

**Workforce Innovation and Opportunity Act  
Eligibility Guidance Document  
Hampton Roads Workforce Council (formerly Opportunity Inc.)  
Youth Program Contractors  
November 7, 2018**

Background

The Workforce Innovation and Opportunity Act (WIOA) requires that a youth must be determined, verified, and documented as eligible under WIOA before their participation in a WIOA-funded youth program may begin. This guidance document contains the specific WIOA youth eligibility requirements, as well as the specific participant eligibility verification and documentation requirements that must be followed. The contents of this document adhere to the Virginia Community College System (VCCS) youth eligibility rules and the Hampton Roads Workforce Council (formerly Opportunity Inc.) youth eligibility process and procedural requirements. It should be understood that changes to the content of this guidance document may need to occur periodically based on changes in VCCS, Department of Labor (DOL) and/or Hampton Roads Workforce Council (formerly Opportunity Inc.) requirements. Any such change(s) will be communicated to contractors by Hampton Roads Workforce Council and this document may be revised in whole or in part, as appropriate.

Eligibility Responsibilities

Hampton Roads Workforce Council youth program contractors are responsible for the full and complete determination, documentation, and verification of participant eligibility for their youth program contract participants, in accordance with the guidance set forth in this document and their Hampton Roads Workforce Council contract, unless otherwise authorized by Hampton Roads Workforce Council. In that regard, contractors are responsible for establishing and maintaining a physical file for each of their participants that will fully verify and document their eligibility under WIOA and allow for their program participation. At a minimum, the following participant eligibility items must be verified and documented: Social Security Number, Age, Citizenship/Right to Work, Selective Service Status (as required), Low Income Status (as required), Barrier, and In-School Youth (ISY) or Out-of-School Youth (OSY) status. The Hampton Roads Workforce Council contract should be referenced for additional Age, Low Income Status, Barrier, and ISY/OSY requirements.

ISY and OSY Defined

ISY are those youth who are 14-21 years old, attending school, a low-income individual, and are one or more of the following:

- a. Basic skills deficient
- b. An English language learner
- c. An offender
- d. A homeless individual
- e. An individual who is pregnant or parenting
- f. An individual with a disability

OSY are those youth who are 16-24 years old, not attending any school (including post-secondary institutions), and are one or more of the following:

- a. School dropout

- b. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter
- c. An individual who is subject to the juvenile or adult justice system
- d. A homeless individual
- e. An individual who is pregnant or parenting
- f. An individual with a disability
- g. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner
- h. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment (see definition for additional assistance)

#### VOS-Related Actions

Eligibility-related participant data elements are to be reported in the VOS by the contractor as documented in the physical file. The contents of the physical file are to be in accordance with the Hampton Roads Workforce Council participant file requirements and must be maintained in a secure location at the contractor's office in order to ensure confidentiality of the participant's information. It is important that the eligibility items that are reported in the VOS mirror the like items contained in the participant's physical file. **In no case may a youth begin receiving programmatic services before the date that they are fully verified and documented as eligible under WIOA.**

**Note:** Once a youth has been determined eligible and has received their first program service, the participant information must be entered into VOS within fourteen (14) calendar days.

#### Reasonability Test

In cases where there is zero family income and where there is no cash public assistance, unemployment insurance, food stamps, social security benefits, insurance payments, youth disability status, etc., due diligence requires an explanation as to how the family is able to live, with virtually no means of support. In those cases, a reasonable written explanation of such from a corroborating witness is required to be placed in the participant's file. A corroborating witness is a witness whose testimony supports or confirms testimony that is already given. This person may not be the applicant or program staff. Some plausible means of support include assistance from family members not included in the applicant's family size for eligibility determination purposes, assistance from other individuals, assistance from the faith-based community, loans, or some other type of financial support to provide for the family's sustenance.

#### Different Last Names

In cases where there is a different last name(s) from that of the participant shown on any eligibility-related document, a written explanation regarding their relationship to the applicant is required to be documented by the contractor and retained in the participant's file. Please reference the definition of "family" in order to make sure that such individual(s) has a relationship to the participant for the purpose of eligibility determination.

#### EO/Nondiscrimination Statement

Contractors are to inform youth of their applicable rights and direct them to the “Equal Opportunity is the Law” posters (English and Spanish versions). The participant will be given the aforementioned statement for signature and date to attest to the fact that they have been so informed. The original of the form will be maintained in the participant’s file, and a copy will be given to the participant.

#### In-Eligible Youth Applicants

Youth who are determined to not be eligible under WIOA may not receive programmatic services under the WIOA youth funding stream and should be referred to an alternate and appropriate community resource or program. OSY who are at least eighteen (18) years of age may be referred to a Virginia Career Works Hampton Roads location for services. Any youth fourteen (14) to twenty-four (24) years of age may be referred to Hampton Roads Workforce Council’s NextGen services. Their phone number is 757-233-8686 and their website is <http://www.vcwhamptonroads.org/nextgen-services/>. In addition to making a referral, contractors are to maintain a physical file for all youth who they determine in-eligible under the WIOA requirements. At a minimum, this file must include the reason(s) why the youth was determined in-eligible and the community resource or program to which a referral was made. No other action related to in-eligible youth is required.