

## INSTRUCTION LETTER

**INSTRUCTION NUMBER:** WIOA Regional 21-05

**TO:** SC Works Service Provider/Operator

**SUBJECT:** Participant Eligibility for WIOA Title I Programs

DATE	DATE	DATE
<b>ISSUED:</b> <u>July 12, 2021</u>	<b>EFFECTIVE:</b> <u>July 1, 2021</u>	<b>EXPIRES:</b> <u>Indefinitely</u>

**Purpose:** To provide guidance regarding participant eligibility for Workforce Innovation and Opportunity Act (WIOA) Title I programs and required source documentation. **This policy replaces State Instruction 12-8, Change 1, Use of Self-Attestation and Documentation Related to WIA Eligibility and Upstate’s local letter 12-06 Amendment 1.**

### References:

- Workforce and Innovation and Opportunity Act, Public Law 113-128, §§ 3, 129, 132, 170
- 20 CFR §§ 680.100–680.130, 680.600–680.660, 681.200–681.320, 687.170
- Training and Employment Guidance Letters (TEGLs) 19-16, 7-18, 23-19
- State Instructions (SIs) 15-17, Change 3; 19-05; 20-05

**Background:** WIOA is designed to help job seekers secure the employment, education, training, and support services necessary to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. Determining customer eligibility ensures that individuals access needed and allowed services under WIOA. Furthermore, collecting and maintaining applicable source documentation ensures program accountability and alignment with the goals of WIOA.

### Policy:

#### **Adult Eligibility Requirements**

An individual eligible for services through the WIOA Title I Adult program must be all of the following:

- A US citizen or a non-citizen who is eligible to work within the US
- Registered with the Selective Service (if applicable)
- 18 years of age or older

**NOTE:** Employees participating in Incumbent Worker Training (IWT) do not have to meet the eligibility requirements for participation in the Adult program, unless also enrolled as a participant in the Adult program.

See SI 15-17, Change 3, Adult Priority of Service under WIOA, for more information regarding WIOA priority of service for participants in the Adult program.

## **Dislocated Worker Eligibility Requirements**

To be eligible for participation in the WIOA Title I Dislocated Worker (DW) program, an individual must be a US citizen or a non-citizen who is eligible to work within the US and registered with the Selective Service (if applicable), and must meet the requirements of one of the five categories of DW eligibility listed in WIOA § 3(15).

**NOTE:** Employees participating in Incumbent Worker Training (IWT) do not have to meet the eligibility requirements for participation in the DW program, unless also enrolled as a participant in the DW program.

### Definition of Unlikely to Return to a Previous Industry or Occupation

For DW eligibility under Category A as outlined in WIOA § 3(15)(A), an individual is unlikely to return to a previous industry or occupation when there is a lack of growth, a decline in job openings or employment opportunities, or the individual has been laid off without a recall date, or the date has passed, and is in need of additional services or training.

Examples include:

- Skill Oversupply – An excess number of workers locally with similar skill sets and experience seeking limited related employment opportunities.
- Obsolete Skills – The applicant no longer meets the minimum requirements of jobs available in their occupation.
- Local Layoff Impact – Local business closing(s) or layoffs have had a significant negative impact on the availability of jobs in the applicant's primary occupation and accustomed wage/hour/skill level.
- No Job Offers Received – The applicant has been available and looking for work for a number of weeks and has not received an offer of work ("number of weeks" could be two or more weeks, depending upon the occupation, state of local economy, and/or applicant's verified job search efforts).
- Physical Limitations or Disabilities – The applicant has newly acquired physical limitations or injuries which limit the individual's ability to perform the job from which they were dislocated.

**NOTE:** An individual laid off on a temporary basis or furloughed with a specific, upcoming return to work date does not meet the definition of "unlikely to return to a previous industry or occupation."

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

- Labor market information indicating the applicant's skills are not currently in demand
- Labor market information indicating the applicant cannot meet the skills requirements for jobs currently available in their chosen occupation
- Labor market information indicating no jobs or only part-time jobs are available that match the applicant's skills
- Job search records demonstrating no job offers received for a period of weeks prior to WIOA enrollment
- Documentation from a physician or other applicable professional of acquired physical limitations or injuries that make an individual unable to perform the same work as the job of dislocation

- Documentation provided by the individual from employer or UI where no return to work date was given or the date has passed with no job availability (For UI documentation, claimants can access their return to work status in the UI My Benefits self-service portal. See attachment, **Unlikely to Return UI Documentation.**)

### **National Dislocated Worker Grant Eligibility Requirements**

An individual eligible for services through a Disaster Recovery National Dislocated Worker Grant (DWG) must be one of the following:

- A worker temporarily or permanently laid off as a consequence of the disaster
- A DW as defined by WIOA § 3(15)
- A long-term unemployed worker (unemployed for 27 weeks or longer)
- A self-employed individual who became unemployed or significantly underemployed as a result of the disaster or emergency

See SI 20-05, Disaster Recovery National Dislocated Worker Grants, for more information.

For additional information on Disaster Recovery DWGs and eligibility information for Employment Recovery DWGs and Special Populations DWGs, see TEGL 12-19, Change 1, Attachment I, National Dislocated Worker Grant Program Guidance.

### **Youth Eligibility Requirements**

An individual eligible for services through the WIOA Title I Youth program must be all of the following:

- A US citizen or a non-citizen who is eligible to work in the US
- Between the ages of 14 and 24 at the time of enrollment
- Registered with the Selective Service, if applicable
- An eligible Out-of-School Youth (OSY) or In-School Youth (ISY)

An OSY is an individual who is not younger than age 16 or older than 24 at the time of enrollment, is not attending any school, and is one or more of the following:

- School Dropout
- Youth who is within the age of compulsory school attendance (defined as under the age of 17 in South Carolina), but has not attended school for at least the most recent complete school year calendar quarter (based on how a local school district defines its school year quarters)
- Low-income individual who is a recipient of a secondary school diploma, or its recognized equivalent, and is either basic skills deficient or an English language learner
- Individual who is subject to the juvenile or adult justice system
- Homeless individual (as defined in the Violence Against Women Act of 1994 or the McKinney-Vento Homeless Assistance Act), a runaway, an individual who is in foster care or who has aged out of the foster care system, a child eligible for assistance under the Social Security Act § 477, or an individual who is in an out-of-home placement
- Individual who is pregnant or parenting
- Individual with a disability
- Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment

An ISY is an individual who is not younger than age 14 or older than 21 at the time of enrollment, is attending school, is low-income, and is one or more of the following:

- Basic skills deficient
- English language learner
- Offender
- Homeless individual (as defined in the Violence Against Women Act of 1994 or the McKinney-Vento Homeless Assistance Act), a runaway, an individual who is in foster care or who has aged out of the foster care system, a child eligible for assistance under the Social Security Act § 477, or an individual who is in an out-of-home placement
- Individual who is pregnant or parenting
- Individual with a disability
- Individual who requires additional assistance to complete an educational program or to secure or hold employment

See SI 19-05, WIOA Youth Program Eligibility, Expenditures, and Service Requirements, for more information.

#### **Self-Attestation Requirements**

Self-attestation occurs when a participant states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) the participant identifying his or her status for permitted elements, and (b) signing and dating a form attesting to this self-identification. **Source documentation, other than self-attestation, must be provided for at least one barrier relevant to the individual's eligibility.** Self-attestation should be used as a last resort when getting documentation is too burdensome for the individual.

See **WIOA Source Documentation**, attached to this policy, for required source documentation for data elements by WIOA Title I program. See also SI 20-09, Performance Data Validation for DOL Workforce Programs, for further information on source documentation and data validation.

**Action:** Please ensure that all appropriate staff receive and understand this policy.

**INQUIRIES:** Should you have any questions regarding this instruction, please contact Eva Anagnostis at 864-467-8142, TTY:711, or at [eanagnostis@greenvillecounty.org](mailto:eanagnostis@greenvillecounty.org) Dana Wood at 864-596-2028 ext. 100, TTY 711, or at [wood@upstaterworkforceboard.org](mailto:wood@upstaterworkforceboard.org) .



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**Attachments:**

- WIOA Eligibility Desk Aid
- WIOA Source Documentation
- WIOA Family Income – Inclusions & Exclusions
- Unlikely to Return UI Documentation