



# LOS ANGELES COUNTY

## WIA Adult and Dislocated Worker Programs and Youth Program

### DRAFT DIRECTIVE

NUMBER: LACOD-WIAD08-44

SUBJECT: WIA Title I Eligibility

DATE: 11/03/08

EFFECTIVE DATE: 12/03/08

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#### **OVERVIEW:**

The Los Angeles County Local Workforce Investment Area (LWIA) requires that organizations contracted to provide services under the Workforce Investment Act (WIA) Adult, Dislocated Worker and Youth programs determine and verify the eligibility of applicants for these programs. The eligibility determination process is guided by federal and State requirements, along with policies and procedures developed and implemented at the local level.

#### **Purpose:**

This Directive provides guidance to WIA program contractors on the County's policies for participant eligibility. The policies are driven by WIA statutory and regulatory requirements, along with State laws and policies. They also communicate the LWIA's priorities and reflect the County's overall commitment to delivering high quality programs and services.

Transmitted with this Directive is California's WIA Eligibility Technical Assistance Guide (TAG), which has been modified to incorporate County policies and practices. Please note the following regarding text within the Eligibility TAG:

- State-imposed requirements are ***printed in bold, italic type.***
- County policies and practices are printed in shaded text boxes.

#### **Scope:**

The requirements in this Directive apply to all County contractors operating WIA Adult, Dislocated Worker and Youth programs. Contractors must determine the eligibility of applicants to receive services and participate in activities under Title I-B programs. Information contained within this Directive and the attached WIA Eligibility TAG reflect authority, outlined within WIA regulations, which allows State and local governments to establish their own policies, interpretations, guidelines and definitions.

**Effective Date:**

This directive is effective on the date of its issuance.

**Definitions:**

One of the primary purposes of this Directive is to communicate definitions that are essential to the process of determining and verifying WIA eligibility determination. The attached Eligibility TAG defines the following terms and expressions utilized in connection with WIA eligibility and participation:

- “Deficient in basic skills” (related to youth eligibility)
- Dependent Children
- Dislocated Worker
- Displaced Homemaker
- Documentation (of eligibility)
- Eligible to Work
- Emancipated Minor
- Employed
- Furlough
- “General economic conditions” (related to worker dislocation)
- “General announcement” (related to business closure/worker dislocation)
- Homeless
- Income
- Individual with a disability
- Lockout
- Low-income individual
- Lower Living Standard Income Level
- Not employed
- Offender
- “Other responsible individual” (related to youth eligibility)
- Out-of-Family Youth
- Out-of-School Youth
- Poverty Level
- Pregnant or Parenting
- Public Assistance
- School dropout
- Substantial layoffs
- Self-sufficiency
- “Sufficient attachment to the workforce” (related to worker dislocation)
- Truancy
- Underemployed
- “Unlikely to return” to previous industry or occupation (related to worker dislocation)

- Verification (of eligibility)

### **References:**

Primary references are the following:

- WIA of 1998; Title I: Workforce Investment System
- Jobs for Veterans Act (P.L. 107-288)
- Title 20 Code of Federal Regulations (CFR) Part 652, et al.
- Training and Employment Guidance Letter (TEGL) 9-98 - *Selective Service Registration (November 4, 1998)*
- U.S. DOL ETA TEGL 5-03 - *Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (September 16, 2003)*

Information within the Eligibility TAG contains specific references to:

- ❖ WIA Section 101 (1) – *Definitions – Adult*
- ❖ WIA Section 101 (4) – *Definitions – Basic Skills Deficient*
- ❖ WIA Section 101 (9) – *Definitions – Dislocated Worker*
- ❖ WIA Section 101 (10) – *Definitions – Displaced Homemaker*
- ❖ WIA Section 101 (13) – *Definitions – Eligible Youth*
- ❖ WIA Section 101 (15) - *Definitions – Family*
- ❖ WIA Section 101 (17) - *Definitions – Individual with a Disability*
- ❖ WIA Section 101 (25) - *Definitions – Low-Income Individual*
- ❖ WIA Section 101 (25) (B) - *Definitions — Low-Income Individual (poverty level and LLSIL)*
- ❖ WIA Section 101 (25) (D) - *Definitions — Low-Income Individual (homeless)*
- ❖ WIA Section 101 (27) - *Definitions –Offender*
- ❖ WIA Section 101 (33) - *Definitions – Out-of-School Youth*
- ❖ WIA Section 101 (37) - *Definitions –Public Assistance*
- ❖ WIA Section 101 (39) - *Definitions –School Dropout*
- ❖ WIA Section 129 (c)(5) - *Five Percent Youth Eligibility Waiver Barriers*
- ❖ WIA Section 134 (d)(2) – *Core Services*
- ❖ WIA Section 134 (d)(3) – *Intensive Services*
- ❖ WIA Section 124 (d)(4) – *Training Services*
- ❖ WIA Section 188 (a)(5) – *Prohibition on Discrimination Against Certain Non-Citizens*
- ❖ WIA Section 189 (h) – *Enforcement of Military Selective Service Act*
- ❖ WIA Section 195 – *General Program Requirements*
- ❖ WIA Section 203 (12) – *Title II – Adult Education and Literacy – Definitions - Literacy*
  
- ❖ Title 20 CFR 663.105 – *When must adults/dislocated workers be registered?*
- ❖ Title 20 CFR 663.115 – *What are the eligibility criteria for core services for dislocated workers in the adult and dislocated worker programs?*

- ❖ Title 20 CFR 663.120 – *Are displaced homemakers eligible for dislocated worker activities under WIA?*
- ❖ Title 20 CFR 663.160 – *Are there particular core services an individual must receive before receiving intensive services under WIA section 134(d)(3)?*
- ❖ Title 20 CFR 663.230 – *What criteria must be used to determine whether an employed worker needs intensive services to obtain or retain employment leading to "self-sufficiency"?*
- ❖ Title 20 CFR 663.240 – *Are there particular intensive services an individual must receive before receiving training services under WIA section 134(d)(4)(A)(i)?*
- ❖ Title 20 CFR 663.320 – *What are the requirements for coordination of WIA training funds and other grant assistance?*
- ❖ Title 20 CFR 664.200 – *Who is eligible for youth services?*
- ❖ Title 20 CFR 664.205 – *How is the "deficient in basic literacy skills" criterion in Sec. 664.200(c)(1) defined and documented?*
- ❖ Title 20 CFR 664.210 – *How is the "requires additional assistance to complete an educational program, or to secure and hold employment" criterion in Sec. 664.200(c)(6) defined and documented?*
- ❖ Title 20 CFR 664.250 – *May a disabled youth whose family does not meet income eligibility criteria under the Act be eligible for youth services?*
- ❖ Title 20 CFR 664.300 – *Who is an "out-of-school youth"?*
- ❖ Title 20 CFR 664.310 – *When is dropout status determined, particularly for youth attending alternative schools?*
  
- ❖ 652 et al. Preamble, Subpart A – *One-Stop System*, p. 49316
- ❖ 652 et al. Preamble, Subpart B – *Eligibility for Youth Services*, p. 49349
- ❖ 652 et al. Preamble, Subpart F – *Priority and Special Population*, p. 49343
  
- ❖ U.S. DOL ETA TEGL - 8-98 – *Selective Service Registration*
- ❖ U.S. DOL ETA TEGL 7-99 - *Core and Customer Satisfaction Performance Measures for the Workforce Investment System*
- ❖ U.S. DOL ETA TEGL 14-00 Change 1 - *Workforce Investment Act (WIA) Performance Reporting System*
  
- ❖ Section 3 of the Americans with Disabilities Act – *Definition of "disability"*
- ❖ Section 107 of the Stewart B. McKinney Homeless Assistance Act - *Definition of "homeless"*
  
- ❖ State EDD Workforce Investment Act Directive WIAD04-18 (March 29, 2005) – *Title I Eligibility*
- ❖ State EDD Workforce Investment Act Directive WIAD01-4 (August 28, 2001) – *Selective Service Registration*
  
- ❖ California Unemployment Insurance Code - *Section 9601.5 – Authorization to Work*

❖ California Unemployment Insurance Code - *Section 1132.8 – Definition of “Lockout”*

**BACKGROUND:**

Title I-B of WIA authorizes a workforce investment system to provide workforce preparation and employment to eligible adults, dislocated workers and youth. Section 661.120 of the WIA regulations provides authority to states and local governments to establish their own policies, procedures and definitions, as long as they are consistent with WIA and its regulations. In order to develop guidelines for the WIA eligibility process, staff from the Workforce Investment Division of the State Employment Development Department (EDD) collaborated with an Eligibility Advisory Workgroup, which was convened by the representatives of the California Workforce Association. The Workgroup was comprised of managers and staff from eight California LWIAs. With assistance from the Workgroup and technical support from U.S. Department of Labor, EDD finalizes the WIA Eligibility TAG and it was formally issued in connection with WIA Directive WIAD03-5 (dated July 31, 2003). The Directive was later revised and replaced by State WIA Directive WIAD04-18 (dated March 29, 2005), which included an updated Eligibility TAG. The County's WIA Eligibility Directive and TAG are based on the most recent State Directive and Technical Assistance Guide.

The County's eligibility policies expressed within this Directive and the attached TAG reflect the following features of the WIA regulations at 661.120:

*Local areas should establish policies, interpretations, guidelines and definitions to implement provisions of title I of WIA to the extent that such policies, interpretations, guidelines and definitions are not inconsistent with the Act and the regulations issued under the Act, Federal statutes and regulations governing One-Stop partner programs, and with State policies.*

**POLICIES/PROCEDURES:**

The County has established the following policies and procedures regarding WIA eligibility determination and verification:

**Policies:**

The Los Angeles County Workforce Investment Area's policies on WIA eligibility, which incorporate federal and State requirements, are expressed within its Workforce Investment Act Eligibility Technical Assistance Guide. Policies expressed within the TAG cover an array of eligibility related topics including:

- I. Local Priorities
  - Procedures and Eligibility Criteria for the Three Tiers of Service

- Eligibility Documentation and Verification
  - Eligibility for Services and Case Files
  - Deficient in Basic Literacy Skills
  - Local Dislocated Worker Policy and Procedures
  - Staff-Assisted Core Services
  - Self-Sufficiency
  - Requires Additional Assistance
  - Serious Barriers to Employment
- II. WIA Eligibility
  - III. General Title I-B Eligibility Criteria
  - IV. Priority of WIA Service
  - V. Additional Eligibility Criteria for Dislocated Workers
  - VI. Adult and Dislocated Worker Requirements to Receive Staff-Assisted Core, Intensive and Training Services
  - VII. Eligibility Criteria for Youth
  - VIII. Low-Income Individual Determination
  - IX. Eligibility Documentation and Verification
  - X. List of Acceptable Documentation to Establish WIA Eligibility

**Procedures:**

Los Angeles County WIA contactors must adopt and implement procedures to implement the above-listed policies (detailed within the WIA Eligibility TAG), which will include, but not necessarily be limited to the following:

1. Processes for conducting a determination of an applicant's general eligibility.
2. Processes for conducting eligibility for specific programs, services and activities.
3. Processes for reviewing, collecting and safeguarding documentation supporting applicant eligibility.
4. Processes for updating eligibility during the course of services. Updates are applicable to such criteria as Selective Service Registration at the time male participants reach their 18<sup>th</sup> birthday.
5. Processes to review and verify the completeness and accuracy of eligibility determination for all participants.

**ACTION:**

Los Angeles County WIA contractors should ensure that the policies and procedures described herein are communicated to all front line staff responsible for determining eligibility and throughout the operations, management and

governance structure of the contractor organization. Contractors must also ensure that this Directive is appropriately maintained until further notice.

**INQUIRIES:**

Inquiries regarding this directive and the policies and procedures described herein should be directed by phone to Maggie Mireles at (213) 738-2198 or to Robert Brieff at (213) 351-8924 or by e-mail to [rbrieff@css.lacounty.gov](mailto:rbrieff@css.lacounty.gov).

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Attachment: Los Angeles County WIA Eligibility Technical Assistance Guide