

Eligibility Determination for Workforce Investment Act (WIA) Title IB Adult, Dislocated Worker & Youth Programs

151-020-0030 The following provisions of the WIA shall apply when determining an individual's eligibility to participate in Title IB programs funded by the Workforce Investment Act (WIA), Public Law 105-220.

(1) All individuals receiving any WIA Title IB funded services beyond self-service and informational services, must meet the provisions of Section 189(h) of the WIA regarding the enforcement of compliance with the Military Selective Service Act; and the provisions of Section 188 of the WIA, regarding the availability of Title IB services to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

(2) All individuals receiving services beyond self-service and informational services funded by the WIA Title IB adult funding stream under Section 133(b)(2)(A) of the WIA must be 18 years of age or older and meet the priority for service determinations established by the local workforce investment board (LWIB) in accordance with Section 134(d)(4)(E) of the WIA for the local workforce area in which the individual is applying for services.

(3) All individuals receiving services beyond self-service and informational services funded by the WIA Title IB dislocated worker funding stream under Section 133(b)(2)(B) of the WIA must be 18 years of age or older and meet the definition of dislocated worker in accordance with Section 101(9) of the WIA as follows:

The term "dislocated worker" means an individual who--

(a) (A) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

(B)(i) is eligible for or has exhausted entitlement to unemployment compensation; or

(ii) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 134(c), 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

(C) is unlikely to return to a previous industry or occupation;

(b) (A) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;

(B) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

(C) for purposes of eligibility to receive services other than training services described in section 134(d)(4) of the Act, intensive services described in section 134(d)(3) of the Act, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

(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; or

(d) is a displaced homemaker. "Displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who

(A) has been dependent on the income of another family member but is no longer supported by that income; and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(4) Individuals receiving services funded by the WIA Title IB youth funding stream under Section 128(b)(2)(A) must be at least 14 years of age and not more than 21 years of age at the time of registration for services and meet the definition of eligible youth in Section 101(13). The term "eligible youth" means an individual who--

(a) is not less than age 14 and not more than age 21;

(b) is a low-income individual; and

(c) is an individual who is one or more of the following:

- (A) Deficient in basic literacy skills.
- (B) A school dropout.
- (C) Homeless, a runaway, or a foster child.
- (D) Pregnant or a parent.
- (E) An offender.

(F) An individual who requires additional assistance to complete an educational program, or to secure and hold employment.

(5) Not more than 5% of the eligible youth who do not meet the minimum income criteria established in Section 101(25) of the Act may receive youth funded services if they meet the criteria established in WIA Section 129(c)(5) of the Act.

(a) The minimum income criteria established in Section 101(25) of the Act apply to an individual who

(A) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;

(B) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of--

- (i) the poverty line, for an equivalent period; or
- (ii) 70 percent of the lower living standard income level, for an equivalent period;

(C) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(D) qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);

(E) is a foster child on behalf of whom State or local government payments are made; or

(F) in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.

(b) Individuals who do not meet the minimum income criteria in subsection (a) shall be within one or more of the following categories:

- (A) Individuals who are school dropouts.
- (B) Individuals who are basic skills deficient.
- (C) Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.
- (D) Individuals who are pregnant or parenting.
- (E) Individuals with disabilities, including learning disabilities.
- (F) Individuals who are homeless or runaway youth.
- (G) Individuals who are offenders.

(H) Other eligible youth who face serious barriers to employment as identified by the local board.

(6) Participants receiving services in projects funded by statewide activity funds in accordance with Sections 129(b) and 134(a) of the WIA must meet the following eligibility criteria:

(a) Projects serving adults age 18 and over shall be subject to the eligibility provisions established for the project.

(b) Projects serving dislocated workers shall be subject to the eligibility provisions established in Section (3) above.

(c) Projects serving youth ages 14 to 21 at the time of service entry shall be subject to the provisions of Section (4) above.

(d) Projects serving displaced homemakers may include individuals who are receiving public assistance and are within 2 years of exhausting lifetime eligibility under Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in accordance with Section 134((a)(3)(A)(vi)(I) of the WIA.

(7) The following additional definitions from WIA section 101 apply to eligibility determinations for WIA Title IB Youth Programs:

(a) FAMILY - The term "family" means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

(A) A husband, wife, and dependent children.

(B) A parent or guardian and dependent children.

(C) A husband and wife.

(b) OFFENDER - The term "offender" means any adult or juvenile--

(A) who is or has been subject to any stage of the criminal justice process, for whom services under this Act may be beneficial; or

(B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

(c) OUT-OF-SCHOOL YOUTH- The term "out-of-school youth" means--

(A) an eligible youth who is a school dropout; or

(B) an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.

(d) SCHOOL DROPOUT – The term "school dropout" means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(e) UNEMPLOYED INDIVIDUAL- the term `unemployed individual' means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

(8) It is the State policy to require that subrecipients have appropriate procedures to assure that only eligible individuals are served in programs funded under Title IB of the WIA. The State will accept Self-certification as the means to attest that an individual's eligibility for a program under Title IB of WIA is true and accurate. The subrecipient may adopt eligibility documentation procedures requiring a higher level of verification than self-certification. The term "verification" means to confirm eligibility requirements through examination of official documents, e.g., birth certificates, public assistance records, or speaking with official representatives of cognizant agencies.

[Publication(s) referred to or incorporated by reference in this rule are available from the department.]

Stat. Auth.: ORS 285A.455

Stats. Implemented: ORS 285A.455

Hist.: New