

Attachment B

NYSDOL Adult Program Eligibility Requirements

Common Requirements for NYSDOL Funded One Stop Programs:

WIA Adult, WIA Dislocated Worker, Wagner Peyser, Trade Adjustment Assistance, and Veterans Programs

Eligibility Requirements – WIA Title 1B			
Eligibility Criteria	Program	Eligibility Requirements	Action
Age	Adult	Individuals must be 18 years of age or older to be eligible to participate in the WIA Adult program.	<p>Staff must identify the individual's age (i.e., Date of Birth).</p> <p>If the participant receives only staff assisted core services, then self identification is an acceptable source.</p> <ul style="list-style-type: none"> ○ The individual's Date of Birth (DOB) must be recorded in the OSOS DOB data field. ○ Record an OSOS Comment, noting the source(s) used to determine age. <p>If the participant receives intensive or training services (i.e., more than core services), refer to <i>Attachment C – DEV Requirements</i> for guidance on how to document age.</p>

Eligibility Requirements – WIA Title 1B			
Eligibility Criteria	Program	Eligibility Requirements	Action
Selective Service / Military Status	Adult and DW	<p>Only applies to males born after December 31, 1959.</p> <p>Section 189(h) of WIA requires individuals to be in compliance with Section 3 of the Military Selective Service Act (50 U.S.C. App 453), in order to participate in WIA Title 1-B funded programs. Section 3 of the Military Selective Service Act requires all males born after December 31, 1959 to be registered with the US Military Selective Service.</p> <p>USDOL/ETA's eligibility/DEV policy does not specify required source documentation for verifying Military Selective Service, therefore the following are acceptable sources:</p> <ul style="list-style-type: none"> • Self Identification • Selective Service Registration Card • Selective Service Status Information Letter • Selective Service Registration Record (Form 3A) • Selective Service Verification Form • Stamped Post Office Receipt of Registration • Registered on the US Selective Service System <p>https://www4.sss.gov/regver/verification1.asp OSOS contains a link "register/look-up" (staff must enter the individual's name, DOB and SSN to look up an individual).</p>	<p>Staff must verify that a male participant born after December 31, 1959 is registered with the US Military Selective Service. Selective Service / Military Status is not a DEV requirement</p> <p>.If registered:</p> <ul style="list-style-type: none"> ○ Check the OSOS SS box, and if available, record the Selective Service registration number (e.g., 67 - 0398583 – 1). ○ Record an OSOS Comment, noting the source(s) used to determine Selective Service / Military Status. <p>For males 18 -25 years of age who are not registered with the selective service:</p> <ul style="list-style-type: none"> • Staff must refer the individual to the Selective Service for registration. • WIA funded services can not be provided until the individual is registered. However, services funded by the W-P program may be provided. <p>For males 26 years of age or older, whose selective service registration status can not be verified:</p> <ul style="list-style-type: none"> • WIA funded services can be provided, as long as the individual discloses that it was not willful or deliberate avoidance of selective service registration. • Staff must refer the individual to the Selective Service, and record an OSOS Comment noting the individual's statement; that the referral was made; and the date the referral was made. No hard copy documentation is required to be maintained.

Eligibility Requirements – WIA Title 1B			
Eligibility Criteria	Program	Eligibility Requirements	Action
Dislocated Worker (DW)	DW	<p>At the time of the 1st staff assisted service.</p> <p>An individual is eligible to receive services as a WIA DW if they fall into any one of the following Categories:</p> <ul style="list-style-type: none"> o Category 1 DW – Laid Off: Unlikely to Return to Previous Occupation o Category 2 DW – Plant Closure o Category 3 DW – Self Employed o Category 4 DW – Displaced Homemaker o Foreign Trade DW – Dislocated due to Foreign Trade 	<p>Staff must make a determination as to whether or not a participant is eligible for the WIA DW program.</p> <p>Assess the individual's work history to determine if they fall into a DW eligibility category.</p> <p>Obtain information about the participant's work history (i.e., dislocation job/situation).</p> <p>Record this information in the "OSOS Work History" tab, or in OSOS Comments if the individual has self-employment or employment in the home.</p>

Eligibility Requirements – WIA Title 1B			
Eligibility Criteria	Program	Eligibility Requirements	Action
Dislocated Worker (DW) – Continued	DW	<p>Category 1 DW – Laid Off: Unlikely to Return to Previous Occupation</p> <p>To be eligible as a WIA DW under this Category, the participant must meet <u>all three</u> criteria below:</p> <ol style="list-style-type: none"> 1. The individual has been terminated or laid off, or has received a notice of termination or layoff from employment; 2. The individual is eligible for, or has exhausted entitlement to, unemployment compensation; or has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and 3. The Individual is unlikely to return to a previous industry or occupation. 	<p>Active UI Claimant Profiled as Likely to Exhaust Benefits or UI Exhaustee is considered to meet <u>all three</u> criteria and can be designated as a Category 1 DW.</p> <p>Active UI Claimant is considered to meet criteria 1 & 2. Therefore, staff must verify the participant is unlikely to return to their previous occupation (Criteria 3).</p> <p>If the participant receives only staff assisted core services, then self identification is an acceptable source. However, staff can also determine “unlikely to return to their previous occupation” thru job search activities, which result in no jobs within 1-hour travel by personal transportation or 1½ hours by public transportation.</p> <ul style="list-style-type: none"> ○ Record/select “Category 1” DW in the OSOS Customer Detail-Work History/Reason for Leaving ○ Record the “qualifying date of the dislocation” in the OSOS pop-up field. ○ Record an OSOS Comment, noting the source(s) used to determine “unlikely to return to a previous industry or occupation.” <p>If the participant receives intensive or training services (i.e., more than core services), then refer to Attachment C – DEV Requirements for guidance on how to document DW eligibility.</p> <p>Non- NYS UI Claimants – Staff must verify that the participant meets <u>all three</u> Category 1 DW criteria.</p> <p>If the participant receives only staff assisted core services, then self identification is an acceptable source.</p> <ul style="list-style-type: none"> ○ Record/select “Category 1” DW in the OSOS Customer Detail-Work History/Reason for Leaving ○ Record the “qualifying date of the dislocation” in the OSOS pop-up field. ○ Record an OSOS Comment, noting the source(s) used to determine Category 1 DW eligibility. <p>If the participant receives intensive or training services (i.e., more than core services), then refer to Attachment C – DEV Requirements for guidance on how to document DW eligibility.</p>

Eligibility Requirements – WIA Title 1B			
Eligibility Criteria	Program	Eligibility Requirements	Action
Dislocated Worker (DW) – Continued	DW	<p>Category 2 DW – Plant Closure</p> <p>To be eligible as a WIA DW under this Category, the participant <u>must meet any one</u> of the three of the criteria below:</p> <ol style="list-style-type: none"> 1. Individual 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; 2. The individual is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or 3. For purposes of eligibility to receive services other than training services described in section 134(d)(4), intensive services described in section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close. 	<p>Staff must verify how the participant meets the Category 2 DW criteria.</p> <p>If the participant receives only staff assisted core services, then self identification is an acceptable source.</p> <ul style="list-style-type: none"> ○ Record/select “Category 2” DW in the OSOS Customer Detail-Work History/Reason for Leaving ○ Record the “qualifying date of the dislocation” in the OSOS pop-up field. ○ Record an OSOS Comment, noting the source(s) used to determine the individual’s Category 2 DW eligibility. <p>If the participant receives intensive or training services (i.e., more than core services), then refer to Attachment C – DEV Requirements for guidance on how to document DW eligibility.</p>
		<p>Category 3 DW – Self Employed</p> <p>The individual was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.</p>	<p>Staff must verify how the participant meets the Category 3 DW criteria.</p> <p>If the participant receives only staff assisted core services, then self identification is an acceptable source.</p> <ul style="list-style-type: none"> ○ Record/select “Category 3” DW in the OSOS Customer Detail-Work History/Reason for Leaving. ○ Record an OSOS Comment, noting the source(s) used to determine the individual’s Category 3 DW eligibility. <p>If the participant receives intensive or training services (i.e., more than core services), then refer to Attachment C – DEV Requirements for guidance on how to document DW eligibility.</p>

Eligibility Requirements – WIA Title 1B			
Eligibility Criteria	Program	Eligibility Requirements	Action
Dislocated Worker (DW) – Continued	DW	<p>Category 4 DW – Displaced Homemaker</p> <p>The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home, and who:</p> <ol style="list-style-type: none"> 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 in obtaining or upgrading employment. 	<p>Staff must verify how the participant meets the Category 4 DW criteria.</p> <p>If the participant receives only staff assisted core services, then self identification is an acceptable source.</p> <ul style="list-style-type: none"> Record/select “Category 4” DW in the OSOS Customer Detail-Work History/Reason for Leaving Record an OSOS Comment, noting the source(s) used to determine the individual’s Category 4 DW eligibility. <p>If the participant receives intensive or training services (i.e., more than core services), then refer to Attachment C – DEV Requirements for guidance on how to document DW eligibility.</p>
		<p>Foreign Trade DW – Dislocated due to Foreign Trade</p> <p>An individual determined eligible for Trade Act services is also eligible as a WIA DW.</p> <p>An individual is determined Trade Act eligible if: issued a determination by NYSDOL on State form TA722; is verified eligible in the State Trade Tracker system (State MIS); and/or provides an eligibility determination from another state (i.e., by contacting the state’s TAA coordinator, which can be located through http://www.doleta.gov/tradeact/contacts.cfm; or by the customer providing the certification documentation from the state).</p>	<p>In NYS, customers who are recorded in the State Trade Tracker system (State MIS) meet the DW criteria for Dislocated Due to Foreign Trade. NYS policy requires these participants to be co-enrolled in WIA DW and TAA.</p> <ul style="list-style-type: none"> Record/select “Dislocated due to Foreign Trade” in the OSOS Customer Detail-Work History/Reason for Leaving. Record an OSOS Comment, noting the source(s) used to determine the individual’s Foreign Trade DW eligibility. <p><i>See the TAA Eligibility Section below for more detailed discussion</i></p>
Self-Sufficiency	Adult and DW	<p>Employed participants only, at the time of the 1st intensive service.</p> <p>WIA requires a determination of self-sufficiency as a condition for providing intensive and/or training services to <i>employed</i> adult or dislocated workers, as an eligibility requirement.</p> <p>Local boards must set criteria for determining whether employment leads to self-sufficiency.</p> <p>[Reference: Title 20 CFR Section 663.230]</p>	<p>Local boards have established eligibility verification criteria and requirements for source documentation.</p>

Eligibility Requirements – WIA Title 1B			
Eligibility Criteria	Program	Eligibility Requirements	Action
<p>Low Income</p> <p>Only if Local Area has established a “priority of service” policy</p> <p>If the local board determines funds for the WIA Adult program are limited, then <i>intensive and training services</i> must be prioritized for recipients of public assistance and other low-income individuals. Note that an LWIB can differentiate between intensive & Training.</p>	<p>Adult</p>	<p>At the time of the 1st intensive service.</p> <p>“Low Income Individual” Definition</p> <p>An individual who—</p> <ul style="list-style-type: none"> (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 UI compensation, child support payments, payments described in subparagraph (a) , and old-age and survivors insurance benefits received under section 202 of the SS Act that, in relation to family size, does not exceed the higher of— <ul style="list-style-type: none"> (i) the poverty line, for an equivalent period; or (ii) 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; (D) Qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act; (E) Is a foster child on behalf of who 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 (B), but who is a member of a family whose income does not meet such requirements. 	<p>Staff must verify the individual’s low income status at the point of the <i>first intensive service</i>.</p> <p>Low income status falls under DEV.</p> <ul style="list-style-type: none"> ○ Record “Yes” under the Local Priority tab, in the Customer Detail, Additional Information tab. ○ Record an OSOS Comment, noting the source(s) used to determine the individual’s Low Income Status. <p>Refer to Attachment C – DEV Requirements for guidance on how to document low income status.</p>

Eligibility Requirements – Trade Adjustment Assistance (TAA) Program			
Eligibility Criteria	Program	Eligibility Requirements	Action
Trade Act Eligibility Requirements	State Level Determination	<p>Individuals are Trade eligible if they have lost their job as a result of increased imports or shifts in production out of the United States. Certified individuals may be eligible to receive one or more program benefits and services depending on what is needed to return them to employment.</p> <p>An individual is determined Trade Act eligible by another state. This can be verified by contacting the state's TAA coordinator, which can be located through http://www.doleta.gov/tradeact/contacts.cfm; or by the customer providing the certification documentation from the state.</p>	<p>In NYS, customers who are recorded in the State MIS system, TAA Tracker, are considered to be Dislocated Due to Foreign Trade. These individuals also meet the eligibility criteria for the WIA Dislocated Worker program and in accordance with NYS policy are required to be co-enrolled in the TAA program and in the WIA DW program.</p> <p>Other Verifiable Documentation:</p> <ol style="list-style-type: none"> 1. NYS DOL issued form TA722 2. TAA eligibility form issued by other States. <p>If verified:</p> <ul style="list-style-type: none"> o Record/select "Dislocated Due to Foreign Trade" in the OSOS Customer Detail-Work History / Reason for Leaving. o Complete the required fields (which would include the certified petition number). o Record an OSOS Comment, noting the source(s) used to determine the individual's Trade Act eligibility.

Eligibility Requirements – Veterans’ Employment and Training Services (VETS) Program			
Eligibility Criteria	Program	Eligibility Requirements	Action
Veteran, Other Eligible or Transitioning Service Member	VETS	<p>Eligibility for the VETS program is self-identification as a:</p> <ol style="list-style-type: none"> 1. Veteran or Other Eligible, or 2. Transitioning Service Member <p>Veteran or Other Eligible is a person who:</p> <ol style="list-style-type: none"> a. Served on active duty for a period of more than 180 days and was discharged or released there from with other than a dishonorable discharge; or b. Discharged or released from active duty because of a service-connected disability, injury or illness (does not have to meet the 180 day rule); or c. Served as a member of a reserve component under an order to active duty, served on active duty for any length of time during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with an other than dishonorable discharge; or d. Any other “Eligible Person” – the spouse of: (a) any person who died of a service-connected disability; (b) any member of the Armed Forces serving on active duty who, at the time of application, is listed by the Secretary concerned in one or more of the categories and has been so listed for a total of more than 90 days: (i) Missing in action; (ii) captured in line of duty by a hostile force; or, (iii) forcibly detained or interned in line of duty by a foreign government or power; or (c) any person who has a total disability permanent in nature resulting from a service-connected disability or who died while a disability so evaluated was in existence. <p>Transitioning Service Member – A participant who is a service member in active duty status (including separation leave) who participates in employment services and is within 24 months of retirement or 12 months of separation.</p>	<p>Canvass individuals regarding Military status information at the time of registration.</p> <p>For participants who self identify as Veteran, Other Eligible or Transitioning Service Member, staff must:</p> <ol style="list-style-type: none"> 1. Select the “Service Veteran” button (Customer Detail/Additional Info tab); 2. Select “Service veteran”, select type: <ol style="list-style-type: none"> a. Active service b. Transitioning veteran c. Other eligible <p>If (a) Active service – Enter: From & Thru dates; and Service Disability</p> <p>If (b) Transitioning veteran – Enter “Type” (discharge, retirement, spouse)</p> <p>If (c) Other Eligible – No other information is needed.</p>