Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Eligibility
	Date November 6, 2020

Reviewed 10/13/26	Next Review Date: 10/13/2031

Region VI Guidance Letter 14-16, R-4

To: All Workforce West Virginia system stakeholders
All WorkForce West Virginia Centers
All Local Training Providers

From: Region VI Workforce Development Board

Subject: Eligibility

1. **Purpose:** This guidance notice on eligibility and registration ensures that every Workforce Innovation and Opportunity Act (WIOA) participant who receives WIOA Program funded services is eligible and registered to receive those services.

2. **References:** WIOA Section 3(2), (5), (15), (16), (36), WIOA Section 129(a)(1)(B) and (C), CFR Part 680, and Workforce West Virginia WIOA Guidance Notice 6-16, Change 2 and the Region VI Guidance Letter 1-15, R-6.
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3. **Background:** The WIOA authorizes a workforce investment system to provide workforce preparation and employment to eligible adults, dislocated workers and youth. WIOA provides authority to state and local governments to establish their own eligibility policies, procedures and definitions, as long as they are consistent with the WIOA and its associated regulations.

4. **Policy:**

<u>Statutory and State Eligibility Requirements for Adult and Dislocated Workers</u>

Individuals wishing to receive employment and training services funded through the adult and dislocated worker programs must meet all of the following requirements:

- Be legally authorized to work in the United States;
- Be 18 years of age or older;
- Be properly registered for selective service (Applies only to all males born on or after January 1, 1960.) Refer to Region VI Guidance Letter 2-16, Selective Service Registration, for details.
- Be a resident of the state of West Virginia, or if not a state resident, been employed and dislocated from a West Virginia employer.

There are no additional eligibility criteria for the adult program. However, priority for career and training services funded by and provided through the adult program shall be given to veterans or eligible spouses, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of those career services determined appropriate to obtain or retain employment.

Additional Statutory Eligibility Requirements for Dislocated Workers

In addition to the requirements listed above, an individual must also fall into one or more of the following eligibility categories as outlined in section 3(15)(A-E) of WIOA:

Category A: Terminated or Laid Off, or Received a Notice of Termination or Layoff from Employment

- Has been terminated or laid off or has received a notice of termination or layoff from employment; AND
- Is eligible for or has exhausted entitlement to unemployment compensation; OR
- Has been employed for a duration sufficient to demonstrate 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
- Is unlikely to return to a previous industry or occupation.

Category B: Plant Closure or Substantial Layoff

- 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 (*substantial layoff defined as the layoff of a minimum of 40% of the total company workforce of a plant, facility, or enterprise (inclusive of all locations))* ; OR
- Is employed at a facility where the employer has made a general announcement that such facility will close within 180 days; OR
- For purposes of eligibility to receive services other than training services described in section 134(c)(3) of WIOA, career services described in section 134(c)(2)(A)(xii) of WIOA, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

Category C: Self-Employed Individual

- Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of natural disasters; or general economic conditions in the community where the individual resides.

Category D: Displaced Homemaker

- Is a displaced homemaker.

Category E: Military Spouse

- Is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty state of such member; OR
- Is the spouse of a member of the Armed Forces on active duty and who meets the criteria of a displaced homemaker who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Statutory and State Eligibility Requirements for Youth

Youth must meet basic eligibility requirements to participate in the WIOA Youth program. Both In School and Out of School Youth must meet the following eligibility requirements:

- be a citizen or noncitizen authorized to work in the U.S.; and
- meet selective service registration requirements; and
- Be a resident of the state of West Virginia, or if not a state resident, been employed and dislocated from a West Virginia employer.

Additional eligibility requirements for In School Youth include:

- An individual who is between 14 and 21 years of age;
- An individual who is attending school, including secondary and post-secondary school (as defined by State law);
- A low income individual (see Definition of Key terms Section); and
- One or more of the following:
  - Basic skills deficient;
  - An English language learner;
  - An offender;
  - A homeless individual;
  - Pregnant or parenting;
  - A youth who is an individual with a disability;

  An individual who requires additional assistance to complete an educational program or to secure or hold employment *See Region VI Guidance Letter 19-16 Definition of Youth Who Needs Additional Assistance.*

Additional eligibility requirements for Out of School Youth include:

- An individual who is not attending any school (including secondary or post-secondary);
- An individual between the ages of 16 and 24 years of age; and
- One or more of the following:
  - A school dropout;

- A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
- A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is—
  - Basic skills deficient; or
  - An English language learner.
- An individual who is subject to the juvenile or adult justice system;
- A homeless individual, a runaway, an individual in foster care, or an individual who has aged out of the foster care system;
- An individual who is pregnant or parenting;
- A youth who is an individual with a disability;
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. *See Region VI Guidance Letter 19-16 Definition of Youth Who Needs Additional Assistance.*

An eligible in-school youth or an out of school youth who have their high school diploma or GED and are basic skills deficient or an English language learner must also meet low-income definition (WIOA Section 3, 36).

Up to 5% of youth registered may be classified as not low income but meet the other requirements.

ACTION: The Region VI Workforce Development Board will make all stakeholders in the Region VI Workforce area aware of this policy.

EXPIRATION DATE: Effective November 6, 2020, until rescinded or modified by the Region VI Workforce Development Board.