

Eligibility for Adult Programs Policy

References:

Workforce Investment Act of 1998, Section 101, 134, and 189; 20 CFR Parts 663.105, 663.110, 663.600, 663.640, 664.500; TEGL 02-14.

Background:

Eligibility criteria for the adult programs are defined under the provisions of the Workforce Investment Act rules and regulations.

Action:

After the 10 day review period, this policy is considered final. Questions and comments should be submitted in writing to Stan Odenthal, stan.odenthal@nebraska.gov.

Policy:

To be an eligible adult in the adult program, an individual must be 18 years of age or older.

Registration

Registration is the process for collecting information for supporting a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application.

- Adults who receive services funded under Title I other than self-service or informational activities must be registered and determined eligible.
- EEO data must be collected on individuals during the registration process.
- Section 188 of WIA contains specific nondiscrimination provisions that provides participation in WIA is available to citizens or nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, or parolees, or other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization, including individuals granted relief under the Deferred Action for Childhood Arrivals (DACA), may access any WIA services for which they otherwise would qualify.

Concurrent Enrollment

Under the Act eligible adults are defined as individuals age 18 or older and eligible youth are 14 through 21 years of age. Thus, individuals ages 18 through 21 may be eligible for both adult and youth programs.

- Eligible individuals who are 18 through 21 years old may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth or adult

eligibility criteria applicable to the services received. Local program operators may determine, for individuals in this age group, the appropriate level and balance of youth and/or adult services.

- Local program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult programs concurrently, and ensure that services are not duplicated.

Low Income Individuals

In the event that funds allocated to the local area for adult employment and training activities are limited, priority for intensive and training services funded with Title I adult funds must be given to recipients of public assistance and other low income individuals in the local area.

- Since funding is generally limited, local areas must establish criteria by which local areas can determine the availability of funds and the process by which any priority will be applied under WIA Sec. 134(d)(2)(E). Such criteria may include the availability of other funds for providing employment and training-related services in the local area, the need of the specific groups within the local area, and other appropriate factors.
- Local areas must give priority for adult intensive and training services to recipients of public assistance and other low-income individuals, unless the local area has determined that funds are not limited under the criteria established under paragraph (1) of this section.
- The process for determining whether to apply the priority established under paragraph (1) does not necessarily mean that only the recipients of public assistance and other low income individuals may receive WIA adult funded intensive and training services when funds are determined to be limited in a local area. The local board may establish a process that gives priority for services to the recipients of public assistance and other low income individuals and that also serves other individuals meeting eligibility requirements.

Section 101(25) of the WIA describes a “low income individual” as one who:

- Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program.
- 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, payment described in subparagraph (a) 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:
 - The poverty line for the equivalent period; or
 - 70 percent of the lower living standard income level, for an equivalent period.
- 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 (7 U.S.C. 2011, et seq.)
- Qualifies as a homeless individual, as defined in Subsections (a) and (c) of Section 102 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).
- Is a foster child on behalf of whom state or local government payments are made; or
- 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 (a) or of subparagraph (b), but who is a member of a family whose income does not meet such requirements.

If the family of a disabled individual does not meet the income eligibility criteria, the disabled individual is to be considered a low-income individual if the individual's own income:

- Meets the income criteria established in WIA Section 101(25)(B); or
- Meets the income eligibility criteria for cash payments under any federal, state, or local public assistance program. [WIA Sec. 101(25)(F)].

Enforcement of Military Selective Service Act

Local programs shall ensure that each individual participating in any program established under Title I of WIA or receiving any assistance or benefit under such title, has not violated Section 3 of the Military Selective Services Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section.