

M E M O R A N D U M

To: Board of Directors
From: Doloris E. Vest
Date: September 25, 2008
Re: Bylaws Amendment

During PY2007 WIA Compliance review, monitor Tab Mines suggested that the board amend its self sufficiency policy as follows:

In WWWDB Policy 03-109 Self Sufficiency and Adult Eligibility, Section 2,E,I, insert the word "Employed" to avoid confusion over income guidelines for program participation.

Board staff recommends approval of the amendment.

Policy and Procedure

Title:	Self Sufficiency and Adult Eligibility	Number:	03-109
Effective Date:	April 4, 2003	Revisions:	October 6, 2006

Purpose

The purpose of this policy and procedure is to establish eligibility requirements for adult intensive and training services, and to define Workforce Investment Area III criteria for determining whether employment leads to self-sufficiency.

Reference

- 6 P.L.105-220 Workforce Investment Act (WIA)
- 7 Virginia Community College System WIA Policy 00-6
- 8 U.S. Department of Health & Human Services Poverty Guidelines
- 9 U.S. Department of Labor Lower Living Standard Income Level

Policy

1. Eligibility Requirements for Services to Adults

- A. In order to be eligible for adult services, the individual must:
 - i. Be 18 years of age or over [20 CFR Part 663.110];
 - ii. Comply with the provisions of the Military Selective Service Act [Section 189(h); 20CFR Part 667.250]; and
 - iii. Be lawfully eligible to work in the United States.
- B. Dislocated worker funds may be applied to services for an eligible adult who:
 - i. Has been terminated or laid off, or has received a notice of termination or lay-off from employment; and
 - ii. Is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate, to the appropriate entity at a workforce center, attachment to the work force, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a state unemployment compensation law; and
 - iii. Is unlikely to return to a previous industry or occupation.

2. Definitions

- A. Unlikely to return to a previous industry or occupation: The WVVWDB defines "*unlikely to return to a previous industry or occupation*" as prospects for continuing employment for which the customer is qualified by training and experience are minimal and are not likely to improve in the foreseeable future in the locality in which the customer resides. This can occur due to the nature of the particular industry or occupation in an area (also known as "declining industries or occupations"), or can be the result of obsolete individual skills in a demand occupation or industry that preclude an individual from being competitive or finding reemployment without the upgrading of skills. Labor market information from multiple sources is used by the caseworker in making this determination on a case-by-case basis.

or

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 at, a plant, facility, or enterprise; or is employed at a facility where the employer has made a general announcement that such facility will close within 180 days.

B. Substantial layoff: VVWDB defines "*substantial layoff*" as the layoff at or about the same time and for the same reasons of at least 33.3% of the total number of workers employed in an establishment.

C. Dislocated workers do not include workers who are likely to remain with the layoff employer, or who are likely to retire and leave the labor market. A determination of whether an individual is likely to be recalled will be based upon the best available information from the worker and the employer at the time the layoff notice or closure is received. An individual who

is employed at a facility at which the employer has made an unofficial, general announcement of closure, with no specific date as to when that closure will occur, may be eligible to receive staff-assisted core services as a dislocated worker;

or

was self-employed (including employment as a farmer, a rancher, or a fisherman);

and

is unemployed as a result of natural disasters or general economic conditions in the community where the individual resides.

D. Self-employed: The VVWDB defines "*self employed*" as an individual who is engaged in an independently established trade, occupation, profession or business for which an appropriate business license has been obtained and income taxes have been filed as a "business entity";

or

is a displaced homemaker who has been providing unpaid services to family members in the home [20 CFR Part 663.120, Section 101(10)];

and

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

and

is unemployed or underemployed;

and

is experiencing difficulty upgrading or obtaining employment.

E. Self Sufficiency

i. Self Sufficiency – **Employed** Adult: 175% of the Lower Living Standard Income Level updated annually by the U.S. DOL.

ii. Self Sufficiency – Dislocated Worker: The higher of 175% of the Lower Living Standard Income Level or 80% of the layoff wage.

3. Eligibility

An eligible adult or an eligible dislocated worker may receive intensive services if he/she:

A. Is unemployed and is unable to obtain employment through core services; and has been determined by a one-stop operator to be in need of more intensive services beyond core services in order to obtain employment; **or**

B. Is employed, but who is determined by a one-stop operator to be in need of intensive services in order to obtain or retain employment that allows for self-sufficiency.

If funds are limited, priority of service guidelines must be considered in the case of adults, but do not apply to dislocated workers.

In order to receive training services, adults and dislocated workers must have already been found to be eligible and qualified for intensive services and must meet all four of the following:

- A. Who after an interview, evaluation, or assessment, and case management, have been determined by a program operator, as appropriate, to
 - 1. Be in need of training services; **and**
 - 2. Have the skills and qualifications to successfully participate in the selected program of training services; **and**
 - 3. Have selected a program of training services from the list published by the WVVDB and directly linked to board-identified priority occupations in the local area or in another area in which the participant is willing to relocate; **and**
 - 4. Have applied for other grant assistance, including Federal Pell Grants established under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); **and**
- B. Are unable to obtain other grant assistance for such services; or
- C. Require assistance beyond the assistance made available under other education, training and employment assistance programs, including Federal Pell Grants; or
- D. Are waiting for an application for a Federal Pell Grant to be processed, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.

If funds are determined to be limited, federal statutory priority of service guidelines must be considered in the case of adults, but do not apply to dislocated workers.

4. Waivers:

A waiver to the above maximum specifications may be requested from WVVDB president on a case-by-case basis. The necessity for waiver must be sufficiently justified documented in order for a waiver to be approved.