

Attachment A

WIOA Adult Eligibility

Attachment A: WIOA Adult Eligibility

The Workforce Innovation and Opportunity Act (WIOA) serves adults age 18 and older.

WIOA adult programs are designed to meet employer needs by helping job seekers upgrade skills, obtain employment, improve job retention and increase earnings.

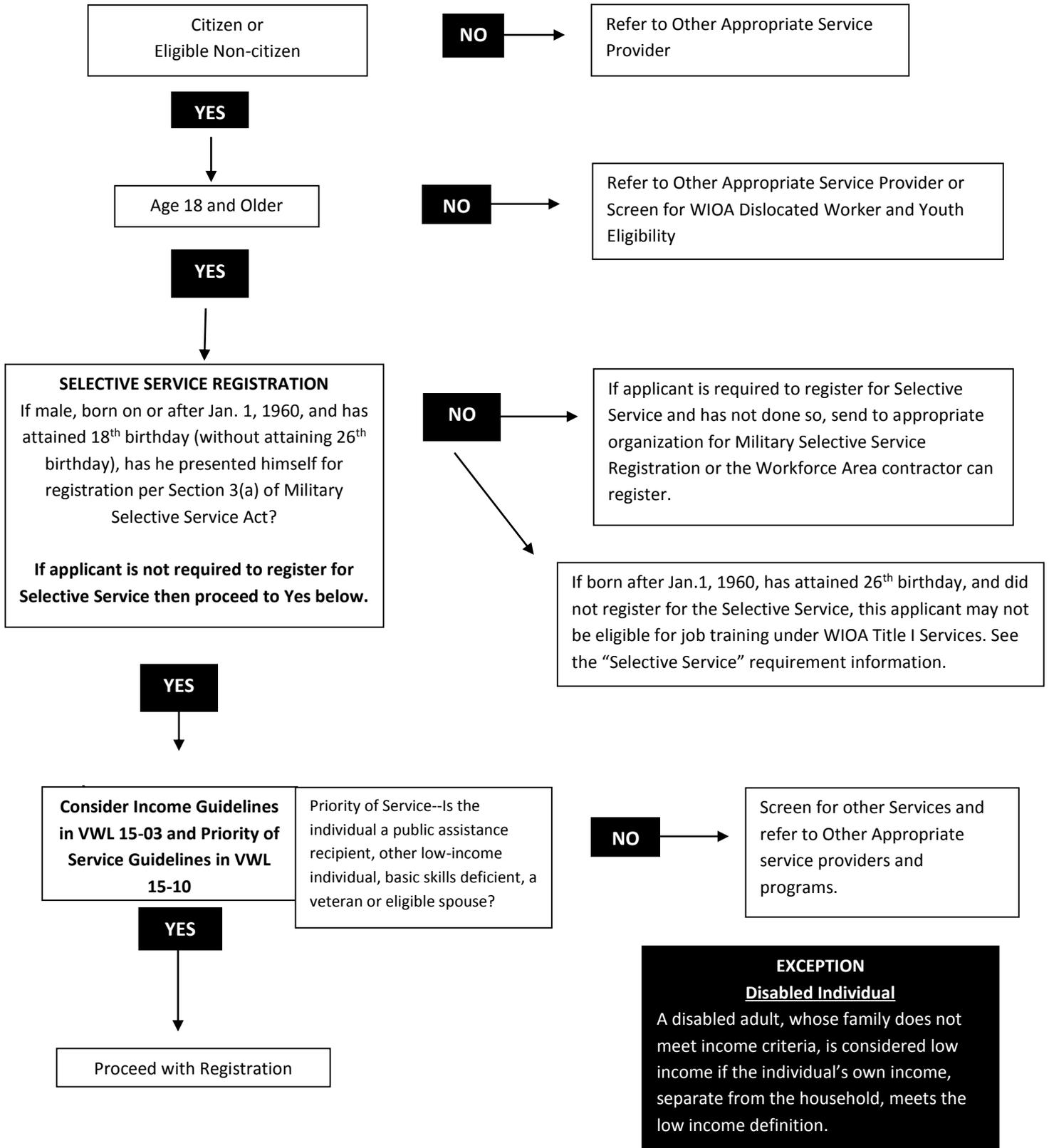
WIOA adult services include:

- job search, job referral, and placement assistance;
- career counseling;
- labor market information;
- assessment of skills and needs;
- individual employment plan development;
- occupational skills training;
- skills upgrading and retraining;
- job readiness training; and
- adult education and literacy

This section provides information for determining eligibility for the adult program. See Attachment D for verification and documentation for WIOA eligibility.

WIOA ADULT Eligibility Flowchart

APPLICANT



ACT AND/OR REGULATION CITATION

Act 188(a) (5)
Act 189(h)
Act 3 (2)

Act 132(c) (iv);

**WIOA ELIGIBILITY REQUIREMENTS
ADULT (18 OR OLDER)**

An individual (18 or older) shall be eligible to participate in the WIOA Title I Adult Program if such individual meets:

General Eligibility consists of:

- Citizenship or Eligible to Work
- Selective Service Registrant, if applicable
- Age

Each Local Workforce Development Board must develop a priority of service policy regarding Workforce Innovation and Opportunity Act (WIOA) Title I Adult individualized career and training services. The Local Workforce Development Board's priority of service policy must include recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. The Local Workforce Development Board will indicate its priority of service policy in its WIOA local plan, specifying the target groups that will receive priority service.

ADULT (18 or older)

Individuals must meet General Eligibility, which consists of Citizenship or Eligible to Work, Age, and Selective Service Registration.

Citizenship or Eligible to Work – participation in programs and activities financially assisted in whole or part under WIOA shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United States (applies to all programs under Title I). **[Act 188(a) (5)]**

Selective Service Registrant – the WDBs shall ensure that each individual participating in any program established under WIOA, or receiving any assistance or benefit under WIOA, has not violated Section 3 of the Military Selective Service Act (MSSA) (50 U.S.C. App. 453) by not presenting or submitting to registration as required pursuant to such section.

NOTE: Males born on or after January 1, 1960 must register with the selective service system within 30 days after their 18th birthday or at least before they reach the age of 26. *[Act 189(h)]*

Procedures are outlined in Training and Employment Guidance Letter 11-11, change 2, dated May 16, 2012.

Adult – the term adult means an individual who is age 18 or older. **[Act 3(2)]**

Definitions

- (1) ADULT— the term “adult” means an individual who is age 18 or older.
- (2) BASIC SKILLS DEFICIENT—The term “basic skills deficient” means, with respect to an individual—
 - (A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
 - (B) who is a youth or adult that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.
- (3) DISPLACED HOMEMAKER—the term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who—
 - (A)(i) has been dependent on the income of another family member but is no longer supported by that income; or
 - (ii) is the dependent 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 whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and
 - (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- (4) ENGLISH LANGUAGE LEARNER.—When used with respect to an eligible individual, ‘English Language Learner’ means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and—
 - (A) whose native language is a language other than English; or
 - (B) who lives in a family or community environment where a language other than English is the dominant language.
- (5) INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.—the term “individual with a barrier to employment” means a member of 1 or more of the following populations:
 - (A) Displaced homemakers.
 - (B) Low-income individuals.
 - (C) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.
 - (D) Individuals with disabilities, including youth who are individuals with disabilities.
 - (E) Older individuals.
 - (F) Ex-offenders.
 - (G) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or homeless children and youths (as H. R. 803—10) defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).
 - (H) Youth who are in or have aged out of the foster care system.
 - (I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
 - (J) Eligible migrant and seasonal farmworkers, as defined in section 167(i).
 - (K) Individuals 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.).
 - (L) Single parents (including single pregnant women).
 - (M) Long-term unemployed individuals.
 - (N) Such other groups as the Governor involved determines to have barriers to employment.

- (6) INDIVIDUAL WITH A DISABILITY.—
 (A) IN GENERAL.—the term “individual with a disability” means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).
- (7) INDIVIDUALS WITH DISABILITIES.—the term “individuals with disabilities” means more than 1 individual with a disability.
- (8) LOW-INCOME INDIVIDUAL.—
 (A) IN GENERAL.—the term “low-income individual” means an individual who—
 (i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
 (ii) is in a family with total family income that does not exceed the higher of—
 (I) the poverty line; or
 (II) 70 percent of the lower living standard income level;
 (iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
 (iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) (**does not apply to Adults**);
 (v) is a foster child on behalf of whom State or local government payments are made; or
 (vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.
- (9) OFFENDER.—the term “offender” means an adult or juvenile—
 (A) who is or has been subject to any stage of the criminal justice process, and 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.
- (10) OLDER INDIVIDUAL.—the term “older individual” means an individual age 55 or older.
- (11) PUBLIC ASSISTANCE.—the term “public assistance” means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.
- (12) UNDEREMPLOYED INDIVIDUAL - may include:
- Individuals employed less than full-time who are seeking full-time employment;
 - Individuals who are employed in a position that is inadequate with respect to their skills and training;
 - Individuals who are employed who meet the definition of low-income definition in WIOA sec. 3(36); and
 - Individuals who are employed, but whose current job’s earnings are not sufficient compared to their previous job’s earnings from their previous employment, per State and/or local policy.
- (13) 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, for purposes of this paragraph, 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.

(14) VETERAN; RELATED DEFINITION.—

(A) VETERAN.—the term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(B) RECENTLY SEPARATED VETERAN.—The term “recently separated veteran” means any veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air service.

Additional References Applicable to Adult Eligibility

Section 101(d)(1) of Title 10, United States Code:

(d) Duty Status. — The following definitions relating to duty status apply in this title:

(1)The term “active duty” means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

Section 991(b) of Title 10, United States Code:

(b) Deployment Defined.—

(1)For the purposes of this section, a member of the armed forces shall be considered to be deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the member to spend off-duty time in the housing in which the member resides when on garrison duty at the member’s permanent duty station or homeport, as the case may be.

(2)In the case of a member of a reserve component who is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to in paragraph (1) is any housing (which may include the member’s residence) that the member usually occupies for use during off-duty time when on garrison duty at the member’s permanent duty station or homeport, as the case may be.

(3)For the purposes of this section, a member is not deployed or in a deployment when the member is—

(A) performing service as a student or trainee at a school (including any Government school);

(B) performing administrative, guard, or detail duties in garrison at the member’s permanent duty station; or

(C) unavailable solely because of—

(i) a hospitalization of the member at the member’s permanent duty station or homeport or in the immediate vicinity of the member’s permanent residence; or

(ii) a disciplinary action taken against the member.

(4)The Secretary of Defense may prescribe a definition of deployment for the purposes of this section other than the definition specified in paragraphs (1) and (2). Any such definition may not take effect until 90 days after the date on which the Secretary notifies the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the revised standard definition of deployment.

Section 101(a)(13)(B) of Title 10, United States Code-

(13)The term “contingency operation” means a military operation that—

(B)results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406 of this title, chapter 15 of this title, section 712 of title 14, or any other provision of law during a war or during a national emergency declared by the President or Congress.

Section 101(16) of Title 38 United States Code-

(16)The term “service-connected” means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

Section 166 of the Workforce Innovation and Opportunity Act (WIOA)-

(b) DEFINITIONS.—As used in this section:

(1) ALASKA NATIVE.—The term “Alaska Native” includes a Native and a descendant of a Native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b), (r)).

(2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—
The terms “Native Hawaiian” and “Native Hawaiian organization” have the meanings given such terms in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).

Section 41403(6) of the Violence Against Women Act of 1994 (42 United States Code 14043e-2(6))-

(6) the terms “homeless”, “homeless individual”, and “homeless person”—

(A) means an individual who lacks a fixed, regular, and adequate nighttime residence; and

(B) includes—

(i) an individual who—

(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

(III) is living in an emergency or transitional shelter;

(IV) is abandoned in a hospital; or

(V) is awaiting foster care placement;

(ii) an individual who 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; or

(iii) migratory children (as defined in section 6399 of title 20) who qualify as homeless under this section because the children are living in circumstances described in this paragraph;

Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 United States Code 11434a(2))-

(2) The term “homeless children and youths”—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and

(B) includes—

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have 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 (within the meaning of section 11302(a)(2)(C) ^[1] of this title);

- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

Section 167(i) of the Workforce Innovation and Opportunity Act (WIOA) –

(i) DEFINITIONS.—In this section:

- (1) ELIGIBLE MIGRANT AND SEASONAL FARMWORKERS.—the term “eligible migrant and seasonal farmworkers” means individuals who are eligible migrant farmworkers or are eligible seasonal farmworkers.
- (2) ELIGIBLE MIGRANT FARMWORKER.—the term “eligible migrant farmworker” means—
 - (A) an eligible seasonal farmworker described in paragraph (3)(A) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and
 - (B) a dependent of the farmworker described in subparagraph (A).
- (3) ELIGIBLE SEASONAL FARMWORKER.—the term “eligible seasonal farmworker” means—
 - (A) a low-income individual who—
 - (i) for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and
 - (ii) faces multiple barriers to economic self-sufficiency; and
 - (B) a dependent of the person described in subparagraph (A).

Part A of Title IV of the Social Security Act (42 United States Code 601 et seq.)-

Part A—BLOCK GRANTS TO STATES FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

Title XVI of the Social Security Act (United States Code 1381 et seq.)-

TITLE XVI—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Social Security Disability Income (SSDI) - pays benefits to an individual and certain members of their family if they are “insured,” meaning that the individuals worked long enough and paid Social Security taxes.

Supplemental Security Income (SSI) – pays benefits based on financial need.