

# Eligibility for WIOA Adult, Dislocated Worker, and Youth

## Greater Lincoln Workforce Development Board Action 08-17-2018

Purpose: This policy establishes eligibility requirements for the Adult, Dislocated Worker, and Youth programs.

### **In-School Youth Definition:**

An In-School Youth is defined as an eligible youth who is attending and/or enrolled in school, either secondary or post-secondary.

The term school is defined by state law. Nebraska State Law defines school as a school approved by the Nebraska State Board of Education, including:

- Accredited public and private secondary schools;
- Accredited denominational and parochial secondary schools;
- Schools that elect not to meet accreditation requirements, including home schools; and
- Alternative schools, classes, or education programs established in accordance with Neb. Rev. Stat. § 79-266 for the benefit of expelled students

Nebraska State Law does not include postsecondary institutions in its definition of school. For the purpose of eligibility, the following providers or program are considered schools:

- All postsecondary institutions that are accredited according to the requirements of the U.S. Department of Education;
- All private postsecondary career schools that are licensed or authorized to operate by the Nebraska Department of Education; and
- All private postsecondary career schools that are licensed or authorized to operate in other states according to the requirements of the states in which they operate.

Providers of WIOA Title IC (Job Corps), Title ID (YouthBuild), and Title II (Adult Education and Family Literacy Act) programs are not considered schools for the purposes of determining school status.

### **In-School Youth Eligibility Requirements**

#### ***General Requirements***

Program participants must be either a(n):

1. Citizen or national of the United States; or
2. Immigrant authorized to work in the United States

Further, all Youth program participants who are male and age eighteen (18) or older must comply with the requirements of the Military Selective Service Act.

#### ***Mandatory Requirements***

In addition, program participants must:

1. Provide equal opportunity (EO) data on race, ethnicity, age, sex, and disability
2. Not be younger than age 14 or older than age 21

3. Be attending school, including secondary school or postsecondary school
4. Be low-income

### ***Sub-Requirements***

Program participants must also be at least one of the following:

- Basic skills deficient
- English language learner
- Offender
- Homeless
  - a. lacks a fixed, regular, and adequate nighttime residence; and is
    - i. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; or
    - ii. lives in a motel, hotel, trailer park, or campground due to the lack of an adequate alternative; or
    - iii. lives in an emergency or transitional shelter; or
    - iv. is awaiting foster care placement;
  - b. has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
  - c. is a migratory youth who is living under circumstances described in Sections 3.a. and 3.b. of this Table 2;
  - d. lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, similar settings; or
  - e. is a runaway.
- Individual
  - a. In foster care; or
  - b. Has aged out of the foster care system; or
  - c. Has attained age 16 and left foster care for kinship guardianship or adoption; or
  - d. Is eligible for assistance under the John H Chafee Foster Care Independence Program; or
  - e. Is in an out-of-home placement.
- Pregnant or parenting.
- Has a disability.
- Requires additional assistance to complete an educational program or to secure or hold employment. The Greater Lincoln Workforce Development Board defines “requires additional assistance to complete an educational program or to secure and hold employment” as meeting one or more of the following applications:
  - a. Youth who have not completed high school or other educational programs necessary to secure and maintain entry-level employment;
  - b. Youth who are deficient in basic skills and/or pre-employment/work maturity skills, including those needing English as a Second Language instruction and remedial training for GED;
  - c. Youth who have been identified as a dropout risk, unlikely to graduate due to a lack of credits, and other risk factors cited by school, law enforcement, or community officials such as eligibility to receive free or reduced lunch benefits;
  - d. Youth who are defined as “neediest” – youth in foster care (especially those aging out of foster care), youth in the juvenile justice system, children of incarcerated parents, migrant

- youth, Native American youth, Indian youth, and youth with disabilities including learning disabilities;
- e. Youth residing in a defined Area of Substantial Unemployment and/or in the core of the city of Lincoln;
- f. Youth who have been unable to obtain or secure employment during the last six months

**Out-of-School Youth Definition:**

An out-of-school youth is defined as an eligible youth who is not attending school; is a school dropout (and does not attend an alternative school or has not received a secondary school diploma or its recognized equivalent); has either graduated from high school or holds a GED, but is basic skills deficient, unemployed, or underemployed. Please note: If a youth is attending an alternative school at the time of enrollment, the youth does not meet the requirement for "out-of-school" youth. However, once a youth is determined eligible as an "out-of-school" youth and enrolled in the program, he/she can then attend an alternative school or receive alternative school services and it will not disqualify them as an "out-of-school" youth. Participants receiving services from Adult Education are considered OSY.

**Out-of-School Youth Eligibility Requirements:**

**General Requirements**

Program participants must be either a(n):

1. Citizen or national of the United States; or
2. Immigrant authorized to work in the United States

Further, all Youth program participants who are male and age eighteen (18) or older must comply with the requirements of the Military Selective Service Act.

**Mandatory Requirements**

In addition, program participants must:

1. Provide equal opportunity (EO) data on race, ethnicity, age, sex, and disability
2. Not be younger than age 16 or older than age 24
3. Not be attending school, including secondary school or postsecondary school

**Sub-Requirements**

Program participants must also be at least one of the following:

- School dropout
- Within the age of compulsory school attendance under state law but has not attended for at least the most recent complete school-year quarter or calendar-year quarter
- Recipient of a secondary school diploma or its recognized equivalent and low-income and either:
  - basic skills deficient; or
  - an English language learner
- Homeless
  - a. lacks a fixed, regular, and adequate nighttime residence; and is
    - i. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; or
    - ii. lives in a motel, hotel, trailer park, or campground due to the lack of an adequate alternative; or
    - iii. lives in an emergency or transitional shelter; or

- iv. is awaiting foster care placement;
  - b. has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
  - c. is a migratory youth who is living under circumstances described in Sections 3.a. and 3.b. of this Table 2;
  - d. lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, similar settings; or
  - e. is a runaway.
- Offender
  - Individual
    - a. In foster care; or
    - b. Has aged out of the foster care system; or
    - c. Has attained age 16 and left foster care for kinship guardianship or adoption; or
    - d. Is eligible for assistance under the John H Chafee Foster Care Independence Program; or
    - e. Is in an out-of-home placement.
  - Pregnant or parenting.
  - Has a disability.
  - Requires additional assistance to complete an educational program or to secure or hold employment. The Greater Lincoln Workforce Development Board defines “requires additional assistance to complete an educational program or to secure and hold employment” as meeting one or more of the following applications:
    - a. Youth who have not completed high school or other educational programs necessary to secure and maintain entry-level employment;
    - b. Youth who are deficient in basic skills and/or pre-employment/work maturity skills, including those needing English as a Second Language instruction and remedial training for GED;
    - c. Youth who have been identified as a dropout risk, unlikely to graduate due to a lack of credits, and other risk factors cited by school, law enforcement, or community officials such as eligibility to receive free or reduced lunch benefits;
    - d. Youth who are defined as “neediest” – youth in foster care (especially those aging out of foster care), youth in the juvenile justice system, children of incarcerated parents, migrant youth, Native American youth, Indian youth, and youth with disabilities including learning disabilities;
    - e. Youth residing in a defined Area of Substantial Unemployment and/or in the core of the city of Lincoln;
    - f. Youth who have been unable to obtain or secure employment during the last six months

### **Non Eligible Youth**

Youth who do not meet the eligibility requirements for whatever reason should be screened for additional services through any of the other programs available through the Workforce System, including the Adult Program. Up to five (5) percent of all Youth program participants (ISY and OSY), who ordinarily would be required to be low-income for eligibility purposes, are not required to meet the low-income requirement for eligibility, provided they meet all other eligibility requirements.

## **Dislocated Worker Eligibility Requirements**

### **General Requirements**

Program participants must be either a(n):

1. Citizen or national of the United States; or
2. Immigrant authorized to work in the United States

Further, all Dislocated Worker program participants who are male and age eighteen (18) or older must comply with the requirements of the Military Selective Service Act.

### **Mandatory Requirements**

In addition, program participants must be at least 18 years or older and meet the requirement of one of the below categories in order to receive career and/or training services:

#### ***Category 1 - Ordinary Layoff***

Individual who has been terminated or laid off, or who has received a notice of termination or layoff from employment, but not because of a permanent closure or mass layoff, and is either:

1. Eligible for or has exhausted entitlement to unemployment compensation; or
2. Has been employed long enough to demonstrate an attachment to the workforce even if not eligible for unemployment compensation due to: insufficient earnings or having performed services for an employer that is not covered under state unemployment compensation laws.
3. The individual must also be unlikely to return to a previous industry or occupation.

#### ***Category 2 - Permanent Closure or Mass Layoff***

Individual dislocated because of a permanent closure or mass layoff, meaning an individual who:

1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment because of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; or
2. Is employed at a facility at which the employer has made a general announcement that the facility will close within one-hundred eighty (180) calendar days; or
3. For purposes of eligibility to receive services other than training services, career services, or supportive services is employed at a facility at which the employer has made a general announcement that the facility will close.

#### ***Category 3 - Conditions Affecting Self-Employment***

Self-employed individual (including self-employment in farming, ranching, or fishing industries) who is unemployed as a result of:

1. General economic conditions in the community in which the individual resides; or
2. A natural disaster.

#### ***Category 4 - Displaced Homemaker***

This eligibility category covers an individual who is dislocated as a displaced homemaker, meaning the individual has been providing unpaid services to family members in the home and:

1. Has been dependent on the income of another family member but is no longer supported by that income; or
2. Is the dependent spouse of a member of the US Armed Forces on active duty and whose family income is significantly reduced because of a: deployment; call or order to active duty; or permanent change of duty station or the service-connected death or disability of the service member.
3. The individual must also be unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

***Category 5 - Service Member or Military Spouse to Service Member***

Service member who has separated or is separating from the US Armed Forces with a discharge that is anything other than dishonorable and:

1. Has received a notice of separation, a Form DD-214 from the Department of Defense, or other documentation showing a separation or imminent separation from the US Armed Forces;
2. Is eligible for or has exhausted unemployment compensation; and
3. Is unlikely to return to a previous industry or occupation.

Military Spouse. An individual who is the spouse of a member of the US Armed Forces on active duty is a dislocated worker if that individual:

1. Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the duty station of the service member; or
2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

**Adult Eligibility Requirements:**

**General Requirements**

Program participants must be either a(n):

1. Citizen or national of the United States; or
2. Immigrant authorized to work in the United States

Further, all Adult program participants who are male and age eighteen (18) or older must comply with the requirements of the Military Selective Service Act.

**Mandatory Requirements**

In addition, program participants must be 18 years or older.

**Priority of Service**

Priority for receipt of individualized career and training services or both adhere to Priority of Service Policy #17.

**Nondiscrimination:**

All programs and activities funded or financially assisted in whole or in part under WIOA must comply with all laws on the prohibition against discrimination based on age, disability, or sex, or based on race,

color, national origin, or political affiliation or belief.

**Definitions:**

State Policy: [Program Eligibility for Youth, Adults, and Dislocated Workers, Change 1](#) provides definitions in appendix I & II and is accessible at [dol.nebraska.gov](http://dol.nebraska.gov).