



***SOUTH BAY WORKFORCE  
INVESTMENT BOARD***

**WIOA Youth, Adult, and Dislocated Worker Eligibility  
& Documentation Policy Handbook**

**Effective Date: June 2019**

**EQUAL OPPORTUNITY – EQUAL ACCESS**

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## **INTRODUCTION**

The content of this WIOA Youth, Adult, and Dislocated Worker Eligibility & Documentation policy handbook, serves as the vehicle for implementing and managing WIOA Youth, Adult, and Dislocated Worker eligibility policies. This policy handbook supersedes the transitional WIOA Youth, Adult, and Dislocated Worker policies released and the preceding WIOA Adult, Dislocated Worker and Youth Eligibility & Documentation Handbook.

Chapters 2, 3, and 4 cover program eligibility requirements for the WIOA Title I Youth, Adult and Dislocated Worker programs. Specific parameters and guidance are provided in the subsequent sections under each program. Chapter 6 covers additional guidance that applies to multiple (though not necessarily all) programs, including Wagner-Peyser Act under WIOA Title III.

The eligibility Matrix in Chapter 7 serves as a tool to review eligibility requirements for each program, including the corresponding documentation requirements.

**NOTE:** The Eligibility Policy Handbook is being issued at this time in order to provide system partners with information needed to make eligibility determinations. The information is based on the best information available at this time per WIOA law and proposed regulations, as well as current Department of Labor Employment and Training (DOLETA) guidance. The handbook may be revised and reissued at any time due to further guidance from DOLETA, or at the discretion of SBWIB.

### **WIOA Participants**

Participants enrolled under WIOA, prior to July 1, 2015, must be grandfathered into WIOA, even if the participant would not otherwise be eligible for services under WIOA. Additional assessments are not required to be completed for participants already determined eligible and enrolled under WIOA. Furthermore, these participants must be allowed to complete the WIOA services specified in their individual service strategy (youth) or individual employment plans (adults and dislocated workers), even if the services are no longer allowable under WIOA ([TEGL 30-14](#)).

**APPROVED**

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## DEFINITIONS

- **ADULT EDUCATION** [WIOA Sec. 203(1)] – Academic instruction and education services below the postsecondary level that increase an individual’s ability to-
  - Read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;
  - Transition to postsecondary education and training; and
  - Obtain employment
- **ADULT MENTORING – Youth Program** [20 CFR 681.490] – Adult mentoring for youth must:
  - Last at least 12 months and may take place both during the program and following exit from the program;
  - Be a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee; and
  - While group mentoring through electronic means are allowable as part of the mentoring activities, at a minimum, the local youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis.
  - Mentoring may include workplace mentoring where the local program matches a youth participant with an employer or employee of a company.
- **ASSESSMENT – Adult and Dislocated Worker** – [20 CFR 678.430(b)(1)]: Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers which may include:
  - Diagnostic testing and use of other assessment tools; and
  - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals

Assessments are listed as “Individualized career services” in WIOA

- **ATTENDING SCHOOL – Youth Program Only** – [CITATION] A youth who is within the age of compulsory school attendance (8-17 years old) and who has attended school during the most recent complete school calendar quarter.
- **BASIC SKILLS DEFICIENT** [WIOA Sec. 3(5)]: The term “basic skills deficient” means –
  - A. A youth who has English reading, writing, or computing skills at or below 8<sup>th</sup> grade level on a generally standardized test; or
  - B. A youth or adult who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.
- **CAREER PATHWAYS** (Department of Labor Career Pathways Toolkit, released 9/9/15): The term “career pathway” means a combination of rigorous and high-quality education, training, and other services that –
  - Aligns with the skills needs of industries in the economy of the State or regional economy involved;
  - Prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships;
  - Includes counseling to support an individual in achieving the individual’s education and career goals;
  - Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for specific occupation or occupation cluster;

- Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;
  - Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least one recognized postsecondary credential; and
  - Helps an individual enter or advance within a specific occupation or occupational cluster.
- **CAREER SERVICES** (WIOA Sec.134(c)(2) [20 CFR 678.430] Career Services consist of three types:
    - A. **Basic Career Services** must be made available and, at a minimum, must include the following services, as consistent with allowable program activities and Federal cost principles:
      - Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
      - Outreach, intake (including worker profiling), and orientation to information and other services available through the one-stop delivery system. For the TANF program, States must provide individuals with the opportunity to initiate an application for benefits and services, which could be implemented through the provision of paper application forms or links to the application Web site;
      - Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills, gaps), and supportive service needs;
      - Labor exchange services, including –
        - Job Search and placement assistance, and, when needed by an individual, career counseling, including –
          - Provision of information on in-demand industry sectors and occupations (as defined in sec. 3(23) of WIOA) and;
          - Provision of information on non-traditional employment; and
        - Appropriate recruitment and other business services on behalf of employers including information and referrals to specialized business services other than those traditionally offered through the one-stop delivery system;
      - Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, when appropriate, other workforce development programs;
      - Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including –
        - Job vacancy listings in labor market areas;
        - Information on job skills necessary to obtain the vacant jobs listed; and
        - Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;
      - Provision of performance information and program cost information on eligible providers of education, training, and workforce services by program and type of providers;
      - Provision of information, in usable and understandable formats and languages, about how the local area is performing on local performance information relating to the area's one-stop delivery system;
      - Provision of information, and in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: Child care; child support; medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under SNAP; assistance through the earned income tax credit; and assistance under a State program for TANF, and other supportive services and transportation provided through that program;
      - Provision of information and meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation.
        - "Meaningful assistance" means:

- Providing assistance on-site using staff who are well trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or
- Providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.
- The costs associated in providing this assistance may be paid for by the State's unemployment insurance programs, or some combination thereof.
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

B. **Individualized Career Services** must be made available if determined to be appropriate in order for an individual to obtain or retain employment. These services include the following services, as consistent with program requirements and Federal cost principles:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include –
  - Diagnostic testing and use of other assessment tools; and
  - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of and information about, the eligible training providers; (As described in 20 CFR 680.180)
- Group counseling;
- Individual counseling;
- Career planning;
- Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment for training;
- Internships and work experiences that are linked to careers (as described in 20 CFR 680.170)
- Workforce preparation activities;
- Financial literacy services (as described in Sec. 129(b)(2)(D) of WIOA and 20 CFR 681.500)
- Out-of-area job search assistance and relocation assistance; and
- English language acquisition and integrated education and training programs.

C. **Follow-up services** must be provided, as appropriate, including: Counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment.

- In addition to the requirements in paragraph (a)(2) of this section, TANF agencies must identify employment services and related support being provided by the TANF program (within the local area) that qualify as career services and ensure access to them via the local one-stop delivery system.

- **CASE NOTES** – For the purpose of Data Element Validation (DEV), case notes refer to either paper or electronic statements by staff that identify at a minimum the following: a participant's status for a specific data element, the date on which the information was obtained, and the staff who obtained the information. (TEGL 06-14, Attachment A)
- **COVERED PERSON (for Priority of Service)** – A veteran or his or her eligible spouse.
- **COMPREHENSIVE GUIDANCE AND COUNSELING – Youth Program** (20 CFR 681.510) Provides individualized counseling to participants. This includes drug and alcohol abuse

counseling, mental health counseling, and referral to partner programs, as appropriate. When referring participants to necessary counseling that cannot be provided by the local youth program or its service providers, the local youth program must coordinate with the organization it refers to in order to ensure continuity of service.

- **CROSS-MATCH** – For the purpose of DEV, a cross-match requires validating staff to find detailed supporting evidence for the data element in a database (TEGL 06-14, Attachment A).
- **CULTURAL BARRIERS** – (Federal Register Vol. 80, No. 140): If the participant perceives him or herself as possessing attitudes, beliefs, customs or practices that influence a way of thinking, acting, or working that may serve as a hindrance to employment.
- **DATA ELEMENT VALIDATION (DEV)** – The federally mandated process by which the State annually assesses the accuracy of reported participant data. (refer to TEGL 06-14, attachment A).
- **DISLOCATED WORKER** [WIOA sec. 3(15)] – The term “dislocated worker” means an individual who:
  - Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; and
  - Is eligible for or has exhausted entitlement to unemployment compensation; or
  - Has been employed for a duration sufficient enough to demonstrate, to the appropriate entity at a one-stop center, attachment to the workforce 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
  - Has been terminated or laid off, or has received a notice of termination or layoff from employment as result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; or
  - Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
  - For purposes of eligibility to receive services other than training services described in sec. 134(c)(3), career services described in sec. 134(c)(2)(A)(xii), or supportive services, is employed by a facility at which the employer has made a general announcement that such facility will close; or
  - Was self-employed (including employed 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; or
  - Is a displaced homemaker; or
  - Is the spouse of a member of the Armed Forces on active duty (as defined in sec. 101(d)(1) of title 10 United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or
  - Is the spouse of a member of the Armed Forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- **DISPLACED HOMEMAKER** [WIOA sec. 3(16)] – An individual who has been providing unpaid services to family members in the home and who:
  - Has been dependent on the income of another family member but is no longer supported by that income; or
  - Is the dependent spouse of a member of the Armed Forces on active duty (as defined in sec. 101(d)(1) of Title 10, United States Code) and whose income is significantly reduced because of deployment (as defined in sec. 991(b) of title 10, United States Code or pursuant to paragraph (4) of each section), a call or order to active duty pursuant to a provision of law referred to in sec. 101(a)(13)(B) of Title 10, United States



- Code, a permanent change of station, or the service-connected (as defined in sec. 101(16) of title 38, United States Code) death or disability of the member; and
  - Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- **ELIGIBLE SPOUSE OF A VETERAN** – (“covered person”; TEGL 10-09 and State Policy. As defined in section 2(a) of Jobs for Veterans Act (38 U.S.C. 4215(a)), eligible spouses who meet one of the criteria below are eligible for priority of services in WIOA Adult, Dislocated and Youth programs;
    - A spouse of a veteran who died of a service-connected disability;
    - A spouse of a member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
      - Missing in action;
      - Captured in line of duty by a hostile force; or
      - Forcibly detained or interned in line of duty by a foreign government or power;
    - A spouse of a veteran who has a total disability, resulting from a service connected disability, as evaluated by the Department of Veterans Affairs;
    - A spouse of a veteran who died while a total disability, (resulting from service connected disability, as evaluated by the Department of Veterans Affairs) was in existence.

**Note:** Spouses of veterans who do not meet one of the criteria listed above may still receive WIOA funded services if they meet the specific program eligibility criteria. However, spouses who do not meet the above criteria will not qualify for priority services.

- **EMPLOYMENT STATUS AT PROGRAM ENTRY** (Federal Register Vol. 80, No. 140) :
  - **Employed:**
    - Did any work as a paid employee;
    - Did any work in his or her own business, profession, or farm;
    - Worked as an unpaid worker in an enterprise operated by a member of the family, or;
    - Is one who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.
  - **Employed, but received Notice of Termination or Employment or Military Separation:**
    - If the participant is a person who, although employed, either:
      - Has received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close, or
      - Is a transitioning service member (i.e. within 12 months of separation).
  - **Not in the Labor Force:** Those who are not employed and are not actively looking for work, including those who are incarcerated.
  - **Not Employed:** Those who do not meet any one of the conditions described above.
- **ENGLISH LANGUAGE LEARNER** [WIOA Sec. 3(21) and WIOA Title II Sec. 203(7)]: An eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and-
  - Whose native language is a language other than English; or
  - Who lives in a family or community environment where a language other than English is the dominant language.
- **FAIR LABOR STANDARDS ACT (FLSA)** (Department of Labor): Prescribes standards for the basic minimum wage and overtime pay, affects most private and public employment. It requires

employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay of one-and-one-half-times the regular rate of pay. For nonagricultural operations, it restricts the hours that children under the age of 16 can work and forbids the employment of children under the age of 18 in certain jobs deemed too dangerous. The Act is administered by the Employment Standards Administration's Wage and Hour Division within the U.S. Department of Labor.

- **FINANCIAL LITERACY EDUCATION – Youth Program** (20 CFR 681.500): The financial literacy education program element may include activities which:
  - Support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions;
  - Support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;
  - Teach participants about the significance of credit reports and credit scores; what their rights are regarding their credit and financial information; how to determine the accuracy of a credit report and how to correct inaccuracies; and how to improve or maintain good credit;
  - Support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions;
  - Educate participants about identity theft, ways to protect themselves from identity theft, and how to resolve cases of identity theft and in other ways understand their rights and protections related to personal identity and financial data;
  - Support activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials;
  - Support activities that address the particular financial literacy needs of youth with disabilities, including connecting them to benefits planning and work incentives counseling;
  - Provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as by access to safe and affordable financial products that enable money management and savings; and
  - Implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high quality, age appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance, tools, and instruction.
  
- **FOLLOW-UP SERVICES – Youth** (20 CFR 681.580): Follow-up services are critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. **All youth participants must receive some form of follow-up services for a minimum duration of 12 months, unless the participant declines to receive follow-up services or the participant cannot be located or contacted.**

Follow-up services for youth may include:

  - Supportive services;
  - Adult Mentoring;
  - Financial literacy education;
  - Services that provide labor market and employment information about in demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
  - Activities that help youth prepare for and transition to postsecondary education and training.

Follow up services may be provided beyond 12 months at the State or Local WDB's discretion. The types of services provided and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant.

- **FULL-TIME EMPLOYMENT** (U.S. Dept. of Labor Bureau of Labor Statistics): defines full-time employment as working 35 or more hours per 40-hour work week.
- **GENERAL ANNOUNCEMENT** – For the purpose of Dislocated Worker Program eligibility, defines a general announcement as an individual who is employed at a facility at which the employer has made an announcement that such facility will close within 180 days. Acceptable documentation of a general announcement may include a written notice from the employer, a newspaper article or self-attestation.
- **HOMELESS CHILDREN or YOUTH** – As defined in sec. 725(2) of the McKinney-Vento Assistance Act [42. U.S.C. 11434a(2)] : The term homeless children and youth means individuals who lack a fixed, regular, and adequate nighttime residence and includes –
  - Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
  - Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
  - Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  - Migratory children who qualify as homeless for the purposes of this subtitle.
- **HOMELESS INDIVIDUAL** – As defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 1403e-2(6)), a homeless individual is:
  - An individual who lacks a fixed, regular, and adequate nighttime residence, which may include –
    - Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason;
    - Living in a motel, hotel, trailer park or campground due to the lack of alternative adequate accommodations;
    - Living in emergency or transitional shelter;
    - Abandoned in a hospital; or
    - Awaiting foster care placement; or
  - An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
  - Migratory children who qualify as homeless under this section because the children are living in circumstances described in this paragraph.
- **INDIVIDUAL EMPLOYMENT PLAN (IEP) – Adult and Dislocated Worker** [20 CFR 680.170] The individual employment plan (IEP) is an individualized career service, under WIOA sec.134(c)(2)(A)(xii)(II), that is developed jointly by the participant and career planner when determined appropriate by the one-stop operator or one-stop partner. The

plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goals.

- **INDIVIDUAL SERVICE STRATEGY – Youth** [WIOA sec. 129(c)(1)(B)]: Funds allocated to a local area for eligible youth shall be used to develop an Individual Service Strategy (ISS) [CFR 681.420 (a)(2)] for each participant that is directly linked to one or more of the indicators of performance described in WIOA Sec. 116(b)(2)(A)(ii), and that shall identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant, taking into account the assessment conducted pursuant to WIOA sec. 129(c)(1)(A).

TEGL 5-12: The ISS is the basis for the overall career service strategy. Career Services Coordinators should utilize the ISS to update strategies and activities as they occur, and to document referral and contact information for services obtained from partner organizations. When reviewing the ISS, career services coordinators should document a youth's progress, activities completed, benchmarks reached, and any other accomplishments.

Additionally, the ISS should be:

- Developed in partnership with the youth;
  - Used as a tool that can and will change over time, as necessary, to meet the needs of the young person;
  - Used as a roadmap to achieve measurable and attainable short-term and long-term goals; and
  - Designed to reflect the young person's interests and incorporate career pathway planning.
- **INDIVIDUAL WITH A BARRIER TO EMPLOYMENT** [WIOA Sec. 3(24)]: A member of one or more of the following populations:
    - Displaced homemakers;
    - Low-income individuals;
    - Indians, Alaska Natives, and Native Hawaiians;
    - Individuals with disabilities;
    - Older individuals;
    - Ex-offenders;
    - Homeless individuals (see definition of Homeless Individuals), or homeless children and youth (see definition of Homeless Children and Youth);
    - Youth who are in or have aged out of the foster care system;
    - Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
    - Eligible migrant and seasonal farm workers;
    - Individuals within two (2) years of exhausting lifetime TANF eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);
    - Single Parents (including single pregnant women);
    - Long-term unemployed individuals;
    - Such other groups as the Governor involved determines to have barriers to employment.

- **INDIVIDUAL WITH A DISABILITY** – [WIOA Sec. 3(25)]: An individual with a disability as defined in Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) means, with respect to an individual –
  - A physical or mental impairment that substantially limits one or more **major life activities\*** of such individual;
  - A record of such an impairment; or
  - **Being regarded as having such an impairment\*\*.**

**\*Major life activities** include but are limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to: functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive organs.

**\*\*Being regarded as having such impairment** means the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

- **IN-SCHOOL YOUTH** [WIOA Sec. 129(a)(C)]:
  - Between the ages of 14-21;
  - Attending school as defined by State law (see “Attending School” definition; includes eligible students enrolled in a dropout reengagement program under RCW 28A.175.100; 28.A. 175.105),
  - **Low income\*** (see “Low Income” definition), **and meet one or more of the following:**
    - Basic skills deficient;
    - English language learner;
    - Offender/ex-offender
    - Homeless, runaway;
    - In foster care or aged out of the foster care system;
    - Pregnant or parenting;
    - Disabled; or
    - Requires additional assistance to complete an education or program or to secure or hold employment\*\*.

\*In any single program year, no more than 5% of a local area’s **total youth participants** can be those who have a low income eligibility requirement, but are not low income [WIOA section 129(a)(3)(A)(ii)].

\*\*In any single program year, no more than 5% of a local area’s **total in-school youth** participants can be those who require additional assistance to complete an educational program or to secure or hold employment [WIOA section 129(a)(3)(B)].

- **LEADERSHIP DEVELOPMENT OPPORTUNITIES – Youth** (20 CFR 681.520): Opportunities that encourage responsibility, confidence, employability, self-determination and other positive social behaviors such as:
  - Exposure to post-secondary educational possibilities;
  - Community and service learning projects;

- Peer-centered activities, including peer mentoring and tutoring;
  - Organizational and team work training, including team leadership training;
  - Training in decision-making, including determining priorities and problem solving;
  - Citizenship training, including life skills training such as parenting and work behavior training;
  - Civic engagement activities which promote the quality of life in a community; and
  - Other leadership activities that place youth in a leadership role such as serving on youth leadership committees, such as Standing Youth Committee [WIOA sec. 129(c)(2)(F)].
- **LONG-TERM UNEMPLOYED** (Federal Register Vol. 80, No. 140): If the individual has been unemployed for 27 or more *consecutive* weeks.
  - **LOW INCOME INDIVIDUAL** [WIOA Sec. 3(36)(A)]: In general, the term “**low income individual**” means an individual who-
    - i. Receives, or in the past six (6) months have received, or is a member of a family that is receiving or in the past six (6) months has received, assistance through:
      - The supplemental nutrition assistance program (“SNAP”; food stamps) established under the Food and Nutrition Act of 2008, (7 U.S.C. 2011 et seq.); or
      - The program of block grants to states for temporary assistance for needy families (TANF) program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or
      - The Supplemental Security Income (SSI) program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or
      - State or local income-based public assistance (e.g., California Medicaid or Special Supplemental Nutritional Programs for Women, Infants, and Children (WIC)); or
    - ii. Is in a family with total family income that does not exceed the higher of-
      - **The poverty line** (See definition of “Poverty Line”); or
      - **70 percent of the Lower Living Standard Income Level** (“LLSIL”; see definition); or
    - iii. Is a homeless individual (see definition of “Homeless Individual”), or a homeless child or youth (see definition of “Homeless child or Youth”); or
    - iv. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or
    - v. Is a foster child on behalf of whom State or local government payments are made; or
    - vi. Is an individual with a disability whose own income meets the income requirement of clause (ii) (*i.e., the poverty line; or 70% of the Lower Living Standard Income Level (LLSIL)*) but who is a member of a family whose income does not meet this requirement.

WIOA Sec. 129(a)(2) states that low-income additionally includes youth living in high-poverty areas with (20 CFR 681.260) defining a high-poverty area as a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or native Alaskan Village or a county that has a poverty rate of at least 30 percent as set every five (5) years using American Community Survey 5-year data.

- **LOWER LIVING STANDARD INCOME LEVEL (LLSIL)** – [WIOA Sec. 3(36)(B)]: The term “lower living standard income level” means the income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the

Secretary of Labor based on the most recent lower living family budget issued by the Secretary. LLSIL is utilized for determining eligibility for youth and adults for certain services (Federal Register Vol. 80, No. 59).

uses the LLSIL for determining family size of two (2) or more for priority of service eligibility for the WIOA Adult Program and family size of two (2) or more for income eligibility for applicable WIOA Youth Program criteria.

- **MIGRANT AND SEASONAL FARMWORKER** (Federal Register Vol. 80. No. 140):
  - **Seasonal Farmworker:**
    - A. If the participant is a low-income individual (i) who for the 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agriculture or fish farming labor that is characterized by chronic unemployment or underemployment; and (ii) faces multiple barriers to economic self-sufficiency; or
    - B. A dependent of the person described above.
  - **Migrant and Seasonal Farmworker:**
    - A. If the participant is a seasonal farmworker and whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and
    - B. A dependent of the person described above.
  
- **CALJOBS**
  
- **OBJECTIVE ASSESSMENT - Youth [WIOA sec. 129(c)(1)(A)]:** Funds allocated to a local area for eligible youth shall provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, for the purpose of identifying appropriate services and career pathways for participants.

TEGL 5-12: Important considerations when conducting participant assessments include:

- Ensuring active involvement of the young adult in developing specific goals within his/her ISS;
- Using a variety of methods and tools including questioning, observations, self-assessment checklists, worksheets, internet resources, and tools that assess the occupational and employability levels of the youth;
- Documenting and assessing the youth's strengths, abilities, and environment (e.g., supportive parents or other family members, connection to the community through a faith-based organization, or assistance with child care); and
- Identifying and documenting challenges in the youth's life, including homelessness, residing with a substance user, or in an unstable home environment, in order to determine if the youth needs supportive services, such as transportation, child care assistance, or counseling services.

When barriers to employment are substantial, it may be necessary to seek assistance from external resources, such as professionals in special education; the behavioral, substance abuse, and mental health fields or experts on physical and mental abuse.

- **OCCUPATIONAL SKILLS TRAINING - (20 CFR 681.540)** An organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Local areas must give priority consideration to training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the local area. Such training must:
  - Be outcome-oriented and focused on an occupational goal specified in the individual service strategy/individual employment plan;
  - Be of sufficient duration to impart the skills needed to meet the occupational goal; and
  - Result in attainment of a recognized post-secondary credential.
  
- **OFFENDER (EX-OFFENDER) [WIOA Sec. 3(38)]:** An adult or juvenile who-
  - Is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or
  - Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
  
- **OLDER INDIVIDUAL [WIOA Sec. 3(39)]:** an individual age 55 or older.
  
- **OUT-OF-SCHOOL YOUTH [WIOA Sec. 129(A)(B)]:**
  - Between the ages of 16-24,
  - Not attending any school, **and meet one or more of the following:**
    - A school dropout;
    - Within the age of compulsory school attendance (up to age 17, per RCW 28A.225), but has not attended school for at least the most recent complete school year calendar quarter;
    - An individual who is subject to the adult or juvenile justice system;
    - Homeless, a runaway, in or aged out of the foster care system;
    - Pregnant or parenting;
    - Disabled;
    - Has a high school degree or its equivalent, **is low income\*\* and is:**
      - ❖ Basic skills deficient, or
      - ❖ An English language learner;
    - **Low income\*\* and requires additional assistance** to enter or complete an educational program or to secure or hold employment.

\*\* In any single program year, no more than 5% of a local area's **total youth participants** can be those who have a low income eligibility requirement, but are not low income [WIOA sec. 129(a)(3)(A)(ii)].

- **POSITIVE SOCIAL AND CIVIC BEHAVIORS – Youth (20 CFR 681.530)** Outcomes of leadership opportunities which are incorporated by local programs as part of their menu of services. Positive social and civic behaviors focus on areas that may include the following:
  - Positive attitudinal development;
  - Self-esteem building;
  - Openness to work with individuals from diverse backgrounds;



- Maintaining healthy lifestyles, including being alcohol and drug free;
  - Maintaining positive social relationships with responsible adults and peers, and contributing to the well-being of one's community, including voting;
  - Maintaining a commitment to learning and academic success;
  - Avoiding delinquency;
  - Positive job attitudes and work skills.
- **POVERTY LINE** [WIOA Sec. 3(49)]: The poverty line (as defined by the Office of Management and Budget (OMB), and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved. Poverty guidelines are used as an eligibility criterion by a number of Federal programs (Federal Register Vol. 80, No. 14).

uses the poverty guidelines for determining family size of one (1) priority of service eligibility for the WIOA Adult program and family size of one (1) income eligibility for applicable WIOA Youth program criteria.

- **PRE- APPRENTICESHIP PROGRAM** (20 CFR 681.480): A program designed to prepare individuals to enter and succeed in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to in this part as a "registered apprenticeship" or "registered apprenticeship program") and includes the following elements:
  - Training and curriculum that aligns with the skill needs of employers in the economy of the State or region involved;
  - Access to educational and career counseling and other supportive services, directly or indirectly;
  - Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied to a future career;
  - Opportunities to attain at least one industry-recognized credential; and
  - A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program.
- **PRIORITY OF SERVICE** (TEGL 10-09): Veterans or eligible spouses are given priority over non-covered persons for the receipt of employment, training, and placement services provided under a qualified job training program. Priority means that veterans and eligible spouses are entitled to precedence over non-covered persons for services. This means that a veteran or an eligible spouse either receives access to service earlier in time than a non-covered person, or if resources are limited, the veteran or eligible spouse either receives access to the service instead of, or before the non-covered person.
- **PUBLIC ASSISTANCE** [WIOA Sec. 3(50)]: Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.
- **RECENTLY SEPARATED VETERAN** [WIOA Sec.3(63)(B)]: Any veteran who applies for participation under WIOA within 48 months after the discharge or release from active military, naval, or air service.

- **SCHOOL DROPOUT** [WIOA Sec. 3(54)]: An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.
- **SCHOOL STATUS AT PARTICIPATION – Data Validation Purposes** – (Federal Register Vol. 80., No. 140):
  - **In-school, H.S. or Less:** If the participant has not received a secondary school diploma or its recognized equivalent and is attending any secondary school (including elementary, intermediate, junior high school, whether full or part-time) or is between school terms and intends to return to school.
  - **In-school, Alternative School:** If the participant has not received a secondary school diploma or its recognized equivalent and is attending an alternative high school or an alternative course of study approved by the local educational agency whether full or part time.
  - **In-school, Post-High School:** If the participant has received a secondary school diploma or its recognized equivalent and is attending a post-secondary school or program (whether full time or part-time), or is between school terms and plans to return to school.
  - **Not Attending School or High School Dropout:** If the participant is no longer attending any school and has not received a secondary school diploma or its recognized equivalent.
  - **Not Attending School; High School Graduate:** If the participant is not attending any school and has either graduated from high school or holds a high school equivalency certificate.
- **SELF-ATTESTATION** – Self-Attestation (also referred to as a participant or applicant statement) occurs when a participant (applicant) states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (A) Participant (applicant) identifying his or her status for a permitted data element and (B) signing and dating a form attesting to this self-identification.
- **SELF-SUFFICIENCY – Adult and Dislocated Worker** – defines self-sufficiency for the:
  - **WIOA Adult Program:** as having family income equal to or exceeding 100% of the Lower Living Standard Income Level (LLSIL) based on the Department of Labor (DOL) 100% LLSIL released March 26, 2016  
<http://www.doleta.gov/lisil/2016/LLSIL2016FRN.pdf>.
  - **WIOA Dislocated Worker Program:** as having family income equal to or exceeding 125% of the Lower Living Standard Income Level (LLSIL) based calculations of the Department of Labor (DOL) 100% LLSIL released March 26, 2016  
<http://www.doleta.gov/lisil/2015/LLSIL2016FRN.pdf>
- **SELF- EMPLOYED Farmers, Ranchers, or Business Operations – Dislocated Worker:** For Dislocated Worker Program eligibility purposes, has identified these as operations likely to terminate as evidenced by one or more of the following conditions:
  - Business foreclosure or notice of intent to foreclose;
  - Inability to turn a profit during the preceding 12 months;
  - Entry into bankruptcy proceedings;
  - Inability to make four (4) payments on loans secured by tangible business assets resulting in a loss that directly affects closure;
  - Inability to obtain capital necessary to continue operations;
  - Debt-to-asset ratio is sufficiently high to indicate the likely insolvency of the farm/ranch or business; or

- Other events indicated by likely insolvency of the farm, ranch, or business.
- **SINGLE PARENT** (Federal Register Vol. 80, No. 140): If the participant is single, separated, divorced, or widowed individual who has primary responsibility for one or more dependent children under age 18 (including single pregnant women).
- **SUBSTANTIAL LAYOFF – Dislocated Worker** – For Dislocated Worker Program eligibility purposes, defines a substantial layoff to include a notice of termination or layoff of 25% or more of the company’s workforce, or fifty (50) or more workers of a company’s workforce which is not the result of a plant closing but results in an employment loss at a single site of employment during a 30- day period.
- **SUFFICIENT DURATION – Dislocated Worker** – For Dislocated Worker Program eligibility purposes, defines attachment to the workforce of “sufficient duration” to mean an individual has been employed 20 or more hours per week for six (6) months or more during the last 12 months.
- **TEMPORARY EMPLOYMENT** – defines temporary employment as positions hired for a specific duration of time with a specific expiration date. Temporary hires typically occur when needed to cover for absent employees (e.g., maternity leave) or for temporary projects. Due to the short-term duration of their employment, temporary hires typically are not eligible for benefits usually available to full-time employees such as retirement benefits or sick leave.

Temporary employment may also include positions in which the individual accepts as a sole means for income maintenance with the intent to end employment upon completion of training or obtaining self-sufficient employment. This category of temporary employment typically pays less than the individual’s previous wage, and is less than the individual’s experience or education level. This may meet the definition of “Stop Gap Employment”, see Chapter 4.4.

- **TRAINING SERVICES** [WIOA Sec. 134(c)(3)(D): Training services may include:
  - Occupational skills training, including training for nontraditional employment;
  - On-the-job training (OJT)
  - Incumbent worker training;
  - Programs that combine workplace training with related instruction, which may include cooperative education programs;
  - Training programs operated by the private sector;
  - Skill upgrading and retaining;
  - Entrepreneurial training;
  - Transitional jobs;
  - Job readiness training provided in combination with services described in the first 8 bullets listed here;
  - Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described above; and customized training conducted with a commitment by an employer or group of employers to employ and individual upon successful completion of the training.
- **TRANSITIONL JOB** (WIOA Sec. 134(5) and proposed 20 CFR 680.830-see also definition of “work experience” for adults and dislocated worker): A transitional job is one that provides a limited work experience, that is subsidized in public, private of non-profit sectors for those individuals with barriers to employment because of chronic unemployment or inconsistent work history; those jobs

are designed to enable an individual to establish a work history, demonstrate work success, and develop the skills that lead to unsubsidized employment.

- **UNEMPLOYED:** WFC defines underemployed as situations where individuals are working in a lower capacity job than they are qualified for, including in a lower-paid job not fully utilizing the individual's skills or abilities, or for less hours than they would like to work, including part-time employment.
  
- **UNEMPLOYMENT AS A RESULT OF GENERAL ECONOMIC CONDITIONS – Dislocated worker** – For dislocated Worker Program eligibility purposes, defines loss of self-employment due to general economic conditions in the community, including natural disasters, to mean the failure, closure or substantial layoffs in one or more businesses in the community that had a direct effect on the individual's unemployment, such as:
  - Failure one or more businesses to which the self-employed individual supplied a substantial portion of products or services;
    - Failure of one or more businesses from which the self-employment individual supplied a substantial portion of products or services;
    - Failure of one more business form which the self-employed individual obtained substantial proportion of products or services;
    - Substantial layoffs from, or a permanent closure of, one or more plants of facilities that support a significant portion of the state, local economy directly impacting the self-employed individual's business; or Depressed prices or markets for articles produced by self-employed individual.
  
- **UNLIKELY TO RETURN TO PREVIOUS INDUSTRY OR OCCUPATION – Dislocated Worker-** For Dislocated Worker Program eligibility purposes, defines “unlikely to return to previous industry or occupation” to means the status of unemployed worker or military spouse as having limited opportunities for employment or reemployment in occupations previously employed. Examples include but are not limed to:
  - Substantial layoffs from, or a permanent closure of, one or more plants of facilities the support a significant portion or markets for articles produced by self-employed individual.
    - The previous industry and/or occupation is in decline on the State Demand/Decline list.
    - The individual is not able to re-locate to an area that has jobs in demand for which he/she is qualified.
    - The individual is not able to work in another capacity in the occupational area from which he/she was dislocated because of physical or mental limitations. An individual may have started out in an industry performing physical or mentally demanding jobs but is no longer capable of performing the essential requirements of the job.
    - Is the spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member [WIOA sec. 3(15)(E)(i)].
    - Is a separating military service member or veteran discharge under circumstances other than dishonorable [proposed 20 CFR 680.660(c)].
  
- **VETERAN** (WIOA Sec. 3(53); TEGL 10-69 Revision 2;) For the purpose of providing Priority of Service in the WIOA Adult Program and WIOA Dislocated Worker Program eligibility, veteran means a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable as specified in 38 U.S.C 101(2). Active service also includes full-time duty in the National Guard or Reserve component, other than full time duty for training and proposes. See also definition for “Recently Separated Veteran”.

**YOUTH EXPERIENCE – Youth** (WIOA sec. 129(c)(2)(c) and proposed CFR 681.600):

- Planned structured learning experience that take place at a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Work experiences provide the youth participant with opportunities for career exploration and skill development.
  - Work experiences must include academic and occupational education.
  - The type of work experience includes:
    - Summer employment opportunities and other employment opportunities available throughout the school year;
    - Pre-apprenticeship program;
    - Internships and job shadowing; and
    - OJT
- **WORK EXPERIENCE – Adults and dislocated workers** [WIOA sec. 134(c)(2)(A)(xii)(VII) and proposed 20 CFR 680.170]: Internships, or work experiences (for adults and dislocated workers) are planned, structured learning experiences that take place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. An internship or work experience may be arranged within the private, for profit, non-profit, or public sectors. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

Work experiences for adults and dislocated workers are considered “Transitional jobs” in WIOA and one of the several “work-based training” opportunities provided under the WIOA for adults and dislocated workers. As defined in proposed 20 CFR 680.830 and addressed in WIOA sec. 134(d)(5), transitional jobs are limited work experience for individuals with barriers to employment due to chronic unemployment or inconsistent work history, are combined with comprehensive employment and supportive services, and designed to enable an individual to establish a work history, demonstrate work success, and develop the skills that lead to unsubsidized employment.

**REFERENCES (Policy and Guidance are subject to change, amendments and up-dates)**

- [Workforce Innovation and Opportunity Act of 2014](#)
- [WIOA Performance and Accountability, and One-Stop Delivery Center](#), 20 CFR Parts 676,677, and 678
- [WIOA Title I and Title III Programs](#), 20 CFR Parts 603, 675, 679, 680, et.al.
- [Jobs for Veterans Act \(JVA\)](#).
- [Federal Register Vol. 80., No. 140](#)
- [Training and Employment Guidance Letter \(TEGL\) 22-04](#)
- [Training and Employment Guidance Letter \(TEGL\) 22-04, change 1](#)
- [Training and Employment Guidance Letter \(TEGL\) 17-05](#)
- [Training and Employment Guidance Letter \(TEGL\) 10-09](#)
- [Training and Employment Guidance Letter \(TEGL\) 11-11 Change 2](#)
- [Training and Employment Guidance Letter \(TEGL\) 9-12](#)
- [Training and Employment Guidance Letter \(TEGL\) 11-12](#)
- [Training and Employment Guidance Letter \(TEGL\) 6-14](#)
- [Training and Employment Guidance Letter \(TEGL\) 23-14](#)
- [Training and Employment Guidance Letter \(TEGL\) 03-15](#)
- [Local Area Policy Directives and Guidance Notices](#)

## Chapter 1 – ALIGNMENT of WAGNER-PEYSER and WIOA TITLE I SERVICES

### 1.1 Purpose

The underlying notion for the One-Stop system is the coordination of fully integrated programs, services and governance structures so that a job seeker has access to a seamless system of workforce investment services. This intent is accomplished by establishing career services that are consistent across federally funded workforce development programs. In addition, the Department of Labor Education and Training Administration (DOLETA) has further its integration efforts by establishing common performance metrics and developing an integrated performance reporting system.

States and local areas are encouraged to utilize common intake, case management, and job development systems in order to take full advantage of the One-Stop potential for efficiency and effectiveness. WIOA Title I programs and Wagner-Peyser are mandated to provide the same set of career services at WIOA Section 134(c)(2)(A). There is a natural alignment of service delivery under Wagner-Peyser since all individuals are eligible for these services.

**NOTE:** Personal records of WIOA registrants will be private and confidential, and will not be disclosed to the public, Refer to [WIOA Title I Policy 5403-Records Retention and Public Access](#) and [RCW 50.13](#) for additional guidance on data privacy and security.

### 1.2 Career Services

Per proposed 20 CFR 680.120 and 680.130 and TEGL 03-15, individuals 18 years of age or older who meet the eligibility criteria for and are enrolled in either the WIOA adult or dislocated worker programs are eligible to receive career services.

There are three types of career services: basic, individualized, and follow-up. There is no sequence requirement to these services. They can be provided in any order to provide flexibility in targeting services to the needs of the customer. Section 4 in [TEGL 03-15](#) identifies the services that fall under the basic, individualized, and follow-up categories.

Staff assisted Wagner-Peyser Labor Exchange service fall under Category of “Basic Career Services” and must be provided in coordination with other one-stop center partners, Wagner-Peyser staff can also provide “Individualized Career Services” in coordination with other One-Stop partners. Although Labor Exchange services are available to all individuals, only those who are legally entitled to work in the U.S. can obtain employment. To ensure that individuals who apply or are referred to employment opportunities are legally entitled to work in the U.S., requires customer attestation to legal entitlement work in the U.S.

In addition to universal access under Labor Exchange, certain basic career services (e.g., self-service or informational activities) can be provided universally with WIOA Title I funding. Individuals must be registered, determined eligible and enrolled to receive WIOA Title I funded, staff assisted career services beyond self-service or informational activities. These services are offered under WIOA Title I (in addition to Wagner-Peyser) to ensure seamless service delivery in the One-Stop Center to minimize referrals and to ensure leveraging of resources between programs.

Per proposed 20 CFR 680.110, self-service and informational activities are services made available and accessible to the general public that are designed to inform and educate individuals about the labor market and the range of services appropriate to their situation, and that do not require significant staff involvement with the individual in terms of resources or time. Both can be provided after registration and neither constitutes enrollment as neither is formally recognized as a staff-assisted WIOA service. TEGL 17-05 clarifies that “significant staff involvement” includes staff’s assessment of a participant’s skills, education or career

The objective to assist the participant in making a decision or accessing information, compared, to staff providing a participant with readily available information that does not require an assessment.

**NOTE:** This policy covers basic eligibility requirements for Wagner-Peyser, including priority of service requirements for “covered persons” (a veteran or his other eligible spouse) For verification of veteran status, the Wagner-Peyser program has specific requirement. For a complete overview of service for veterans (using the standard definition) under Wagner-Peyser, including verification of eligibility for these services, please refer to Service for Veterans-4030.

All Wagner-Peyser funded services must be provided by statement staff as per proposed 20 CFR 652.215 and TEGL 11-12.

### **1.3 Training Services**

Training services are funded and provided to jobseekers under the WIOA Title I programs. Individuals provided training services funded by WIOA Title I must be registered, determined eligible and in need of additional to obtain or employment per proposed 20 CFR 680.210.

As part of the aforementioned eligibility process, individuals must receive, at a *minimum*, a documented interview, evaluation or assessment and career planning or other means by which eligibility for WIOA-funding training services can be determined (proposed 20 CFR 680.220 and TEGL 03-15). The participant case file must contain a determination of need for training [proposed 20 CFR 680.220(b)].

Per WIOA Section 134(c)(3)(A)(III), proposed 20 CFR 680.220, and TEGL 03-15, there is no requirement that career services first be provided as a condition of receiving training services. However, if career services are not provided before training, WIOA case manager must **document** in case notes the circumstances justifying their decision to provide training services without first providing career services.

DOLETA encourages the referral of Wagner-Peyser recipients to WIOA Title I programs for training services when appropriate (TEGL 11-12).

## **Chapter 2 – WIOA YOUTH PROGRAM**

WIOA section 3(18) and 129(a)(1)(B) and (c); and proposed regulations 20 CFR, Part 681 – Youth Activities under Title I of the Workforce Innovation and Opportunity Act (WIOA) describe eligibility requirement for youth seeking WIOA funded services.

policy for youth programs is to ensure the youth enrolled in WIOA Title I are determined eligible and that required eligibility documentation is maintained in the youth participant file. **Enrollment into a WIOA Title I program requires 100% verification of eligibility.**

Enrollment into the WIOA Title I program require verification of eligibility and the participation in any of the fourteen (14) WIOA youth programs elements (see Section 2.8) (proposed 20 CFR 681.310). Registration is the information collection process that documents a determination of eligibility.

**Eligible for program enrollment and program services does not entitle and individual to program enrollment or program services [WIOA sec. 194(12)].**

## 2.1 IN-SCHOOL YOUTH

**Eligibility:** In-School youth must meet the following eligibility guidelines:

- U.S. citizen or otherwise legally entitled to work in the U.S.; **and**
- Attending school; **and**
- Age 14-21; **and**
- Selective Service Registration (if applicable); **and**
- **Low income individuals; AND**
- One of the following:

Category 1	Basic skills deficient
Category 2	An English language learner
Category 3	An individual who is subject to juvenile or adult justice system (offender or sex-offender)
Category 4	<ul style="list-style-type: none"> <li>• A homeless individual (see definition in the Definitions Chapter of the handbook), or</li> <li>• A runaway, or</li> <li>• In foster care or has aged out of foster care system.</li> </ul>
Category 5	Pregnant or parenting
Category 6	An individual with a disability
Category 7	<p>An individual who requires additional assistance* to complete an educational program or to secure and hold employment <b><u>and</u></b> meets one or more of the following categories:</p> <ul style="list-style-type: none"> <li>• At risk of dropping out of school;</li> <li>• Involved with drug and/or alcohol (personally or live with a family member with this issue);</li> <li>• Reside in a household with abuse issues;</li> <li>• Is victim of domestic violence or sexual child abuse;</li> <li>• Is gang affiliated</li> <li>• Is in grade level one or more below what is appropriate for the youth's age;</li> <li>• Had significant geographical barriers to accessing youth development services;</li> <li>• Is a member of a migrant family; or</li> <li>• Lack significant work maturity and/or lack a history of work.</li> </ul> <p><b>*NOTE:</b> in any single program year, no more than 5% of a SBWIB's <b>Total In-school Youth</b> participants can be those who require additional assistance to complete an educational program or to secure or hold employment [WIOA sec. 129(a)(3)(B)].</p>

<sup>1</sup> The Department of Labor Employment and Training (DOLETA) does not consider providers of Adults Education under title II of WIOA, YouthBuild programs, and Job Corps program to be schools. Therefore, WIOA youth programs may consider a youth to be out-of-school for purposes of WIOA youth program eligibility if they are attending Adult Education provided under title II of WIOA, YouthBuild, or Job Corps (proposed 20 CFR 681.230).



## 2.2. OUT-OF-SCHOOL YOUTH

**Eligibility:** Out-of-school Youth must meet the following eligibility guidelines:

- U.S. Citizen or otherwise legally entitled to work in the U.S.; **and**
- Not attending school as defined by State law; **and**
- Age 16-24; **and**
- Selective Service Registration (if applicable), unless an exception is justified **AND**
- One or more of the following:

Category 1	A school dropout (no high school degree, GED or equivalent)
Category 2	A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school calendar quarter.
Category 3	A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual <b>and</b> is basic skills deficient <b>or</b> an English language learner.
Category 4	An individual who is subject to the juvenile or adult justice system (offender or ex-offender)
Category 5	<ul style="list-style-type: none"> <li>• A homeless individual (see definition of Definitions Chapter of this handbook), or</li> <li>• A runaway, or</li> <li>• In foster care or has aged out of foster care system</li> </ul>
Category 6	Pregnant or parenting
Category 7	A youth who is individual with a disability
Category 8	<p>A low-income individual who require additional assistance to enter or complete an educational program or to ensure or hold employment <b>and</b> meets one or more of the following categories.</p> <ul style="list-style-type: none"> <li>• At risk dropping out of school;</li> <li>• Involved with drug and/or alcohol (personally or live with a family member with this issue);</li> <li>• Reside in a household with abuse issues;</li> <li>• Is gang affiliated;</li> <li>• Is in grade level one or more below what is appropriate for the youth's age;</li> <li>• Has significant geographic barriers to accessing youth development services;</li> <li>• Is a member of a migrant family; or</li> <li>• Lacks significant maturity work and/or lacks a history of work.</li> </ul>

## 2.3 Enrolling Minors

Youth ages 14-17 may be enrolled into the WIOA Youth Program without parental or legal guardian consent, while it is good practice to acquire a parent or legal guardian signature on the WIOA Registration

Form, this may not be an option for all youth applying for services. The inability to acquire a parental or legal guardian signature should not prohibit the youth from receiving services.k

## **2.4 Military Pay and Income Determination** (Proposed 20 CFR 683.230):

When past income is eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits (e.g., Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments or related VA-funded programs; proposed 20 CFR 680.650) must be disregarded for the veteran and for other individuals for whom the amounts would normally be applied in making and eligibility determination. This applies when determining if a person is a "low-income individual" for eligibility purposes in the WIOA Youth Program or as it applies when income is used as a factor when determining propriety of service for "low income individuals" in the WIOA Adult Program.

## **2.5 Exception to Low-income Requirement**

In any single program year, no more than 5% of the total youth enrolled in SBWIB WIOA youth program can be those who have a low income eligibility requirement (all In-school Youth and Out-of-school Youth in categories 3 and 8), but are not low income [WIOA sec, 129(a)(3)(A)(ii) and proposed 20 CFR 681.250].

If the youth is not low-income, the service provider must receive permission from to enroll the youth into the WIOA Youth program. The youth **must meet one or more of the categories above and have a documented barrier to completing their education and or securing/retaining employment.** The barriers must be clearly documented in the participant file.

## **2.6 South Bay Resident Policy**

SBWIB resident will receive priority for enrollment into WIOA programs. Non-SBWIB residents may be enrolled on a case-by-case only if approved by WIOA Service Program Manager or designee. Employment of non-SBWIB residents will require coordination with the other Workforce Development Area (WDA) or residency. Management approval and coordination with the WDA of residency must be documented in the participant's file. An exception to any of the requirements outlined in this residency policy must be approved by the WIOA service provider manager or designee. Exception to policy must be clearly documented in case notes.

## **2.7 Concurrent Enrollment** (Proposed CFR 681.430)

Individuals who meet the respective program eligibility requirements may participate in WIOA and WIOA Youth programs concurrently. However, co-enrollment should only occur when doing so provides a tangible benefit to the participant. The tangible benefits and justification must be documented in the participant's case notes at the time of co-enrollment.

Service provides must identify and track the separate funding streams which pays the costs of services provided to individuals who are participating in both WIOA Youth and WIOA Adult programs concurrently. Service provides must ensure services are not duplicated.

## **2.8 Required Program Elements** [WIOA sec. 129(c)(2) and proposed 20 CFR 681.460

Local programs must make each of the following 14 services available to youth participants. The provision of a minimum of one (1) of the following services must be provided to youth upon enrollment (proposed 20 CFR 681.310):

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<sup>2</sup> The States **dropout reengagement program**

- 1) Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar documents for individuals with disabilities) or for a recognized post-secondary credential;
- 2) Alternative secondary school services, or dropout recovery services, as appropriate;
- 3) Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following type of work experiences:
  - ° Summer employment opportunities and other employment opportunities available throughout the school year;
  - ° Pre- apprenticeship programs; Internships and job shadowing; and
  - ° On-the-job training opportunities;
- 4) Occupational skill training, which include priority consideration for training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area involved;
- 5) Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- 6) Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors;
- 7) Supportive services;
- 8) Adult mentoring for a duration of at least 12 months, that may occur both during and after program participation;
- 9) Follow-up services for not less than 12 months after the completion of participation;
- 10) Comprehensive guidance and counseling, which may including drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth;
- 11) Financial literacy education;
- 12) Entrepreneurial skills training;
- 13) Services that provide labor market and employment information about in- demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration service; and
- 14) Activities that help youth prepare for and transition to post-secondary education and training.

## **2.9 Participant File Documentation**

Participant files for eligible youth enrolled into the WIOA youth Program must contain the following documentation upon enrollment. Documents requiring signatures must be signed on or before the date of enrollment.

- WIOA Registration Form;
- Documentation supporting the participant's WIOA program eligibility;
- Objective Assessment and individual Service Strategy (ISS) [WIOA sec. 129(c)(1) and (2)];
- Program Participation information forms, including:
  - Privacy Act Statement,
  - Basic Complaint and Grievance Procedures, and
  - Equal Opportunity Notice of Right to file a Discrimination Complaint;

Authorization to share confidential information and records; and

Case notes and compliance (Note: case notes must be electronic and maintained in the designated system); including the hard file).

## **2.10 MIS/I-TRAIN**

Federal regulations require that all activities funded through DOLETA grants must be captured and reported consistently Services entered into the MIS/I-TRAIN must be entered within five (5) calendar days or service delivery and the service date should always reflect the date of actual service (appropriate back-dating). Service entered into the MIS/I-TRAIN Services plan screen (or its successor) and related programs enrollments may be entered up to two weeks (14 days) after actual start of service. The actual start of the service should be back-dated appropriately to reflect the beginning of the service delivery.

## Chapter 3 – WIOA ADULT PROGRAM

WIOA section 3(2) and proposed regulations 20 CFR, Part 680 – Adult and Dislocated Worker Activities under title 1 of the Workforce Innovation and Opportunity Act (WIOA) describe eligibilities requirements for adults seeking WIOA funded services.

Policy for adult programs is to ensure that adults enrolled in WIOA Title I are determined eligible are that required documentation is maintained in the adult participant file. **Enrollment into a WIOA Title I program requires a complete 100% verification of eligibility.**

Adults receive services funded under WIOA Title I other than self-service or information activities must be registered and must be a participant [proposed 20 CFR 680.110(b)]. Registration is the information collection process that documents determination of eligibility.

**Eligibility for program enrollment and program services does not entitle individual to program enrollment or program services** [WIOA sec. 194(12)].

**3.1 Eligibility-** Adults must meet the following eligibility criteria for the WIOA Adult Program.

- U.S. citizen or otherwise legal entitled here to work in the U.S.;
- Age 18 or older; and
- Selective Service Registration (if applicable), unless an exception is justified.

### 3.2 Priority for service

WIOA sec. 134(c)(3)(E) requires priority for individualized career services and training services funded with WIOA adults be given to recipient for public assistance, in other low-income individuals, and individuals who are basic skills deficient.

The list below describes the priority of service for individuals served in the WIOA Adult Program based on the requirements in WIOA Section 134(c)(3)(E), proposed 20 CFR 680.600, TEGL 10-09:

- **1<sup>st</sup> Priority** – Veterans and eligible spouses (covered persons) who are
  - Low-income, or
  - Recipients of public assistance, or
  - Who are basic skills deficient.
- **2<sup>nd</sup> Priority** – Individuals (non-covered persons) who are:
  - low income, or
  - Recipients of public assistance, or
  - Who are basic skills deficient.
- **3<sup>rd</sup> Priority** – Veterans and eligible spouses who are:
  - not low income, and
  - not recipients of public assistance, and
  - not basic skills deficient.
- **4<sup>th</sup> Priority** – Individuals (non-covered) who do not meet the above priorities may be enrolled on a case by case basis with documented managerial approval. Local policy limits the number of adults enrolled in WIOA who are not low income, public assistance recipients, or basic skills deficient to not more than 5% of all registered in all program year. The request for 4<sup>th</sup> Priority of Service must be submitted in writing using and placed in the participant file.

### 3.3 Priority

SBWIB residents will receive priority for enrollment into WIOA programs. Non-residents may be enrolled on a case-by-case only if approved by a WIOA Service Program Manager or designee. Enrollment of non-residents may require coordination with the other Workforce Development Area (WDA). Management approval and coordination with the staff if residency must be documented in the participants file. An exception to any of the requirements outlined and this residency policy must be approved by the WIOA service provider manager or designee. Exception to policy must be clearly documented in case notes.

### 3.4 Priority Selection for career and Training Services Funded with WIOA Statewide Discretionary Grants/Contracts

1. Eligible veterans and spouses (Covered persons)
2. Unemployed individuals
3. Low-income individuals
4. SBWIB Residents

As indicated by first priority, recipients of WIOA 10% discretionary grants and contracts will continue to provide priority selection of veterans for career and training services as required under P.L. 107-288 "Jobs for Veterans Act" and in alignment with Local Policy. In applying this policy to 10% funded projects, veterans who are unemployed and/or low income have priority over all other individuals served under these projects.

### 3.5. Military Pay and Income Determination (Proposed 20 CFR 683.230)

When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits (e.g., Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs; proposed 20 CFR 680.650) must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. This applies when determining if a person is "low-income individual" for eligibility purpose in the WIOA Youth Program or as it applies when income is used as a factor when determining priority of service for "low income individuals" in the WIOA Adult Program.

### 3.6. Individuated Career Service [WIOA sec. 134(2)(A)(xii) and proposed 20 CFR 678.430(b) and 680.150(b)]

The following individualized career service must be made available, if determined appropriate in order for an individual to obtain or retain employment:

- 1) Comprehensive and specialized assessments of the skill levels and service needs which may include-
  - i. Diagnostic testing and use of other assessment tools; and
  - ii. In depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- 2) Development of an individual employment plan (IEP), to identify the employment goals, appropriate achievement objectives, and appropriate combination of service for the participant to achieve his or her employment goals, including the list of, and information about, the eligible training providers;
- 3) Group counseling;
- 4) Individual counseling;
- 5) Career planning
- 6) Short-term pre-vocational services including development of learning skills, communication skills interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment of training;
- 7) Internships and work experiences that are linked to careers;
- 8) Workforce preparation activities;
- 9) Financial literacy services;

- 10) Out-of-area job search assistance and relocation assistance; and
- 11) Follow-up services, as appropriate.

### **3.7 Training Services** (WIOA sec. 134(c)(3) and proposed 20 CFR Subpart B – Training Services)

Training services may be made available to employed and unemployment adults who, after a **documented** interview, evaluation or assessment **and documented** career planning have been determined eligible to receive WIOA training service **and**:

- 1) Are determined to be unlikely or unable to obtain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services; **and**
- 2) Are determined to be in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; **and**
- 3) Have the skills and qualifications to participate successfully in training services; **and**
- 4) Have selected programs of training services that is directly linked to the employment opportunities in the local area, or in another area to which the individuals are willing to commute or relocate; **and**
- 5) \*Are unable to obtain grant assistance from other sources to pay the costs of such training, including such source as State-funded training funds (e.g., Worker Retraining; WorkFirst; or Basic Food, Employment Training, Temporary Assistance for Needy Families (TANF), Trade Adjustment Assistance (TAA), and Federal Pell Grants;
  - a. In determining whether a participant requires WIOA assistance in addition to other grant sources, one-stop operators should take into account the full cost of participating in training services (including selective services, dependent care and transportation costs) and other appropriate costs (proposed 20 CFR 680.230); **and**
- 6) Have select a program of study from the State Eligible Training Provider list.

**\*Note:** Veteran’s Administration (VA) benefits for education and training services (e.g., GI Bill) are not included in the statutory and regulatory category or “other grant assistance”. Veterans and spouses are not required to coordinate their entitlement to those benefits with any concurrent eligibility that they may have for (WIOA) funded training therefore, should not be preclude them from receiving WIOA funded services. WIOA service providers may not require veterans or spouse to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training. (TEGL 10-09)

**The case file must contain a determination of need for training service** a determined through the interview, evaluation, or assessment, and career planning. There is no requirement that career services be provided prior to receiving training services; however, if career services are not provided before training, the Local Board must document the circumstances that justified its determination to provide training without first providing a career service (proposed 20 CFR 680.220). has determined the documentation requirements for justifying the provision of training services without providing career services rests on detailed case notes by the case manager.

An exception to any of the requirements outlined in this services policy must be approved by the WIOA service provider manager or designee. Exception to policy must be clearly documented in case notes.

### **3.8. Self-Sufficiency Definition – WIOA Adult program**

defines self-sufficiency for the WIOA Adult Program as having family income equal to or exceeding 100% of the Lower Living Standard Income Level (LLSIL) based on the Department of Labor (DOL) 100% LLSIL. The LLSIL is updated annually. The current WIOA self-sufficiency income levels are located on the website at:[www.sbwib.org](http://www.sbwib.org).

### 3.9 Participant File Documentation

Participant files for eligible adults enrolled into the WIOA Adult Program must contain the following documentation upon enrollment. **Documents requiring signatures must be signed on or before the date of enrollment.**

- WIOA Registration Form;
- Documentation supporting the participant's WIOA program eligibility;
- Individual Employment Plan (IEP) [WIOA sec.134(c)(3)(D)];
- Program Participation Information form, including
  - Privacy Act Statement;
  - Basic Compliant and Grievance Procedures, and
  - Equal Opportunity Notice of Right to File a Decimation Complaint;
- Authorization to share Confidential Information and Records;
- Employment Status;
- Veteran status; and
- Case notes in compliance with the most current Case Note Procedures (Note: Case notes must be entered into MIS hard copies are not required for the hard file.)

### 3.10 MIS/I-Train

Federal regulations require that all activities funded through DOLETA grants must be captured and reported daily. Services entered into the I-Train system must be entered within five (5) days of service delivery and the service date should always reflect the date of actual service.

### 3.11 WIOA Adult Program 4<sup>th</sup> Priority Enrollment Authorization Request

Priority of WIOA Adult Program individualized career and training services shall be giving to:

- **1<sup>st</sup> Priority:** Covered persons (veterans and eligible spouses) who are low income, or recipients of public assistance, or who are basic skills deficient.
- **2<sup>nd</sup> Priority:** Non-Covered persons who are not low income, or recipients of public assistance, or who are basic skills deficient.
- **3<sup>rd</sup> Priority:** Veterans and eligible spouses who are not low income, not recipients of public assistance, and not basic skills deficient.
- **4<sup>th</sup> Priority –** Individual (non-covered persons) who do not meet the above priority.

On an exception bases, WIOA eligible individuals (non-covered persons) who do not meet the WIOA Adult Program eligibility for priorities 1,2 or 3 may be served under the 4<sup>th</sup> priority. The request for 4<sup>th</sup> Priority must be submitted in writing using this form. The WIOA eligible adult must meet one or more of the following categories of an individual with a barrier to employment:

- Displaced homemakers;
- Low-income individuals;
- Indians, Alaska Natives and Native Hawaiians;
- Individuals with disabilities;
- Older individuals;
- Ex-offenders;
- Homeless individuals;
- Individuals who are English language learners, low levels of literacy, and/or facing substantial cultural barriers;
- Eligible migrant and seasonal farm workers;
- Individuals within two (2) years of exhausting lifetime TANF eligibility;
- Single parents (including single pregnant women);
- Long-term unemployed individuals.

### Fourth Priority Enrollment Request

I (Case Manager), \_\_\_\_\_, am regarding enrollment on the WIOA Adult Program 4<sup>th</sup> Priority for (Application Name): \_\_\_\_\_

Who has the following barriers to self-sufficient employment;

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Services to be provided to the participant are documented on the Individual Employment Plan (IEP) located in the participant file.

Estimated amount of WIOA Adults funds to be used: \$ \_\_\_\_\_

\_\_\_\_\_  
WIOA Case Manager Signature      Date

\_\_\_\_\_  
WIOA Program Manager or Designee      Date

#### Chapter 4 – WIOA DISLOCATED WORKER PROGRAM

WIOA section 3(15) and proposed regulations 20 CFR, Part 680 – Adult and Dislocated Worker Activities under Title I of the Workforce Innovation and Opportunity Act (WIOA) describe eligible requirements for dislocated workers seeking WIOA funded services.

Policy for dislocated worker programs is to ensure that participants enrolled in WIOA Title I are determined eligible and that required documentation is maintained in the dislocated worker participant file. **Enrollment into a WIOA Title I program requires a complete 100% verification of eligibility.**

Dislocated workers who receive services funded under WIOA Title I other than self-service or information activities must be registered and must be a participant [20 CFR 680.110(b)]. Registration is the information collection process that documents a determination of eligibility.

**Eligibility for program enrollment and program services does not entitle an individual to program enrollment or program services [WIOA sec. 194(12)].**

**4.1 Eligibility** – Dislocated workers must meet the following eligibility criteria for the WIOA Dislocated Worker Program:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Selective Service Registration (if applicable), unless an exception is justified; **and**
- One of the Dislocated Worker categories (see the table of next page.)

The matrix on the following page is meant to provide clarity on the requirements within each Dislocated Worker category. Military Service Members (category 5) and Spouses of Dislocated Military Service Members (category 6) have been included as individual categories to allow for specificity, though it is commonly understood that these categories fall under the General Dislocation category (1).



Dislocated Worker Eligibility Criteria	
Category	Criteria
<b>1. General Dislocation</b>	<input type="checkbox"/> <b>1.1</b> An individual who was terminated, laid off, or received a notice of termination of layoff. <b>And</b>
	<input type="checkbox"/> <b>1.2</b> Is determined unlikely to return to previous industry or occupation (defined by WDCs); <b>AND</b>
	<input type="checkbox"/> <b>1.3 1</b> is eligible for or has exhausted entitlement to employment compensation; <b>OR</b>
	<input type="checkbox"/> <b>1.3.2</b> is not eligible for unemployment compensation but can show attachments to the workforce of sufficient duration.
<b>2. Dislocation from Facility Closure/ Substantial Layoff</b>	<input type="checkbox"/> <b>2.1</b> An individual who was terminated, laid off, or received a notice of layoff from employment at a plant, facility, or enterprise as a result of; <ul style="list-style-type: none"> <li>• Permanent closure; or</li> <li>• Substantial layoff.</li> </ul> <b>OR</b>
	<input type="checkbox"/> <b>2.2</b> An individual employed at a facility at which the employment has made general announcement that such facility will close within 180 days.
<b>3. Self-employment Dislocation</b>	Was self-employed (including employment as a farmer, 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 a natural disaster.
<b>4. Displaced Homemaker</b>	<b>4.1</b> An individual who was dependent on the income of another family member and is no longer supported by the income of that family member; <b>OR</b> Is the dependent spouse of a member of the armed forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, or service connected death or disability of the service member. The WDC has determined that if a service members family income is reduced, as evidenced by family or business financial records, such that the family is unable to meet current financial obligation, their income is considered to be "significantly reduced"; <b>AND</b>
	<b>4.2</b> Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
<b>5. Dislocated/ Separating Military Service Members</b>	<b>5.1</b> A <b>non-retiree</b> military service member who was discharged or released from service under conditions <u>other than dishonorable</u> , or has received a notice of military separation (defined by WFC as "separation" orders, e.g., Effective Termination of Service or "ETS" Orders or DD-2648-ACAP Transition checklist and issued in advance of 180 days). Per proposed 20 CFR 680.660, separating military service members automatically qualify as unlikely to return to a previous industry or occupation and as eligible for or exhausted entitlement to unemployment insurance.
<b>6. Spouses of Military Service Members</b>	<b>6.1</b> The spouse of a member of the armed forces on active duty, and who had experienced to loss of employment as direct result of relocation to accommodate permanent change in duty station of such member; <b>OR</b> <b>6.2</b> The spouse of a member of the armed forces on active duty, and who unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.  <b>NOTE:</b> A military spouse may also qualify as a Displaced Homemaker (category 4)

## 4.2 Priority of Service

**4.2.1 Dislocated military service members, veterans and other covered persons** determined eligible for the WIOA Dislocated Workers Program are given priority for services according to the jobs for veterans Acts (JVA) and Local Policy.

**4.2.2 Residents Priority:** residents will receive priority for enrollment into WIOA programs. Non-residents may be enrolled on a case-by-case only if approved by a WIOA Service Program Manager of designee. Enrollment of non-residents may require coordination with the partnering Workforce Development Area (WDA) of residency. Management approval and coordination with the WDA of residency must be documented in the participants file. An exception to any of the requirements outlined in this residency must be approved by the WIOA service provider manager or designee. Exception to policy must be clearly documented in case notes.

## 4.3 Serving Non-Retiree Military Service Member and their Spouses

### 4.3.1 Non-Retiree Military Service Members (Dislocated Worker – Category 5)

A military service member who is separated from military service under conditions other than dishonorable, or who receives a notice of future separation, may be eligible under the WIOA Dislocated Worker Program based on the “termination” criteria. This may include National Guard or reserve members who have been discharged from active duty service, but not necessarily from other reserve commitment, such as training. **NOTE:** Retirement orders do not qualify as “terminated” or “laid off”

Retired service members are not eligible for formula-funded dislocated worker serves per TEGL 22-04 Which clarifies the service members must be non-retirees to qualify for dislocated worker services. Retired service members can/should access services through Wagner-Peyser, Disable Veterans Outreach Program (DVOP), and WIOA Adult programs, as applicable.

The following serves as an outline of Dislocated Worker Program eligibility criteria as it applies to non-retiree discharged and separating military service members:

- WIOA sec. (3)(15)(A)(i); Has been terminated of laid off or received notice of termination or layoff:
  - Proposed 20 CFR 680.660(a) and TEGL 3-15: The separated service member has received a notice of separation, a DD-214 from the Development of Defense, or other documentation showing a separation or imminent separation from the Armed Forces to Satisfy the termination of layoff part of the dislocated worker eligibilities criteria in WIOA sec. 3(15)(A)(i).

**Note:** A DD-214 is not required to prove the WIOA enrollee is a veteran for the purposes of general program eligibility. A veteran can be enrolled in a WIOA program without any documentation or record of veteran status. However, a DD-214 must be on file establishing (see Workforce Information Notice WSD 15-14 Veteran Status Validation and Documentation Requirements).

- **Still- Active, transitioning military service members:** While these individuals may be eligible to receive WIOA Dislocated Worker Program services and funds, they would not be considered ‘veterans’ for the purposes of DOL reporting.

For the purpose of serving still-active transitioning service members under the “notice of termination of layoff” eligibilities criteria documentation must align with the DOL Data Element Validation (DEV) requirement for “Date of Actual Qualifying Dislocation” (refer to Handbook Chapter7).

- WIOA sec. (3)(15)(A)(ii)(I): Is eligible for or has exhausted entitlement to unemployment compensation:

- Proposed 20 CFR 680.660(b) and TEGL 3-15: The separating service member qualifies for the dislocated worker eligibility criteria on eligibility for or exhaustion of unemployment compensation in WIOA sec. 3(15)(A)(ii)(I) or (II).
- WIOA sec. (3)(15)(A)(iii): Is unlikely to return to a previous industry or occupation:
  - Proposed 20 CFR 680.660© and TEGL 3-15: As a separating service member, the individual meets the dislocated worker eligibility criteria that the individual is unlikely to return to a previous industry of occupation in WIOA sec. 3(15)(A)(iii).

#### **4.3.2 Spouses of Military Service Members (Dislocated Worker – Category 6)**

TEGL 3-15: WIOA expands the definition of dislocated workers to include military spouses who have lost employment as a direct result of a relocation to accommodate a permanent change in duty station of the spouse. Military spouses may also qualify if they are a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member. Military spouses also can qualify if they are unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment [WIOA sections 3(15) and 3(16)(A) and (B)].

TEGL 22-04 clarifies that the term “military spouse” includes individuals who are married to active duty service members (including National Guard of reserve personnel on active duty) and surviving spouses of active duty service members who lost their lives while on active duty service in combat related areas (e.g. Afghanistan or Iraq).

A military spouse can also be served as displaced homemaker if he/she meets the definitional requirements for displaced homemaker [WIOA sec. 3(15)(A)(ii)].

#### **4.4 “Stop-Gap” Employment**

Stop-gap employment is temporary work an individual accepts only because they have been laid off from the customary work for which their training, experience or work history qualifies them. Stop-gap employment must be temporary in nature with the intent to end employment upon completion of training, obtaining self-sufficient employment or as specified in the individual employment plan (IEP).

Typically, stop-gap employment will pay less than the individual's wage of self-sufficiency, however, there may be specific circumstance where stop-gap employment does provide a sufficient wage temporarily but is not considered permanent employment that leads to self-sufficiency. This stop-gap employment would not change the individual's dislocated worker status.

An otherwise eligible dislocated worker remains eligible if either prior to or during dislocated worker program participation, stop-gap employment is obtained for the purpose of income maintenance. If dislocation from a stop-gap position occurs, the job of dislocation remains the original job that established the self-sufficient income. If, at any time, an individual obtains employment that meets WFC definition of full-time employment then that position would be considered the self-sufficient job of dislocation in the event of a future dislocation

#### **4.5 Individualized Career Services [WIOA sec. 134(c)(2)(A)(xii) and proposed 20 CFR 678.430(b) and 680.150(b)]**

The following individualized career services must be made available, if determined appropriate in order for an individual to obtain or retain employment:

- 1) Comprehensive and specialized assessment of the skill levels and service needs which may include
  - iii. Diagnostic testing and use of other assessment tools; and
  - iv. in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

- 2) Development of a individual employment plan (IEP), to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, the eligible training providers;
- 3) Group Counseling
- 4) Individual counseling;
- 5) Career counseling;
- 6) Short-term pre-vocational services including development skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
- 7) Internships and work experiences that are linked to careers;
- 8) Workforce preparation activities;
- 9) Financial literacy services;
- 10) Out-of-area job search assistance and relocation assistance; and
- 11) Follow-up services, as appropriate.

#### 4.6 Training Services (WIOA sec. 134(c)(3) and proposed 20 CFR Subpart B – Training Services)

Training services may be made available to dislocated workers who, after a **documented** interview, evaluation or assessment **and documented** career planning have been determined eligible to receive WIOA training services **and**;

- 1) Are determined to be unlikely or unable to obtain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services; **and**
- 2) Are determined to be in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; **and**
- 3) Have the skills and qualification to participate successfully in training services; **and**
- 4) Have selected a program of training services that is directly linked to the employment opportunities in the local area, or in another area to which the individuals are willing to commute or relocate; **and**
- 5) \*Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds (e.g., Worker Retraining; WorkFirst, or Basic Food, Employment and Training, Temporary Assistance for Needy Families (TANF), Trade Adjustment Assistance (TAA), and Federal Pell Grants **or** require WIOA assistance **in addition** to other sources of grant assistance, including Federal Pell Grants;
  - a. In determining whether a participant requires WIOA assistance in addition to other grant sources, one-stop operators should take into account the full cost of participating in training services (including supportive services, dependent care and transportation costs) and other appropriate costs (proposed 20 CFR 680.230); **and**
- 6) Have selected a program of study from the State Eligible Training Provider List.

**\*NOTE** Veterans Administration (VA) benefit for education and training services (e.g., GI Bill) are not included in the statutory and regulatory category of “other grant assistance.” Veterans and spouses are not required to coordinate their entitlement to those benefits with any concurrent eligibility that they may have for service providers may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training. (TEGL 10-09)

**The case file must contain a determination of need for training services** as determined through the interview, evaluation, or assessment, and career planning. There is no requirement that career services be provided prior to receiving the training services; however, if career services are not provided before training, the Local Board must document the circumstances that justified its determination to provide training without first providing a career service (proposed 20 CFR 680.220). has determined the documentation requirements for justifying the provision of training services without first providing career services rests on detailed case notes by the case manager.

An exception to any of the requirements outlined in this training service policy must be approved by the WIOA service provider manager or designee. Exception to policy must be clearly documented in case note.

#### **4.7 Self-Sufficiency Definition – WIOA Dislocated Worker Program**

defines self-sufficiency for the WIOA Dislocated Worker program as having family income equal to or exceeding 125% of the Lower Living Standard Income Level (LLSIL) based on the Department of Labor (DOL) 100% LLSIL. The LLSIL is updated annually. The current WIOA self-sufficiency income levels are located on the website at: [www.sbwib.org](http://www.sbwib.org).

#### **4.8 Participant File Documentation**

Participant files for eligible individuals enrolled in the WIOA Dislocated Worker Program must contain the following documentation upon enrollment. **Documentation requiring signatures must be signed on or before the date of enrollment.**

- WIOA Registration Form;
- Documentation supporting the participant’s WIOA program eligibilities;
- Individual Employment Plan (IEP) [WIOA sec. 134(c)(3)(3)(D)]
- Program Participation information form, including:
  - Privacy Act Statement,
  - Basic Complaint and Grievance Procedures, and
  - Equal Opportunity Notice of Right to File a Discrimination Complaint;
- Authorization to Share Confidential Information on Records;
- Employment Status; and
- Case notes in compliance with the most current Case Notes Guidelines (Notes: Case notes must be in electronic record; hard copies maintained in the hard file.)

#### **4.9 MIS**

Federal regulations require that all activities funded through DOLETA grants must be captured and reported consistently. Services entered into the MIS within ten (10) calendar days of service delivery and the service date should always reflect the date of actual service (appropriate back-dating). Services entered into the MISSBWIB and related program enrollments may be entered up to two weeks (14 days) after the actual start of the service delivery.

### **Chapter 5 – INCUMBENT WORKER ELIGIBILITY**

WIOA funded training for incumbent workers is designed to meet the specific requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment and conducted with a commitment by the employer to retain or avert the layoff of the incumbent worker. An ideal incumbent worker training would be one where a participant acquires new skills allowing him or her to move into a higher skilled and higher paid job with the company, thus allowing the company to hire a job seeker to backfill the incumbent worker’s position. Incumbent worker training must increase both the participant’s **and** the company’s competitiveness (proposed CFR 20 680.780).

**An incumbent worker does not necessarily have to meet the eligibility requirement for career and training services for adults and dislocated workers under WIOA (proposed CFR 20 680.780).**

**Incumbent worker Eligibility:** The incumbent worker must be:

- A U.S. citizen or otherwise legally entitled to work in the U.U.;
- Age 18 or older;
- Selective Service Registration (if applicable), unless an exception is justified;
- Employed with an established employment history with the employer of six (6) months or longer;

- Meet the Fair Standards Act requirements for an employer-employee relationship <http://www.dol.gov/compliance/laws/comp-flsa.htm>; **AND**
- Determined to be in need of WIOA training services to obtain or retain self-sufficient employment [WIOA sec. 134(c)(3)(i)].

## Chapter 6 – ADDITIONAL PROGRAM GUIDANCE

### 6.1 U.S. CITIZENSHIP OR LEGAL RIGHT TO WORK IN THE U.S.

is required to verify U.S. citizenship or legal right to work in the U.S. for all WIOA Title I programs. Copies of I-9 documentation, such as driver's license/ID card along with Social Security card must be placed in the participant file.

### 6.2 SELECTIVE SERVICE REQUIREMENTS

To be eligible to receive WIOA Title I funded services, all males born on or after January 1, 1960, must present documentation showing compliance with Selective registration requirements or exceptions to registration requirement.

Complete Selective Service registration requirements and exceptions are funded in [TEGL 11-11, Change 2](#), including acceptance documentation to determine registration status and procedures for determining whether or not failure to register was knowing and willful. Acceptable documentation to determine a person's Selective Service registration status may include:

- Selective Service Acknowledgement letter;
- DD Form 214" Report of Separation";
- Screen printout out of the [Selective Service Verification](#) site.
- Selective service registration card;
- Selective service verification form (Form 3A); and/or
- Stamped post office receipt of registration.

Additionally, the [Selective Service System](#) website (<https://www.sss.gov/>) provides additional information about registration requirements, including the "[Who Must Register Quick Reference Chart](#)".

**6.2.1 Policy:** All males born on or after January 1, 1960, are required to register with Selective Service within 30 days of their 18<sup>th</sup> birthday (e.g., 30 days before or 30 days after their birthday). This includes males who are:

- Citizens of the U.S.;
  - Non-citizens, including:
    - Illegal aliens;
    - Legal permanent residents;
    - Seasonal agricultural workers; and
    - Refugees who take up residency in the U.S. before their 26<sup>th</sup> birthday; and/or
- Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

### 6.2.2 Registration Requirements – Males under 26 Years of Age

For U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Men who are serving in the military of attending the service academies on a full-time active duty. (**Note:** if a young man leaves the military before turning age 26, he must register. Males not attending the Reserves or National Guard on a full-time active duty must register.)
- Man who are disable and are continually confined to a residence, hospital or institution; or

- Man who are hospitalized, institutionalized, or incarcerated are not required to register during their **confinement**; however, they must register within 30 days after being released if they have not reached their 26<sup>th</sup> birthday.

For non-U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Non-U.S. male who came into this country for the first time after his 26<sup>th</sup> birthday. Acceptable forms of supporting documentation include:
  - Date-of-entry stamp in his passport;
  - I-94 with date of entry stamp on it; or
  - Letter from the U.S. Citizenship and Immigration Service (USCIS) indicating the date he man entered the United States presented in conjunction with documentation establishing the man's age.
- Non U.S. male who enters the U.S. illegally after this 26<sup>th</sup> birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
- Non-U.S. male on a valid non-immigrant visa.

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the registration requirements at [www.sss.gov/](http://www.sss.gov/).

Males who leave the military before turning age 26 must register with Selective Service.

If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA funded service.

If a male participant had failed to provide verification of Selective Service registration within 30 days of his 18<sup>th</sup> birthday, service must be suspended. and WIOA service provider must stop providing services to a participant who has not met the Selective Service registration requirement is met.

### **6.2.3 Registration Requirements – Males 26 Years of Age and Older**

Before enrolling in WIOA funded services, all males 26 years of age or older must provide:

1. Documentation of compliance with the Selective Service registration requirement;
2. Documentation showing, they were not required to register; or
3. If they were required to register but did not register, documentation establishing that their failure to register was not knowing and willful,

and WIOA service provider case managers will require males 26 years and older for proof of Selective Service registration when applying for services. If such individuals cannot prove proof of registration, one of two methods may be used by case managers to obtain a Status Information Letter from Selective Service.

The first method is for the individual to request the letter directly from Selective Service if he:

1. Believes he was not required to register; or
2. Did register but cannot provide any of the documentation noted above.

The Request for Status Information Letter form and instructions can be accessed at [www.sss.gov](http://www.sss.gov). The second method is for the case manager to request the letter. This method is preferred when time limits for enrollments exist. This second method is expressed in the TEGL 11-11, Change 2, dated May 16, 2012.

Case managers will take one of two actions based on results in the Status Information Letter:

- If the Status Information Letter indicates that the male individual was not required for Selective Service, than he is eligible to enroll in WIOA funded service.

- If the Status Information Letter indicates that the male individual was required to and did not register, he is presumed to be disqualified from participation in WIOA activities until it can be determined that his failure to register was not knowing and willful.

**Note-** All costs associated with WIOA funded activities and services provided to non-eligible individuals may be disallowed.

#### **6.2.4 Determining “knowing and Willful” Failure to Register**

The Chief Executive Officer (CEO) is responsible for approving whether or not the failure of a male to register with the Selective Service, the individual may only receive services if he can establish by a “preponderance” of evidence that the failure to register was not knowing and willful.

The case manager will need the individual to detail, the circumstances that prevent him from registering (e.g., hospitalization, institutionalization, incarceration, and/or military service from age 18 through 25) and prove documentation of those circumstances. The documentation should be specific as to the date of the circumstances. Evidence presented may include the individual’s written explanation and supporting documentation of his circumstances at the time of the required registration and reasons for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case.

The following are examples of documentation that may be of assistance in making a determination.

1. Served in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as a DD-214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering may also help determine if the individual’s failure to register was willful and knowing.

Case managers should consider the following questions when preparing material to submit in writing to the CEO for approval of an individual’s enrollment into WIOA who failed to register with the Selective Service. In determining whether or not the failure to register was “knowingly,” the case manager should ask the individual:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirements to him (e.g. veterans who were discharged before their 26<sup>th</sup> birthdays were occasionally told that they did not need to register)?
- On which date did the individual first learn that he was required to register?
- Where did he individual live when he was between the ages of 18 and 26? Does the Status Information Letter indicate that Selective Service mailed letters to the individual at that address and did not receive a response?

In determining whether or not the failure was “willful,” the case manager should ask the individual:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g. veterans who were discharged before their 26<sup>th</sup> birthdays were occasionally told that they did not need to register)?
- Where did the individual live when he was between the ages or 18 and 26? Does the Status Information Letter indicate that Selective Service mailed letters to the individual at that address and did not receive a response?

In determining whether or not the failure was “willful,” the case manager should ask the individual:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether or not to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?



Based on the preponderance of evidence submitted by the case manager in behalf of an individual, the CEO determines it was not a knowing and willful failure and the individual is otherwise eligible, Services may be approved. If the CEO determines that evidence shows that the individual's failure to register knowing and willful, WIOA services must be denied. Individual's case file must keep documentation related to evidence presented in determinations related to Selective Service Registration.

TEGL 11-11, Change 2 provides additional detailed information about the process for determining knowing and willful failure to register.

### **6.3 PRIORITY OF SERVICE FOR VETERANS AND ELIGIBLE SPOUSES**

All WIOA programs and service delivery must align with Federal law, regulations, and guidance on Priority of Service. Priority of service entitles eligible veterans and/or spouses to enrollment and service before eligible non-covered persons. Refer to Local Policy - Priority of Service for Veterans and Eligible Spouses and TEGL 3-15 for additional guidance on Priority of Service. Refer to Chapter 3 for specific guidance on priority of services for the WIOA Adult Program.

### **6.4 ASSISTING VICTIMS OF HUMAN TRAFFICKING**

*This guidance is appropriate for One-Stop center staff, especially intake workers and frontline staff who may encounter individuals they believe to be possible victims of human trafficking. **If an individual is under immediate threat or states that they are in danger, staff should call 911.***

On October 24, 2012, the U.S. Department of Labor (DOL), Employment and Training Administration (ETA) released Training and Employment Guidance Letter (TEGL) 9.12. TEGL 9-12 provides additional information and updates to previous guidance on the importance of providing workforce training and referral services to victims of human trafficking. Below are instructions and guidelines for Staff:

#### **Recognizing the Characteristics of victims and Referring Individuals to Proper Authorities and Resources**

Many victims of trafficking do not self-identify. A role for staff is to recognize the characteristics of potential victims of trafficking and refer them to the proper authorities and resources. See TEGL 9-12 Attachments A and B for information on how to identify potential victims of trafficking and current list of hotlines the one-stop staff can call to get help for potential victims

#### **Providing Employment and Training Services**

U.S. citizens or lawful residents who are victims of trafficking can receive the same services that are provided to the general public under WIOA. In addition, under the Traffic Victims Protection Act. Certain foreign nationals are also eligible for WIOA services [22 U.S. Code Ch. 78 sec. 7105(b)(1)(A)]. This includes victims of a severe form of trafficking of persons and individuals granted a non-immigrant "T" visa.

For the purposes of being eligible for WIOA service as a victim of a severe form of trafficking:

- Individuals 18 years of age or older must have been subjected to an act or practice described in the definition of "Severe forms of trafficking in persons" [22 U.S. Code Ch. 78 Sec. 7105(b)(1)(c)] and have received a letter of certification issued by the Department of Health and Human Services (HHS).
- Children under 18 years' old who have subjected to a severe form of trafficking need not be certified by HHS to be eligible for services; instead, HHS issues Letters of Eligibilities requirements to receive WIOA services.

Individuals who are granted T visas from the Department of Homeland Security are also eligible for WIOA services. The non-immigrant Status (T Visa) is available to individuals who are or have been victims of human trafficking, and protects these victims of human trafficking by allowing them to remain in the United States to assist in an investigation or prosecution of human trafficking.

Employment and training service should be provided to victims of trafficking to the same extent and following the same procedures and case management processes as for other One-Stop customers, However, services to victims of trafficking may have Limited English Proficiency (LEP), criminal records (including from being forced into prostitution), or limited resumes.

**Offering Information and Referrals to Other Wrap-around Services and/or Law Enforcement**

In most cases, victims of trafficking will approach One-Stop Centers towards the end their rehabilitation process and will have already been working with other Federal, State, local or nonprofit organizations and agencies. In the event that the victim has not yet received services, it is important for staff to be aware of and utilize local resources and service providers, particularly non-profit organizations that provide services to trafficking victims. Service providers for trafficking victims can also refer or accompany their clients to the nearest One-Stop Center when they are ready for employment and training services.

A description of available services for victims of trafficking offered either directly by federal agencies or provided by local service providers with funding from the U.S. Government can be found in the document “Selective Available to Victims of Human Trafficking: A Resource Guide for Social service Providers” available at <https://www.hsdl.org/?view&did=706130>.

**6.5 WIOA 001 REPORT AND DISALLOWED USE OF UI GUIDE SCREEN PRINTS**

UI provides information on the use of the WIOA Eligibilities and Claims Data Report and to further clarify that, effective July 15, 2011, unemployment insurance claim screens (UI GUIDE screen prints) are no longer to be used by or other WIOA service providers to determine WIOA program eligibility. **NOTE:** This information will be available in Unemployment Tax and Benefits (UTAB) system, which is being developed as the successor to GUIDE.

**6.6 INCOME VERIFICATION and FAMILY SIZE for the LOW-INCOME CRITERIA**

To determine whether an individual is low-income under the definition at WIOA sec. 3(36), it is also necessary to consider family size and family income.

**6.6.1 Includable and Excludable Income**

Examples of Includable income	Examples of Excludable Income
<ul style="list-style-type: none"> <li>• Alimony</li> <li>• College or University grants, fellowships, and assistantships</li> <li>• Dividends, periodic receipts from estates and trusts</li> <li>• L &amp; I paid monthly basis</li> <li>• Money, wages and salaries before any deductions</li> <li>• Net gambling or lottery winnings</li> <li>• Net receipts from non-farm self-employment</li> <li>• OJT wages from WIOA participation</li> <li>• Pensions whether private, government employee (Including military retirement pay), law enforcement firefighters (LEF) disability income</li> <li>• Regular insurance or annuity payments received by individual or family member</li> <li>• Regular payments from railroad retirement, strike benefits from union</li> </ul>	<ul style="list-style-type: none"> <li>• Allowances, earning and payments to WIOA</li> <li>• Any assets drawn down from bank, sale of property, house, or a car</li> <li>• Capital Gains</li> <li>• Child Support</li> <li>• Financial Assistance under Title IV i.e. Pell grants, federal work study and federal supplemental educational opportunity grants</li> <li>• Foster Child Care Payments</li> <li>• Job Corps, WorkForce Training Assistance</li> <li>• Needs based Scholarship Assistance</li> <li>• Non-cash benefits such as employer fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, food stamps, school meals, and housing assistance</li> <li>• Old Age and Survivors Income (OASI)</li> <li>• One-time lump sum payment</li> </ul>

funds, and worker's compensation (not lump sum training stipends) <ul style="list-style-type: none"> <li>• Severances Payments</li> <li>• Terminal Leave Pay</li> </ul>	<ul style="list-style-type: none"> <li>• Public Assistance (TANF, SSI, RCA, GA)</li> <li>• Social Security Disability Insurance (SSDI)</li> <li>• Tax refunds, gifts, loans, lump-sum inheritance, one-time insurance payments, or compensation for injury (lump sum)</li> <li>• Unemployment Compensation</li> <li>• Income earned while a veteran was on active duty, including military allotments and Veteran's Benefits</li> </ul>
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### 6.6.2 Determining Family Size

"Family" under WIOA is defined as two or more individuals related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A married couple and dependent children;
- A parent or legal guardian and dependent children; or
- A married couple.

**NOTE:** Per proposed 20 CFR 680.640 and 681.280, even if the family of a disabled individual does not meet the income eligibility criteria, the individual with a disability may be considered a low-income individual if the their own income meets the income criteria of WIOA sec. 3(36)(A) or 3(36)(B) (see Low Income definition). The individual with a disability would b considered a family of one and only the individual's income would be considered when determining low-income.

### 6.6.3 Defining Dependent

WIOA does not define dependent. To avoid uncertainty in making eligibility decisions regarding family size and income, the state had identified three circumstances where a youth must be considered as a dependent of parent(s) or legal guardians(s) for the purpose of determining family size for WIOA Adult and Youth Program eligibility. These instances are:

Example 1	Youth not yet 18, who are not emancipated youth or runaway youth, living "at home" with their parents or legal guardians, including individuals in the temporary care or another individual or household (but not claimed as a dependent by the household).
Example 2	Youth age 18-19 who are full-time students in a secondary school or equivalent and are living "at home" with their parents or legal guardians.
Example 3	Youth age 18-24 who are not full-time students and are living "at home" with their parents or legal guardians, and who are primarily supported by their parents.

A legal guardian is a blood relative (e.g., grandparent, aunt or uncle) or another legally recognized relative (e.g., decree or court) who claims the youth as a dependent. The key factors are:

- Relationship by blood or decree of court;
- Living in a single residence; and
- The youth is claimed as dependent.

WDCs have the authority to identify instances in which youth age 18-24 and "living at home" with their parents or legal guardians are to be considered as independents and not dependents. has determined youth age 18-24 who reside with their parents of legal guardians and who fall into one or more of the following categories can considered independent income eligibility determination:

- Youth age 18-24 who are personally receiving TANF, food stamps or Social Security Benefits.
- Youth age 18-24 who are attending post-secondary education and who qualify as an independent student on the Free Application for Federal Student Aid (FAFSA); or
- Youth age 18-24 who are supporting their parents or other family members who are unemployed or unable to work.

## **6.7 CALIFORNIA MARRIAGE EQUALITY ACT**

California's Marriage Equality Act (SB 1306) expands the definition of a "married couple" beyond that of a male and female couple. The US Department of Justice will no longer defend the federal "Defense of Marriage Act" as a number of courts have held it is unconstitutional including the 1<sup>st</sup> and 2<sup>nd</sup> Circuit Court of appeals. Accordingly, in relation to this policy, the definition of marriage has been expanded to include marriages, domestic partnerships, or other legal union's equivalent to a domestic partnership, between two persons.

This expanded definition applies to all WIOA policy guidance and specifically impacts the following sections within this policy. Family size, eligible spouses (Priority of Service), Military spouses (Dislocated Worker Program Eligibility).

## **Chapter 7 – ELIGIBILITY DOCUMENTATION REQUIREMENTS**

This matrix on the next page provides a comprehensive overview of program eligibility criteria and documentation requirements. The requirements in this matrix outline eligibility criteria and utilize Data Element Validation (DEV) requirements for alignment purposes. There are, however, additional DEV requirements beyond the eligibility documentation requirements described in the matrix, including different DEV requirements for career services. For comprehensive information on the Data Reporting and Validation System (DRVS) and Data Element Validation (DEV) requirements, refer to TEGL 6-14.

## **INSTRUCTIONS FOR THE ELIGIBILITY AND DOCUMENTATION MATRIX**

### **Criteria**

This column represents all eligibility components for WIOA Title I Youth, Adult and Dislocated Worker Program categories are listed under criteria, in addition to the components that apply to multiple programs).

### **ELIGIBILITY REQUIREMENT**

This column includes each program with an indicator in each row if the eligibility criteria applies to the specific program as outlined in the Youth, Adult and Dislocated Worker Program eligibility section of this handbook and local eligibility policies.

### **DOCUMENTATION REQUIREMENT**

The corresponding eligibility documentation requirements to the align with DEV documentation Requirement for each eligibility criteria/category. The DRVS number (if the criteria is included under DEV documentation requirements for each eligibility criteria/category. The DRVS number (if the criteria is included under DEV) or other source (if not included under DEV) is listed above each list of documentation.)

One document in this column is required for each relevant eligibility criteria/category. Each criteria is connected to one or more potential DRVS lists, but only one document (from the relevant list) is necessary (i.e., low-income and youth category 3 include multiple "options" but only one option is necessary).

## **Self-attestation**

The self-attest column serves as an indicator of whether or not corresponding documentation list allows for self-attestation. Service providers are strongly encouraged to use the self-attest form provided that are substantially similar, DOL further recommends that staff document the reason for using self-attestation in case note. Self-attestation should be used when other acceptable documentation is unattainable and there is a compelling reason to believe the criteria in question would have been met had other acceptable source documentation been attainable.

The operator and WIOA service providers may provide for additional use of self-attestation as an exception to this policy if the requirements as currently delineated create a barrier to participation.

Improperly documented self-attestation or self-attestation on eligible elements not permitted under federal law or guidance or this policy may result in disallowed costs. Properly documented self-attestation serves as documentary evidence of eligibility determination and does not, by itself, warrant disallowed cost findings. At the same time, properly documented self-attestation does not, by itself, preclude disallowed cost findings if it is determined during monitoring reviews or audits that the attestation was false.

Criteria	Requirement For:					Documentation Requirement	Self- attestation
	W-P	ISY	OSY	Adult	DW		
<b>Citizen/ Legally Entitled to Work in the U.S.</b>	N/A	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Accepted I-9 Documentation, Such as: driver's license/ ID card along with Social Security card.</li> </ul> <p>Note: For more information on employment eligibility guidance and alignment with I-9 documentation please see <a href="#">M-274,Guidance for Completing Form I-9.</a></p>	NO
<b>Age</b>	N/A	✓	✓	✓	N/A	<p><u>DRVS 3 – Date of Birth:</u></p> <ul style="list-style-type: none"> <li>Driver's license;</li> <li>Baptismal record;</li> <li>Birth certificate;</li> <li>DD Form 214;</li> <li>Report of Transfer or Discharge paper;</li> <li>Federal, State or local ID card;</li> <li>Passport;</li> <li>Hospital records of birth;</li> <li>Public assistance/social service records;</li> <li>Work permit;</li> <li>Cross match with Department of Vital Statistics ( Department of Health's Center for Health Statistics); or</li> <li>Tribal records.</li> </ul>	No
<b>Selective Service Registration</b>	N/A	✓	✓	✓	✓	<p><u>TEGL 11-11 Change 2:</u></p> <ul style="list-style-type: none"> <li>Selective Service acknowledgement letter;</li> <li>DD For 214 "Report of Separation;</li> <li>Screen Printout of the <a href="#">Selective Service Verification site</a>;</li> <li>Selective Service Registration Card;</li> <li>Selective Service Verification (Form 3A); or</li> <li>Stamped Post Office Receipt of Registration.</li> </ul>	No

Criteria	Requirement For:					Documentation Requirement	Self- Attestation
	W-P	ISY	OSY	Adult	DW		
<b>Low-Income</b>	N/A	✓	✓	✓	N/A	<p>DTVS 20, 21, or 22 for Adult.</p> <p><u>DRVS 20 – Low Income:</u></p> <ul style="list-style-type: none"> <li>Alimony Agreement;</li> <li>Award letter from veteran's administration;</li> <li>Banks Statement's</li> <li>Compensation award letter;</li> <li>Court award letter;</li> <li>Pension statement;</li> <li>Employer Statement/contact;</li> <li>Family or business financial records;</li> <li>Housing authority verification;</li> <li>Pay stubs;</li> <li>Public assistance records;</li> </ul>	NO

						<ul style="list-style-type: none"> <li>• Quarterly estimated tax for self-employed persons</li> <li>• Social Security benefits, or</li> <li>• UI documents (WIOA OO1 Reports)</li> </ul>	NO
						<p><u>DRVS 21 – TANF:</u></p> <ul style="list-style-type: none"> <li>• Cross – match with TANF public assistance records</li> </ul>	NO
						<p><u>DRVS 22 – Other Public Assistance Recipient:</u></p> <ul style="list-style-type: none"> <li>• Copy of authorization to receive cash public assistance check;</li> <li>• Medical card showing cash grant status;</li> <li>• Public assistance records; or</li> <li>• Cross – match with public assistance database.</li> <li>•</li> </ul>	

<b>Youth Program – Out-of-school Youth</b>	Category 1	<u>DRVS 35 – School Status at Participation</u> <ul style="list-style-type: none"> <li>• Self- attestation;</li> <li>• Applicable records from education institution (GED certificate, diploma, attendance record, transcripts, drop out letter, school documentation);</li> <li>• WIOA intake or registration form; or</li> <li>• State MIS.</li> </ul>	Yes
	Category 2	<u>DRVS 35 (refer to list above)</u>	Yes
	Category 3	<u>DVRS 50 – Basic Skills deficiency</u> <ul style="list-style-type: none"> <li>• Standardized assessment test;</li> <li>• School records; or</li> <li>• Case notes</li> </ul>	Yes
	Category 4	<u>DVRS 42 – Offender:</u> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Documentation from juvenile or adult criminal justice system;</li> <li>• Documented phone call with court or probation representatives; or</li> <li>• WIOA Registration Form.</li> </ul>	Yes
	Category 5	<u>DRVS 41 (Homeless/runaway youth) or DRVS 51 (Foster Care)</u>  <u>DRVS 41 – Homeless individual and/or runaway youth</u> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Written Statement from an individual providing residence, shelter or social service agency; or</li> <li>• WIOA Registration Form</li> <li>•</li> </ul>	Yes
		<u>DRVS 51 – Foster Care youth</u> <ul style="list-style-type: none"> <li>• Written confirmation form social services agency; or</li> <li>• Case notes</li> </ul>	NO
	Category 6	<u>DRVS 48 – Pregnant or Parenting Youth:</u> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Copy of Childs birth certificate;</li> <li>• Baptismal record;</li> <li>• Observation of pregnancy status; or</li> <li>• Doctors note confirming pregnancy.</li> </ul>	Yes
	Category 7	<u>DRVS 49 (refer to list below)</u>	Yes
Category 8	<u>DRVS 49 – Youth who needs additional assistance:</u> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Individual service strategy;</li> <li>• Case notes;</li> <li>• WIOA Registration</li> </ul>	Yes	



Youth Program	Category 1	<u>DRVS 50 – Basic skills deficiency</u> <ul style="list-style-type: none"> <li>• Standardized assessment test;</li> <li>• School records; or</li> <li>• Case note</li> </ul>	No
	Category 2	<u>DRVS 50 (refer to list above)</u>	No
	Category 3	<u>DRVS 42 – Offender;</u> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Documentation from juvenile or adult criminal justice system;</li> <li>• Documented phone calls with court or probation representatives; or</li> <li>• WIOA Registration Form.</li> </ul>	Yes
	Category 4	<u>DRVS 41 (Homeless/runaway youth) or DRVS 51 (foster care)</u> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Written statement from an individual providing residence, shelter or social service agency, or</li> <li>• WIOA Registration Form</li> </ul>	Yes
		<u>DRVS 51 – Foster Care youth</u> <ul style="list-style-type: none"> <li>• Written confirmation from social services agency; or</li> <li>• Case notes</li> </ul>	No
	Category 5	<u>DRVS 48 – Pregnant or Parenting Youth:</u> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Copy of child birth certificate;</li> <li>• Baptismal record;</li> <li>• Observation of pregnancy status; or</li> <li>• Doctors note confirming pregnancy.</li> </ul>	Yes
	Category 6	<u>DRVS 49 (refer to list below)</u>	Yes
Category 7	<u>DRVS 49 – Youth who needs additional assistance</u> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Individual service strategy;</li> <li>• Case notes;</li> <li>• WIOA Registration Form; or</li> <li>• State MIS</li> </ul>	Yes	

	Category 1	<u>DRVS 47 – Date of Actual Qualifying Dislocation</u> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Verification from employer;</li> <li>• Rapid Response list;</li> <li>• Notice of layoff; or</li> <li>• Public announcement with cross-match with UI (WIOA 001 Report).</li> </ul>	Yes
	Category 2	DRVS 47 (refer to list above)	Yes
	Category 3	DRVS 47 (refer to list above)	Yes
	Category 4	<u>DRVS 46 – Displaced Homemaker;</u> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Public assistance records;</li> <li>• Court records;</li> <li>• Divorce Papers;</li> <li>• Bank records;</li> <li>• Spouse's layoff notice; or</li> <li>• Spouse's death record.</li> </ul>	Yes
	Category 5	DRVS 47 (refer to list above) or a DD-214	Yes
	Category 6	DRVS 47 (refer to list above)	Yes

## CHAPTER 8 – SELF-ATTESTATION

It is the policy of to allow the use of self-attestation as a minimum documentation requirement for selected eligibility criteria, unless specific documentation requirements are provided in DOL ETA guidance that preclude the use of self-attestation (i.e., DEV requirements in TEGL 6-14 or Selective Service documentation requirements in TEGL 11-11 Change 2) of state law (i.e., the requirements governing UI eligibility determination). Self-attestation should be used when other acceptable documentation is unattainable and there is compelling reason to believe the criteria in question would have been had other acceptable source documentation been attainable. Staff must document the reason for using self-attestation in case notes.

To ensure properly documentation customer self-attestation, requires the use of the following self-attestation on eligibility elements not permitted under Federal law or guidance or this policy may result in disallowed cost.

Properly documented self-attestation serves as documentary evidence of eligibility determination and does not, by itself, warrant disallowed cost findings. At the same time, properly documented self-attestation does not, by itself, preclude disallowed cost findings if it is determined during monitoring review or adults the attestation was false.

**NOTE:** and WIOA service providers may provide for additional use of self-attestation as an exception to this policy if the requirements as currently delineated create a barrier to participation. Such exception must be approved by the WIOA service provider manager of designee. Exception to policy must be clearly documented in case notes.

## SAMPLE

### 8.1 Self-attestation Form – Adult and Dislocated Worker Programs

WIOA Adult & Dislocated Worker Program Self-Attestation Form		
<b>Applicant Information:</b>		
<b>Last Name:</b>	<b>First Name:</b>	<b>Middle Initial:</b>
<b>Applicants for WIOA program services may self-attest to the eligibility criteria below:</b>		
1. Have you been terminated, laid off, or received a Notice of termination or layoff?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Are you a military service member who was discharged or released from service (under conditions <u>other than dishonorable</u> ) or has received a notice of military separation?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Where you unable to continue employment due to your spouse's permanent change of military station, or did you lose employment as a result of your spouse's discharge from the military?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Where you self-employed, but are unemployed as a result of general economic conditions in the community in which you reside?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Are you a displaced homemaker? Note: A displaced homemaker is an individual who was dependent on the income of another family member and no longer supported by the income of that family member.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. Other: Use of "Other" category requires detailed explanation for use of self-attestation when otherwise no allowed. Used of this category requires Program Manager Approval.  Detailed Explanation:	Manager Initial	
	<b>Dislocation Information</b>	<b>Current Employment Information</b>
<b>Date</b>	Separation Date (if known):	Start Date:
<b>Job Title</b>		
<b>Business Name</b>		
<b>Address</b>		
<b>City, State, Zip</b>		
<b>Self-Attestation Statement:</b>		
<p><i>I certify that the information provided on this document is true and accurate to the best of my knowledge and belief. I understand that such information is subject to verification and further understand that the above information, if misrepresented or incomplete, may be grounds for immediate termination from any WIOA program and/or penalties as specified by law.</i></p>		
<b>SIGNATURE OF PARTICIPANT</b>		<b>DATE</b>
X		
<b>Staff Verification Statement:</b>		
<p><i>I certify that the individual whose signature appears above provided the information recorded on his form.</i></p>		
<b>Signature of Staff</b>		<b>DATE</b>
X		

## 8.2 Self-attestation Form – WIOA Youth Program

WIOA Youth Program Self-attestation Form			
<b>Applicant Information:</b>			
<b>Last Name:</b>	<b>First Name:</b>		<b>Middle Initial:</b>
<b>Address:</b>	<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Applicants for WIOA program services may self-attest to the eligibility criteria below:</b>			
1. School status at participation: Case Manager explain school status here:		In-School <input type="checkbox"/>	Out- School <input type="checkbox"/>
2. Are you currently homeless? ( <i>Defined as lacking a fixed, regular and adequate night-time residence. Couch surfing is considered homeless.</i> )		Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are you currently voluntarily removed from your home (runway)?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
3. Are pregnant or currently parenting a child?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
4. Have you been involved in any stage with the juvenile justice system (arrested or convicted)? (offender category)		Yes <input type="checkbox"/> No <input type="checkbox"/>	
5. Youth who needs addition assistance:  Case Manager explain circumstances that meet this eligibility criterion here:		Yes <input type="checkbox"/> No <input type="checkbox"/>	
6. Other: Use of "Other" category requires detailed explanation for use of self-attestation when otherwise not allowed, Use of this category requires Program Manager Approval.  Detailed Explanation:		Manager Initial	
<b>Self-Attestation Statement:</b>			
<p><i>I certify that the information provided on this document is true and accurate to the best of my knowledge and belief. I understand that such information is subject to verification and further understanding that the above information, if misrepresented or incomplete, may be grounds for immediate termination from any WIOA program and/or penalties as specified by law.</i></p>			
<b>SIGNATURE OF PARTICIPANT:</b>		<b>DATE:</b>	
X			
<b>Staff Verification Statement:</b>			
<p><i>I certify that the individual whose signature appears above provided the information recorded on this form.</i></p>			
<b>SIGNATURE OF STAFF:</b>		<b>DATE:</b>	
X			