

WIOA Title 1 Adult Program Eligibility

Definitions

1. Active Duty
 - a. Full-time duty in the active military service of the United States.
 - b. The 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.
2. Age of Compulsory School Attendance
 - a. Virginia requires that all children between the ages of 5 and 18, who live in Virginia, attend school.
 - b. There are these exceptions:
 - i. Has a high school diploma or GED;
 - ii. Has a disability and has completed requirements for a Virginia high school certificate of completion;
 - iii. Is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age (homeschool, nonpublic school);
 - iv. Has completed receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age;
 - v. Is severely ill and requires home or hospital instruction;
 - vi. Is married;
 - vii. Is in military service;
 - viii. Is committed by court order to an institution without an educational program;
 - ix. Provides financial support to the child's family as documented by a local department of social services;
 - x. Has been expelled
 - xi. Is pregnant or a parent and is enrolled in an alternative educational program;
 - xii. Attends an alternative educational program;
 - xiii. Attends a public school on a part-time basis and attends a private career school, with guardian and school official consent; or
 - xiv. Received a waiver by the State Superintendent
3. Attachment to the Workforce
 - a. Having been employed at least twenty (20) or more hours per week for at least six (6) of the most recent thirty-six (36) months in a single occupation.
 - b. The six (6) months need to be consecutive.

- c. An employee of a temporary agency, in order to demonstrate attachment to the workforce, must have worked on the same assigned for the same number of weekly hours and duration notes above.
- 4. Attending Postsecondary School
 - a. Enrollment in credit-bearing postsecondary education classes including credit bearing community college classes and continuing education classes.
 - b. If an individual is enrolled in non-credit bearing postsecondary classes only, then the individual is not considered to be attending postsecondary school.
 - c. If an individual is enrolled in the Youth program between high school graduation and postsecondary education, the individual is considered In-School if they are registered for postsecondary education, even if they have not yet begun classes at the time of determining eligibility.
- 5. Attending School
 - a. Enrolled in and regular attendance at a school approved by the Virginia State Board of Education.
- 6. Basic Skills Deficient
 - a. A youth who has English reading or writing skills or computing skills at or below the 8th grade level based on a generally accepted standardized test; or,
 - b. A youth or adult who 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.
- 7. Call or Order to Active Duty
 - a. The phrase *call or order to active duty* refers to the call or order or retention on active duty for members of the uniformed services under 10 USC §§ 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406 or 10 USC Subtitle A Part I Chapter 15, or any other provision of law during a war or during a national emergency declared by the United States President or Congress.
- 8. Deployment
 - a. A member of the US Armed Forces is considered to be deployed 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 duty at the member's permanent duty station or homeport. If the individual is member of a reserve component of the US Armed Forces and is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to above is any housing (including the member's residence) that the member usually occupies for use during off-duty time when on duty at the member's permanent duty station or homeport. The Secretary of Defense may prescribe an alternative definition of deployment other than that described above.
 - b. A member of the United States Armed Forces is not deployed when the member is:
 - i. Performing service as a student or trainee at a school including a government school;
 - ii. Performing administrative, guard, or detail at the member's permanent duty station;or

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 - b. A member of the United States Armed Forces is not deployed when the member is:
 - i. Performing service as a student or trainee at a school including a government school;
 - ii. Performing administrative, guard, or detail at the member's permanent duty station;or

- iii. Unavailable solely because of 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
 - iv. Unable solely because of a disciplinary action taken against the mentor.
- 9. Dropout
 - a. An individual no longer attending school, and has not received a secondary school diploma or a recognized equivalent.
 - b. Dropout refers only to an individual who is currently a secondary school dropout, which does not include a youth who previously dropped out of secondary school but subsequently returned.
- 10. English Language Learning
 - a. Limited ability in reading, writing, speaking, or comprehending the English language and:
 - i. Whose native language is a language other than English; or,
 - ii. Who lives in a family or community environment where a language other than English is the dominant language.
- 11. Individual with a Disability
 - a. An individual with a disability as defined in Section 3 of the Americans with Disabilities Act of 1990.
- 12. Laid Off or Layoff
 - a. An individual's employment relationship is or will be suspended by the employer, without cause, for more than one-hundred eighty (180) calendar days.
- 13. Low-Income Individual
 - a. An individual who meets one (1) or more these eight (8) criteria:
 - i. The individual currently receives or is a member of a family currently receiving assistance through:
 - 1. Supplemental Nutrition Assistance Program;
 - 2. Temporary Assistance for Needy Families Program;
 - 3. Supplemental Security Income through the Social Security Administration; or,
 - 4. State or local income-based public assistance.
 - ii. In the past six (6) months, the individual has received or is a member of a family that has received assistance through:
 - 1. Supplemental Nutrition Assistance Program;
 - 2. Temporary Assistance for Needy Families Program;
 - 3. Supplemental Security Income through the Social Security Administration; or,
 - 4. State or local income-based public assistance.
 - iii. The individual is in a family whose total family income does not exceed the higher of:
 - 1. The current Federally-established poverty line; or
 - 2. Seventy (70) percent of the Federally-established lower living standard income level (LLSIL).
 - iv. The individual is a homeless individual who:
 - 1. Lacks a fixed, regular, and adequate nighttime residence, and is:
 - a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

- b. Living in a motel, hotel, trailer park, or campground due to the lack of adequate alternative;
 - c. Living in an emergency or transitional shelter; or,
 - d. Awaiting foster care placement.
 - 2. 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.
 - 3. Is a migratory youth and meets information in iv1 and iv2 in this section.
 - 4. Lives in a car, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
 - 5. Is a runaway.
 - v. The individual receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act, unless the individual is a recipient of a secondary school diploma or its recognized equivalent.
 - vi. The individual is a foster child on behalf of whom state or local government payments are made.
 - vii. The individual is an individual with a disability whose income meets the income requirements of iii in this section.
 - viii. The individual lives in a high-poverty area.
- 14. Offender
 - a. An adult or juvenile who:
 - i. Is or has been subject to any stage of the criminal justice process and for whom services under Youth, Adult, or Dislocated Worker programs may be beneficial; or,
 - ii. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
- 15. Pregnant or Parenting
 - a. A pregnant individual is the expectant mother only.
 - b. An individual who is parenting is a mother or father, custodial or non-custodial.
- 16. Requires Additional Assistance
 - a. West Piedmont Workforce Development Board defines this as a youth in need of assistance to complete an educational or employment goal.
- 17. Unlikely to return to a previous occupation or industry
 - a. For determining eligibility as a dislocated worker, an individual is unlikely to return to a previous occupation or industry if job opportunities in the occupation or industry are significantly diminished for an individual based on one (1) or more of the following criteria:
 - i. Official assessments of market demand for products or services in the occupation or industry;
 - ii. Local labor market conditions for the industry or occupation;
 - iii. Evolution of skill requirements in the occupation or industry and whether an individual's skills have kept pace over time based on a current skills assessment;
 - iv. Impact of technology or trade on the industry or occupation.
 - b. A separating service member meets the standard of unlikely to return to a previous industry or occupation.

Policy

1. West Piedmont Workforce Development Area will serve Adults who are determined eligible prior to enrollment in Workforce Innovation and Opportunity Act activities.
2. All Workforce Innovation and Opportunity Act Title I Adult Program clients must:
 - a. Be 18 years of age or older;
 - b. Be a United States citizen or national; or,
 - c. Be a lawfully admitted permanent resident non-citizen, refugees, asylees, parolees, or other immigrants authorized to work in the United States by the Secretary of Homeland Security, or the Secretary's designee; and,
 - d. Meet Military Selective Service registration requirements, if applicable.
3. Martinsville City, Danville City, Pittsylvania County, Henry County and Patrick County residents receive priority for enrollment into the Adult Program.
4. Non-residents of Martinsville City, Danville City, Pittsylvania County, Henry County and Patrick County may be enrolled if a training opportunity exists with an employer in the West Piedmont area.
5. If a non-resident is enrolled West Piedmont will coordinate with the workforce agency in the county of residency.
6. West Piedmont will consider unemployed, employed, and underemployed individuals for the Adult Program.
7. Employment status for employed Adults must meet one of the following criteria:
 - a. Less than full-time if the individual desires full-time employment.
 - b. A position that is inadequate with respect to their skills and training.
 - c. Wages are below the self-sufficiency standard or are less than 80% of previous wages.
8. Underemployed individuals must meet the definition of low-income or other Virginia identified barriers to receive career and training services.
9. Individualized career services and training services under Workforce Innovation and Opportunity Act Adult funding must be given on a priority basis.
10. Priority of service status is established at the time of eligibility determination and does not change during the period of participation.
11. For purposes of program eligibility, priority of service will be implemented through priority of intake that is defined as *out of a group of individuals who have applied for Workforce Innovation and Opportunity Act enrollment process and serve first priority followed by second priority and so forth.*
12. Veterans' priority is required under Federal law; however, it is not intended to displace existing eligibility requirements for the Workforce Innovation and Opportunity Act.
13. An individual must first qualify for the Workforce Innovation and Opportunity Act before a priority of service can be applied.
14. The Workforce Innovation and Opportunity Act has identified the following populations as targeted under Adult priority of service:
 - a. Public assistance recipients,
 - b. Low-income adults; and/or
 - c. Individuals who are basic skills deficient.

15. In addition, West Piedmont will provide priority of service to targeted population individuals as identified by the Virginia Department of Labor, Licensing and Regulation:
 - a. Displaced Homemakers
 - b. Eligible Migrant and Seasonal Farmworkers
 - c. Ex-offenders
 - d. Homeless individuals
 - e. Individuals facing substantial cultural barriers
 - f. Individuals with disabilities, including youth with disabilities
 - g. Individuals within two years of exhausting lifetime eligibility under Part A of the Social Security Act
 - h. Individuals who are English language learners
 - i. Individuals who are unemployed, including the long-term unemployed
 - j. Individuals who have low levels of literacy
 - k. Individuals without a high school diploma
 - l. Low income individuals (including TANF and SNAP recipients)
 - m. Native Americans, Alaskan Natives, and Native Hawaiians
 - n. Older individuals
 - o. Single parents (including single pregnant women and non-custodial parents)
 - p. Veterans
 - q. Youth who are in or have aged out of the foster care system
16. Priority will be provided in the following order:
 - a. First priority – Veterans and eligible spouses who are also low-income, recipients of public assistance and/or basic skills deficient.
 - b. Second priority – Individuals who meet criteria to be considered a target population as identified in fourteen (14) and fifteen (15) above.
 - c. Third priority - Eligible spouses who did not meet “first priority” conditions.
 - d. Fourth priority – Individuals who are not Veterans and do not meet criteria to be considered a target population.
17. All programs and activities funded or financially assisted in whole or in part under the Workforce Innovation and Opportunity Act must comply with all laws on the prohibition against discrimination based on age, disability, sex, race, color, national origin, or political affiliation or belief.