

**COMMONWEALTH OF VIRGINIA  
VIRGINIA EMPLOYMENT COMMISSION**

<b>Policy Number:</b>	<b>00-06</b>
<b>Effective Date:</b>	<b>December 6, 2000</b>
<b>Revision #:</b>	<b>1</b>
<b>Revision Date:</b>	<b>November 5, 2002</b>
<b>Title:</b>	<b>Universal Access, Adult Eligibility and Priority of Services</b>

## **PURPOSE**

To describe the core services that will be universally accessible by all Virginians in comprehensive one-stop delivery centers, and to describe the eligibility criteria and the conditions required for adults and dislocated workers to participate in increasingly intensive WIA services and training activities. It will also address Virginia's policy on the federal requirement to prioritize low-income individuals and recipients of public assistance for intensive and training services in the event that adult funds are limited.

## **REFERENCES**

Code of Virginia, Section 9-329.1(F).

Workforce Investment Act; Interim Final Rule, 20 CFR Parts 662, 663.

P. L. 99-603, Immigration Reform and Control Act of 1986, Section 101, (a) and (b).

P.L. 105-220, Workforce Investment Act (WIA), Sections 101, 121 and 134. Federal Register, April 15, 1999 (Volume 64, No. 72), U. S. Department of Labor.

Training and Employment Guidance Letter No. 7-99, March 3, 2000 - Core and Customer Satisfaction Performance Measures for the Workforce Investment System.

## **POLICY STATEMENT**

WIA describes a one-stop delivery system for a continuum of workforce development services for adults and dislocated workers that supports a "work first" model. This tiered model begins with a basic set of core information, self-help and staff assisted services at a one-stop service delivery center that are available equally to all individuals seeking a job or wishing to advance their careers. The universally accessible core services function as a gateway to more intensive services for adults and dislocated workers, and intensive services open the door to in-depth training activities. As services become increasingly intensive and comprehensive, eligibility provisions, qualifications and priority requirements emerge to determine the appropriateness, the suitability and the necessity of providing the expanded services.

For documentation purposes, another required partner agency's documentation is acceptable, if such documentation is used to verify the same eligibility or qualifying requirements as for WIA. Self-certification (an individual's signed attestation that the information he/ she submits to demonstrate eligibility for a program under title I of WIA is true and accurate) may also be acceptable as a means of verifying eligibility under WIA when appropriate.

The WIA Division is available to provide technical assistance to chief local elected officials, local workforce investment boards and one-stop operators to ensure effective and efficient local implementation of the WIA.

**RECISIONS:** This policy was rescinded on March 27, 2003 and replaced with policies 03-01, 03-02 and 03-03. Please refer to those policies for the most updated legislative interpretation.

**APPROVED:**

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Michael A. Daniels, Chairman  
Virginia Workforce VWC

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Dolores Esser, Commissioner  
Virginia Employment Commission

**DATE:** \_\_\_\_\_

**ATTACHMENTS:**

**ATTACHMENT A: Universal Access to Core Services**

**ATTACHMENT B: Eligibility Criteria**

**ATTACHMENT C: Priority of Services Requirements**

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ATTACHMENT A: UNIVERSAL ACCESS TO WIA CORE SERVICES**

Universal access means that all adults shall have equal access to WIA core services and that no adult shall be at a particular disadvantage or shall encounter unnecessary difficulty in gaining access to those services. The provision of universal access to core services must take into account issues such as:

1. Eliminating architectural and programmatic barriers to individuals with disabilities;
2. Facilitating access for individuals with poor computer skills to computer based information and services;
3. Excluding place of residence as an eligibility criteria for receiving services; and
4. Furnishing access to a physical location with minimal transportation barriers and flexible hours of operation.

Although additional core services may be added, as necessary, the following mandatory **self-service and informational core services** must be accessible to all individuals through local one-stop service delivery systems, having no requirements for participant registration, eligibility, qualification or prioritization of service:

1. Outreach, intake and orientation to the information and other services available through the one-stop delivery system;
2. Initial assessment of skill levels, aptitudes, abilities, and supportive service needs. (*This could include initial development of an employment plan [TEGL 7-99]*)
3. Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including:
  - a. Job vacancy listings in such labor market areas;
  - b. Information on job skills necessary to obtain the listed jobs; and
  - c. Information relating to local occupations in demand and the earnings and skill requirements for such occupations.
4. Provision of performance information and program cost information on:
  - a. Eligible providers of WIA training services;
  - b. Eligible providers of WIA youth activities;
  - c. Providers of adult education described in title II;
  - d. Providers of postsecondary vocational education activities and vocational education activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act; and

- e. Providers of vocational rehabilitation program activities described in the Rehabilitation Act of 1973.
5. Provision of information regarding filing claims for unemployment compensation;
6. Provision of accurate information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;
7. Provision of information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area;
8. Information and assistance in applying for:
  - a. Welfare-to-Work activities and
  - b. Programs of financial aid assistance for training and education programs that are not funded under WIA and are available in the local area.
9. Self-help job search and placement assistance; and

***(Note: Registration is not required for self-help job search activities in a career/ resource center, job referrals that are informational in nature or referrals to labor exchanges. One-on one or group instruction on how to conduct a job search using the self-service resources of a career center can be provided without WIA registration, as well. [TEGL 7-99])***

10. Access to the core services and information about all programs of required partner agencies.

***(Note: At a minimum, partner core services must be available at the local comprehensive one-stop center and included in the MOU. [20 CFR, 662.250])***

The following mandatory **staff-assisted core services** shall be accessible to all individuals through local one-stop service delivery systems, having no requirements for participant registration, eligibility, qualification or prioritization of service

1. Job search;
2. Job referral; and
3. Placement assistance, including career counseling.

***(Note: This would include such activities as staff-assisted job clubs and workshops as well as one-on-one assistance to clients. It would also include job development when staff works with both jobseeker and employer and job referrals when staff assists with testing and background checks. [TEGL 7-99])***

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ATTACHMENT B: ELIGIBILITY CRITERIA**

**Adult Eligibility Criteria**

To be eligible for WIA Title I adult services, an individual must meet all three of the following criteria:

1. Be 18 years of age or over [20 CFR Part 663.110];
2. Comply with the provisions of the Military Selective Service Act [Section 189( h); 20CFR Part 667.250]; and
3. Be lawfully eligible to work in the United States. *(Note: Self-attestation can be accepted as documentation for this criterion.)*

In order to use dislocated worker funds to pay for the WIA activities of an eligible adult, it must be determined that an individual meets either one of the following categories of dislocated worker eligibility. [Section 101(9), 20 CFR Part 663.115] The individual:

1. The individual:
  - a. Has been terminated, laid off or has received a notice of termination or layoff from employment; **and**
  - b. Is eligible for, or has exhausted entitlement to unemployment compensation or has been employed long enough to demonstrate that he or she has 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** is unlikely to return to a previous industry or occupation; **or**

*(Note: Each LWIB will establish a local policy to define "unlikely to return to a previous industry or occupation." A local policy may include allowances for declining industries or occupations or it may take into consideration obsolete individual skills in a demand occupation or industry that could preclude an individual from being competitive or finding reemployment in the current occupation without the upgrading of skills. The determination will be part of the individual's case management file.*

*Look-back period: To establish the previous occupation for people who may have accepted "stop-gap" employment, Virginia will allow an optional look-back period of two years. The predominant occupation during that time or the occupation of initial dislocation may be considered the previous occupation.)*

2. The individual:

- a. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of a 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; **or**

*(Note: "Substantial layoff" should be defined by the LWIBs and may be based on a proportionate formula. Any local decision on the use of their funds does not affect how State Rapid Response will respond to WARN notices involving 50 or more workers, but should be a coordinated effort.)*

*"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.)*

3. The individual:

- a. Was self-employed (including employment as a farmer, a rancher, or a fisherman) **and**
- b. Is unemployed as a result of natural disasters or general economic conditions in the community where the individual resides; **or**

*(Note: The LWIB must define who is "self-employed." Family members, farm or ranch hands of self-employed individuals may also qualify as dislocated workers to the extent that their contributions to the farm, ranch, or enterprises meet the requirements in a policy established by the LWIB.)*

*In determining "general economic conditions," LWIBs must consider declining industries, current income in comparison to previous years as a result in demand for products or other circumstances, bank actions against a business, natural disasters, etc.)*

4. The individual:

- a. 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**
- b. Who has been dependent on the income of another family member but is no longer supported by that income; **and**
- c. Is unemployed or underemployed; **and**
- d. Is experiencing difficulty upgrading or obtaining employment.

*(Note: The definition of displaced homemaker includes only those individuals who were dependent on a family member's income. Those individuals who have been dependent on public assistance may be served in the adult program. [20 CFR Part 663.120])*

**B. Eligibility of the dislocated worker is determined at the time of application. If served by the dislocated worker program, this determination remains intact for the period of program participation.**

**II. Adult Qualification for Intensive Services**

**A. In order to receive WIA intensive services, an adult must be enrolled/ registered into WIA.**

*Registration means the process for collecting information to determine eligibility and qualification for intensive and training services under Title I [20 CFR 663.105]. It is the point at which information that is used in performance measurement under Title I begins to be collected.*

*WIA registration should not be confused with registration for Wagner-Peyser or any other partner program. Enrollment/ registration into WIA is only required to receive WIA intensive and training services. WIA registration is not required for customers of a one-stop center that receive intensive services that are not funded by WIA title I [TEGL 7-99].*

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

1) 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;

*Federal law stipulates that adults or dislocated workers must receive a minimum of one core service in order to be eligible for intensive services. The*

*law does not stipulate which core services must be provided, however, the case management file must document an initial assessment determining the*

*individual's skill levels, aptitudes, and supportive services needs [20 CFR, 663.160] and*

*documentation of a job search and/ or placement assistance*

*provided. There is no minimum time period for participation in core services before receiving intensive services. LWIBs may further define this regulation*

*according to local preference.*

**or**

2) 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.

*LWIBs should determine their own definition of what it means to be self-sufficient in their locality as long as it meets the minimum criteria of paying the*

*lower living standard income level. Recognizing that there are different local conditions that should be considered in this determination, the regulation*

*provides maximum flexibility. Such factors as family size and local economic conditions may be included in the criteria. It may often occur that dislocated*

*workers require a wage higher than the lower living standard income level to maintain self-sufficiency. Therefore, self-sufficiency may be defined in relation*

*to a percentage of the layoff wage for dislocated workers [20 CFR 663.230].*

3) If funds are limited, federal statutory priority of service guidelines must be considered in the case of adults, but do not apply to

dislocated workers. See Attachment C.

**C. Intensive services are listed in WIA Section 134 (d) (3) (C). The list is not all-inclusive, and local boards may provide other intensive services.**

*Services such as literacy activities related to basic workforce readiness, internships, work experience, out-of-area job search assistance and relocation assistance are considered to be "intensive" and may be provided, based on an assessment or individual employment plan [20 CFR, 663.200]. Intensive services may be provided directly by the one-stop operator or contracted to service providers with the approval of the local board [20 CFR, 663.210].*

**C. As soon as an individual is enrolled/ registered for WIA and begins to receive WIA intensive services, either as an adult or a dislocated worker, they become a WIA participant and the following mandatory core services must be available to all participants who are eventually placed in unsubsidized employment:**

1) Follow-up services, including counseling regarding the workplace, for a minimum of 12 months following the first day of employment.

#### **IV. Qualification for Training Services**

**A. 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:**

1) Have received intensive services and are unable to obtain or retain employment through such services;

*The case file must contain a determination of need for training services as identified in an individual employment plan, comprehensive assessment, and through any other intensive service received [20 CFR, 663.240].*

**and**

(2) Who after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate,

(a) To be in need of training services; **and**

(b) To have the skills and qualifications to successfully participate in the selected program of training services; **and**

(c) To have selected programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults or dislocated workers receiving such services are willing to relocate;

**and**

(3) 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**

a) Are unable to obtain other grant assistance for such services; **or**

b) Require assistance beyond the assistance made available under other education, training and employment assistance programs, including Federal Pell Grants; **or**

c) 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.

(4) 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. See Attachment C.

**B. Training services are listed in WIA Section 134 (d) (4) (D). The list is not all-inclusive and other training services may be provided by LWIBs.**

**C. A dislocated worker participating in training under title I of WIA is deemed to be in training with the approval of the Virginia Employment Commission Unemployment Insurance Program. This ensures that unemployment compensation cannot be denied to the individual solely on the basis that the individual is not available for work because he or she is in training [20 CFR, II. Summary and Explanation, Part 663, Subpart C].**

*Currently this provision is lacking in WIA, but under the DOL Secretary's authority to guide transition from JTPA to WIA, this JTPA provision will remain in effect during the transition period. DOL plans to seek an amendment adding similar language to WIA, which would deem all adults participating in training under title I of WIA to be in approved training for the purposes of unemployment compensation qualification [20 CFR, II. Summary and Explanation, Part 663, Subpart C].*

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 ATTACHMENT C: PRIORITY OF SERVICES REQUIREMENTS**

**I. Priority of Service--Federal**

Federal law stipulates that in the event that funds allocated to a local area for adult employment and training activities are limited, priority shall be given to recipients of public assistance (defined as cash assistance) and other low-income individuals for intensive services and training services.

Federal priority guidelines apply to adult funds only. Funds allocated for dislocated workers are not subject to this requirement [20 CFR 663.610].

LWIBs must determine if funds to serve low-income individuals and welfare recipients in their local area are limited and must describe the process used to make that determination. LWIBs may take into consideration the availability of non-WIA employment and training funds that assist low income and welfare populations to become employed and self-sufficient. These might include both private and public funding sources such as city and county grants, educational financial aid, Temporary Assistance for Needy Families, Welfare-to-Work, VIEW and HUD funds and Community Development Block Grants. The board may also consider the needs of the specific groups within the area and other appropriate factors [20 CFR 663.600]. Local boards will have the responsibility of directing one-stop operators on this issue once the determination has been approved by the Governor.

The definition for low-income individual that is used in WIA Title I Subtitle A, Section 101 will be used by local boards in developing their screening criteria, data collection and their documentation process.

Giving priority of services to low-income adults and to adults receiving public assistance does not preclude providing intensive and training services to other WIA eligible adults.

**II. Priority of Service— State**

The Governor has not targeted any special population for priority of service for PY2000.

**III. Priority of Service--Local**

Local WIBs may consider developing priority of service guidelines that reflect the special needs of their local areas, as long as those guidelines do not outweigh the 12 federal mandate to serve public assistance recipients and other low-income populations, if funds are limited.

Residency may not be used for priority of services regarding core services. Core services shall be universally available to all adults and dislocated workers regardless of where they live.

Adults and dislocated workers cannot be categorically denied enrollment into intensive and training services based on residency. However, if resources are limited for workforce development activities, LWIBs and local elected officials may use certain residency considerations as part of a priority ranking system. For example, clients who live in certain counties with high unemployment rates may receive a higher ranking than those that live in other areas within the local area.

Those that reside outside of the local area or out of the State may receive a lower ranking than those that live within the area. LWIBS may also have different levels of priority for intensive services versus training services.

Any priority ranking system set up by a local WIB must be consistently applied at all one-stop centers within that local area and the participant selection process that is based on this priority system must be appropriately documented. Any priority ranking system must be included in the local plan and approved by the Governor.