

AUTHORITY: The Michigan Works! Southwest Workforce Development Board is established under 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 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.

Workforce Innovation and Opportunity Act (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

All workforce development programs, services and activities 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

The WIOA Final Rules and Regulations, 20 Code of Federal Regulations (CFR): 20 CFR 690.110

Michigan workforce development department's Workforce Innovation and Opportunity Act (WIOA) Manual, November 8, 2019 and subsequent changes

Michigan workforce development department's WIOA Electronic Participant Management Information Guide (WIOA E P-MIG)

Michigan workforce development department's WIOA Youth Electronic Participant Management Information Guide (WIOA Youth E P-MIG) and subsequent changes

Michigan workforce development department's Policy 19-12 Calendar Year 2019 Reemployment Services and Eligibility Assessment (RESEA) Program, and subsequent updates

Training and Employment Guidance Letter (TEGL) 19-16 Operating Guidance for the Workforce Innovation and Opportunity Act (WIOA)

Training and Employment Guidance Letter (TEGL) 22-04 Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant

WDB Policy 01 and subsequent revisions - Program Design for Workforce Innovation and Opportunity Act (WIOA) and Employment Services (ES)

WDB Policy 07 and subsequent revisions - Workforce Innovation and Opportunity Act (WIOA) Priority of Service

WDB Policy 28 and subsequent revisions - Priority of Services to Veterans

WDB Policy 32 and subsequent revisions - 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 defined** 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:

- a. 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), Refugee Assistance, Supplemental Security Income (SSI), or state or local income based public assistance.
- b. 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 (for the equivalent period of time) or 70% of the lower living standard income level (LLSIL). 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 State of Michigan workforce development department's WIOA Electronic Participant Management Information Guide (E P-MIG).
- c. Qualifies as a homeless individual.
- d. Is a youth who receives or is eligible to receive free or reduced-price lunch through the federal school lunch act.
- e. Is a foster child on whose behalf state or local government payments are made.
- f. 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; or other responsible adult that includes 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., in the event a parent/guardian signature cannot be obtained) including, but not limited to, foster parents, probation officers, or a school official.

Self-Sufficiency for services where income is an eligibility criterion, **the locally-defined definition** for 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 criterion, **the locally-defined definition** for 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.
 1. The Michigan workforce development department's WIOA Manual specifically outlines the criteria and acceptable documentation that will be used to determine eligibility.
 - a. Section II of this policy further defines criteria common to the WIOA Adult, Youth, and Dislocated Worker eligibility.
 - b. Section III of this policy further defines WIOA Adult eligibility.
 - c. Section IV of this policy further defines WIOA Dislocated Worker eligibility.
 - d. Section V of this policy further defines WIOA Youth eligibility.
 - C. All subrecipients / 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; however, 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 (also see Section VI.A.2. & 3. of this policy), 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! Southwest Administrative staff using a quarterly eligibility monitoring process and also as part of the annual program monitoring.
 - J. The Michigan Works! Southwest 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 and subsequent revisions - Selective Service Registration).
 - 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.
 - C. Across all titles, the WIOA focuses on serving individuals with barriers to employment, as defined in WIOA, and seeks to ensure access to quality services for these populations. Thus, a dislocated worker could receive priority of service if they also present one of the barriers to employment. Individuals with barriers to employment include individuals in one or more of the following categories:
 1. Displaced homemakers
 2. Low-income individuals
 3. Indians, Alaska natives, and native Hawaiians
 4. Individuals with disabilities
 5. Older individuals (ages 55 and older)
 6. Ex-offenders
 7. Homeless individuals
 8. Youth who are in or have aged out of the foster care system
 9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers
 10. Eligible migrant and seasonal farm workers
 11. Individuals with two years of exhausting lifetime eligibility under Temporary Assistance for Needy Families (TANF) (Part A of Title IV of the Social Security Act)
 12. Single parents (including single pregnant women)

13. Long-term unemployed individuals
 14. Other groups as determined by the local area
- III. Eligibility Criteria Specific to WIOA Adult Services (Also see the WIOA Manual – WIOA Adult Eligibility Flowchart)
- A. 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, or another barrier to employment listed under Section II.C. of this policy. Also see WDB Policy 07 and subsequent revisions - WIOA Priority of Services.
- IV. Eligibility Criteria Specific to WIOA Dislocated Worker Services (Also see the WIOA Manual – WIOA Dislocated Worker Eligibility Flowchart)
- The applicant must be able to document that they meet one of the following five criteria (A through E):
- A. The individual has been terminated or laid off, or who has received a notice of termination or layoff from employment, **AND**
 1. Is eligible for or has exhausted entitlement to unemployment compensation; **OR**
 2. Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a One-Stop center, 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 state unemployment compensation law.
 - a. Attachment to the workforce is locally defined as continuous employment, averaging 20 hours per week or more, for a minimum of 180 days,
 3. **AND** is unlikely to return to a 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. See Section VI.A.2. & 3. of this policy for additional information regarding labor market demand.
 - c. Other forms of validation for this criterion may be used but must be approved by Michigan Works! Southwest Administrative staff prior to enrolling the individual.
 - d. Veterans may be eligible as Dislocated Workers, with their military service acting as their job location because the unlikely to return to work criteria is automatic.
 - B. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure 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
Is employed at a facility at which the employer has made a general announcement that such facility will close with no date given. Note: In this instance, only services available to the general public may be provided.

- NOTE:** When no date is given, only services other than Career Services, Training Services, and Supportive Services may be provided.
- C. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;
 - 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 such 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 member
AND
 - 4. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
 - E. The individual has been identified as eligible for the State's Worker Profiling and Reemployment Services and Eligibility Assessment (RESEA) Program
- V. Eligibility Criteria Specific to WIOA Youth Services (Also see the WIOA Manual – WIOA Youth Eligibility Flowchart)
- 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. An Out-of-school youth (OSY) is defined as an individual who is:
 - 1. Not attending any school (as defined by State law);
 - 2. Not younger than age 16 or older than age 24 at time of enrollment; and
 - 3. Has one or more of the following barriers to education and/or employment:
 - a. A school dropout;
 - b. 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. A recipient of a secondary school diploma or its recognized equivalent and is a low-income individual who is either basic skill deficient or an English language learner;
 - d. An offender, i.e. is subject to the juvenile or adult justice system;
 - e. A homeless individual, a homeless child or youth, or a runaway;
 - f. An individual in foster care or who has aged-out the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
 - g. An individual who is pregnant or parenting;
 - h. An individual with a disability; or
 - i. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

- C. An In-school youth (ISY) is defined as an individual who is:
 - 1. Attending school (as defined by State law), including secondary and post-secondary school;
 - 2. Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21 at time of enrollment;
 - 3. A low-income individual;AND
 - 4. Has one or more of the following barriers to education and/or employment:
 - a. Basic skills deficient;
 - b. An English language learner;
 - c. An offender;
 - d. A homeless individual, a homeless child or youth, or a runaway;
 - e. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or is in an out-of-home placement;
 - f. An individual who is pregnant or parenting;
 - g. An individual with a disability; or
 - h. 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:
 - 1. 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, has never held a job, or lacks a significant work history (not held any one job more than 3 months and/or less than 1 year total work history).
 - 2. 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 MWSW 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.
 - a. **Local criteria** to be used to determine an in-demand industry or occupation will be positive numerical change, rate of change and growth and replacement.
 - b. Labor market reports, not limited to the following, may be used to determine in-demand employment:
 - i. Labor market reports, publications and information generated by Michigan’s Bureau of Labor Market Information and Strategic Initiatives
 - ii. Labor market reports, publications and information generated by Michigan Works! Southwest
 - iii. Labor market reports, publications and information generated by Burning Glass Analytics and Real Time Jobs Data
 - iv. Local job postings
 - c. Other - **Local in-demand** employment may also be determined by documentable employer demand. Documentation may include, but is not limited to, a letter from an employer, industry consortium meeting minutes, or advisory council meeting minutes, that indicate the demand.
- 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 03	WDB	10/15/2014 <i>(All WDB policies accepted to apply to all four counties)</i>
Revision 04	WDB Executive Committee	8/20/2015
Revision 05	WDB Executive Committee	01/10/2020

EXPIRATION Ongoing