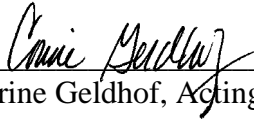


State of Alaska
Department of Labor and Workforce Development

Division: Business Partnerships	Policy No.: 310.00
Subject: WIA Adult Program Participant Eligibility and Priority of Service	Pages: 6
Reference: Workforce Investment Act (WIA) Sections 101(9), 101(17), 101(24), 101(25)(A)-(B)-(F), 101(37), 127(b)(2)(C), 132(b)(I)(B)(iv)(IV), 134(d)(3)(A)(ii), 188; 20 CFR, Subpart D, Preamble, 663.105 –115, 663.165, 663.230, 662.250(a), 662.280, 663.600, 663.640, 665.210(d); 29 CFR 37; Wagner-Peyser 20 CFR 652.207; Federal Register, Vol. 69, No. 30, February 13, 2004, pp. 7336-7338; Lower Living Standard Income Level (LLSIL); Training and Employment Guidance Letter No. 05-03 State of Alaska WIA 5 Year Plan; Jobs for Veterans Act [P.L. 107-288 (38 YSC 4215 (a)(1)(B))].	Effective Date: 6/16/2004
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Approved:  Corine Geldhof, Acting Director	<u>August 19, 2005</u> Date

1) **Applicability**

State of Alaska, Department of Labor and Workforce Development (AK DOLWD) workforce development professionals and grant recipients providing Workforce Investment Act (WIA) Adult Program staff assisted core, intensive and training services.

2) **Purpose**

This policy provides criteria for determining general and service eligibility under the WIA Adult Program. It also addresses guidelines for coordination, self-sufficiency, documentation, priority of service, and non-discrimination.

3) **Definitions**

- a) *Low Income Individual:* The term “low-income individual” means an individual who:
 - i) Receives, or is a member of a family that receives, cash payments under a Federal, State, or local income based public assistance program;

- ii) 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 (1), 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:
 - (1) The poverty line, for an equivalent period (<http://aspe.hhs.gov/poverty/index.shtml>); or
 - (2) 70 percent of the lower living standard income level, for an equivalent period (<http://www.doleta.gov/lisil/>).
 - iii) 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 (7U.S.C. 2011 et seq.);
 - iv) 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);
 - v) Is a foster child on behalf of whom State or local government payments are made; or
 - vi) 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 (1) or of subparagraph (2), but who is a member of a family whose income does not meet such requirements.
- b) *Family* is 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:
- i) A husband, wife, and dependent children;
 - ii) A parent or guardian and dependent children; and
 - iii) A husband and wife.
- c) *Military Spouse* is an individual who is married to an active duty service member including National Guard or Reserve personnel on active duty. The surviving spouse of an active duty service member who lost his/her life while on active duty service is considered to be a military spouse.
- d) *Obligated* is defined as the total amount of the adult funds that have been committed, and includes amounts expended and amounts committed for goods or services received, but not yet paid, or not yet received or paid.
- e) *Public Assistance* is Federal, State or local government cash payments for which eligibility is determined by a needs or income assessment.

- f) *Self-sufficiency* is criteria established by the Alaska Workforce Investment Board (AWIB) for determining whether employment leads to the ability to support oneself and/or one's family or replacement of income due to job dislocation. Self-sufficiency for Adult program participants is stipulated in the Department's policy number 304.00.
- g) *Veteran* is an individual who served in the active military, naval or air service, and who was discharged or released from such service under conditions other than dishonorable, which may include National Guard or Reserve personnel.

4) **Policy**

This policy ensures that AK DOLWD workforce development professionals and grantees:

- a) Coordinate with WIA partners to ensure efficient and comprehensive access to a full range of participant services and resources;
- b) Adhere to non-discrimination laws and regulations; and
- c) Verify eligibility for Adult Program registrants.

5) **Responsibility**

- a) ***Coordination.*** At a minimum, workforce development staff will coordinate with other Job Center partners when developing Individual Employment Plans (IEP), to ensure non-duplication and seamless services. The use of plans from other agencies that meet departmental requirements for IEPs such as the Division of Public Assistance (DPA's) Family Self-Sufficiency Plan (FSSP) are authorized.
 - i) The WIA Memorandum of Understanding developed by the AWIB provides a basis for service coordination among WIA Partner programs.
 - ii) Grant recipients are responsible for providing any needed participant assessment including additional elements specifically tailored to participants under the Adult Program.
- b) ***Non-Discrimination.*** AK DOLWD workforce development professionals and grant recipients must be mindful of their responsibilities under the nondiscrimination provisions of WIA section 188, and must not unfairly exclude individuals from opportunities or otherwise make decisions based upon race, color, religion, sex, national origin, age, political affiliation or belief, disability status, or citizenship. Comprehensive regulations implementing WIA section 188 are stipulated in 29 Code of Federal Regulations (CFR), *Implementation of the Nondiscrimination and equal Opportunity Provisions of the Workforce investment Act of 1998; Final Rule*, to ensure non-discrimination under WIA Section 188.
- c) ***General Participant Eligibility.*** An individual shall be eligible to participate in the WIA Adult Program if he or she is:
 - i) Age 18 or older;

- ii) Eligible to work in the United States including a citizen of the United States, a United States national, permanent resident alien, lawfully admitted refugee or parolee, or other individual authorized by the Attorney General to work in the United States; and
 - iii) In compliance with Selective Service System registration (applies to males only).
- d) ***Priority of Service.***
- i) In the event WIA Adult Program funding becomes sixty-five percent (65%) obligated, and other One-Stop partner agency funding is unavailable, the Chief of Field Operations, Employment Security Division (ESD), will implement the following priority of service when providing WIA Adult program participants with intensive and/or training services:
 - (1) Veterans or a military spouse who are low-income;
 - (2) Individuals with disabilities who are low-income;
 - (3) Public assistance recipients;
 - (4) Other low-income individuals; and
 - (5) Individuals who are not self-sufficient.
 - ii) The Jobs for Veterans Act does not change the requirement that individuals, to include veterans and military spouses, must first qualify as eligible under the WIA Adult Program before participation.
- e) ***Provision of Services***
- i) *Core Services* described in WIA section 134(d)(2) and 20 CFR 662.240 must be provided. There is no Federally required minimum time period for participation in core services before receiving intensive services.
 - ii) *Intensive services* are listed in WIA section 134(d)(3)(C). The list in the Act is not all-inclusive and other intensive services, such as out-of-area job search assistance, literacy activities related to basic workforce readiness, relocation assistance, internships, and work experience may be provided, based on an assessment or Individual Employment Plan (IEP). Each assessed need identified on the Comprehensive Assessment Form is listed in the IEP with a plan for addressing that need. The IEP form must be completed and signed by each participant and the Case Manager. There is no Federally required minimum time period for participation in intensive services before receiving training services. The period of time an individual spends in intensive services should be sufficient to prepare the individual for training or employment. There are two categories of Adults who may receive intensive services:
 - (1) Adult program participants who are unemployed, have received at least one core service and are unable to obtain employment through core services, and are determined by the case manager to be in need of more intensive services to obtain employment; and

- (2) Adult program participants who are employed, have received at least one core service, and are determined by the case manager to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.
- iii) *Training services* are listed in WIA section 134(d)(4)(D). The list in the Act is not all-inclusive and additional training services may be provided. Training services may be made available to employed and unemployed Adult program participants who:
 - (1) Have met the eligibility requirements for intensive services, have received at least one intensive service, and have been determined to be unable to obtain or retain employment through such services; and
 - (2) After an interview, evaluation, or assessment, and case management, the case manager or One-Stop partner determines the individual to be in need of training services and to have the skills and qualifications to successfully complete the selected training program; and
 - (3) Select a program of training services that is directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate; and
 - (4) Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as Welfare-to-Work, State funded training funds, Trade Adjustment Assistance and Federal Pell Grants, or require WIA assistance in addition to other sources of grant assistance.
- iv) *Supportive services* such as transportation, child-care, dependent care, and housing payments that are necessary to enable an individual to participate in the Adult Program are authorized. (*DBP Policy Number 490.00*).
- v) *Exit* participants that have achieved program goals and have completed their services. In addition, any participant who has not received services for ninety (90) days and is not in a period of planned inactivity will be exited using the WIA Outcome Form. Case Managers will ensure the participants' contact information in the MIS is accurate, inform participants of the federal and state survey requirements, and arrange for participants to contact (via toll free telephone) the contractor who performs the Customer Satisfaction Survey.
- vi) *Follow-up services* must be provided to registered participants for a minimum of twelve (12) months following the first day of employment.

6) **Data Entry**

Case Managers will ensure complete and timely entry of participation record, Individual Employment Plan (IEP), Services, costs associated with training or supportive services, employment, exit, outcome information, supplemental contacts and follow-up with the participant into the Departments Management Information System (MIS) within 30 days of the date the transaction/communication transpired. (*DBP Policy Number 755.00*)

7) **Eligibility Verification**

Information to support a determination of eligibility may be collected through methods that include but are not limited to, electronic data transfer, personal interview, or an individual's application. US Department of Labor/ Employment and Training Administration (US DOL/ETA) Training and Employment Guidance Letter (TEGL) 3-03, Change 3, Attachment A clearly defines the elements requiring verification and the acceptable documents to satisfy each element verification. The hard case file for each registrant must contain a legible copy of the source documentation specified for each of the elements defined.