in these three areas has been validated, then the established criteria for the specific WIOA activities and services; Adult, Youth, or Dislocated Worker must be validated.
- III. Eligibility Criteria Specific to WIOA Adult Services
- Consistent with WDB Policy 07 and subsequent changes, WIOA Priority of Service, individuals applying for individualized career and/or training services using WIOA Adult funds must provide documentation to validate either their status as a recipient of public assistance, an individual defined as low income and/or based on standardized testing results be identified as basic skills deficient.

IV. Eligibility Criteria Specific to WIOA Dislocated Worker Services

The applicant must be able to document that they meet one of the following five criteria:

- A. The individual has been terminated, laid off or received a notice of termination or layoff, **and**
1. Is eligible for or has exhausted Unemployment Insurance (UI) benefits **or**
 2. Has been employed for a sufficient time to demonstrate attachment to the workforce but is not eligible for UI benefits due to insufficient earnings or was working for an employer not covered by state UI law.
 - a. Attachment to the workforce is defined as continuous employment, averaging 20 hours per week or more, for a minimum of 180 days,
 3. **and** is unlikely to return to their previous industry or occupation.
 - a. This criteria will be validated using local Labor Market Information (LMI) on the rate of job growth or decline for the specific industry or occupation, the lack of job offers for comparable positions in the last 60 days, the lack of availability of comparable positions on the Pure Michigan Talent Connect (PMTTC) system or other job posting sites or sources, or the individual is medically unable to return to their previous industry or occupation.
 - b. Other forms of validation for this criteria may be used, but must be approved by Michigan Works! Administrative staff prior to enrolling the individual.
- B. Has been terminated or laid off, or has received a notice of termination or layoff, as a result of a permanent closure or substantial layoff at the facility:
OR
Is employed at a facility where the employer has made a general announcement that such facility will close within 180 days:
OR
Is employed at a facility where the employer has made a general announcement that the facility will close with no date given.
- C. Was self-employed but unemployed at the time of application as a result of general economic conditions or natural disaster.
- D. Is a displaced homemaker.
 1. A displaced homemaker is defined as 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
 2. Is the spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the service member:
OR
 3. Is the spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty pursuant to a provision of law, a permanent change of station or the service connected death or disability of the service member:
AND
 4. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- E. The state issued UI worker profiling list may be used to document eligibility as a Dislocated Worker if the individual is unemployed at the time of application, their score on the profiling list meets the WDA established criteria, and the list used is generated less than one year from the date of eligibility determination.

V. Eligibility Criteria Specific to WIOA Youth Services

- A. Individuals served with WIOA Youth funds must be able to document their school status as either In-School or Out-of-School at the time of application as well as

meeting the other eligibility documentation requirements for the category of their application.

- B. Out-of-school youth are defined as individuals who are
 - 1. Not attending any school (as defined by state law),
 - 2. Not younger than age 16 or older than age 24, and
 - 3. has one or more of the following barriers to education and/or employment:
 - a. is a school dropout,
 - b. is 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,
 - c. has a secondary school diploma or its equivalent and is a low-income individual who is
 - i. basic skill deficient or an English language learner
 - OR
 - ii. an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment,
 - d. is subject to the juvenile or adult justice system,
 - e. is homeless, a runaway, in foster care or has aged-out the foster care system or is in an out-of-home placement,
 - f. is pregnant or parenting, or
 - g. is an individual with a disability
- C. In-school youth are defined as individuals who are:
 - 1. attending school (as defined by State law),
 - 2. not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21,
 - 3. a low-income individualAND
 - 4. has one or more of the following barriers to education and/or employment:
 - a. is basic skills deficient,
 - b. is an English language learner,
 - c. is an offender,
 - d. is homeless, a runaway, in foster care or has aged out of the foster care system, or is in an out-of-home placement,
 - e. is pregnant or parenting,
 - f. is an individual with a disability, or
 - g. an individual who requires additional assistance to complete an educational program or to secure and hold employment.
- D. An individual who requires additional assistance (“needs special assistance”) to complete an educational program or to secure and hold employment is defined locally as a youth who:
 - a. faces one or more of the following barriers: referred to or being treated for a substance abuse problem, has frequent suspensions from school (5 or more times) or has been expelled from school, poor academic performance (GPA < 1.5), repeated at least one secondary grade or is one year over age for their grade, behind in school credits, an emancipated youth, have court/agency referrals mandating school attendance, have experienced recent traumatic events, is a victim of abuse or lives in an abusive environment as documented by school official or other qualified professional or lacks a significant work history (not held any one job more than 3 months and/or less than 1 year total work history), , .
 - b. Intake staff will document the barrier(s) that identify the youth as “needs special assistance” based on information gathered during the intake process.
- E. Based on federally required limits, no more than 5% of ISY enrolled during a WIOA program year may have as a sole barrier “requires additional assistance to complete an educational program or to secure and hold employment”. Subrecipients shall be

required to contact the MW Administration Monitor prior to enrolling any ISY who meet these criteria.

VI. Eligibility Criteria for WIOA Funded Training Services

- A. Prior to approving WIOA funded training services, program staff shall be required to document the following additional eligibility criteria:
1. Staff from a WIOA program or One-Stop partner has determined after an interview, evaluation or assessment and career planning that:
 - a. the individual is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or higher wages than those from previous employment or
 - b. is in need of training services to obtain or retain employment leading to economic self-sufficiency or a higher wage than those from previous employment and
 - c. Has the ability, qualifications, and willingness to participate successfully in training.
 2. The participant has selected a training program directly linked to local in-demand employment.
 3. The participant is unable to obtain grant funds or other assistance to pay for the cost of the training.

**INITIAL EFFECTIVE
DATE**

7/1/2007

APPROVED

Initial Policy:	WDB Executive Committee	6/7/2007
Revision 01	WDB Executive Committee	8/2/2007
Revision 02	WDB Executive Committee	10/6/2011
Revision 03	WDB Executive Committee	12/6/2012
Revision 04	WDB Executive Committee	8/20/2015

EXPIRATION

Ongoing