

Eligibility

November 2004

- 1) ***It has recently come to my attention that a youth with an I.E.P. (Individual Education Program) is determined automatically eligible per a City Staff Member. I was also told to provide the I.E.P. signature page for proof. Since receiving this information, I started working with the P.E.P. (Positive Education Program). All of the students in this school have an I.E.P. Could you please shed some light on this?***

Youth who have an IEP are considered disabled for WIA purposes in the State of Ohio. If a youth is considered disabled for WIA purposes and his/her family is not low income, then WIA staff only have to use the youth's income to determine whether or not s/he is low income. The following is from the WIA Law that defines what is low income (WIA Law section 101 (25) (F)):

(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.

A youth has to meet the following three requirements to be eligible for WIA:

1. They have to be 14-21
2. They have to be low-income
3. They have to have a barrier to employment

An individual who has an IEP may be eligible if they meet the requirements above but are not automatically eligible because they have an IEP.

- 2) ***I have a 20 year old who has come in and asked for assistance with 1½ years of a bachelor program. She is currently working 30 hours per week at \$10 per hour. In the last 6 months, she has made \$6000. She currently lives in an apartment and is responsible for all her bills. We are currently not on limited funds status. Do we look at her as a unit of 1, or do we count the family income at this point in time? I want to serve her as an adult.***

She is eligible as an adult for WIA purposes as long as she meets the citizenship criteria (she already meets the age criteria and is not required to register for the selective service). However, if you want to provide her with intensive or training services, she will need to meet the requirements of the WIA regulations in 663.220 (b). This section defines the eligibility criteria for employed individuals for intensive services. If she is employed (which she is from your description), you then have to determine whether she is self-sufficient. The self-sufficiency criteria is determined at

the local level. If she is self-sufficient, she would not be eligible for intensive or training services; but if she isn't self-sufficient, you could provide those services.

- 3) ***Can a student enrolled in college, still claimed as a dependent, be eligible as an adult? In reading the definition of an adult, it does not mention anything about being financially independent or even having a means of support.***

The definition of an adult for WIA only requires that they be 18 years old, a citizen, or of other legal alien status that meets federal requirements, and register for the selective service if they are required. It does not matter whether they are legally a dependent or not. So a student who is a dependent could be eligible as an adult for WIA purposes.

- 4) ***I have a program question about the appropriateness of processing a client for WIA funding. The person in question is currently working full-time locally as an alcohol/drug counselor. He has worked in this position for three years and has received a letter from the Chemical Dependency Professionals Board that states they are phasing out the CCDC I Certification and that he has by December 23, 2008. At that time he will not be able to work under that certification. He will be required to complete an associate's degree or higher in a behavioral science or non-related bachelor's degree and successfully complete the CPM oral examination before that date to keep his job. He does not have the financial means to do this. He is looking into schools to get the associate's degree. He thinks the employer may assist with funding for books, and he is filling out a FAFSA. The BVR person he contacted since he has a disability contacted me to see if WIA could help. BVR evidently can't help since he is currently working full-time. It appears he will be a dislocated worker by Dec. 23, 2008 but may qualify as one now since he has received the notification that he will no longer be qualified without the added training/credential. Should I process him for funding and if so, what funding source? I'm not sure SCOTI will recognize him as dislocated at this time.***

I have checked with several of the policy folks in our office. He would not be eligible as a Dislocated Worker. He would be eligible as an Adult, but you would have to explore whether he is self-sufficient to receive intensive and/or training services.

- 5) ***Are there any state guidelines about public vs. private training providers? Here in Gallia Co. there is Office Training available at a Local Vocational School, a Community College, and a Private for Profit Business College (all three are on the State approved provider list). I have examples of forms from Franklin County from when we started the program, and one states that public schools should be used whenever possible. Is this a local decision?***

The initial eligibility for Eligible Training providers is a little different for postsecondary, two-year, and four-year colleges and universities, and all other training providers. There are procedure letters that have been issued on how they are

treated differently. You can find the policies at this link:
http://www.ohioworkforce.org/WIAI/policy_info.stm

Under the Procedure section you will find the revised certification procedures for both groups.

The local policy from Franklin County is a local decision. The federal policy indicates that the participant who receives the training should have the ability to select any provider on the State Eligible Training Provider list.

6) *Does ODJFS have policy on Workforce Investment Act (WIA) eligibility and training eligibility for dislocated workers?*

Yes. Refer to Guidance Letter 6-2000 and Guidance Letter 1-2001. Go to:
http://www.ohioworkforce.org/WIAI/policy_info.stm

7) *At one time under JTPA, anyone who was selected for and attended a Worker Profiling Session (now called Re-employment Seminar) was considered a Dislocated Worker and eligible for, then JTPA services, and now WIA services as a Dislocated Worker. Is someone who attends a Re-Employment Seminar still automatically considered a Dislocated Worker? If so, will you provide some state documentation or ruling to that effect?*

The State has not chosen to use profiling and attendance at a Re-Employment Services seminar as automatic eligibility of an individual as a dislocated worker for WIA services. An individual must be determined eligible by meeting the dislocated worker definition in Section 109(9) of the Workforce Investment Act.