

## SECTION 2 PROGRAM ELIGIBILITY

### General Eligibility Criteria

All Adults, Dislocated Workers (DLW), and Youth must meet the following general eligibility criteria:

- Citizens or nationals of the United States; or
- 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.
- All individuals who are male and age 18 or older have complied with the requirements of the Military Selective Service Act.

### Adult Program

To be eligible for career services through the Adult program, an individual must be age 18 or older and meet the general eligibility criteria above.

Priority of service must be provided in the following order:

- 1. First, to Veterans and eligible spouses of Veterans who are:**
  - a. recipients of public assistance;
  - b. low-income; or
  - c. basic skills deficient;
- 2. Second, to individuals who are not Veterans and eligible spouses of Veterans but are:**
  - a. recipients of public assistance;
  - b. low-income; or
  - c. basic skills deficient;
- 3. Third, to Veterans and eligible spouses of Veterans who are not:**
  - a. recipients of public assistance;
  - b. low-income; or
  - c. basic skills deficient
- 4. Last, to persons who are not:**
  - a. recipients of public assistance;
  - b. low-income; or
  - c. basic skills deficient.

Priority must be given to individuals who are low-income, recipients of public assistance, or basic skills deficient. Priority is not part of the eligibility determination, it is meant to emphasize access to individualized career and training services for higher-need populations. Priority of

service must be assessed at the time of the eligibility determination, and participants must be informed if they are to receive priority.

A recipient of public assistance, low-income, or basic skills deficient veteran or eligible spouse takes precedence, with all other qualifying requirements being equal, over a recipient of public assistance, low-income, or basic skills deficient, non-covered person in obtaining individualized career services and training services. This does not allow for “bumping” of non-covered persons who had previously been accepted into a program prior to the covered person applying within the same program. Priority of service applies up to the point that the participant receives approval to begin an individualized career or training service. At that point, the participant should continue to receive services as needed, even if participants with higher priority must wait to receive services because funds are limited. However, if there is a waiting list, the veterans or eligible spouse receive access to the service instead of or before the non-covered person on the waiting list. Veterans and eligible spouses receive priority of service in all WIOA Title I programs.

When adult funds are limited, the administrative entity may institute additional processes to determine individuals most in need of WIOA individualized and training services.

### **Recipients of Public Assistance, Low-income, or Basic Skills Deficient Exception**

Greater Nebraska requires at least 90% of enrollments meet category one or two eligibility. Administrative approval is required to enroll an individual under priority category three or four.

Internal monitoring will be completed quarterly (January, April, July, October) to ensure priority guidelines are followed. Technical assistance will be provided by the administrative entity if discrepancies are found.

### **Required Action**

Prior to enrollment, determine what level an Adult participant must receive priority of service:

1. Determine if the individual is a veteran or eligible spouse.
2. Determine if the individual is low-income or a recipient of public assistance.
3. If the individual is not low-income, they must complete the Basic Skills Screening Tool. If the individual answers no to any of the questions on the screening tool or is unable to complete the form without assistance, they are considered basic skills deficient.
  - a. Note: The Basic Skills Screening Tool is only used to determine if an individual should receive priority. After participation and training is determined suitable, the CASAS assessments must be provided to determine a participant’s educational needs.
4. Case note order of priority.
  - a. **Example:** *Adult Priority (case note title)*: Sue is assigned first priority, as she is a low-income Veteran.

- b. **Example:** *Adult Priority (case note title):* Matthew is assigned second priority. He is currently receiving public assistance.

Priority status automatically documents in the NEworks WIOA application, must be case noted, and supporting documentation must be scanned into ECM. If the Basic Skills Screening Tool was provided, it must be scanned into ECM under *Assessments*.

## Dislocated Worker Program

To be eligible for career and training services through the DLW program, an individual must meet the criteria outlined in one of the following five categories, as described by law and the general eligibility criteria above, as described by law.

**Note:** NEworks DLW categories are different than the DLW categories defined by law. Reference the Enrollment Checklist to ensure the correct category is chosen and proper verification is obtained.

### Category 1- Ordinary Layoff

This eligibility category covers an 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:

- eligible for or has exhausted entitlement to unemployment compensation; or
- 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.

The individual must also be unlikely to return to a previous industry or occupation.

### Category 2- Permanent Closure or Mass Layoff

This eligibility category covers an individual who has been dislocated because of a permanent closure or mass layoff, meaning an individual who:

- 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

- is employed at a facility at which the employer has made a general announcement that the facility will close within 180 calendar days; or
- 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.

If an individual retired from a company rather than being laid off due to a permanent closure or mass layoff and plans to return to the workforce you can enroll the individual in NEworks category 3.

### **Example**

John was working for a company that was going to close. He was offered to accept retirement in lieu of being laid off due to the company closure. John chose to accept retirement benefits from the company but needs to return to work to support his family. The individual provided a separation letter from the employer stating he chose to retire in lieu of layoff.

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

This eligibility category covers a self-employed individual, including family members and farm workers or ranch hands, who are unemployed as a result of general economic conditions in the community in which the individual resides or 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:

- has been dependent on the income of another family member but is no longer supported by that income; or
- 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.

The individual must also be unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

## Category 5- Service Member or Military Spouse

### Service Member

This eligibility category covers a service member who has separated or is separating from the US Armed Forces with a discharge that is anything other than dishonorable and:

- 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;
- is eligible for or has exhausted unemployment compensation; and
- 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:

- 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
- is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

### Additional Eligibility Factor

Having an active worker's compensation case does not have any effect on a client's eligibility. However, it is important to discuss if the client has any limitations on where they can work and what tasks they may not be able to perform.

### Ineligible DLWs

- Individuals that are likely to remain employed with the same employer or are likely to retire instead of seeking new employment.
- Individuals that have entered into other employment since a layoff are considered eligible if the employment is less than one continuous year and the individual is earning 75% or less of the wage paid at the time of layoff. Employment over one continuous year shall be considered an occupation change and deem the participant ineligible as a DLW.
- Given the nature of substitute teaching, working as a substitute teacher for multiple years is not considered a year of continuous employment (when considering eligibility as a dislocated worker).

## Youth Program

### In-school Youth Eligibility

To qualify for the In-school Youth (ISY) program, an individual must meet the criteria outlined below and the general eligibility criteria above.

An individual must meet all of the following criteria:

- The individual must provide equal opportunity data on race, ethnicity, age, sex, and disability;
- The individual must be between the ages of 14-21;
- The individual must be attending school, including secondary school or postsecondary school; and
- The individual is considered a low-income individual.

In addition, the individual must meet at least one of the following criteria:

- The individual is basic skills deficient;
- The individual is an English language learner;
- The individual is an offender;
- The individual is a homeless individual who:
  - 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;
    - ii. Lives in a motel, hotel, trailer park, or campground due to the lack of an adequate alternative;
    - 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 rows a and b of this list;
  - d. Lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, similar settings; or
  - e. Is a runaway;
- The individual:
  - a. Is in foster care;
  - b. Has aged out of the foster care system;
  - c. Has attained age 16 and left foster care for kinship guardianship or adoption;
  - d. Is eligible for assistance under the John H. Chafee Foster Care Independence Program; or
  - e. Is in an out-of-home placement;
- The individual is pregnant or parenting;
- The individual is an individual with a disability; or
- The individual requires additional assistance to complete an educational program or to secure or hold employment.

## **School Status**

School status is determined at the time of eligibility and remains the same throughout the individual's participation in the ISY program. Once enrolled, an ISY may continue to receive services beyond the age 21.

High school equivalency programs and dropout re-engagement programs are not considered schools for purposes of determining school status, with one exception. Individuals attending high school equivalency programs, including programs considered to be dropout re-engagement programs, are ISY when the programs:

- are funded by the public K–12 school system; and
- classify the individuals as still enrolled in school.

An individual enrolled in an alternative school, class, or education program established in accordance with Neb. Rev. Stat. § 79-266 is considered an ISY when the program classifies the individual as still enrolled in school.

## **Additional Assistance Limitation**

Not more than five percent of individuals may be eligible as ISY based solely on a need for additional assistance to complete an educational program or to secure or hold employment. Administrative approval is required to enroll an individual who qualifies solely on a need for additional assistance to complete an educational program or to secure or hold employment.

## **Out of School Youth Program Eligibility**

To qualify for the Out-of-school Youth (OSY) program, an individual must meet the criteria outlined below and the general eligibility criteria above.

An individual must meet all of the following criteria:

- The individual must provide equal opportunity data on race, ethnicity, age, sex, and disability;
- The individual must be between the ages of 16-24; and
- The individual is not attending school, including secondary school or postsecondary school.

In addition, the individual must meet at least one of the below criteria:

- The individual is a school dropout;
- The individual is 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;



- The individual is a recipient of a secondary school diploma or its recognized equivalent, a low-income individual, and either basic skills deficient or an English language learner;
- The individual is an offender;
- The individual is a homeless individual who:
  - 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;
    - ii. Living in a motel, hotel, trailer park, or campground due to the lack of adequate alternative;
    - iii. Living in an emergency or transitional shelter;
    - iv. Is abandoned in a hospital; or
    - v. 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 rows a and b of this list;
  - d. Lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, or similar settings; or
  - e. Is a runaway;
- The individual:
  - a. Is in foster care;
  - b. Has aged out of the foster care system;
  - c. Has attained age 16 and left foster care for kinship guardianship or adoption;
  - d. Is eligible for assistance under the John H. Chafee Foster Care Independence Program; or
  - e. Is in an out-of-home placement.
- The individual is pregnant or parenting;
- The individual is an individual with a disability; or
- The individual requires additional assistance to enter or complete an educational program or secure or hold employment and is a low-income individual.

### **School Status**

School status is determined at the time of eligibility determination and remains the same throughout the individual's participation in the youth program. Once enrolled, OSY may continue to receive services beyond age 24.



### **Low-income Requirements**

An individual must be low-income if the individual is the recipient of a secondary school diploma or a recognized equivalent and eligibility as an OSY is based on:

- Basic skills deficiency;
- Being an English language learner; or
- A need for additional assistance to enter or complete an educational program or to secure or hold employment.

### **Low-income Exception**

Up to five percent of all youth (in-school and out-of-school) program participants, 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. Administrative approval is required to enroll an individual who does not meet the low-income guidelines.

A youth's dropout status is determined at the time of registration. A youth attending an alternative school at the time of registration is not a dropout. An individual who is out of school at the time of registration and subsequently placed in an alternative school, may be considered an out-of-school youth for the purposes of the 30 percent expenditure requirement for out-of-school youth.