

**MISSISSIPPI
POLICY NUMBER 37
ELIGIBILITY DETERMINATION POLICY
Workforce Innovation and Opportunity Act**

I. SCOPE AND PURPOSE

Section 680.100 and Section 680.195 of the Workforce Innovation and Opportunity Act (WIOA) regulations outline the eligibility criteria for adults, dislocated workers, and youth. The purpose of this policy is to provide guidance to the local workforce development areas and subcontractors for use in developing and using a local eligibility policy and/or procedure. Each local workforce development area or WIOA subcontractor shall have appropriate procedures to ensure that only eligible individuals are served in programs funded under Title IB of WIOA.

II. REQUIREMENTS

Each local policy shall address youth, adult, and dislocated worker eligibility issues. The policies and related procedures should allow staff discretion for determining participant eligibility.

The following provisions of WIOA shall apply when determining an individual's eligibility to participate in WIOA Title IB programs.

- A. All individuals receiving any WIOA Title IB funded services beyond self-service and informational services, must meet the provisions of Section 189(h) of WIOA regarding the enforcement of compliance with the Military Selective Service Act; and the provisions of Section 188 of WIOA, regarding the availability of Title IB services to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.
- B. All individuals receiving services beyond self-service and informational services funded by WIOA Title IB **adult** funding stream under Section 133(b)(2)(A) of WIOA must be 18 years of age or older and meet the priority for service determinations established by the local workforce development board (LWDB) in accordance with Section 134(d)(4)(C) of WIOA for the local workforce area in which the individual is applying for services.
- C. All individuals receiving services beyond self-service and informational services funded by WIOA Title IB **dislocated worker** funding stream under Section 133(b)(2)(B) of WIOA must be 18 years of age or older and meet the definition of dislocated worker in accordance with Section 129(A) and State Policy Number 31.
- D. Individuals receiving services funded by WIOA Title IB youth funding stream under Section 128(b)(2)(A) must be at least 16 years of age and not more than 24 years of

age at the time of registration for services and meet the definition of eligible youth in Section 129(A). The term "eligible youth" means an individual who:

1. Is not less than age 16 and not more than age 24;
2. Is a low-income individual; and
3. Is an individual who is one or more of the following:
 - a. Deficient in basic literacy skills;
 - b. A school dropout;
 - c. Homeless, a runaway, or a foster child;
 - d. Pregnant or a parent;
 - e. An offender; or
 - f. An individual who requires additional assistance to complete an educational program, or to secure and hold employment.

E. Not more than 5% of the eligible youth who do not meet the minimum income criteria established in Section 129(a)(3) of the Act may receive youth funded services if they meet the criteria established in WIOA Section 129(c)(5) of the Act.

1. The minimum income criteria established in Section 129(a)(2) of the Act apply to an individual who:
 - a. Receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;
 - b. 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, payments 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:
 - (1) the poverty line, for an equivalent period; or
 - (2) 70 percent of the lower living standard income level, for an equivalent period;
 - c. 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.);
 - d. Qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);
 - e. Is a foster child on behalf of whom State or local government payments are made; or
 - f. 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.

2. Individuals who do not meet the minimum income criteria in subsection 1 shall be within one or more of the following categories:
 - a. Individuals who are school dropouts.
 - b. Individuals who are basic skills deficient.
 - c. Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.
 - d. Individuals who are pregnant or parenting.
 - e. Individuals with disabilities, including learning disabilities.
 - f. Individuals who are homeless or runaway youth.
 - g. Individuals who are offenders.
 - h. Other eligible youth who face serious barriers to employment as identified by the local board.
- F. Participants receiving services in projects funded by **statewide activity** funds in accordance with Sections 129(b) and 134(a) of the WIOA must meet the following eligibility criteria:
1. Projects serving adults age 18 and over shall be subject to the eligibility provisions established for the project.
 2. Projects serving dislocated workers shall be subject to the eligibility provisions established in Section C above.
 3. Projects serving youth ages 14 to 21 at the time of service entry shall be subject to the provisions of Section D above.
 4. Projects serving displaced homemakers may include individuals who are receiving public assistance and are 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.) in accordance with Section 134((a)(3)(A)(vi)(I) of the WIOA.
- G. The following additional **definitions** from WIOA section 681.220 apply to eligibility determinations for WIOA Title IB Youth Programs:
1. In-School Youth- The term "in-school youth" means an individual who is:
 - a. Attending school as defined by State law), including secondary and postsecondary school;
 - b. Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 21 once they are enrolled in the program;
 - c. A low-income individual; and

- d. One or more of the following;
 - (1) Basic skills deficient;
 - (2) An English language learner;
 - (3) A homeless individual aged 14 to 21 who meets the criteria defined in sec. 414003(6) of the Violence Against Women Act of 1994 (42 U.S. C. 14043e-2(6), or a runaway.
- 2. OFFENDER - The term "offender" means any adult or juvenile
 - a. Who is or has been subject to any stage of the criminal justice process, 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.
- 3. OUT-OF-SCHOOL YOUTH - The term "out-of-school youth" means
 - a. an eligible youth who is a school dropout; or
 - b. an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.
- 5. SCHOOL DROPOUT - The term "school dropout" means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.
- 6. 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 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.

G. Each local workforce development area shall have appropriate procedures to ensure that only eligible individuals are served in programs funded under Title IB of WIOA. The State will issue a policy to specify acceptable eligibility documentation and verification methods. However, the local area may adopt eligibility documentation procedures requiring a higher level of verification than self-certification.

III. EFFECTIVE DATE

This policy shall be effective immediately upon signature.



Robin Stewart
Interim Executive Director
Mississippi Department of Employment Security

11-29-2021
Date