

WIOA TITLE-I ELIGIBILITY

PURPOSE

This policy provides guidance regarding the participant eligibility requirements of the Workforce Innovation and Opportunity Act (WIOA) Programs.

This policy supersedes Local Policy Bulletin #2022-03 WIOA Title-I Eligibility, dated May 11, 2023. Retain this policy until further notice.

SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

REFERENCES

- WIOA (Public Law 113-128)
- *Jobs for Veterans Act of 2002* (Public Law 107-288)
- Title 26 United States Code (U.S.C.), *Internal Revenue Code*, Section 139E: Indian General Welfare Benefits
- Title 42 U.S.C., Public Health and Welfare, Section 12102: Definition of Disability
- Title 2 *Code of Federal Regulations* (CFR) Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)
- Title 2 CFR Part 2900: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Department of Labor Exceptions)
- Title 20 CFR Part 675, et al.: Workforce Innovation and Opportunity Act, Final Rule
- Title 20 CFR Part 1010: Application of Priority of Service for Covered Persons
- Title 29 CFR Part 38: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act
- Training and Employment Guidance Letter TEGL 10-16, Change 3, *Performance Accountability Guidance for WIOA Core Programs* (June 11, 2024)

The Workforce Development Board of Ventura County is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- *TEGL 23-19, Change 2, Revisions to TEGl 23-19, Change 1, Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs* (May 12, 2023)
- *TEGL 09-22, WIOA Title I Youth Formula Program Guidance* (March 2, 2023)
- *TEGL 23-19, Change 1, Guidance for Validating Required Performance Data Submitted by Grant Recipients of DOL Workforce Programs* (October 25, 2022)
- *TEGL 21-16, Change 1, Third WIOA Title I Youth Formula Program Guidance* (July 30, 2021)
- *TEGL 14-18, Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the DOL* (March 25, 2019)
- *TEGL 26-16, Guidance on the use of Supplemental Wage Information to implement the Performance Accountability Requirements under the WIOA* (June 1, 2017)
- *TEGL 21-16, Third WIOA Title I Youth Formula Program Guidance* (March 2, 2017)
- *TEGL 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the WIOA and the Wagner-Peyser (W-P) Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules* (March 1, 2017)
- *TEGL 8-15, Second Title I WIOA Youth Program Transition Guidance* (November 17, 2015)
- *TEGL 26-13, Impact of the U.S. Supreme Court's Decision in United States v. Windsor on Eligibility and Services Provided under Workforce Grants Administered by the Employment and Training Administration* (June 18, 2014)
- *TEGL 10-09, Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the DOL* (November 2009)
- *TEGL 11-11, Change 2, Selective Service Registration Requirements for Employment and Training* (May 16, 2012)
- *TEGL 22-04, Change 1, Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant* (September 28, 2007)
- *TEGL 22-04, Serving Military Service Members and Military Spouses under the Workforce Investment Act Dislocated Worker Formula Grant* (March 22, 2005)
- *California's Unified Strategic Workforce Development Plan (State Plan) 2020-2023*
- *Workforce Services Directive WSD24-07, Performance Guidance* (November 26, 2024)
- *WSD24-02, LLSIL And Poverty Guidelines* (August 20, 2024)
- *WSD22-15, WIOA Data Validation Source Documentation* (June 27, 2023)
- *WSD20-11, Pseudo Social Security Number in CalJOBSSM* (April 29, 2021)
- *WSD24-05, CalJOBSSM Activity Codes* (October 10, 2024)
- *WSD24-15, Priority of Service for Veterans and Eligible Spouses* (February 14, 2025)
- *WSD18-03, Pathway to Services, Referral, and Enrollment* (August 28, 2018)
- *WSD18-02, Data Change Request Form Procedure* (July 31, 2018)

- WSD17-07, *WIOA Youth Program Requirements* (January 16, 2018)
- WSD16-18, *Selective Service Registration* (April 10, 2017)
- WSD24-06, *WIOA Adult Program Priority of Service* (November 8, 2024)

POLICY

The WIOA authorizes a workforce development system to provide workforce preparation and employment services to eligible adults, dislocated workers, and youth. The WIOA Title I Eligibility Technical Assistance Guide (TAG) assists Local Areas in establishing eligibility guidelines for the WIOA adult, dislocated worker, and youth programs.

The WIOA Title I Eligibility policy provides guidance regarding participant eligibility, acceptable documentation, document verification, and clarifies areas of flexibility in eligibility policies, procedures, and definitions.

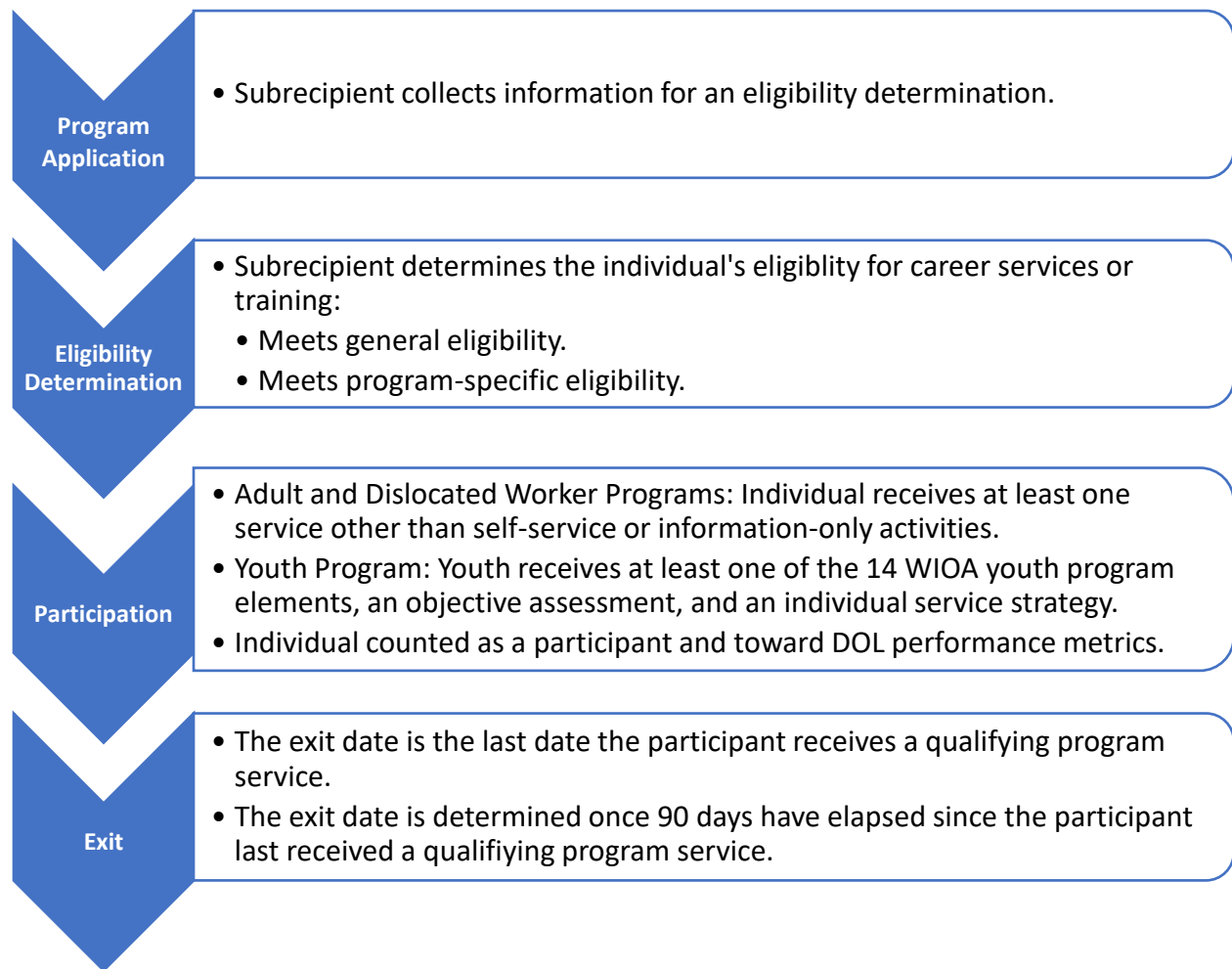
Monitors and auditors will verify that the eligibility policies, procedures, and definitions have been communicated and implemented. Policies and procedures that do not correctly reflect federal and state requirements may result in disallowed costs.

ENROLLMENT PROCESS

Overview

To receive WIOA-funded services, other than basic career self-services or information-only activities, individuals must be registered and determined eligible. Registration is the process for collecting information to support a determination of eligibility. It is also the point at which performance accountability information begins to be collected.

The following diagram illustrates the enrollment process:



(References: Title 20 CFR Sections 678.430, 680.110 and 681.320; TEGL 19-16 and TEGL 21-16; WSD18-03, WSD24-05, and WSD22-15)

WIOA Program Application

During program intake, subrecipients collect information, including identifying information, to determine an individual's eligibility for services. Subrecipients may collect information through several methods including CalJOBS, a personal interview, or the individual's WIOA application. The WIOA application is the general tool Local Areas use to collect information and determine an individual's eligibility for services.

For an individual to be enrolled into a WIOA program, all of the following must occur:

1. An eligibility determination.
 - Information must be collected from the individual to support an eligibility determination. This information is collected through the individual's WIOA program

application. Subrecipients should make every effort to ensure that applications are completed in entirety and all demographic and barrier information is collected for the individual. The application may be a paper application that is physically signed or an electronic application that is electronically signed.

2. The individual must be asked for Equal Opportunity (EO) data (the subrecipient must request EO data, which may be included on the WIOA Application, but an individual is not required to disclose).
3. Receive any staff-assisted basic career service, individualized career service, or training service.
 - For the Youth program, an individual must receive all four required components to be enrolled as a participant: an eligibility determination, an objective assessment, the development of an individual service strategy, and receipt of any of the 14 WIOA youth program elements.

(References: Title 20 CFR Sections 675.300, 680.110, 681.320; Title 29 CFR Part 38; TEGL 10-16, Change 3; WSD18-03 and WSD22-15)

Note – For the WIOA Title I Adult, Dislocated Worker, and Youth programs, neither applicants nor their family members are required to disclose their Social Security Numbers (SSN). While subrecipients must request an individual’s SSN for performance reporting purposes, subrecipients cannot deny services if an individual chooses not to provide their SSN. Refer to WSD20-11 for more information on the usage of pseudo-SSNs in CalJOBS.

(References: Title 20 CFR Section 677.175[a][2]; TEGL 10-23, TEGL 26-16; WSD20-11)

Application Process

There is no federal limitation on the amount of time allowed between the application date and when staff must document and verify eligibility. Nevertheless, so much time should not elapse before registration that it becomes unreasonable to assume the information about the individual is still true; otherwise, there may be disallowed costs associated with the individual's eligibility

Locally, the WDBVC has the below procedure:

Item	Time Limit
Amount of time individuals and staff have to obtain documentation	30 days

Amount of time allowed to review an applicant's information and confirm eligibility	30 days
Amount of time that can elapse between the application date and registration date	30 days

If enrollment does not occur within 30 days, the application must be reviewed and documentation must be updated, as appropriate, to ensure eligibility certification is still valid.

(References: WSD18-02 and WSD18-03)

Eligibility Determination

The WIOA distinguishes between general program eligibility and eligibility for services for participants. The WIOA is not an entitlement program and although an individual may meet program eligibility criteria it does not mean that they are guaranteed services. This is because funding for WIOA programs is not unlimited. Subrecipients must offer services to all eligible applicants when funding is available.

General program eligibility applies to all WIOA Title I Adult, Dislocated Worker, and Youth programs and includes:

- Age
- Selective Service System Registration (as applicable)
- Authorization to work in the United States (as required)

Eligibility for services is related to local determinations regarding the individual's need, the participant's ability to benefit, and program-specific requirements.

Eligibility is determined at the time of enrollment. If an individual's situation changes while receiving services, the individual remains eligible until program exit. For example, an Out-of-School (OS) youth who is 24 years of age (the cut off age for OS youth) at the time of enrollment and subsequently turns 25 years of age, is still considered an OS youth until exited from the program.

(References: WIOA Sections 188[a][5], 189[h] and 194[12]; Title 20 CFR Section 681.210; TEGL 10-23 and TEGL 21-16; WSD18-03)

Participation

Below are the criteria for participation in the WIOA Adult, Dislocated Worker, and Youth

programs.

Adult and Dislocated Worker Programs

An individual becomes a participant in the Adult or Dislocated Worker programs after completing the eligibility determination, satisfying all programmatic requirements, and receiving a staff-assisted basic career service, individualized career service, or training service. An individual who uses self-services, or is assisted with information-only activities, is not considered a participant, and therefore does not need to meet eligibility requirements.

Youth Program

An individual becomes a participant in the Youth program after receiving all four required components (eligibility determination, objective assessment, individual service strategy development, and receipt of one of the 14 WIOA Youth program elements).

Note – For the Adult and Dislocated Worker programs, individuals who use self-service and/or receive information-only services or activities are considered reportable individuals. For the Youth program, if an individual fails to meet one or more of the items needed to be a participant, the individual will be reported as a reportable individual, and will not be included in performance calculations. Certain information about reportable individuals is required to be reported in quarterly and annual WIOA reports. Collecting and reporting information in CalJOBS allows for accurate representation of the number of individuals engaged with the workforce system.

(References: Title 20 CFR Sections 677.150 and 681.320; TEGl 14-18 and TEGl 10-16, Change 3, Attachment VII; WSD22-15)

Education Status at Participation

EDUCATION STATUS AT PARTICIPATION	
Eligibility Criteria	Acceptable Documentation
In-School, HS or less	<ul style="list-style-type: none"> • School records • Self-attestation • Training provider verification of enrollment • Case notes with verification of enrollment from educational institution
In-School, Alternative School	
In-School, Post-HS	
Not Attending School, HS Dropout	
Not Attending School, HS Graduate	

Employment Status at Participation

EMPLOYMENT STATUS AT PARTICIPATION	
Eligibility Criteria	Acceptable Documentation
Employed	<ul style="list-style-type: none"> • Pay stub • Case notes showing information collected from participant • Self-attestation
Not employed <i>(indicate if long-term unemployed, which is 27 or more consecutive weeks)</i>	<ul style="list-style-type: none"> • Case notes showing information collected from participant • Self-attestation
Underemployed	<ul style="list-style-type: none"> • Career Planner's determination • Telephone verification • Self-attestation

Concurrent Participation

Individuals may be determined eligible for multiple WIOA programs and may participate concurrently in WIOA and AJCC partner programs if they meet the eligibility requirements of each program. Subrecipients may determine the appropriate level and balance of services for individuals participating in youth and adult programs concurrently.

Examples of concurrent participation include:

- An eligible youth is served simultaneously in the WIOA Title I Youth program and the WIOA Title II Adult Education program to meet the individual's unique needs. The WIOA Title I resources can provide career guidance, work experience, and leadership development, while the WIOA Title II resources can provide adult education and literacy activities.
- A youth participant who is 18 to 24 years of age participates in both the WIOA Title I Youth and Adult programs based on their assessed needs and readiness for adult services.

When an individual is enrolled in multiple WIOA programs, the use of Local Area funds must meet the following criteria:

1. The cost must benefit two or more programs in proportions that can be determined without undue effort or cost.
2. The cost to each funding stream must be tracked, documented, and allocated based on

the proportional benefit to ensure there is no duplication of services.

3. Each funding stream must maintain its statutory requirements, including eligibility criteria and scope of authorized activities. The individuals must meet the eligibility requirements for each program from which they are receiving services.

(References: 20 CFR Section 681.430; TEGL 21-16; WSD19-09)

Exited Participants

An exit occurs when the participant has not received program services for 90 consecutive calendar days and no additional future services are scheduled. The program exit date is applied retroactively after 90 days to the last service's actual end date. Follow-up services, self-services, information-only services or activities, and supportive services do not delay, postpone, or affect the date of exit.

Refer to WSD22-15 for more detailed information on the types of exits and determining a participant's date of exit.

(References: TEGL 14-18; WSD24-05 and WSD22-15)

GENERAL ELIGIBILITY CRITERIA

To receive services under the WIOA Title I Adult, Dislocated Worker, or Youth programs, an individual must meet general eligibility criteria, which includes age, Selective Service registration (if applicable), and authorization to work in the United States (as required).

The three general eligibility criteria are discussed in detail in this chapter.

GENERAL ELIGIBILITY	
Eligibility Criteria (Verify each eligibility criterion)	Acceptable Documentation (One document per eligibility criterion is required. Only the documentation sources listed below may be used.)
1. Birth Date/Age	<ul style="list-style-type: none">• Baptismal record

	<ul style="list-style-type: none"> • Birth certificate • Form DD-214 “Report of Separation” • Driver's license • Federal, state or local government issued identification card • Hospital record of birth • Passport • Public assistance/social service records • School records or identification card • Work permit • Cross match with Department of Public Health vital records • Tribal records • Self-attestation
<p>2. U.S. Work Authorization Note: For the list of acceptable verification documents included in the Form I-9, go to www.uscis.gov</p>	<ul style="list-style-type: none"> • Verification document(s) that satisfy List A of the Form I-9 • Verification document(s) that satisfy List B and C of the Form I-9
<p>3. Selective Service Registration</p>	<ul style="list-style-type: none"> • Selective Service acknowledgement letter • Form DD-214 “Report of Separation” • Screen printout of the Selective Service verification internet site: https://www.sss.gov/RegVer/wfVerification.aspx • Selective Service registration card • Selective Service verification form (Form 3A) • Stamped post office receipt of registration • Selective Service status information letter • Evidence presented by an individual that his failure to register with the Selective Service was not knowing and willful (e.g., a written explanation accompanied by supporting documentation such as a third-party affidavit or self-attestation)

Selective Service System Registration

The WIOA Section 189(h) mandates that males to comply with registration requirements of the federal Selective Service System prior to participation in a WIOA Title I-funded program. Subrecipients must ensure that each applicable male who participates in any local WIOA program or activity, or receives any WIOA assistance or benefit, has not knowingly and willfully violated Section 3 of the *Military Selective Service Act (MSSA)* by failing to register as required.

Males born on or after January 1, 1960, are required to register with the Selective Service within 30 days of their 18th birthday and up to, but not including, their 26th birthday.

This includes the following males:

- U.S. citizens.
- Veterans discharged before their 26th birthday.
- Non-U.S. citizens, including undocumented immigrants, legal permanent residents, and refugees, who take up residency in the U.S. prior to their 26th birthday.
- Dual nationals of the U.S. and another country, regardless of whether they live in the U.S.

Selective Service registration is not required for the following male U.S. citizens:

- Males who are serving in the military on full-time active duty.
- Males attending the service academies.
- Disabled males who were continually limited to a residence, hospital, or institution.
- Males 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 yet reached their 26th birthday.
- Male veterans discharged after their 26th birthday.

Selective Service registration is not required for the following male non-U.S. citizens:

- Non-U.S. males who entered the U.S. for the first time after their 26th birthday. Acceptable forms of supporting documentation include the following:
 - Date of entry stamp in passport.
 - I-94 with date of entry stamp on it.
 - Letter from the U.S. Citizenship and Immigration Services indicating the date the male entered the U.S. presented in conjunction with documentation establishing the male's age.
- Non-U.S. males who entered the U.S. illegally after their 26th birthday. They must provide proof that they were not living in the U.S. from age 18 through 25.
- Non-U.S. males on a valid non-immigrant visa.

*Note that the requirement for transsexual, transgendered, and intersex individuals to register with the Selective Service depends upon the gender recorded on their birth certificate. According to the Selective Service website, "Individuals who are born female and have a gender change are not required to register. U.S. citizens or immigrants who are born male and have a gender change are still required to register."

The above list of Selective Service registration requirements is not exhaustive. Additional information regarding these requirements, including a Quick Reference Chart showing who must register, can be found on the Selective Service website.

Acceptable Documentation

In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirements.

Acceptable documentation to determine a person's eligibility for WIOA Title I programs includes the following:

- Selective Service acknowledgement letter.
- Report of Separation form (Form DD-214). Should be used only if veteran was discharged after his 26th birthday.
- Screen printout of the Selective Service Verification site. For males who already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
- Selective Service registration card.
- Selective Service verification form (Form 3A).
- Stamped post office receipt of registration.

Registration Requirements for Males Under 26

Before being enrolled in WIOA-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website. If a male turns 18 while participating in WIOA-funded 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 services. If a male under the age of 26 refuses to register with Selective Service, WIOA-funded services must be suspended until he registers.

Non-Registration by Males 26 and Older

Subrecipients or contractors who receive WIOA Title I funding must establish a policy for those potential participants who are 26 or older that failed to register with the Selective Service. This policy may either request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register, or initiate the process to determine if the potential participant's failure was knowing and willful without first requesting a Status Information Letter.

Before enrolling in WIOA-funded services, all males 26 and older must provide one of the following:

- Documentation showing they were not required to register.
- If they were required to register, documentation establishing that their failure to register was not knowing or willful.

Status Information Letter

An individual may obtain a Status Information Letter from the Selective Service if one of the following applies:

- The individual believes he was not required to register.
- The individual did register but cannot provide the appropriate documentation.

The Status Information Letter Request form and instructions can be accessed through the Selective Service website. If an individual decides to request a Status Information Letter, they will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, incarceration, or military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

If the Status Information Letter indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in a WIOA-funded service. If the Status Information Letter indicates that the individual was required to register and did not register, he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be determined that his failure to register was not knowing and willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

How to Determine “Knowing and Willful” Failure to Register

If the individual was required but failed to register with the Selective Service, as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive services if he establishes that the failure to register was not knowing and willful. The subrecipient or contractor that enrolls individuals in WIOA-funded activities, and is thereby authorized to approve the use of WIOA grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

Documentation

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reason(s) 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 in these cases:

- Service in the Armed Forces – Evidence that a male has served honorably in the U.S. Armed Forces, such as a Form DD-214 or his Honorable Discharge Certificate. These documents serve as evidence that his failure to register was not knowing and willful.
- Third Party Affidavits – Affidavits concerning reasons for not registering from parents, teachers, employers, doctors, and others may help subrecipients or contractors in making a determination regarding willful and knowing failure to register.
- **Self-Attestation*** – *Signed statement that explains why the individual's failure to register was not knowing and willful.*

*Note *Please note, self-attestation may serve as sufficient evidence when other options of documentation or third-party corroboration are not available. Please use the State-provided self-attestation statement template.*

Model Questions

In order to establish consistency regarding the implementation of the requirement, subrecipients or contractors should use the following questions as a model for determining whether a failure to register is knowing and willful.

To determine whether the failure was “knowing,” authorized organizations should ask the following:

- 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 26th birthday 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 the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

To determine whether the failure was “willful,” authorized organizations should ask the following:

- Was the failure to register done deliberately and intentionally?

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

Results of Findings

If an authorized organization determines that an individual’s failure to register with the Selective Service was not knowing and willful and the individual is otherwise eligible, services may be provided. However, if the authorized organization determines that evidence shows that the individual’s failure to register was knowing and willful, WIOA services must be denied. Individuals who are denied services must be advised of available grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations on Selective Service.

Age

An individual’s age must be verified to ensure they receive appropriate services. The following chart displays the age eligibility criteria for participation in the WIOA Adult, Dislocated Worker, and Youth programs.

WIOA PROGRAM	AGE	REFERENCE
Adult	18 years or older	WIOA Section 3(2)
Dislocated Worker	18 years or older	Title 20 CFR Section 680.120
In-School Youth	14-21 years old	WIOA Section 129(a)(1)(C)(ii)
Out-of-School Youth	16-24 years old	WIOA Section 129(a)(1)(B)(ii)

Refer to the *WIOA Title I Acceptable Documentation List* for a list of identification documents that can be used to satisfy this criterion.

Authorization to Work

Verifying Work Authorization

Many services provided through the WIOA Title I Adult, Dislocated Worker, and Youth programs may be delivered without proof of the participant’s work authorization. Staff does not need to verify work authorization until the participant is moving into services that require such authorization. Subrecipients must clearly explain what services they can and cannot provide to individuals who may not yet have work authorization documents, as well as clearly explain that

employers will need work authorization documentation.

Services that do not Require Work Authorization

To ensure efficient delivery of services, subrecipients may deliver certain basic, individualized, and follow-up services without verifying an individual's work authorization. These services include, but are not limited to:

- Labor exchange services such as labor market information, career exploration, career guidance, resume writing assistance, and job search assistance.
- Information on worker rights and where to find legal assistance.
- Referrals to community resources such as transportation, childcare support, food assistance, housing assistance, medical assistance, and other similar resources.
- Individualized services such as career assessments, development of an individual employment plan, group counseling, one-on-one case management, career planning, information on foreign credential evaluation services and on obtaining credit for prior learning.
- Basic skills education, including English language instruction, and high school equivalency.
- Assistance in completing paperwork to finalize work authorization.
- Assistance in applying for an occupational license including the cost of such applications.
- Outreach to workers regarding the Employment-Related Law Complaint System and processing such complaints.

Services that do Require Work Authorization

Certain services, such as those directly linked to employment, employment outcomes, or services that provide a direct financial benefit, require verification of work authorization documentation. These services include, but are not limited to:

- Job placement.
- Occupational post-secondary training.
- Work experience.
- Supportive services that represent a direct financial benefit such as a voucher or reimbursement, relocation expenses, or needs-related payments.

The lists above provide examples of work authorization verification requirements for common services, however, these lists are not exhaustive. For more detailed information on services that can be provided with and without verification of work authorization documents, refer to TEGL 10-23.

Proof of Work Authorization

While a copy of the work authorization documentation is not required for the participant's file, staff should note in the case file that they have seen proof of the participant's employment authorization document. This confirmation ensures compliance with federal regulations and better serves employer customers who must verify authorization to work.

Refer to the *WIOA Title I Acceptable Documentation List* for a list of documentation that can be used for proof of work authorization.

Nondiscrimination Compliance

When verifying work authorization, subrecipients must comply with the non-discrimination regulations in accordance with WIOA Section 188[a][5] and must not discriminate on the basis of citizenship status when determining eligibility or access to services provided under a WIOA Title I-financially assisted program or activity. Discrimination includes, treating an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition for any aid, benefit, service, or training provided under a WIOA Title I financially assisted program or activity.

Subrecipients must have procedures in place for verifying an individual's authorization to work. Refer to TEGL 10-23 and WSD18-03 for more detailed information on establishing policy for verifying authorization to work.

(References: WIOA Section 188[a][5]; Title 29 CFR Sections 38.11 and 38.6[b][5]; Title 20 CFR Section 683.285[5]; TEGL 10-23; and WSD18-03)

Pathway to Services, Referral, and Enrollment

In 1993, the passage of SB 733 created a state-imposed eligibility requirement for employment services. The law required government agencies, community action agencies, and private organizations contracting with the government to verify an individual's legal status or authorization to work prior to providing employment services. Additionally, it required these entities to publicly post that only U.S. citizens and those authorized to work in the U.S. could receive services. In 2016, Governor Brown signed AB 2532, which repealed these requirements.

Therefore, California no longer has a state requirement to verify authorization to work. Additionally, there is no work authorization verification requirement in WIOA. However, the federal Immigration Reform and Control Act requires employers to verify a job seeker's authorization to work documents prior to employment. At the same time, federal immigration

regulations authorize state employment agencies to verify authorization to work (Title 8 CFR Section 274a.6).

Generally, WIOA participants receive job referrals during their period of participation in a program. Additionally, at times subrecipients and contractors are the employer of record or coordinating services concurrently with an employer. In these instances, an individual cannot participate unless they are authorized to work to the U.S.

Verification Procedures for WIOA Services

WIOA Title I staff may verify an individual's authorization to work in accordance with the requirements of the USCIS Form I-9, Employment Eligibility Verification, during the period of participation. The WDBVC has the flexibility to postpone requiring the individual to produce evidence of work authorization in order to streamline access to services. However, staff must verify when services necessitate coordination with an employer such as on-the-job training, job referrals and certain supportive services that represent a direct financial benefit.

"Period of Participation" Guidance

The period of participation refers to the period of time beginning when an individual becomes a participant and ending on the participant's date of exit from the program. Exit generally occurs when a participant has not received services for a specified period of time and has no additional services scheduled. Subrecipients and contractors must have procedures in place to verify an individual's authorization to work documents no earlier than the start of participation. When determining the point of asking an individual for authorization to work documentation, Subrecipients and contractors may take into account the following:

- Whether the individual is awaiting work authorization.
- Whether the individual has limited access to necessary documents, such as youth in foster care, homeless youth or adults, individuals returning to the community from incarceration or individuals recovering from a disaster.
- Nature of the services to be provided.
- Need for services to be provided on an expedited basis.
- Length of time during which services will be provided.
- Co-enrollment opportunities with WIOA Title II.
- The cost of providing the services/training.

In order to prepare participants for employment and foster positive relationships with employers, staff should make participants aware of federal law requiring employers to verify employment authorization prior to employment and must verify a participant's authorization to work documents prior to providing a job referral.

Participation starts when an individual receives a Staff-Assisted Basic Career service, Individualized Career service, or Training service. Authorization to work verification is not required for Basic Career services that are self-service or information-only activities. For customers who receive self-service or information-only activities, only demographic information is collected and reported. When verifying authorization to work, staff are not required to retain copies of the individual's Form I-9 documents. It is sufficient, and preferable, to notate in the case file or in CalJOBS the title of the document(s) viewed, and any expiration date associated to the document(s).

The Title I service category definitions are briefly described below. For a comprehensive list of definitions and CalJOBS activity codes, refer to CalJOBS Activity Codes Directive from EDD:

- **Self-Service Basic Career services** – An individual independently uses services at an America's Job Center of California (AJCC) with minimal or no staff assistance (e.g., self-service labor market research, job search, use of AJCC resource room, referral to a partner program, etc.). Self-service also includes staff establishing access to CalJOBS for an individual or looking up a password. Individuals using self-services only do not count toward performance measures.
- **Staff-Assisted Basic Career services** – An individual requires an assessment by a staff member of the individual's skills, education, or career objectives (e.g., proficiency testing, resume preparation assistance, job referrals, etc.).
- **Individualized Career services** – An individual receives WIOA-funded services that are appropriate for them to obtain or retain employment (e.g., development of an individual employment plan, English as a second language services, work experience, etc.).
- **Training services** – An individual receives services that include WIOA-funded training and/or support and coaching.
- **Supportive services** – An individual receives supportive services that are necessary for them to participate in activities authorized under WIOA. As outlined in DOL TEGL 10-23, supportive services that represent a direct financial benefit (such as a voucher or reimbursement for transportation and childcare, relocation expenses, or needs-related payments), post-secondary education and training, and work-based learning such as on-the-job training and incumbent worker training are limited to those with valid work authorization.

Finally, as encouraged by the Employment and Training Administration, when serving participants whose work authorization has not been verified, subrecipients and contractors should consider policy and procedures for the development of service plans that consider the menu and order of services that best prepare the individual to successfully reside in the community and to eventually secure employment with a livable wage. For example, programs funded through the Adult Education and Family Literacy Act (AEFLA), and authorized by WIOA Title II, provide basic skills instruction for both below and at the high school level, integrated English literacy and civics education, and English language acquisition instruction.

Authorization to Work Service Flow Chart

The following chart is intended to aid Local Areas in establishing policy on when to ask for authorization to work documents. The flow chart takes into account which services trigger participation as well as which services impact the Local Area’s relationship with employers. Where a service triggers participation and necessitates that the Local Area coordinates the services with an employer, subrecipients and contractors must verify the individual’s work authorization documents. Subrecipients and contractors are not required to verify work authorization documents for services that do not require coordination with an employer.

Authorization to Work Service Flow Chart		
Service	Triggers participation	Authorization to Work
Basic Career - Self-service and information-only activities, including program referrals, outreach, intake, orientation, eligibility determination	No	Cannot verify
Basic Career – Staff-Assisted, including initial assessment, job placement, career counseling	Yes	<u>Need not</u> verify for activities such as initial assessment and career counseling.
		<u>Must</u> verify for job placement assistance
Individualized Career	Yes	<u>Need not</u> verify for activities such as occupational career counseling, aptitude testing, mentoring, and group counseling.
		<u>Must</u> verify for employment activities such as work experiences, transitional jobs, internships, and pre-apprenticeship and on-the-job training.

Training	Yes	<u>Need not</u> verify for classroom training, including basic skills education, English language instruction, high school equivalency.
		<u>Must</u> verify for employment training activities, including occupational skills training that leads to post-secondary credentials.
Supportive Services	Yes	<u>Need not</u> verify for support services that do not result in direct financial benefit to the participant, such as a referral to legal services or housing.
		<u>Must verify</u> for support services that represent a direct financial benefit, such as a voucher reimbursement, relocation expenses or needs-related payments.

Single Verification Process

AJCC partners with verification requirements are encouraged to coordinate verification to increase efficiency of the process and prevent participants from having to repeatedly present Form I-9 documents. Once authorization to work is verified by one program, staff in a separate program do not need to re-verify if documents originally utilized have not expired. Further, WIOA Title I and Title III must coordinate a local policy that establishes a point of verification within each program that mirrors each other where possible. For example, WIOA Title I should not require authorization to work verification for Unemployment Insurance claims assistance when Title III does not require authorization to work verification for this activity.

Referrals to Partner Programs

Under WIOA Title II, participation starts when adults who are basic skills deficient, lack a high school diploma or its equivalent, function below the level of a high school graduate, or are unable to speak, read, or write the English language, enroll in and attend WIOA Title II adult education, English language instruction, and/or integrated education from eligible providers (school districts, community colleges, libraries, community based organizations, or other public or private non-profit entities). There is no requirement for a WIOA Title II provider to verify authorization to work or retain documentation. Local Areas are encouraged to refer individuals

who are not authorized to work in the United States to WIOA Title II and other programs that do not require authorization to work documentation.

Subrecipients and contractors are encouraged to work with Title II partners and other partners without authorization to work requirements to co-enroll individuals with the goal of helping the participant obtain citizenship, authorization to work, and meaningful employment. In the case of co-enrollment between any of the WIOA core partners, both partners may count all performance outcomes achieved. For additional resources to align programs see [Funding Career Pathways and Career Pathway Bridges: A Federal Policy Toolkit for States](#). For a list of services the California Department of Social Services (CDSS) provides to immigrants, see the CDSS website [Immigration Services](#).

Subrecipients and Contractors Internal Policy

Subrecipients and contractors must store/access right-to-work documents in CalJOBS for customers enrolling into WIOA Title I. This ensures that the Title III partner can access the participant's work authorization documentation. Subrecipients and contractors should keep in mind that they can postpone verifying work authorization documentation until the participant is moving into services that require such authorization while streamlining access to valued services to all individuals. Subrecipients and contractors must have the authorization to work policy in place by March 15, 2019, and ensure it is kept up to date to remain consistent with federal and state guidance.

Public Notification

Because individuals may receive employment services and services from other partners in an AJCC without first providing their authorization to work documents, subrecipients and contractors should remove public notices that state employment services are available only to individuals who are U.S. citizens or legally authorized to work in the United States. Posting such signs may discourage individuals who are legally entitled to services from entering an AJCC.

Community Engagement

Community-based organizations (CBO) play an increasingly critical role connecting the state's most vulnerable communities with vital programs and services, including communities that have been underserved by the public workforce development system. A UCLA Labor Center report finds that CBOs help create new opportunities to transform low-wage work. Accordingly, Local Areas and partner programs are encouraged to forge ties with California worker centers and

other CBOs with deep roots in their communities to inform and expand their outreach and education activities and further embed equity in their workforce programs.

PRIORITY OF SERVICE

Priority of Service Overview

Section 2(a) of the Jobs for Veteran's Act (JVA) mandates priority of service for veterans and eligible spouses, including widows and widowers, who otherwise meet the eligibility requirements for participation in DOL-funded programs, including the WIOA.

Priority of service means that individuals who meets established priority requirements (covered persons) must be given priority over other individuals (non-covered persons) for the receipt of employment, training, and placement services. In the context of providing priority of service in a qualified job training program, such as the WIOA, priority of service means the right of a covered person to take precedence over a non-covered person. Depending on the type of service, taking precedence may mean that covered persons receive access to the service or resource sooner than non-covered persons, or if the service or resource is limited, the covered person receives access to the service or resource instead of, or before non-covered persons.

The WIOA is not an entitlement program and funding for WIOA programs is not unlimited. Individuals who do not meet priority of service criteria may still receive services under the WIOA when funding is available.

Detailed information about applying priority of service for participants is provided within this chapter.

(References: WIOA Sections 134(c)(3)(E) and 194(12); Title 38 USC Section 4215; Title 20 CFR Section 1010.200; TEGL 10-09 and TEGL 19-16; WSD24-15)

Veterans

Subrecipients must provide priority of service to veterans and eligible spouses for all WIOA-funded activities. While veterans and eligible spouses continue to receive priority of service among all eligible individuals, they must also meet eligibility criteria under the respective employment or training program. Verification of status for veterans and eligible spouses is not required until the veteran or eligible spouse undergoes an eligibility determination and is enrolled in a WIOA Title I program. Until the point of enrollment, a participant who states they

meet the veterans' priority eligibility criteria must be afforded veterans' priority of service on the basis of self-attestation.

In implementing priority of service, program operators must ensure that veterans and eligible spouse receive the following:

- Basic career services and individualized career services before other non-covered individuals.
- First priority on waiting lists for training slots
- Are enrolled in training prior to non-covered persons.

Note – Once a non-covered participant is enrolled in a workshop or training class, priority of service is not intended to allow a veteran or eligible spouse to bump the non-covered participant from that class or service.

(References: WIOA Sections 134(c)(3)(E) and 194(12); Title 38 USC Section 4215; Title 20 CFR Section 1010.200; TEGL 10-09 and TEGL 19-16; WSD24-15)

Related Definitions

The following definitions are only for the purposes of implementing priority of service. Additionally, the definitions of "veteran" and "eligible spouse" used in this chapter are applicable to the priority of service requirement and are different from, and broader than, the definitions of "veteran" and "other eligible persons" applicable to services provided by the Disabled Veterans' Outreach Program Specialist and Local Veterans' Employment Representative staff.

Armed Forces – Includes the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

Covered Persons – means any of the following individuals:

1. A veteran, including National Guard or Reserve personnel.
2. An eligible spouse.

Eligible Spouse - the spouse (including the same-sex spouse) of any of the following:

1. Any veteran who died of a service-connected disability.
2. Any 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:
 - a. Missing in action.
 - b. Captured in the line of duty by a hostile force.

- c. Forcibly detained or interned in the line of duty by a foreign power.
3. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the US Department of Veterans Affairs (VA).
4. Any veteran who died while a disability, (as indicated in category 3) was in existence.

A spouse whose eligibility is derived from a living veteran or service member would lose their eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g., if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

Non-Covered Person – Persons who are not a veteran or a veteran’s spouse as relating to priority of service application.

Qualified Job Training Program -- Any program or service for workforce preparation, development, or delivery that is funded in whole or in part by the DOL.

Veteran – 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.

(References: Title 10 USC Section 101[4]; Title 38 USC Sections 101[2] and 4215[B]; WIOA Sections 134(c)(3)(E); 20 CFR Sections 1010.100, 1010.200 and 680.650; TEGL 10-09, 22-04, 22-04, Change 1 and 19-16; WSD24-15)

Adult Program

In addition to priority of service for veterans and eligible spouses, subrecipients must establish a process for individuals served in the adult program that gives priority of service to recipients of public assistance, other low-income individuals, and skills deficient individuals. This does not mean that only veterans, recipients of public assistance, low-income, and skills deficient individuals can receive WIOA-funded adult services. Individuals do not have to be a part of a priority population to be eligible for the adult program, however priority of service must be applied as prescribed in this chapter. Determination of an individual’s low-income status is discussed in this policy.

(References: WIOA Section 134(c)(3)(E); Title 20 CFR Sections 680.650, 680.120, and 680.600[b]-[c], and 1010.200; TEGL 19-16; State Plan; WSD24-06 and WSD24-15)

ADULT PROGRAM ELIGIBILITY

1. 18 years or older
2. U.S. work authorization
3. Selective Service Registration, if male applicant
4. Adults who are:
 - a) Unemployed
 - b) Determined to need individualized career services or training services to obtain employment
5. Adults who are:
 - a) Employed
 - b) Determined to need individualized career services or training services to obtain or retain employment that leads to self-sufficiency
6. Priority of Service Status
 - This is established at the time of eligibility determination for WIOA Title-I Adult registrants and does not change during the period of participation.
 - *Refer to active local policy on **priority of service status determination and list of career services and training services***
 - *Refer to the active policy regarding 70 Percent LLSIL and Poverty Guidelines, for **low-income determination***

WDBVC Policy 2020-03 Priority of Service establishes the local criteria for applying and monitoring priority for service for recipients of public assistance, other low-income individuals, and skills deficient individuals within the Adult program.

Written copies of local priority of service policies must be maintained at all service delivery points and, to the extent practicable, posted in a way that makes it possible for members of the general public to easily access the information.

Applying Priority of Service

The application of priority of service varies depending on the eligibility requirements of the particular program. The following describes how priority of service applies within certain types of DOL-funded programs:

- *Universal Access Programs*

Basic career services are universally accessible and must be made available to all individuals seeking employment and training services in at least one comprehensive AJCC per Local Area. While veterans and eligible spouses must receive priority of service over

all other program participants, priority for low-income and basic skills deficient populations does not apply to basic career services in either the adult or dislocated worker programs.

- *Programs with Eligibility Criteria*

Eligibility criteria identify basic conditions a participant in a specific program must meet. For example, for the WIOA Title I Adult, Dislocated Worker, and Youth programs, every participant is required to meet the general program eligibility requirements listed in this policy. A veteran or eligible spouse must first meet all of these eligibility criteria in order to be considered eligible for participation in the program. Once determined eligible for participation, the veteran or eligible spouse receives priority for participation in the program and receipt of services.

- *Programs with Statutory Priorities*

Some programs are required by law to provide a priority preference for a particular group of individuals or require the program to spend a certain portion of program funds on a particular group. One example is the Adult program priority for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Veterans and eligible spouses must first meet both the program’s eligibility criteria and statutory priority criteria to receive priority for participation in the program and receipt of services.

Note – For income-based eligibility and for priority of service determinations, many types of military service-related income are exempt, including any amounts received as military pay or allowances paid while on active duty, or paid by the VA for vocational rehabilitation disability payments, or related VA-funded programs. For detailed information on which types of military pay that are exempt, refer to TEGL 10-09, Attachment A.

Priority of Service Levels

Priority must be provided in the following order for programs that require it:

Levels of Priority of Service	
Priority 1	Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
Priority 2	Individuals who are the recipient of public assistance, other low-income individuals, or individuals who are basic skills deficient.
Priority 3	Veterans and eligible spouses who are not recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
Priority 4	Any individual who does not belong to one of the above groups but belongs to a priority population established by the Governor or Local Board.

Levels of Priority of Service	
Priority 5	All other individuals who do not meet the above priorities.

(References: TEGL 10-09 and TEGL 19-16; WSD24-06 and WSD24-15)

Documenting Eligibility for Veteran Priority of Service

It is not necessary for staff to verify the status of a veteran, transitioning service member, or eligible spouse until the individual undergoes eligibility determination and is enrolled in an individualized career service or training service. Until the point at which the participant receives an individualized career service or training service, an individual who states they meet the veterans' priority eligibility criteria must be accorded veterans' Priority of Service based on verbal self-identification.

Those instances, in which eligibility determination and enrollment in a WIOA individualized career service occur at the point of entry, a covered person must be enrolled, provided immediate priority, and permitted to follow-up subsequently with any required verification of his or her status as a covered person. In the absence of other documentation, a self-attestation should be documented either via a paper form or in CalJOBS.

ELIGIBILITY CRITERIA FOR CAREER AND TRAINING SERVICES

The WIOA authorizes the following services:

- Basic Career Services
- Individualized Career Services
- Training Services

While there are distinctions made between the types of services available (basic career services, individualized career services, and training services), individuals are not required to follow a sequence of services. Subrecipients have the flexibility to provide services that best meet an individual's needs for their employment and career goals.

(References: WIOA Section 134(c)(2)(A); Title 20 CFR Section 678.430; TEGL 19-16)

Eligibility for Career Services

For staff-assisted basic career services and individualized career services, subrecipients may use

recent interviews, evaluations, or assessments by partner programs to determine if individualized career services would be appropriate.

(References: WIOA Section 134(c)(2); Title 20 CFR Section 678.430; TEGL 19-16)

WDB Policy 2023-03-Assessments, Individual Employment Plan, and Individual Service Strategy provides specific guidance on assessments.

Eligibility for Training Services

Training services include WIOA-funded and non-WIOA-funded partner training services. There is no sequence of service requirement for training. This means that subrecipients may determine training is appropriate regardless of whether the individual has received any basic or individualized career services.

Before providing training services to adults and dislocated workers, subrecipients must conduct an interview, evaluation, or assessment to determine if the individual meets any of the following criteria:

1. Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services alone.
2. In need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment.
3. Has the skills and qualifications to successfully participate in the selected program of training services.
4. Unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as state-funded training funds or Federal Pell Grants established under Title IV of the Higher Education Act of 1965, or requires WIOA assistance in addition to other sources of grant assistance.
5. A member of a worker group covered under a petition filed for TAA and is awaiting a determination. If the petition is certified, the worker may then transition to TAA approved training. If the petition is denied, the worker will continue training under the WIOA.
6. Selected a program of training services that is directly linked to the employment opportunities in the Local Area or region, or in another area to which the individual is willing to commute or relocate.
7. Determined eligible in accordance with the state and local priority system in effect for adults, if training services are provided through the Adult program funding stream.

Where appropriate, subrecipients are encouraged to use previous assessments when making

training determinations to reduce duplicate assessments and develop enhanced alignment across partner programs. This could include common intake forms across partner programs to encourage system alignment, reduce individual burden, and ensure customers greater access to programs based on their need.

The case file must contain a determination of need for training services as determined through the interview, evaluation, or assessment, and career planning informed by local labor market information and training provider performance information, or through any other career service received. There is no requirement that career services be provided as a condition to receipt of training services; however, if career services are not provided before training, the subrecipient must document the circumstances that justified its determination to provide training without first providing such services. There is no required minimum time period for an individual to participate in career services before receiving training service.

(References: WIOA Section 134(c)(3); Title 20 CFR Sections 680.210 and 680.220; TEGL 19-16)

Self-Sufficiency

In addition to providing career and training services to individuals who are unemployed, a significant number of job seekers are underemployed. Examples of underemployed individuals may include individuals who are any of the following:

- Employed less than full-time who are seeking full-time employment.
- Employed in a position that is inadequate with respect to their skills and training.
- Employed who meet the definition of a low-income individual in WIOA Section 3(36).
- Employed, but whose current job's earnings are not sufficient compared to their previous job's earnings.

To receive career or training services, employed adults and dislocated workers must be determined to be in need of those services to obtain or retain employment that allows for self-sufficiency. ***At a minimum, such criteria must provide that self-sufficiency means employment that pays at least 100 percent of the lower living standard income level (LLSIL) established for a Local Area.***

(References: Title 20 CFR Section 680.210; TEGL 19-16; WSD23-02)

The WDBVC has adopted a self-sufficiency model that is to be utilized in determining eligibility for WIOA Adult and Dislocated Worker customers in need of career or training services to obtain or retain employment that leads to self-sufficiency and allowing enrollment of employed WIOA Adult and Dislocated Workers who are not earning a self-sufficient wage.

Under WIOA regulations, training services may be made available to employed and unemployed adults and dislocated workers who, among other criteria, are:

- Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
- Are 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
- Have the skills and qualifications to participate successfully in training activities.

WIOA staff may enroll employed adults and dislocated workers when:

- An applicant's current wage/income does not provide for self-sufficiency as defined by WDBVC and
- WIOA program staff determines that WIOA services may assist the applicant in obtaining/progressing to a self-sufficient wage.

An employed individual who is applying for enrollment and desires career or training services under the WIOA program shall be eligible if the conditions above are met, and the individual's employment pays less than 100% of the Lower Living Standard of Income Level (LLSIL) figure for the Ventura County region.

If the applicant's employment pays greater than or equal to the 100% LLSIL figure, he/she is considered part of a self-sufficient family, and would not be eligible for training, unless the training has the possibility of leading to a job with wages comparable to or higher than wages from previous employment and leads to self-sufficiency. This must be documented in the participant's file.

Using WIOA Assistance in Addition to Other Sources of Grant Assistance

WIOA funding for training is limited to participants who are unable to obtain grant assistance from other sources to pay the cost of their training or who require assistance beyond that which is available under grant assistance from other sources to pay the cost of such training. Programs and training providers must coordinate funds available to pay for training. In making the determination of need for WIOA assistance, subrecipients may take into account the full cost of participating in training, including support services and any other appropriate costs.

(References: Title 20 CFR Section 680.230; TEGL 19-16)

Local Procedures and Eligibility Criteria

In contrast to Work First programs, which hold the philosophy that any job is a good job and that the best way to succeed is to enter the labor market, the WIOA encourages Local Boards to offer higher-quality education and training options that go beyond job search.

The State Plan describes the state's commitment to a High Road workforce development approach. The High Road system centers on meaningful industry engagement and placement of Californians in quality jobs that provide economic security. A key principle of the High Road approach is job quality by building the skills of the existing workforce and bringing new workers to the associated industry sector(s). Orienting the workforce development system toward job quality serves job seekers and workers by placing them in employment that allows them to sustain a high quality of life for themselves, their families, and broader community that depends on their earnings.

Subrecipients may not adopt a “work first” approach when reviewing for eligibility individualized, and training services. Procedures and criteria must be designed to provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. The appropriate mix and duration of services should be based on each participant's unique needs.

In developing local procedures and eligibility criteria for individualized and training services, WIOA-funded Adult and Dislocated Worker services may not duplicate or supplant services traditionally funded by the Wagner-Peyser Act (this does not preclude cooperative efforts among AJCC partners to provide seamless and comprehensive services to customers.)

(Reference: WIOA Section 194)

ELIGIBILITY CRITERIA FOR DISLOCATED WORKERS

To be eligible to receive dislocated worker services, an individual must meet the general WIOA eligibility criteria listed in this policy and the criteria included in at least one of the dislocated worker categories outlined in this chapter.

Once an individual is enrolled as a dislocated worker, the individual retains their eligibility as a dislocated worker until exited from the program regardless of employment status or earnings (e.g., an anticipated lay off or termination does not take place). If a participant becomes employed in a full-time, permanent job that pays a wage defined as self-sufficient or leading to

self-sufficiency, the participant may continue to be served, as needed, until they are formally exited from the program. However, if it is expected that the participant will not receive any future services, follow-up services may begin immediately following placement into unsubsidized employment.

(Reference: TEGL 10-16, Change 3)

Determining Dislocated Worker Status

In order to receive services as a dislocated worker, an individual must meet one of the following five criteria:

1. **General Dislocation.** An individual must meet all of the following criteria:
 - a. An individual who was terminated or laid off, or who received a notice of termination or layoff, from employment. This includes a separation notice, under other than dishonorable conditions, from active military service.
 - b. Meets either of the following conditions:
 - (i) Is eligible for or has exhausted entitlement to unemployment compensation.
 - (ii) Has been employed for a duration sufficient to demonstrate attachment to the workforce but is not eligible for unemployment compensation due to insufficient earnings or because they performed services for an employer not covered under a state unemployment compensation law.
 - c. Is unlikely to return to a previous industry or occupation.
2. **Dislocation from Facility Closure/Substantial Layoff.** An individual must meet criteria a **or** b **or** c.
 - a. An individual who was terminated or laid off, or who received a notice of termination or layoff, from employment as a result of any permanent closure of, or substantial layoff at, a plant, facility, or enterprise.
 - b. An individual employed at a facility at which the employer made a general announcement that such facility will close within 180 days.
 - c. For purposes of eligibility for services other than training services included in WIOA Section 134(c)(3), career services included in WIOA Section 134(c)(2)(A)(xii), or supportive services, an individual must be employed at a facility at which the employer made a general announcement that such facility will close.
3. **Self-employed Dislocation.** An individual who was self-employed (including farmers, ranchers, fishermen, independent contractors, and consultants) but is unemployed as a result of general economic conditions in the community in which the individual resides or because

of a natural disaster.

4. **Displaced Homemaker.** An individual who has been providing unpaid services to family members in the home and meets criteria a **and** b:
 - a. Meets either of the following conditions:
 - (i) Has been dependent on the income of another family member, but is no longer supported by that income (e.g., because the other family member was laid off, or because of death or divorce).; or
 - (ii) Is the dependent spouse of a member of the US Armed Forces on active duty and whose family income has been significantly reduced because of the service member's deployment, call or order to active duty, permanent change of station, or service-connected death or disability.
 - b. Is unemployed or underemployed and having trouble obtaining or upgrading employment.

5. **Spouse of Military Service Member.** A spouse of a member of the Armed Forces on active duty who meets either criteria a **or** b:
 - a. Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the service member's duty station.
 - b. Is unemployed or underemployed and having trouble obtaining or upgrading employment.

(References: WIOA Sections 3(15)-(16); Title 20 CFR Sections 680.130, 680.660, and 682.305; TEGL 19-16)

DISLOCATED WORKER PROGRAM ELIGIBILITY
<ol style="list-style-type: none">1. U.S work authorization2. Selective Service Registration, if male applicant3. Priority of Service Status determination is <u>not required</u> for DW eligibility or service4. Income test is <u>not required</u> for DW eligibility or service5. Client meets the definition of "dislocated worker" at WIOA sec. 3(15). <p>The following are methods for determining eligibility for the Dislocated Worker program. An individual only needs to be determined eligible using one of the following methods.</p> <p>Method 1: Method 1 requires that three criteria be met: (A), (B) and (C). For (B), condition (a) or (b) needs to be met.</p>

The individual:

- (A) has been terminated or laid off, or has received a notice of termination or layoff, from employment; **AND**
- (B) (a) is eligible for or has exhausted entitlement to unemployment compensation; **OR**
 - (b) has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; **AND**
- (C) is unlikely to return to a previous industry or occupation

'Unlikely to return' may be documented through invitation to or participation in an Initial Assistance Workshop (IAW), Personalized Job Search Assistance (PJSA) or Self-Employment Assistance (SEA) orientation. For individuals who cannot be documented through IAW, PJSA or SEA, Dislocated Worker Eligibility Section, lists sources which can be used to document 'unlikely to return'.

'Sufficient attachment to the workforce' is defined as unsubsidized employment with the same employer for 13 consecutive weeks within the last 52 weeks

Method 2:

The individual has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility or enterprise.

A 'substantial layoff' is defined as (a) one conducted by a company which has or is in the process of laying off at least one third of its local workforce or at least 50 employees, OR (b) one for which a Worker Adjustment and Retraining Notification (WARN) has been issued within the 12 months preceding the layoff.

Method 3:

The individual is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services described in section 134(c)(3), intensive services described in 134(c)(2)(A)(xii) or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

A 'general announcement' is defined as any announcement that can be documented. Specific documentation, which can be used to provide evidence of a 'general announcement,' is listed in Dislocated Worker Eligibility Section.

Method 4:

The individual was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

'General economic conditions' are defined as any economic conditions that can be documented and may include, among other conditions, self-employment which has little local demand or has been declining, or the local economy is declining.

Specific documentation, which can be used to provide evidence of 'general economic conditions,' is listed in Dislocated Worker Eligibility Section.

Method 5:

The individual is a displaced homemaker. The term "displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who—

- (A)(i) has been dependent on the income of another family member but is no longer supported by that income; OR
- (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; AND
- (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Specific documentation, which can be used to provide evidence of 'displaced homemaker,' is listed in Dislocated Worker Eligibility Section.

Method 6:

The individual:

- (A) is the spouse of a member of the Armed Forces on active duty (as defined in section 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
- (B) is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment

Method 7:

The individual is an eligible dislocated worker (meets the general WIOA eligibility criteria and one of the six criteria listed above) who, since dislocation and prior to application, has not been employed in a job that paid a wage defined by the local board as:

- a) a self-sufficient dislocated worker wage; or,
- b) leading to self-sufficiency; or
- c) providing more than stopgap employment

The WDBVC considers someone **likely to return** to a previous industry or occupation if they have a specific recall date from the employer of the qualifying dislocation that is within 12 weeks of termination or layoff. If someone from an individual or small group layoff has a specific recall date, they should not be served as a dislocated worker during the period leading up that date.

The determination of **unlikely to return** is based the list of **some** factors below:

- The individual is likely to enter a new job that is different structurally or organizationally than his/her previous job.
- The individual is likely to enter a new job with lower seniority compared to his/her previous position.
- The individual has a gap in employment that decreases his/her chances of returning to the same level of occupation or type of job.
- There are limited employment opportunities in the occupation or industry within the local area.
- There is an excess number of workers with similar skill sets and experience in the local area.
- The individual has out-of-date or inadequate skills.
- The individual has adequate skills, but lacks a credential required by most employers.
- The individual has a barrier to employment such as a disability, medical condition, or legal issues that could prevent a return to employment in the same industry or occupation.
- An unsuccessful job search suggests the individual is unlikely to regain employment in his/her previous occupation or industry.

DISLOCATED WORKER ELIGIBILITY DOCUMENTATION	
Eligibility Criteria (Verify one of the seven eligibility criteria)	Acceptable Documentation (One document per eligibility criterion is required)
<p>1. (A) Has been terminated or laid off, or who has received a notice of termination or layoff, from employment;</p> <p style="text-align: center;">AND</p>	<ul style="list-style-type: none"> • Worker Adjustment and Retraining Notification Act (WARN) notice • Photocopy of a printed media article or announcement describing the layoff. The photocopy must include the name of the medium in which published and the date of publication • Employer or union representative letter or statement • DE 8406 Personalized Job Search Assistance (PJSA) appointment notice form • DE 8530 Reemployment Services and Eligibility Assessment (RESEA) letter • DE 1106/Z Appointment notice of referral to an Initial Assistance Workshop (IAW) • Screen print of IAW schedule • Reemployment plan generated from IAW • Invitation letter to Self-Employment Assistance (SEA) orientation

	<ul style="list-style-type: none"> • Screen print of SEA schedule. • Self-attestation
<p>(B) (a) Is eligible for or has exhausted entitlement to unemployment compensation;</p> <p>or</p> <p>(b) Has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law;</p> <p>AND</p>	<ul style="list-style-type: none"> • Statement by an Unemployment Insurance (UI) representative • UI records, including the DE 1180PH Claim Status and History form, DE 4581 Continued Claim Paper form, DE 8406 PJSA appointment notice form, DE 8530 RESEA letter, and Employment Development Department (EDD) Web-CertSM printout • DE 1106/Z Appointment notice of referral to an IAW • Screen print of IAW schedule • Reemployment plan generated from IAW • Invitation letter to SEA orientation • Screen print of SEA schedule. <p>or</p> <ul style="list-style-type: none"> • Paycheck stubs • W-2 and/or tax returns • UI records, including DE 429Z Notice of UI Award and DE 4581 Continued Claim paper form • Statement by the employer or union representative • Statement by a UI representative • Self-attestation

<p>(C) Is unlikely to return to a previous industry or occupation.</p>	<ul style="list-style-type: none"> • DE 1106/Z Appointment notice of referral to an IAW • Screen print of IAW schedule • Reemployment plan generated from IAW • Invitation letter to SEA orientation • Screen print of SEA schedule • DE 8406 PJSA appointment notice form <p>Note: If one of the above is not available, documented telephone verification from the EDD field office will suffice.</p> <ul style="list-style-type: none"> • Internet site, such as CalJOBSSM that indicates lack of industry/occupation availability • Screen print of Labor Market Information Division screens that indicates lack of industry/occupation availability • Doctor statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Vocational rehabilitation counselor's statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Employment Specialist's determination • Self-attestation
<p>2. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of an permanent closure of, or any substantial layoff at, a plant, facility, or enterprise.</p> <p>Note: In the case of downsizing or workforce reduction when it is unclear which employees will be affected, a layoff notice is appropriate.</p>	<p><u>Closure or substantial layoff:</u></p> <ul style="list-style-type: none"> • Bankruptcy documents, if declared under <i>Chapter 7</i>, Title 11 U.S.C. Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Statement from the employer or union representative • Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual • WARN notice • Telephone verification • Self-attestation

	<p><u>Notice of Layoff or Laid off:</u></p> <ul style="list-style-type: none"> • WARN notice • Copy of other specific notice to employee of intent to layoff • UI Form 501 (Separation Statement), when completed on both sides and signed by an employer representative • Employer or union representative letter or statement • Telephone verification • Self-attestation
<p>3. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days;</p> <p>or,</p> <p>For purposes of eligibility to receive services other than training services described in section 134(c)(3), intensive services described in 134(c)(2)(A)(xii) or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.</p>	<ul style="list-style-type: none"> • Bankruptcy documents, if declared under Chapter 7, Title 11, U.S.C. • Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Statement from the employer or union representative • Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual
<p>4. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.</p>	<ul style="list-style-type: none"> • Bankruptcy documents listing both the name of the business and the applicant's name • Business license • Copy of a completed federal income tax return (Schedule SE) for the most recent tax year • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Copy of articles of incorporation for the business listing the applicant as a principal • Self-attestation
<p>5. Is a displaced homemaker.</p>	<ul style="list-style-type: none"> • Public assistance records • Court records • Divorce papers • Bank records • Spouse's member's layoff notice • Spouse's death record • Notice of deployment, call or order to active duty or change of station

	<ul style="list-style-type: none"> • Pay stubs, tax returns, other documents to verify decrease in income • Self-attestation
<p>6. Is the spouse of a member of the Armed Forces on active duty (as defined in section 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</p> <p>Is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment</p>	<ul style="list-style-type: none"> • Marriage License or Income Tax Return; and • Notice of deployment, call or order to active duty or change of station; or • Self-attestation to substantiate loss of employment as a direct result of relocation of member of the Armed Forces; or • Self-attestation to substantiate unemployment or underemployment
<p>7. Is an eligible dislocated worker (meets the WIOA Title I general eligibility criteria and one of the methods listed above) who, since dislocation and prior to application, has not been employed in a job that paid a wage that is:</p> <ol style="list-style-type: none"> a self-sufficient dislocated worker wage; leading to self-sufficiency; or providing more than stopgap employment. 	<ul style="list-style-type: none"> • Acceptable documentation from one of the five dislocated worker eligibility criteria above <p>and</p> <ul style="list-style-type: none"> • Pay Stubs • Bank statements (direct deposit) • Employer statement/contact • Family or business financial records • Tax documents • Self-attestation

Definitions and Standards for Eligibility Criteria

Attachment to the Workforce – ‘Sufficient attachment to the workforce’ is defined as unsubsidized employment with the same employer for 13 consecutive weeks within the last 52 weeks.

Verification of attachment to the workforce is only necessary when an applicant was employed by an employer who is not covered under UI or has not worked a sufficient amount of time to qualify for UI.

Additionally, a separating service member who was discharged or released under conditions other than dishonorable, has demonstrated attachment to the workforce.

(References: WIOA Section 3(15)(A)(ii); Title 20 CFR Section 680.660)

Difficulty in Obtaining or Upgrading Employment – Documentation of difficulty in obtaining or upgrading employment may include statement of continuous effort to seek employment and a recent job search that shows a minimum of ten (10) employer contacts with company name, date of contact, and job classification, documenting that a reasonable effort has been made to obtain employment.

General Announcement –A ‘general announcement’ is defined as any announcement that can be documented. Specific documentation, which can be used to provide evidence of a ‘general announcement,’ is listed in Dislocated Worker Eligibility Section.

General Economic Conditions – ‘General economic conditions’ are defined as any economic conditions that can be documented and may include, among other conditions, self-employment which has little local demand or has been declining, or the local economy is declining.

Specific documentation, which can be used to provide evidence of ‘general economic conditions,’ is listed in Dislocated Worker Eligibility Section.

Substantial Layoff – A ‘substantial layoff’ is defined as (a) one conducted by a company which has or is in the process of laying off at least one third of its local workforce or at least 50 employees, OR (b) one for which a Worker Adjustment and Retraining Notification (WARN) has been issued within the 12 months preceding the layoff.

Unlikely to Return – ‘Unlikely to return’ may be documented through invitation to or participation in an Initial Assistance Workshop (IAW), Personalized Job Search Assistance (PJSA) or Self-Employment Assistance (SEA) orientation. For individuals who cannot be documented through IAW, PJSA or SEA, Dislocated Worker Eligibility Section, lists sources which can be used to document ‘unlikely to return’.

If an individual is likely to return to their previous industry or occupation, they should not be served as a dislocated worker during the period leading up to the date of their return to work but may be served in the adult program.

(References: Title 20 CFR Section 680.130; TEGL 19-16)

Farmworkers, Ranchers, and Fishermen – Individuals that may have worked seasonally can be

considered “unlikely to return” to work in a previous industry or occupation for a variety of reasons:

1. Change in family situation that requires higher income.
2. Disability that precludes returning to the same occupation.
3. Natural disaster that results in lost wages.
4. Loss of agricultural land.
5. Mechanization.
6. Any significant variance to normal seasonal employment patterns resulting in uncertain return-to-work dates.

Additionally, permanent closures or a substantial layoff from agricultural enterprises or facilities such as packaging or canneries are not excluded from the standard under the WIOA. The WIOA Section 3(15)(C) standard regarding those that were self-employed includes employment as farmers, ranchers, or fishermen and are unemployed due to economic conditions that resulted from general economic conditions in the community in which the individual resides or because of natural disasters. These conditions may include extreme or unusual weather patterns and agricultural and fishing market downturns.

Profiled and Referred UI Claimants – UI profiling refers to a process which uses an automated system to identify claimants likely to exhaust regular UI benefits. After a UI claim is filed and a first payment is made, the EDD’s Worker Profiling and Reemployment Services System identifies claimants likely to exhaust their benefits and refers those claimants to the mandatory Reemployment Services and Eligibility Assessment (RESEA) through the CalJOBS system.

The Governor has determined that the UI profiling methodology and referral process meets the dislocated worker eligibility criteria in WIOA Section 3(15). In this instance, if an individual receives an RESEA appointment then no further documentation is needed to establish the “unlikely to return” criterion at WIOA 3(15)(A)(iii).

(Reference: Title 20 CFR Section 680.130[b][3])

Layoffs, Furloughs, Temporary Layoffs, and Lockouts

Layoff – The permanent or temporary termination of employment of an employee due to a position being abolished, insufficient funds, lack of work, or any other reason not reflecting discredit on the employee (such as dismissal for inadequate performance, violation of workplace rules, cause, etc.).

Furlough – The placing of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons (Title 5 USC Section 7511[a][5]). As such, it is a temporary termination of employment or layoff.

Individuals that are furloughed are laid off. Based upon the circumstances of the applicant and local economic conditions, furloughed individuals may or may not be likely to return to their previous industry or occupation. Subrecipients are in the best position to make this determination. If these individuals are likely to return to their previous industry or occupation and need more than basic career services, they may be served as adults, provided they meet the general eligibility criteria outlined in this policy. In some cases, a business, company, or corporation’s furloughs are in fact substantial layoffs and the “unlikely to return” provision does not apply.

Lockout – Any refusal by an employer to permit any group of five or more employees to work as a result of a dispute with such employees affecting wages, hours, or other terms or conditions of employment of such employees (California Labor Code Section 1132.8). A lockout does not terminate the employer-employee relationship, so locked out employees are not eligible dislocated workers since they have not been terminated or laid off, they are not eligible for unemployment compensation, and they are likely to return to the same industry or occupation once the dispute is resolved. The same guidance applies to employees that are on strike. There may be locked out employees who for financial reasons seek other employment. These individuals may be served as adults, provided they meet the general eligibility criteria outlined in this policy.

Veterans and Military Spouses

Veterans

One of the criteria used to establish eligibility for a dislocated worker is determining whether the worker was terminated or laid-off. Per the DOL, a separating service member with a discharge that is anything other than dishonorable qualifies the individual for dislocated worker activities provided:

1. The separating service member has received a DD Form 214 Report of Separation or other documentation showing a separation or imminent separation from the Armed Forces to satisfy the termination or layoff part of the dislocated worker eligibility criteria.
2. The separating service member qualifies for the dislocated worker eligibility criteria on eligibility for or exhaustion of unemployment compensation.
3. As a separating service member, the individual meets the dislocated worker eligibility criteria that the individual is unlikely to return to the previous industry.

(Reference: Title 20 CFR Section 680.660)

Military Spouses

The WIOA expanded the definition of dislocated workers and displaced homemakers to include military spouses. A military spouse qualifies for dislocated worker activities provided the following:

1. The military spouse meets the WIOA general eligibility criteria; and
2. The military spouse has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the spouse, **or** is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment; or
3. The military spouse's family income is significantly reduced because of any of the following:
 - a. A deployment.
 - b. A call to active duty.
 - c. A permanent change of station.
 - d. The service-connected death or disability of the service member.

(References: WIOA Sections 3[15][E] and 3[16][A]; TEGL 19-16)

Significantly Reduced

As it related to “displaced homemakers” and military spouses, if the household is above the Federal poverty level, then a drop in income, to 150% or below the Federal poverty level, is considered a significant reduction. If the household income is currently at or below 150% of the Federal poverty level, then any drop in household income is considered significant (please refer to the Lower Living Standard of Income Level).

Related Definitions

Active Duty – Full-time duty in the active military service of the United States. Active duty includes full-time training duty, annual training duty, and attendance, while in the active military services, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty. (Reference: Title 10 USC Section 101[d][1])

Armed Forces – Includes the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard. (Reference: 10 USC Section 101[4])

Employment Status – This following information is to be collected directly from the individual, not from wage records.

1. Employed
 - a. Did any work at all as a paid, unsubsidized employee on the date participation occurs?
 - b. Worked 15 hours or more in an unpaid job on a farm or business operated by a family member. (Reference: TEGL 10-16, Change 3, Attachment 1)
2. Employed, but received notice of termination or military separation
 - a. 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.
 - b. Is a transitioning service member.
3. Not Employed
 - a. Those that do not meet any one of the conditions described above.
4. Underemployed
 - a. Individuals employed less than full-time who are seeking full-time employment.
 - b. Individuals who are employed in a position that is inadequate with respect to their skills and training.
 - c. Individuals who are employed and meet the definition of low-income.
 - d. Individuals who are employed, but whose current job earnings are not sufficient compared to their previous job earnings from their previous employment.

(Reference: TEGL 19-16)

Military Spouse – An individual who is married to a member of the Armed Forces on active duty or the surviving spouse of an active-duty service member who lost their life while on active-duty service. Consistent with TEGL 26-13, the definition of “military spouse” includes same-sex spouses.

ADDITIONAL ELIGIBILITY CRITERIA FOR YOUTH

To be eligible to receive youth services, an individual must meet the general WIOA eligibility criteria listed in this policy and the additional program eligibility criteria included in this chapter.

Subrecipients are required to provide case management to all youth participants. Case

management is the act of connecting youth to appropriate services and begins at the point of enrollment and must continue throughout program participation and follow-up. Note that, case management is not a program element and does not extend a youth’s participation.

Subrecipients must provide each participant with information on all applicable or appropriate services that are available through the AJCC system that support the participant’s individual service strategy and ensure participants receive referrals to appropriate training and educational programs that have the capacity to serve the participant.

(References: WIOA Sections 129(c)(3)(A)(i) and (ii); 20 Title CFR Section 681.420(a)(3); TEGL 21-16)

YOUTH ELIGIBILITY (A youth participant must meet the WIOA general eligibility criteria and the eligibility criteria below)	
Eligibility Criteria (Verify each eligibility criterion)	Acceptable Documentation (One document per eligibility criterion is required.)
1. Low-income individual	<ul style="list-style-type: none"> • See the LLSIL • Self-attestation
2. An Individual who is one or more of the following:	
(A) Deficient in basic literacy skills	<ul style="list-style-type: none"> • Standardized assessment test • School records • Case notes
(B) A school dropout or youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year quarter	<ul style="list-style-type: none"> • School documentation/statement/records • Drop out letter • WIOA application • Local area Management Information System • Self-attestation (applicant statement)
(C) Homeless or a runaway; or	<ul style="list-style-type: none"> • Written statement from an individual providing temporary residence • Written statement from social service agency • Written statement from a shelter • WIOA application • Self-attestation
a foster child	<ul style="list-style-type: none"> • Written confirmation from social service agency • Case notes • Self-attestation

<p>(D) Pregnant or a parent</p>	<ul style="list-style-type: none"> • Copy of child’s birth certificate • Baptismal record • Observation of pregnancy status • Doctor’s note confirming pregnancy • Self-attestation
<p>(E) An offender</p>	<ul style="list-style-type: none"> • Documentation from juvenile or adult criminal justice system • Documented phone call with court or probation representatives • WIOA application • Self-attestation
<p>(F) An individual who requires additional assistance to complete an educational program, or to secure and hold employment</p>	<ul style="list-style-type: none"> • Locally established eligibility documentation requirements • Individual Service Strategy • Case notes • WIOA application • Local area Management Information System • Self-attestation
<p>3. Up to five percent of WIOA youth participants may be individuals who do not meet the low-income criteria (youth eligibility criterion 1 above) if such individuals are within one or more of the following categories:</p>	
<p>(A) A school dropout or youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year quarter</p>	<p>See youth eligibility criterion 2(B) above</p>
<p>(B) Basic skills deficient</p>	<ul style="list-style-type: none"> • Standardized assessment test • School records • Case notes
<p>(C) Are one or more grade levels below the grade level appropriate to the individual’s age</p>	<ul style="list-style-type: none"> • Telephone verification with the school • Statement from school • Report card • School records
<p>(D) Pregnant or a parent</p>	<p>See youth eligibility criterion 2(D) above</p>

<p>(E) Possess one or more disabilities, including learning disabilities</p>	<ul style="list-style-type: none"> • Medical records • Physician's statement • Psychiatrist or psychologist diagnosis/statement • Social Security administration disability records • Letter from drug or alcohol rehabilitation agency • School record/official statement • Observable condition (self-attestation with the interviewer serving as the corroborating witness) • Rehabilitation evaluation • Sheltered workshop certification • Social service records/referral • Veterans administration letter/records • Vocational rehabilitation letter/statement • Workers compensation records/statement • Telephone verification • Other applicable, verifiable, documentation • Self-attestation
<p>(F) Homeless or a runaway</p>	<p>See youth eligibility criterion 2(C) above</p>
<p>(G) An offender</p>	<p>See youth eligibility criterion 2(E) above</p>
<p>(H) Face serious barriers to employment as identified by the State or the local board</p>	<ul style="list-style-type: none"> • Locally defined

Eligibility for Out-of-School Youth Services

To receive services as an OS youth, an individual must meet the following requirements.

Eligible OS Youth – Meets the definition provided below:

1. Not less than 16 years of age and not more than 24 years of age.
2. Not attending any secondary or postsecondary school.
3. Has one or more of the following barriers in the table below:

A youth only needs to meet one of these barriers. However, subrecipients should document all barriers that apply.

The following table provides clarity on the requirements to meet OS youth eligibility:

Definition of Barriers for Eligibility of OS Youth:	
Barrier 1	A school dropout.

Definition of Barriers for Eligibility of OS Youth:	
Barrier 2	Within the age of compulsory school attendance but has not attended school for at least the most recent complete school year quarter.
Barrier 3	A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual <u>and</u> is either basic skills deficient or an English language learner.
Barrier 4	An offender.
Barrier 5	<ul style="list-style-type: none"> • A homeless individual. • A runaway.
Barrier 6	<ul style="list-style-type: none"> • In foster care. • Has aged out of the foster care system. • Has attained 16 years of age and left foster care for kinship, guardianship, or adoption. • A child eligible for assistance under Section 677 of the Social Security Act (42 USC Section 677). • In an out-of-home placement.
Barrier 7	Pregnant or parenting (including custodial and non-custodial parents).
Barrier 8	A youth with a disability.
Barrier 9	A low-income individual who requires additional assistance to enter or complete an education program or to secure or hold employment.

(References: Title 20 CFR Section 681.210; WSD17-07)

Eligibility for In-School Youth Services

To receive services as an in-school (IS) youth, an individual must meet the following requirements.

Eligible IS Youth – Meets the definition provided below:

1. Is not less than 14 years of age and not more than 21 years of age (Youths with disabilities who are in an individualized education program at the age of 22 may be enrolled as an IS youth).
2. Attending school, including secondary and postsecondary school.
3. Low-income individual.
4. Has one or more of the following barriers:

A youth only needs to meet one of the IS youth barriers in the table below, however subrecipients should document all barriers with the following exception: *IS youth who require additional assistance to complete an education program or secure or hold employment.*

The following table provides clarity on the requirements to meet IS youth eligibility.

Definition of Barriers for Eligibility of IS Youth:	
Barrier 1	Basic skills deficient.
Barrier 2	An English language learner.
Barrier 3	An offender.
Barrier 4	<ul style="list-style-type: none"> • A homeless individual. • A runaway.
Barrier 5	<ul style="list-style-type: none"> • In foster care. • Has aged out of the foster care system. • Has attained 16 years of age and left foster care for kinship, guardianship, or adoption. • A child eligible for assistance under Section 677 of the Social Security Act (42 USC Section 677). • In an out-of-home placement.
Barrier 6	Pregnant or parenting (including custodial and non-custodial parents).
Barrier 7	A youth with a disability.
Barrier 8	<p>A low-income youth who requires additional assistance to complete an education program or to secure or hold employment.</p> <p>Note: No more than five percent of IS youth enrolled in a given program year may be found eligible based solely on meeting this category. WIOA Youth programs should only report IS youth as having this barrier if it is their only barrier, and therefore the barrier is used for eligibility determination.</p>

(References: WIOA Section 129(a)(3); Title 20 CFR Sections 681.220 and 681.310; TEGL 09-22; WSD17-07)

Five Percent Limitation for In-School Youth Eligibility

In each Local Area, not more than five percent of the IS youth newly enrolled in a given program year (PY) may be eligible based on the “requires additional assistance to complete an educational program or to secure or hold employment” criterion. To ensure as many IS youth as possible are served, subrecipients should only report a youth as having this barrier if it is their only barrier.

Note – The five percent limitation for IS youth who require additional assistance is not the same as the five percent low-income exception.

(Reference: TEGL 09-22)

Five Percent Low-Income Eligibility Exception

The WIOA maintains a five percent low-income eligibility exception under which five percent of Local Area youth who ordinarily would need to be low-income do not need to meet the low-income provision. A program must calculate the five percent based on the percent of newly enrolled youth in the Local Area's WIOA youth program in a given PY who would ordinarily be required to meet the low-income requirement.

To determine whether a youth must be low-income in order to qualify for the youth program, the subrecipients should first consider whether the participant is an OS youth or IS youth. The low-income requirement applies only to OS youth with certain barriers (see the section on Eligibility for OS Youth), whereas all IS youth must be low-income unless the five percent eligibility exception is applied.

The five percent low-income exception may include OS youth, IS youth, or a combination of both, but must not exceed five percent of all WIOA youth participants served in a given PY.

(References: Title 20 CFR Section 681.250; WSD17-07)

Local Definitions and Eligibility Criteria

Basic Skills Deficient – Meets the following definition with respect to an individual:

1. A youth who has English, reading, writing, or computing skills at or below the 8th grade level of a generally accepted standardized test.

In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.

2. 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.

Criteria used to determine whether an individual is basic skills deficient includes the following:

- Lacks a high school diploma or high school equivalency and is not enrolled in secondary education.
- Enrolled in a Title II Adult Education/Literacy program.
- English, reading, writing, or computing skills at an 8.9 or below grade level.

- Determined to be Limited English Skills proficient through staff-documented observations.

Refer to the *WIOA Acceptable Documentation List* for more detailed information on determining whether an individual meets the basic skills deficient criterion.

The WIOA and DOL regulations do not further define the level of literacy necessary to function on the job, in the individual’s family, or in society. Survival skills such as computer skills, balancing a checkbook, budgeting a family’s income, or filing a tax return, may be considerations when defining these areas. Such definitions may provide greater flexibility in achieving basic skills goals for an individual who is basic skills deficient and may have difficulty achieving an 8th grade level of literacy within a specified program period.

Describe the local definition and eligibility documentation requirements for “deficient in basic literacy skills” below:

WDB Policy #2024-15 definition of deficient in basic literacy skills:	
Eligibility Criteria	Acceptable Documentation
<p>(A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level (8.9 or below) on a generally accepted standardized test; or</p> <p>(B) who is a youth or adult, that the individual 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.</p> <p><i>Considerations for defining “at a level necessary to function on the job, in the individual’s family, or in society”:</i></p> <ul style="list-style-type: none"> • <i>Computer skills</i> • <i>Financial literacy</i> • <i>Ability to follow directions</i> • <i>Ability to relay information accurately</i> • <i>Ability to receive, attend to, interpret, and</i> 	<p>Scores of a generally accepted standardized test or a comparable score on a criterion referenced test</p> <p>Scores of a generally accepted standardized test or a comparable score on a criterion referenced test; school documentation indicating basic skill deficiency; employer statement</p> <p><i>Detailed case notes based on reliable information are acceptable to explain “at a level necessary to function on the job, in the individual’s family, or in society”. In addition to standard requirements for all case notes, those case notes must also detail how that determination was made.</i></p>

<i>respond to verbal messages and other cues</i>
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(References: WIOA 3[5]; Title 20 CFR Section 681.290; WSD24-06)

Use of Funds for Youth Who Require Additional Assistance

The five percent limitation for IS youth where no more than five percent of IS youth in a given PY may be found eligible based on the criterion “requires additional assistance to complete an educational program or to secure or hold or to secure or hold employment.”

For OS youth, the criterion is similar, but the provision is changed to add the phrase “to enter”: an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

Local Boards are responsible for establishing local definitions and eligibility documentation requirements for “requires additional assistance” as it relates to both OS youth and IS youth. The local policy should be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified in the policy objectively requires additional assistance. As outlined in the State Plan, examples could include, but are not limited to, the following:

The below criteria are based on the California’s Unified Strategic Workforce Development Plan 2016-2020 (State Plan) and local factors.

Eligibility Criteria	Acceptable Documentation
Have repeated at least one secondary grade level or are one year over age for grade	School records; school counselor statement
Have a core grade point average of less than 1.5.	School records; school counselor statement
For each year of secondary education, are at least two semester credits behind the rate required to graduate from high school	School records; school counselor statement
Are emancipated youth	Court records; social services records
Have aged out of foster care	Court records; social services records
Are previous dropouts or have been suspended five or more times or have been expelled	School records; court records
Have received court/agency referrals mandating school attendance	School records; court records
Are deemed at risk of dropping out of school by a school official	School records; school counselor statement
Have been referred to or are being treated by an agency for a substance abuse related problem	Medical records; court records; social services records; self-attestation

Have experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional	Medical records; school counselor statement; social services records
Have serious emotional, medical or psychological problems as documented by a qualified professional	Medical records; school counselor statement; social services records
Have never held a job (applies to OS youth)	Wage records; self-attestation
Have been fired from a job within the 12 months prior to application (applies to OS youth)	Employer records; school representative statement; corrections officer statement; self-attestation
Have never held a full-time job for more than 13 consecutive weeks (applies to OS youth)	Wage records; school representative statement; self-attestation
Attends continuation school	School records; school ID card
Is involved in gang-related activities	School representative statement; corrections officer statement; self-attestation
Has an incarcerated parent/legal guardian	Letter from a corrections facility; corrections officer statement; court records; background check; self-attestation
Immigrant/refugee youth with substantial cultural barriers	School records; documentation from agencies that work with immigrant/refugee populations; employer statement

Dropout – School dropouts and youth who are within the age of compulsory school attendance but have not attended school for at least the most recent complete school year quarter are two separate barriers but share many of the same characteristics. The confusion for a youth within compulsory school age is determining an exact date for when dropout occurred or if instead the subrecipient must wait one school quarter for the youth to qualify for the OS youth program. Neither the California Department of Education (CDE) nor the US Department of Education (DOE) have established a set number of days a student must miss before the school determines dropout status. Instead, the CDE and DOE define dropout for the purpose of annual statistics. Local educational agencies are responsible to report student exit codes for annual dropout rate statistics to the CDE (California Education Code 48070.6). This means Local Areas working with school districts are in the best position to determine dropout status.

Note that a school district may designate a youth as a dropout prior to the end of a school quarter, which would qualify the youth as a dropout. Conversely, a school district may not report dropout status well past a school quarter, in which case the youth may qualify under the compulsory school age barrier.

Compulsory School Age – Compulsory school attendance in California is between the ages 6 and 18. On a youth's 18th birthday, the youth is no longer subject to compulsory attendance, but they

may continue to attend school until high school graduation. The CDE strongly recommend that 18-year-old high school students finish their high school education, but it is not a legal mandate for them to attend after their 18th birthday. (Reference: Education Code [EC] Section 48200) A youth who chooses not to attend school after their 18th birthday may be reported as a dropout.

The following table will help subrecipients distinguish these two barriers:

Dropout	Within compulsory school age
<ul style="list-style-type: none"> • Age 16-24 years old 	<ul style="list-style-type: none"> • Age 16-17 years old
<ul style="list-style-type: none"> • Not attending school 	<ul style="list-style-type: none"> • Not attending school
<ul style="list-style-type: none"> • Has not received a secondary diploma or GED 	<ul style="list-style-type: none"> • Has not received a secondary diploma or GED
<p>No specific wait time:</p> <ul style="list-style-type: none"> • The school district identifies a youth who is under 18 years of age as a dropout. • The youth is 18 - 24 years old and self-attests to dropout status. This includes 18-year-olds who attend school on the day previous to dropping out. 	<p>Must not have attended school for a school/calendar quarter.</p>

Truancy – California defines truancy as being absent from school without a valid excuse three full days in one year or tardy or absent more than any 30-minute period during the school day without a valid excuse on three occasions in one year, or any combination thereof, unless excused or exempted. A truant (and also a dropout) is in violation of California’s compulsory school attendance laws and is subject to arrest, and the parents are subject to infraction fines. Additionally, a school district is not permitted to sanction violation of truancy laws by issuing a youth a work permit. A truant (and also a dropout) is subject to arrest, and the parents are subject to infraction fines if the minor is found working without a work permit.

(References: EC Sections 48260, 48264, 48293, and 49112)

Youth Related Definitions

Attending School – an individual is considered to be attending school if the individual is enrolled in secondary or postsecondary school. If a youth is between high school graduation and postsecondary education, the youth is considered an IS youth if they are registered for postsecondary education, even if they have not yet begun postsecondary classes. However, if the

youth registers for postsecondary education, but does not follow through with attending classes, the youth is considered OS youth if the eligibility determination is made after the youth decided not to attend postsecondary education. Youth on summer break are considered IS youth if they are enrolled to continue school in the fall.

Not Attending School – an individual who is not attending a secondary or postsecondary school. In addition, individuals enrolled in the following programs would be considered an OS youth for eligibility purposes:

- WIOA Title II Adult Education, YouthBuild, Job Corps, high school equivalency program, or dropout re-engagement programs. However, youth attending high school equivalency programs funded by the public K-12 school system who are classified by the school system as still enrolled in school are the exception; they are considered IS youth.
- Non-credit bearing postsecondary classes only.
Note – Youth enrolled in any credit-bearing postsecondary education classes, including credit-bearing community college classes and credit-bearing continuing education classes, then they are considered attending postsecondary education, and, therefore, an IS youth.
- A charter school program that provides instruction exclusively in partnership with WIOA, federally-funded YouthBuild programs, federal Job Corps training, instruction, -California Conservation Corps or a state certified local conservation corps (in alignment with EC Section 47612.1).

More detailed guidance related to determining an individual’s school status can be found in TEGL 21-16.

(References: 20 CFR Sections 681.210-681.230; TEGL 21-16; State Plan; WSD17-07)

Offender – Any adult or juvenile who meets the following criteria:

1. Is or has been subject to any stage of the criminal justice process, for whom services under the WIOA may be beneficial.
2. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

(Reference: WIOA Section 3[38])

Out-of-Home Placement – Encompasses the placements and services provided to youths and families when a youth must be removed from their homes because of safety concerns, as a result of serious parent-youth conflict, or to treat serious physical or behavioral health conditions which cannot be addressed within the family. Youths in out-of-home care may live in a number of possible settings. These include kinship or relatives' homes, family foster homes, treatment foster homes, or group or residential care. (US Department of Health and Human Services information)

Pregnant or Parenting Youth – An individual who is pregnant or a custodial or non-custodial parent including non-custodial fathers.

Postsecondary School – Postsecondary education means a formal institutional educational program whose instruction is designed primarily for students who have completed or terminated their secondary education or are beyond the compulsory age of secondary education, including programs whose purpose is academic, vocational, or continuing professional education. (EC 94857)

School Dropout – an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent (WIOA Section 3[54]). In accordance with TEGl 08-15, this term does not include individuals who dropped out of postsecondary school.

Secondary School – a nonprofit institutional day or resident school, including a public secondary charter school, that provides secondary education, as determined under state law, except that the term does not include any education beyond grade 12 (Title 20 USC Section 1401[27]).

LOW-INCOME INDIVIDUAL DETERMINATION

The determination of low-income status applies to the WIOA youth and adult programs.

Low-Income Individual

Low-Income Individual - An individual, who meets the following criteria:

1. Receives, or in the past six months has received, or is a member of a family that receives or in the past six months has received:
 - a. Supplemental nutrition assistance program (SNAP).
 - b. Temporary assistance for needy families (TANF).
 - c. Supplemental security income (SSI).
 - d. Local income-based public assistance.

2. Is in a family with total family income that does not exceed the higher of the following:
 - a. The federal poverty line.
 - b. Seventy percent of the LLSIL.
3. Qualifies as a homeless individual.
4. Receives or is eligible to receive a free or reduced-price lunch under the *Richard B. Russell National School Lunch Act*.
5. Is a foster child on behalf of whom state or local government payments are made.
6. Is an individual with a disability whose own income meets the requirements of a program described in (2), but who is a member of a family whose income does not meet such requirements.

LOW-INCOME (A low-income individual must meet one of the criteria below.)	
Eligibility Criteria (Verify one of the following eligibility criteria)	Acceptable Documentation (One document per eligibility criterion is required)
<p>1. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received assistance through :</p> <ol style="list-style-type: none"> a) the supplemental nutrition assistance program (SNAP) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); b) the program of block grants to States for temporary assistance for needy families program (TANF) under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); c) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or, d) State or local income-based public assistance; 	<ul style="list-style-type: none"> • Authorization to receive cash public assistance • Public assistance check • Medical card showing cash grant status • Public assistance records • Refugee assistance records • Cross-match with public assistance database • Current authorization to obtain food stamps • Food stamp card with current date • Current food stamp receipt • Postmarked food stamp mailer with applicable name and address • Statement from County Welfare Office • Public assistance records
<p>2. Is a member of a family that received a total family income, for the six- month period prior to application for the program that, in relation to family size, does not exceed the higher of:</p> <ol style="list-style-type: none"> a) The poverty line; or, b) 70 percent of the Lower Living Standard Income Level <p>Note: Documentation should be provided for each applicable inclusive income source received by the applicant and each family member for the six-month</p>	<ul style="list-style-type: none"> • Alimony agreement • Award letter from Veterans Administration • Bank statements (direct deposit) • Compensation award letter • Court award letter • Employer statement/contact • Family or business financial records • Housing authority verification • Pay stubs • Pension statement • Public assistance records • Quarterly estimated tax for self-employed persons

<p>income period immediately preceding the determination date.</p> <p>It is necessary to verify family size when utilizing family income eligibility.</p> <p>An applicant who claims little or no income must submit a statement that little or no income was received during the past six months, and that he/she was not employed for that period.</p>	<p>(Schedule C)</p> <ul style="list-style-type: none"> • Social Security benefits records • UI documents and/or printout • Self-attestation
<p>3. Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).</p>	<ul style="list-style-type: none"> • Written statement from an individual providing temporary residence • Written statement from social service agency • Written statement from a shelter • WIOA application • Self-attestation
<p>4. 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.);</p>	<ul style="list-style-type: none"> • The most recent school year reduced price or free lunch eligibility status document for the individual or school • School Verification Letter • WIOA Application • Self-attestation
<p>5. Foster child for which state or local government payments are made on his/her behalf.</p>	<ul style="list-style-type: none"> • Written confirmation from social services agency • Case notes • Self-attestation

<p>6. An individual with a disability whose own income meets the low-income requirements of #1 and #2 listed above but is a member of a family whose income does not meet such requirements.</p> <p>Note: Disability status as well as income must be verified. An individual with a disability shall be considered a family of one for eligibility purposes.</p>	<ul style="list-style-type: none"> • Medical records • Physician's statement • Psychiatrist or psychologist diagnosis/statement • Social Security Administration disability records • Letter from drug or alcohol rehabilitation agency • School record/official statement • Observable condition (self-attestation with the interviewer serving as the corroborating witness) • Rehabilitation evaluation • Sheltered workshop certification • Social Service records/referral • Veterans Administration letter/records • Vocational rehabilitation letter/statement • Workers compensation records/statement • Telephone verification • Other applicable, verifiable, documentation • Self-attestation
<p>7. A youth living in a high-poverty area is automatically considered to be a low-income individual.</p>	<ul style="list-style-type: none"> • A high-poverty area is a Census tract or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data. • Local areas must use census tract to determine if an individual lives in a high poverty area. • Local Areas may access American Community Survey 5-Year data on the U.S. Census Fact Finder website to determine the poverty rate by entering in the youth participant's zip code. • Please refer to TEGL 21-16 Attachment 2, Determining Whether Youth are Living in a High Poverty Area

(Reference: WIOA Section 3[36])

Low-Income Exceptions for Veterans

When determining eligibility for programs that have a statutory requirement to serve low-income individuals, many types of military service-related income are exempt. Specifically, the following pay, financial allowances, and financial benefits must be disregarded for veterans, transitioning service members, or any other individuals for whom these amounts would normally be applied in making an eligibility determination:

- Military pay or allowances paid while on active duty.

- Military pay or allowances paid by the VA for vocational rehabilitation, disability payments, or related VA-funded programs (including the VA work study allowance), and including any financial benefits received under the following chapters of Title 38 U.S.C.:
 - Chapter 11 – Compensation for service-connected disability or death.
 - Chapter 13 – Dependency and indemnity compensation for service-connected deaths.
 - Chapter 30 – All-volunteer force educational assistance program.
 - Chapter 31 – Training and rehabilitation for veterans with service-connected disabilities.
 - Chapter 33 – Post-9/11 educational assistance.
 - Chapter 35 – Survivors’ and dependents’ educational assistance.
 - Chapter 36 – Administration of educational benefits.

- Any benefits received under Title 10 U.S.C. Chapter 106 - Educational assistance for members of the selected reserve.

In contrast, the following types of military-related income are included in low-income calculations:

- Pension payments authorized by Title 10 U.S.C., such as those received by military retirees, whether or not their retirement was based on disability.

- Pension benefits paid under Title 38 U.S.C. Chapter 15 – Pensions for low-income, wartime veterans who are disabled for reasons not connected or related to their military service.

It is also important to note that VA benefits for education and training services do not

constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, veterans or eligible spouses who are eligible for the GI Bill or other forms of VA-funded education or training are not required to coordinate their entitlement to those benefits with their eligibility for WIOA-funded training, as stipulated under 20 CFR Section 680.230. Specifically, Program Operators may not require veterans or eligible spouses to exhaust their entitlement to VA funded training prior to enrolling them in WIOA-funded training.

Note – You can find the latest low-income guidelines on the [Federal Lower Living Standard Income Level and Poverty Guidelines \(ca.gov\)](#) webpage.

Low-Income Exceptions for Youth

In addition to the above criteria, an IS youth or OS youth automatically qualifies as low-income if the youth lives in a high-poverty area. A high-poverty area is one of the following that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey (ACS) 5-Year data:

- A County
- A Census tract
- A set of contiguous Census tracts
- An American Indian Reservation
- Other tribal land as defined by USDOL in guidance

Subrecipients may access ACS 5-Year data on the US Census Fact Finder website to determine the poverty rate. WSD17-07 provides step-by-step instruction on how to calculate the poverty rate.

(References: Title 20 CFR Section 681.260; TEGL 21-16, WSD17-07)

Additionally, an IS youth who receives or is eligible to receive free or reduced-price lunch would meet low-income requirements. However, in schools where the entire school automatically receives free or reduced-price lunch, WIOA programs must base low-income status on the individual student’s eligibility to receive free or reduced-price lunch or on their ability to meet one of the other low-income categories outlined above.

In accordance with TEGL 21-16, an OS youth who is a parent living in the same household as a child who receives or is eligible to receive free or reduced-price lunch based on their income level, can also meet low-income criteria in the same manner as IS youth based on their child’s qualification.

(References: TEGL 21-16; WSD17-07)

Low-Income Related Definitions

Lower Living Standard Income Level – The income level (adjusted for regional, metropolitan, urban, and rural differences and family size), determined annually by the US Department of Labor based upon the most recent lower living family budget. The LLSIL is published annually in the Federal Register. (Reference: WIOA Section 3[36][B])

Federal Poverty Line – The income level at which families are considered to live in poverty, as annually determined by the US Department of Health and Human Services. The poverty level is published annually in the Federal Register. (Reference: Title 42 USC Section 9902[2])

Public Assistance – Federal, state, or local government cash payments for which eligibility is determined by a needs or income test. The statutory definition of public assistance contains a two-part test:

1. The program must provide cash payments.
2. Eligibility for the program must be determined by a needs or income test.

(Reference: WIOA Section 3[50])

Homeless – Any adult or youth meeting the conditions as defined in the *Violence Against Women Act of 1994* (Title 42 USC Section 14043e-2[6]) or the McKinney-Vento Homeless Assistance Act (Title 42 USC Section 11434a[2]). Conditions include the following:

1. An individual who lacks a fixed, regular, and adequate nighttime residence to include any of the following:
 - a. Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason.
 - b. Living in a motel, hotel, trailer park, or campground due to lack of alternative adequate accommodations.
 - c. Living in an emergency or transitional shelter.
 - d. Abandoned in a hospital.
 - e. Awaiting foster care placement.
2. An individual who has primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation (e.g., cars, parks, public spaces, abandoned buildings, substandard housing, bus train station, or similar settings).

3. A child who is a migratory agricultural worker or fisher or living with a parent who is a migratory agricultural worker or fisher and is living in circumstances described above.

Individual with a Disability – The term disability means one of the following, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities:
 - a. Major life activities include, but are not 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.
 - b. Major life activities also include the operations 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 functions.
2. A record of such an impairment; or
3. Being regarded as having such impairment.
 - a. The individual establishes that they have been subjected to an action prohibited under the Americans with Disabilities Act (ADA) 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.
 - b. “Being regarded as having such an impairment” shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(Reference: Title 42 USC Section 12102)

Emancipated Minor – Any person under the age of 18 who meets any of the following criteria:

1. Has entered into a valid marriage, whether or not such marriage was terminated by dissolution.
2. Is on active duty with any of the armed forces of the United States of America.
3. Has received a declaration of emancipation pursuant to California Family Code 7122.

(Reference: California Family Code, Section 7002)

Runaway Youth – A person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of a parent or legal guardian. (Reference: Title 42 USC Section 5732 a[4])

Out-of-Family Youth – Court adjudicated youth separated from the family (including incarcerated youth), homeless, runaway, and emancipated youth. For purposes of determining income eligibility, out-of-family youth are considered a “family of one.”

Family – Two or more persons related by blood, marriage (including same-sex marriages), or decree of court, who are living in a single residence, and are included in one or more of the following categories:

1. A married couple and dependent children.
2. A parent or guardian and dependent children.
3. A married couple.

Refer to the *WIOA Title I Acceptable Documentation List* for a list of documents that can be used to determine family size.

(References: Title 20 CFR Section 675.300; TEGL 21-16)

Foster Child – A youth participant who is currently in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under the *John H. Chafee Foster Care Independence Program*, or in an out-of-home placement.

(References: Title 20 CFR Sections 681.210 and 681.220; TEGL 21-16)

Dependent Children

Dependent Children – Children who can be claimed as a dependent on their parent’s income tax return. To meet the Internal Revenue Service qualifications a child must meet relationship, age, residency, support, and joint return criteria:

1. Relationship – A child must be as follows:
 - a. A son, daughter, stepchild, foster child, or a descendant (including adopted and foster child).
2. Age – A child must be as follows:
 - a. Under age 19 at the end of the calendar year.
 - b. A student under age 24 at the end of the calendar year.
 - c. Permanently and totally disabled at any time of the year regardless of age.
3. Residency – A child must have lived with the WIOA participant for more than half the year (Exception to the time requirement include temporary absences, children who were born

or died during the year, kidnapped children, and children of divorced or separated parents).

- a. Temporary absences include illness, education, business, vacation, military service, and detention in a juvenile facility.
4. Support – A child pays less than half of their own support for the year.
 5. Joint return – A child cannot file a joint tax return for the year unless the joint return is only to claim a refund of income tax withheld or estimated tax paid:
 - a. Example of joint return exception: A WIOA participant's 18-year-old son and his 17-year-old wife had \$800 of wages from part-time jobs and no other income. They lived with the WIOA participant all year. Neither is required to file a tax return, but taxes were taken out of their pay, so they filed a joint return only to get a refund of the withheld taxes.

For additional examples of each qualifying criterion see IRS publications on personal exemptions and dependents.

To determine if an individual is a dependent, service providers can use the IRS "[Whom May I Claim as a Dependent?](#)" interview. Conclusions are based on information provided in response to the questions answered. Additionally, a "dependent child" is a family member who meets the IRS "[Qualifying Child Rules](#)" that allows an individual or couple to claim a family member as a dependent for tax purposes. Case notes and eligibility documentation must clearly state how dependents were determined.

Determining Low-Income Status

Income Sources

Low-income status is one of the barriers to employment and is used in determining priority of service for the Adult program and eligibility for the Youth program. Income is also used to calculate economic self-sufficiency and is a part of the definition of displaced homemaker. The guidance below outlines the type of income that can be considered for these purposes.

Included Income

The following income sources should be included in an individual's income calculation:

1. Monetary compensation for services, including wages, tips, salary, commissions, or fees before any deductions.
2. Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expense).
3. Net receipts from farm self-employment (receipts from a farm which one operates as an

- owner, renter, or sharecropper, after deductions for farm operating expenses).
4. Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends (e.g., wages from the California Conservation Corp).
 5. Alimony, military family allotments, or other regular support from an absent family member or someone not living in the household.
 6. Private pensions, government employee pensions (including military retirement pay).
 7. Regular insurance or annuity payments (including state disability insurance).
 8. College or university scholarships (not needs-based), grants, fellowships, and assistantships.
 9. Net gambling or lottery winnings.
 10. Severance payments.
 11. Terminal leave pay.
 12. Social Security Disability Insurance (SSDI) payments.
 13. Social Security old age and survivors' insurance benefits.
 14. Unemployment insurance.
 15. Regular child support payments (including foster care child payments).

The following income sources should **not** be included in an individual's income calculation:

1. Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants.
2. Supplemental Educational Opportunity Grants and Federal Work Study.
3. Needs-based scholarship assistance.
4. Loans.
5. Veterans' benefits.
6. All pay and/or financial allowances earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance. (Title 20 CFR Section 683.230)
7. Capital gains.
8. Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car.
9. Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury.
10. Non-cash benefits such as employer paid or union-paid portion of health insurance or other fringe benefits, food or housing received in lieu of wages.
11. The value of food and fuel produced and consumed on farms.
12. The imputed value of rent from owner occupied nonfarm or farm housing.
13. Indian General Welfare Benefits (Reference: Title 26 USC Section 139E)
14. Medicare, Medicaid, food stamps, school meals, and housing assistance, and other state or local income-based public assistance.
15. Allowances, earnings, and payments to individuals participating in programs under WIOA

Title 1. (Reference: Title 20 CFR Section 683.275[d])

16. When a federal statute excludes income received under that statute in determining eligibility for programs operated under other federal laws, such income is *excluded* in WIOA eligibility determination as well.

(Reference: WIOA Section 3[36])

Calculating Income

Individuals normally receive income as salary, varying, or intermittent payments. Local Areas may calculate an individual's income using the following methods:

1. **Salary** – Salary is income received without variation in gross pay from pay period to pay period. Salary information may be provided in a series of pay stubs or one, cumulative pay stub.

To determine an individual's gross income for the most recent six-month time period, multiply the individual's weekly gross pay by 26, bi-weekly pay by 13, bi-monthly pay by 12, or monthly pay by 6.

Example: Bi-weekly pay stubs indicate a gross amount of \$548.

$\$548 \times 13 = \$7,124$, the income for the most recent six-month time period

To determine the individual's annual gross income, multiply their weekly gross pay by 52, bi-weekly pay by 26, bi-monthly pay by 24, or monthly pay by 12.

Example: Year-to-date earnings of \$16,812 with bi-monthly payments. There were 18 bi-monthly payments of \$934.

$\$16,812 \div 18 = \934 , the bi-monthly payment amount

$\$934 \times 24 = \$22,416$, the annual gross income

2. **Varying** – When reported earnings vary from pay period to pay period, annualize the average of the earnings submitted. The earnings may be submitted on a number of pay stubs or on one cumulative pay stub.

Example: Six weekly pay stubs report the following gross earnings: \$534, \$475, \$398, \$534, \$498, and \$534.

Add: $\$534 + \$475 + \$398 + \$534 + \$498 + \$534 = \$2,973$

Divide: $\$2,973 \div 6 = \495.50 , the average gross weekly earnings

Multiply: $\$495.50 \times 52 = \$25,766$, the annual gross income

3. Intermittent – Earnings are varied and include periods of unemployment. With as much data as possible, determine the annual gross income by adding the reported earnings.

The Lower Living Standard Income Level and Poverty Guidelines

The LLSIL and poverty guidelines are used to establish low-income status for WIOA Title I programs. Local Areas use the LLSIL and poverty guidelines respectively to determine eligibility for certain youth, eligibility for employed adults for certain services, and self-sufficiency. The LLSIL and poverty guidelines can be found in the EDD LLSIL and Poverty Guidelines webpage.

The WIOA specifies that only the income received during the six-month period immediately prior to the individual's application for WIOA-funded services is used for income determination. Depending on an individual's situation, their income for eligibility purposes may include only their income (e.g., out-of-family youth) or their total family income. The total family income includes the income from each family member.

For more information on how to use the LLSIL and poverty guidelines to determine low-income status or self-sufficiency for WIOA Title I programs, refer to the LLSIL and Poverty Guidelines Directive WSD24-02.

Documentation

Subrecipients and contractors shall ensure proper documentation of participant eligibility determination which shall be kept in the participant files and available anytime for inspection and review by local, State and Federal monitors.

When using a Self-Attestation, Attachment I must be utilized and placed in the participant's file.

An Income Worksheet (Attachment II) or similar worksheet showing income calculations should be completed and placed in the participant's file, if applicable.

All files must have the General Eligibility Documentation Checklist (Attachment IV) completed and maintained in the participant's file. Additionally, WIOA Adult participants must have the WIOA Adult Priority of Service Checklist (Attachment V), WIOA DW participants must have the WIOA Dislocated Worker Eligibility Checklist (Attachment VI), and WIOA Youth participants must have the WIOA Youth Eligibility Checklist (Attachment VII) completed and in their files.

Documenting Eligibility with Self-Attestation

Self-attestation cannot be used to document eligibility data elements of right-to-work and selective service. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. The Department of Labor recommends the consideration of the impacts on equity and accessibility regarding self-attestation. While other documentation sources are preferred when practical, self-attestation is an important option for populations with barriers to obtaining eligibility and reporting documents (such as disconnected youth, American Indian and Alaska Native populations, individuals experiencing homelessness, justice involved individuals, refugees, disaster impacted individuals, and others) and help ensure such populations are able to equitably access services. As a best practice, once enrolled, programs should assist the participant in obtaining the required documents through the use of supportive service funds as these documents are likely needed for employment and training related activities.

Self-attestation is an acceptable source of documenting almost all program elements related to WIOA Youth eligibility. The following youth eligibility data elements allow self-attestation as an acceptable source of documentation:

- school status at program entry
- date of birth
- individual with a disability
- pregnant or parenting
- youth who needs additional assistance
- foster youth
- homeless youth
- offender
- low income
- English Language Learner.

The only data element related to WIOA Youth eligibility that does not permit the use of self-attestation for documentation is “basic skills deficient.”

Eligibility determination only needs to confirm that an individual meets the requirements of a program before becoming a participant in the program. Where self-attestation is listed as an option for source documentation, the lack of source documentation beyond self-attestation must not delay or prevent enrollment and receipt of services in a program.

Please review the most current or relevant Data Validation Training Employment Guidance Letter to assist in determining when it is appropriate to use self-attestation.

Data Management

Subrecipients and contractors shall ensure that accurate participant eligibility information is reflected in the CalJOBS system in a timely manner. Appropriate local policies on data management and reporting shall be adhered to.

Definitions

Below is a list of terms defined throughout the policy.

Active Duty – Full-time duty in the active military service of the United States. Active duty includes full-time training duty, annual training duty, and attendance, while in the active military services, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty. (Reference: Title 10 USC Section 101[d][1])

Armed Forces – Includes the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard. (Reference: 10 USC Section 101[4])

Attachment to the Workforce –Unsubsidized employment with the same employer for 13 consecutive weeks within the last 52 weeks.

Barriers to Employment – As defined in the WIOA Section 3(24), the term “individual with a barrier to employment” means a member of *one or more* of the following populations:

1. Displaced Homemakers
2. Low-income individuals
3. Indians, Alaska Natives, and Native Hawaiians (WIOA Section 166)
4. Individuals with disabilities, including youth who are individuals with disabilities (WIOA Section 3(25))
5. Older individuals (WIOA Section 3[39])
6. Offender/Ex-offenders
7. Homeless Individuals
8. Youth who are in or have aged out of the foster care system

9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers (WIOA Sections 3[21] and 203[7])
10. Eligible migrant and seasonal farmworkers (WIOA Section 167[i])
11. Individuals within 2 years of exhausting lifetime eligibility under part A of Title IV of the Social Security Act (42 USC Section 601 et seq.)
12. Single parents (including single pregnant women)
13. Long-term unemployed individuals (TEGL 19-16)
14. Such other groups as the Governor involved determines to have barriers to employment.
As of January 1, 2018, California includes:
 - **Transgender and gender non-confirming individuals (Senate Bill 396)** (Workforce Services Information Notice WSIN17-22)

Basic Skills Deficient – The following definition applies with respect to an individual:

1. A youth who has English, reading, writing, or computing skills at or below the 8th grade level of a generally accepted standardized test. In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. (Reference: Title 20 CFR Section 681.290)
2. 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. (Reference: WIOA Section 3[5])

CalJOBSSM – CalJOBS is California’s online resource to help job seekers and employers navigate the state’s workforce services and serves California’s WIOA Titles I and III federally recognized “system of record” for the participant tracking and reporting for the WIOA and the W-P.

Covered Person – Related to the application of priority of service, a covered person is a veteran or eligible spouse.

Deficient in Basic Literacy Skills – Locally defined. Click on the term to go to the local definition.

Dependent Children – Children who can be claimed as a dependent on their parent’s income tax. To meet the Internal Revenue Service qualifications a child must meet relationship, age, residency, support, and joint return criteria.

Displaced Homemaker – An individual who has been providing unpaid services to family members in the home and meets criteria a **and** b:

- a. Meets either of the following conditions:

- (i) Has been dependent on the income of another family member, but is no longer supported by that income (e.g., because the other family member was laid off, or because of death or divorce); or
 - (ii) Is the dependent spouse of a member of the US Armed Forces on active duty and whose family income has been significantly reduced because of the service member's deployment, call or order to active duty, permanent change of station, or service-connected death or disability.
- b. Is unemployed or underemployed and having trouble obtaining or upgrading employment.

Eligible Spouse – The spouse (including the same-sex spouse) of any of the following:

1. Any veteran who died of a service-connected disability.
2. Any 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:
 - a. Missing in action.
 - b. Captured in the line of duty by a hostile force.
 - c. Forcibly detained or interned in the line of duty by a foreign power.
3. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the VA.
4. Any veteran who died while a disability was in existence.

(Reference: Title 38 USC Section 4215[a]).

Emancipated Minor – Any person under the age of 18 who meets the following criteria:

1. Has entered into a valid marriage, whether or not such marriage was terminated by dissolution.
2. Is on active duty with any of the armed forces of the United States of America.
3. Has received a declaration of emancipation pursuant to California Family Code 7122.

(Reference: The California Family Code, Section 7002)

Employed – An individual is considered employed at the date of participation if they meet any of the following criteria:

1. Employed
 - a. Did any work at all as a paid, unsubsidized employee on the date participation occurs.
 - b. Worked 15 hours or more in an unpaid job on a farm or business operated by a family member. (Reference: TEGL 10-16, Change 3, Attachment 1)

2. Employed, but received notice of termination or military separation
 - a. 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.
 - b. Is a transitioning service member.

(Reference: TEGL 10-16, Change 3, Attachment 1)

Equal Opportunity (EO) Data – Data on race and ethnicity, age, sex, and disability required by 29 CFR Part 38 governing nondiscrimination. Although staff must ask, participants are not required to provide information.

Family – Two or more persons related by blood, marriage (including same-sex marriages), or decree of court, who are living in a single residence, and are included in one or more of the following categories:

1. A married couple and dependent children.
2. A parent or guardian and dependent children.
3. A married couple.

(References: Title 20 CFR Section 675.300; TEGL 21-16 and TEGL 26-13)

Foster Child – A youth participant who is currently in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under the *John H. Chafee Foster Care Independence Program*, or in an out-of-home placement.

(References: Title 20 CFR Sections 681.210 and 681.220; TEGL 21-16)

Furlough – The placing of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons [Title 5 USC Section 7511(a)(5)]. As such, it is a temporary termination of employment or layoff.

General Announcement – Locally defined. Click on the term to go to the local definition.

General Economic Conditions – Locally defined. Click on the term to go to the local definition.

Homeless – The term homeless, homeless individual, or homeless person includes the following:

1. An individual who lacks a fixed, regular, and adequate nighttime residence.

2. An individual with 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, including a car, park, abandoned building, bus or train station, airport, or camping ground.
3. An individual living in a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing).
4. An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided.
5. An individual who meets the following criteria:
 - a. Will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by any of the following:
 - i. A court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days.
 - ii. The individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days.
 - iii. Credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause.
 - b. Has no subsequent residence identified.
 - c. Lacks the resources or support networks needed to obtain other permanent housing.
6. Unaccompanied youth and homeless families with children and youth defined as homeless under other federal statutes who meet the following criteria:
 - a. Have experienced a long-term period without living independently in permanent housing.
 - b. Have experienced persistent instability as measured by frequent moves over such period.
 - c. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

Individual Employment Plan – An individualized career service, that is developed jointly by the participant and career planner when determined appropriate by the one-stop center 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 with a Disability – The term disability means, with respect to an individual, one of the following:

1. A physical or mental impairment that substantially limits one or more of the major life activities:
 - a. Major life activities include, but are not 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.
 - b. Major life activities also include the operations 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 functions.
2. A record of such an impairment; or
3. Being regarded as having such impairment.
 - a. The individual establishes that they have been subjected to an action prohibited under the Americans with Disabilities Act (ADA) 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.
 - b. “Being regarded as having such an impairment” shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(Reference: Title 42 USC Section 12102)

Layoff – The permanent or temporary termination of employment of an employee due to a position being abolished, insufficient funds, lack of work, or any other reason not reflecting discredit on the employee (e.g., dismissal for inadequate performance, violation of workplace rules, cause, etc.).

Lockout – Any refusal by an employer to permit any group of five or more employees to work as a result of a dispute with such employees affecting wages, hours or other terms or conditions of employment of such employees (California Labor Code Section 1132.8). A lockout does not terminate the employer-employee relationship, so locked out employees are not eligible dislocated workers since they have not been terminated or laid off, are not eligible for

unemployment compensation, and are likely to return to the same industry or occupation once the dispute is resolved. The same guidance applies to employees that are on strike. There may be locked out employees who for financial reasons seek other employment. These individuals may be served as adults.

Low-Income Individual – An individual, who meets any of the following criteria:

1. Receives, or in the past six months has received, or is a member of a family that receives or in the past six months has received any of the following:
 - a. Supplemental nutrition assistance program (SNAP).
 - b. Temporary assistance for needy families (TANF).
 - c. Supplemental security income (SSI).
 - d. Local income-based public assistance.
2. Is in a family with total family income that does not exceed the higher of the following:
 - a. The poverty line.
 - b. Seventy percent of the LLSIL.
3. Qualifies as a homeless individual.
4. Receives or is eligible to receive a free or reduced-price lunch under the *Richard B. Russell National School Lunch Act*.
5. Is a foster child on behalf of whom state or local government payments are made.
6. Is an individual with a disability whose own income meets the requirements of a program described in (2), but who is a member of a family whose income does not meet such requirements.

(Reference: WIOA Section 3[36])

WIOA Section 129(a)(2) states that low-income additionally includes youth living in a census tract that has a poverty rate of at least 25 percent as set every five years using the American Community Survey 5-year data.

LLSIL – The income level (adjusted for regional, metropolitan, urban, and rural differences and family size), determined annually by the DOL based upon the most recent lower living family budget. The LLSIL is published annually in the Federal Register.

Military Spouse – An individual who is married to an active-duty service member, including National Guard or Reserve personnel on active duty. The surviving spouse of an active-duty service member who lost his/her life while on active-duty service in Afghanistan, Iraq, or other combat-related areas is considered to be a military spouse.

Consistent with TEGL 26-13, the definition of “military spouse” includes same-sex spouses.

Non-Covered Person – Persons who is not a veteran or spouse as relating to priority of service application.

Not Employed – An individual is considered not employed at the date of participation when he/she meets any of the following criteria:

1. Is not a paid employee in an unsubsidized job.
2. Did not work more than 15 hours in an unpaid job on a farm or business operated by a family member. (Reference: TEGL 10-16, Change 3, Attachment 1)
3. Has received a notice of termination of employment or the employer has issued a WARN or other notice that the facility or enterprise will close.
4. Is a transitioning service member.

Offender – The term offender means any adult or juvenile who meets any of the following criteria:

1. Is or has been subject to any stage of the criminal justice process, for whom services under this act may be beneficial.
2. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Out-of-Family Youth – Court adjudicated youth separated from the family (including incarcerated youth), homeless, runaway, and emancipated youth. For purposes of determining income eligibility, out-of-family youth are considered a “family of one.”

Poverty Line – The income level at which families are considered to live in poverty, as annually determined by the US Department of Health and Human Services. The poverty level is published annually in the Federal Register.

Pregnant or Parenting Youth – An individual who is pregnant or a custodial or non-custodial parent.

Priority of Service – “Priority of service” means the right to take precedence over a person with a lower priority in obtaining employment and training services. Veterans and eligible spouses are entitled to receive precedence over non-covered persons for employment, training, and placement services. Specifically, a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

Program Year – Often abbreviated as PY, a WIOA program year begins on July 1 and ends on June

30.

Public Assistance – Federal, state, or local government cash payments for which eligibility is determined by a needs or income test.

Runaway Youth – A person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of his or her family.

Self-Attestation – Self-attestation, also referred to as a participant statement or self-certification, occurs when a participant declares their status for eligibility in writing or via an electronic/digital method. The key elements for self-attestation are as follows:

1. The participant identifying their status for permitted elements/eligibility criteria, and
2. Signing and dating a form attesting to this self-identification (e.g., a signed WIOA Program Application).

Electronic/digital signatures or a submission from the participant such as an email, text, or unique online survey response is considered an electronic signature or verification; it must be participant generated and traceable to the participant. Grantees must retain documentation of the self-attestation, such as hard copies or in CalJOBS with a remote signature.

School Dropout – An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent (WIOA Section 3[54]). Per TEGL 8-15, this term does not include individuals who dropped out of postsecondary school.

Self-Service or Informational Activities – Services an individual can access in an AJCC with minimal or no staff assistance (e.g., self-service labor market research, resume preparation, job search, etc.). These services are general in nature and not customized to an individual's needs.

Self-Sufficiency – Locally defined. Click on the term to go to the local definition.

Substantial Layoff – Locally defined. Click on the term to go to the local definition.

Transitioning Service Member – A service member in active-duty status (including separation leave) who participates in employment services and is within 24 months of retirement or 12 months of separation.

Truancy – A truant is in violation of California's compulsory school attendance laws and a school district is not permitted to sanction violation of those laws by issuing a permit to work. A

truant/dropout is subject to arrest, and the parents are subject to infraction fines if the minor is found working without a work permit.

Underemployed – An individual who is working part-time but desires full time employment, or who is working in employment not commensurate with the individual’s demonstrated level of educational attainment.

Unlikely to Return – Locally defined. Click on the term to go to the local definition.

Veteran – 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 USC Section 101(2). A recently separated veteran means any veteran who applies for participation under the WIOA within 48 months after the discharge or release from active military, naval, or air service.

Work First – Work first programs share the philosophy that any job is a good job and that the best way to succeed in the labor market is to join it, developing work habits and skills on the job rather than in a classroom.

ACTION

Bring this policy to the attention of all affected staff.

INQUIRIES

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director
Workforce Development Board of Ventura County

ATTACHMENTS:

- Attachment I - Self-Attestation / Applicant Statement
- Attachment II - WIOA Income Calculation Worksheet
- Attachment III - WIOA Enrollment Acknowledgement Form
- Attachment IV - General Eligibility Checklist
- Attachment V - WIOA Adult Priority of Service Checklist
- Attachment VI - WIOA Dislocated Worker Eligibility Checklist
- Attachment VII - WIOA Youth Eligibility Checklist

WIOA SELF-ATTESTATION / APPLICANT STATEMENT

I, _____ hereby certify, under penalty of perjury that
(Applicant's full name printed)

I attest that the information stated above is true and accurate, and understand that the above information, if misrepresented, or incomplete may be grounds for immediate termination and/or penalties as specified by law.

Applicant's Signature and Date

Witness Signature and Date

Print Name

Print Name

Applicant Address:

Phone: (_____) _____

STAFF USE ONLY

The above applicant statement is being utilized for documentation of the following eligibility criteria.

Signature of Staff

Date

WIOA Income Eligibility Worksheet

DIRECTIONS

- 1 Only use this worksheet if the participant is using 6 month income to prove economic eligibility.
- 2 If the family does not have any income and documentation is not available, also use the applicant statement form to explain the participant's situation.

If an applicant states that he/she is unable to provide evidence that no income was received during the past six months, and that he/she was unemployed for that period, the blank spaces following the words **"I certify, under penalty of perjury, that I"** may be completed, for example, as follows: **"have received no income from any source during the past six months, that I have been unemployed during that time, and have been supported by donations/contributions from relatives and friends."** This should be corroborated by the person(s) providing the support.

- 3 Fill in all information in blue text.
- 4 All family members must be listed and backup documentation for family size must be submitted. If available, include the ages for siblings. (This shows that it's unrealistic that they would have an income if under 16).

The preferred method of documentation for family size would be collection of a copy of a birth certificate, social security card, or other government issued ID. In the absence of such documentation, applicants may fill out a self-attestation.

Family is defined as: Two or more persons related by blood. Marriage or degree of court, who are living in a single residence and are included in one or more of the following categories:

- (A) husband, wife, and dependent children
- (B) parent or guardian and dependent children
- (C) husband and wife

Please Note:

- Consistent with the policy of the Department of Labor, ETA's policy is to recognize all marriages (including same-sex marriages) that are lawfully entered in the state of celebration. (ETA TEGL 26-13)
- Interpreting "husband" and "wife" should be applied in a gender neutral manner in the definition of "family". (ETA TEGL 26-13)
- Interpretation of "family" includes same sex spouses. (ETA TEGL 26-13)

- 5 Back up documentation for all income, income inclusions, and income exclusions must be included in the file, along with the Income Calculation Worksheet. **Please ensure the maximum family income reflects the most updated LLSIL.**
- 6 Staffs signature and date are required. Dates must be on or before the date of eligibility. A copy is kept in the participant file.

WIOA Income Inclusions and Exclusions

WIOA Inclusions

1. Gross wages and salaries (before deductions) including wages earned in OJT, wages earned while on reserve duty in the Armed Forces and severance pay.
2. Net receipts from non-farm self-employment (receipts from a person's own incorporated business, professional enterprise, or partnership, after deductions for business expenses).
3. Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses).
4. Social Security retirement (regular payments).
5. Social Security Disability Insurance (SSDI) (regular payments).
6. Railroad retirement (regular payments).
7. Strike benefits from union funds (regular payments).
8. Workers Compensation (regular payments).
9. Veteran's payments (regular payments).
10. Training Stipends (regular payments).
11. Alimony.
12. Military family allotments or other regular payments (excluding child support) from an absent family member or someone not living in the household (but considered as part of the family definition).
13. Pensions (e.g., private, government, military retirement).
14. Regular insurance or annuity payments.
15. College or university grants, fellowships, and assistantships (excluding needs-based scholarships).
16. Interest and dividends.
17. Net rental income.
18. Net royalties and/or periodic receipts from estates or trust.
19. Net gambling or lottery winnings.
20. Unemployment compensation.
21. Child support payments.
22. Old-age survivors' insurance benefits.

WIOA Exclusions

1. Cash payments under a Federal, State or local income based public assistance program.
2. Supplemental Security Income (SSI) from SSA.
3. Foster child care payments.
4. Capital gains.
5. Any assets drawn down as withdrawals from a bank, sale of property, a house or a car.
6. Tax refunds.
7. One-time gifts, loans, and lump-sum inheritances.
8. One-time payments such as for accident, death or casualty insurance payments or compensation for injury.
9. Non-cash, in-kind benefits such as: employer paid fringe benefits, food stamps, Medicare, Medicaid, school meals, fuel or other housing assistance, and food or housing received in lieu of wages.
10. Needs-based financial aid (Pell Grants, scholarships).
11. Income earned while on active military duty and certain other veterans benefits (i.e., compensation for service-connected disability, compensation for service connected death, vocational rehabilitation and education assistance.

Under WIOA, there is no exclusion of payments for unemployment compensation, child support payments, and old-age survivors' insurance benefits from the income calculations for determining if an individual is low-income. These exclusions, which were previously provided under WIA sec. 101(25), no longer apply.

Methods of Calculating Annualized Income

When calculating income, subrecipients are encouraged to use any one of the following methods as appropriate. The examples are illustrative only and subrecipients should obtain as many pay stubs as possible.

1. STRAIGHT PAY OR SALARY METHOD

Under the Straight Pay Method, the participant supplies a sample of pay stubs covering the most recent six months of family income. Upon reviewing the pay stubs staff determines that the wage information on the pay stubs is the same. There is no variation in the wages for any of the pay stubs submitted for the income verification.

Staff will calculate the income based upon the wages indicated on one of the pay stubs, since there are no variations in the gross income on the pay stubs. Based upon the length of the pay period represented by the pay stubs, (usually weekly, bi-weekly or monthly) the gross income is multiplied by the number of pay periods in a year. That is, 52 x gross wages, 26 x gross wages, or 12 x gross wages respectively. The result will be the annualized income used to determine eligibility.

EXAMPLE: Five (5) pay stubs are provided indicating gross wages of \$548.00 each. The pay stubs are sporadic and cover a period of 3 months. The pay frequency is bi-weekly. Staff would multiply the gross wages indicated on the pay stub by the frequency occurrence.

$$26 \times \$548 = \$14,248$$

2. AVERAGE PAY METHOD

Under the Average Pay Method, a sample of six pay stubs are submitted which show variations in the gross earnings. The variations may result from overtime, lost time or work for different employers.

In calculating the annualized income, staff must determine the average gross earnings based upon the number of pay stubs provided. To determine the average gross earnings, staff must total the gross earnings of all the pay stubs provided and divide the result by the number of pay stubs. The result will be the average gross earnings per pay period. After determining average gross earnings staff will then determine the pay frequency and multiply the gross average earnings by the number of pay periods in a year.

EXAMPLE: Participant provides staff with six (6) pay stubs with gross earnings of; \$534.00, \$475.00, \$398.00, \$534.00, \$498.00, and \$534.00. The pay frequency is weekly. Staff should do the following:

$$\text{Add: } \$534 + \$475 + \$398 + \$534 + \$498 + \$534 = \$2973.00$$

$$\text{Divide: } \$2973/6 = \$495.50 = \text{Average gross earnings}$$

$$\text{Multiply: } \$495.50 \times 52 = \$25,766 \text{ Annualized gross income}$$

3. YEAR-TO-DATE METHOD

Under the Year-To-Date Method of calculating annualized gross income, the participant provides recent pay stubs with cumulative year-to-date gross earnings indicated on the pay stub. The cumulative year-to-date gross earnings indicate the gross earnings up to the date of the pay period ending date on the pay stub. To compute the annualized income, staff counts the number of pays that have occurred since January 1, and divides that number into the gross year to-date earnings indicated on the pay stub. [After this computation, the steps are the same as for the average pay method.] The result of this computation (average gross income per pay period) is then multiplied by the number of pay periods in a year to determine the annualized gross earnings.

EXAMPLE: Participant provides staff with a recent pay stub whose gross year-to-date earnings are \$13,756. The pay period ended September 30, 2016. The pay frequency is bi-weekly. Upon counting the number of pays that have occurred since January 1, 2016, staff has determined that the participant has been paid 19 times. Calculation of the gross annualized income would be done as follows:

Divide \$13,756 by 19 bi-weekly pays = \$724.00

Multiply \$724.00 by 26 = \$18,824 (based upon bi-weekly pay frequency 26 pays per year)

or

Divide \$13,756 by 38 weekly pays = \$362.00

Multiply \$362.00 by 52 = \$18,824 (based upon weekly pay frequency 52 pays per year)

4. INTERMITTENT WORK METHOD

When an applicant has not had steady work with one or more employers, she/he should supply as many pay stubs as possible and complete an Applicant Statement explaining all missing pay stubs and non-work periods during the last six months. In such cases staff should total all wages for the six month period and multiply the result by two to annualize the wage income.

If the applicant reports little or no includable income, as shown above, she/he should indicate other resources relied upon for life support during the last six months on the Applicant Statement. Such resources may include such things as unpaid debts, gifts, loans, unemployment compensation, etc.

WIOA Income Calculation Worksheet

Eligibility Date: Need Income From:

Name:

Calculation Method: Straight Pay or Salary Year -To- Date Method
 Average Pay Intermittent
 Homeless Foster Child
 Individual with a Disability (must verify income)

Month	#####	#####	#####	#####	#####	#####	Total
-------	-------	-------	-------	-------	-------	-------	-------

Participant							
Participant Name	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Family Members							
Name	Relationship (age)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Title I Inclusions (see tab B for full list)							
Soc Sec Retirement							\$0.00
Pensions							\$0.00
Worker Comp							\$0.00
Alimony							\$0.00
Interest and dividends							\$0.00
Veterans Payment							\$0.00
Soc Sec Disability Ins							\$0.00
Net Rental Income							\$0.00
Other:							\$0.00
WIOA Eligibility Total		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

WIOA Title I Eligibility			
Family size*:	<input type="text" value="1"/>	Annualized total gross income (x2):	\$0.00
		Max. family income for family size:	\$14,107.00
*See tab A for full definition		<i>Please use income based on most recent LLSIL in blue cell</i>	
Low income:	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>

CERTIFICATION: I attest that all information provided above is true to the best of my knowledge and that there is no intent to commit fraud.

Staff Interviewer Signature & Date Staff Reviewer Signature & Date

This form is to be used if the CalJOBS Application cannot be signed electronically.

**WORKFORCE INNOVATION AND OPPORTUNITY ACT
ENROLLMENT ACKNOWLEDGEMENT FORM**

Applicant Certification Statement: (Not to be signed and dated until enrollment documentation has been provided.) I certify that the information on this application is accurate to the best of my knowledge. I understand that my willful misstatement of the facts may cause my forfeiture of rights in the WIOA Program and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify my eligibility for WIOA. I further understand and agree that my social security number and other information on this application will be provided to other government agencies if required by law.

APPLICANT'S FIRST AND LAST NAME

APPLICANT'S SIGNATURE DATE

SIGNATURE OF PARENT, GUARDIAN OR RESPONSIBLE ADULT (IF NECESSARY) DATE

WITNESS RELATIONSHIP TO APPLICANT (IF NECESSARY)

GENERAL ELIGIBILITY DOCUMENTATION CHECKLIST



First Name	Middle Initial	Last Name
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AGE / DATE OF BIRTH

<input type="checkbox"/> Unexpired DMV ID or Driver's License	<input type="checkbox"/> DD-214
<input type="checkbox"/> Unexpired Federal, State or Local ID	<input type="checkbox"/> Report of Transfer or Discharge
<input type="checkbox"/> Unexpired Passport or Passport Card	<input type="checkbox"/> Baptismal Record
<input type="checkbox"/> Birth Certificate	<input type="checkbox"/> Church Record
<input type="checkbox"/> Hospital Record of Birth	<input type="checkbox"/> Public Assistance Record
<input type="checkbox"/> School Records or ID	<input type="checkbox"/> Social Service Record
<input type="checkbox"/> Self-attestation	

SELECTIVE SERVICE

<input type="checkbox"/> Not Applicable (Male born before 01/01/1960 or female)	
<input type="checkbox"/> Not Registered (Not eligible for WIOA)	
<input type="checkbox"/> DD-214	
<input type="checkbox"/> Selective Service Acknowledgement Letter, Registration Card, or Verification Form 3A	
<input type="checkbox"/> Stamped Post Office Receipt of Registration	
<input type="checkbox"/> Approved Waiver Request	
<input type="checkbox"/> Selective Service Website:	
Registration #	Date

VETERAN / ELIGIBLE SPOUSE OF A VETERAN

<input type="checkbox"/> Not a Veteran or Eligible Spouse of a Veteran
<input type="checkbox"/> Veteran - Documentation Not Provided
<input type="checkbox"/> Eligible Spouse of a Veteran - Documentation Not Provided
<input type="checkbox"/> DD-214 (Can't be Dishonorable)
<input type="checkbox"/> Veterans Administration Letter or Record
<input type="checkbox"/> Eligible Spouse of Veteran - Proof of Marriage to a Veteran (Military Spouses ID, Marriage Certificate, Military Records Newspaper Article, Obituary Notice, DD-214, Death Certificate, Medical Records)

RIGHT-TO-WORK

<input type="checkbox"/> I-9 List B AND List C	<input type="checkbox"/> I-9 List A	<input type="checkbox"/> Not Provided or Not Required
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LOCAL FORMS

<input type="checkbox"/> Equal Opportunity <input type="checkbox"/> Programmatic Grievance <input type="checkbox"/> Conflict of Interest <input type="checkbox"/> Authorization to Release Information <input type="checkbox"/> Participant Orientation/Responsibility <input type="checkbox"/> Alternate Contact <input type="checkbox"/> Employment Verification	<p style="text-align: center;">This section can be modified based on your program's forms. Please notify the WDBVC when modifying. Thank you!</p>
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WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA) ADULT PRIORITY OF SERVICE ELIGIBILITY VERIFICATION



CUSTOMER GENERAL INFORMATION		
First Name Click or tap here to enter text.		Last Name Click or tap here to enter text.
Employment Status <input type="checkbox"/> Never Worked <input type="checkbox"/> Unemployed / Not Working <input type="checkbox"/> Employed Part-time (31 hours or less) <input type="checkbox"/> Employed Full-time (32 hours or more)	Family Size (Household) Click or tap here to enter text.	Family (Household) Income for the last 6 months (including UI) Click or tap here to enter text.
INCOME GUIDELINES		
Please refer to the most recent Lower Living Standard Income Level Guidelines: https://www.dol.gov/agencies/eta/llsil		
PRIORITY OF SERVICE LEVEL VERIFIED		
<input type="checkbox"/> 1st Priority Veteran or Eligible Spouse of a Veteran who meets General Program Eligibility AND one or more of the following criteria: <ul style="list-style-type: none"> <input type="checkbox"/> Public Assistance (SNAP, TANF, SSI or other State or local income-based public assistance) <input type="checkbox"/> Low-income: Family Size & Income <input type="checkbox"/> Homeless <input type="checkbox"/> Personal Circumstance & Low-Income (Considered a Family of 1) <input type="checkbox"/> Basic Skills Deficient (includes English Language Learners) 		
<input type="checkbox"/> 2nd Priority Meets General Program Eligibility AND one or more of the following criteria: <ul style="list-style-type: none"> <input type="checkbox"/> Public Assistance (SNAP, TANF, SSI or other State or local income-based public assistance) <input type="checkbox"/> Low-income: Family Size & Income <input type="checkbox"/> Homeless <input type="checkbox"/> Personal Circumstance & Low-Income (Considered a Family of 1) <input type="checkbox"/> Basic Skills Deficient (includes English Language Learners) 		
<input type="checkbox"/> 3rd Priority Veteran or Eligible Spouse of a Veteran who meets General Program Eligibility		
<input type="checkbox"/> 4th Priority Meets General Program Eligibility AND has one or more of the following barriers: <ul style="list-style-type: none"> <input type="checkbox"/> Personal Circumstance & Low-Income (Considered a Family of 1) <input type="checkbox"/> Older individual (55+) <input type="checkbox"/> Justice-involved or formerly incarcerated <input type="checkbox"/> Eligible migrant and seasonal farm workers <input type="checkbox"/> Single parent, including single pregnant women <input type="checkbox"/> Long-term unemployed (unemployed 27 or more consecutive weeks) <input type="checkbox"/> American Indian / Alaskan Native <input type="checkbox"/> Hawaiian Native <input type="checkbox"/> Unable to obtain consistent employment due to lack of certificates / training (Detailed case notes required) <input type="checkbox"/> Aged out of the foster care system (Ages 18-24 Only) <input type="checkbox"/> Other justified barrier or circumstance preventing sustainable employment (Detailed case notes required) 		
SUPPORT DOCUMENTATION		
Veteran or Eligible Spouse of a Veteran <ul style="list-style-type: none"> <input type="checkbox"/> DD-214 (Other than Dishonorable Discharge) <input type="checkbox"/> Veterans' Administration letter or record <input type="checkbox"/> Proof of marriage to a veteran, which may include Military spouses ID Card, Marriage Certificate, Military Records, Newspaper Article, Obituary Notice, DD-214, Death Certificate, Medical Records <input type="checkbox"/> Other: Click or tap here to enter text. 		

Public Assistance (SNAP, TANF, SSI or other State or local income-based public assistance)

- Telephone verification documented on local form (include a copy of the Public Assistance card)
- Public assistance record
- Other: [Click or tap here to enter text.](#)

Low-income: Family Size & Income

Family Size

- State / Federal ID or DL or School ID
- Social security card(s)
- Birth certificate(s) or hospital birth record
- Self-attestation
- Other: [Click or tap here to enter text.](#)

Income

- Pay stubs
- Unemployment insurance records
- SSA or VA records with benefit amounts listed
- Self-attestation
- Other: [Click or tap here to enter text.](#)

Homeless

- Written statement from the shelter, social service agency or individual providing temporary residence
- Telephone verification from cognizant individual or agency (Detailed case notes required)
- Self-attestation
- Other: [Click or tap here to enter text.](#)

Personal Circumstance (Considered a Family of 1)

Personal Circumstance

- Social Security Administration records
- Veteran Affairs records
- Self-attestation
- Other: [Click or tap here to enter text.](#)

Income

- Social Security Administration records
- Veteran Affairs records
- Other: [Click or tap here to enter text.](#)

Basic Skills Deficient (Individual that is unable to compute or solve problems, read or write, or speak English, at a level necessary to function on the job, in the individual's family, or in society)

- Lacks a high school diploma or high school equivalency and is not enrolled in post-secondary education as indicated by school records or self-attestation
- Enrolled in a Title II Adult Education / Literacy program as demonstrated by school records
- English, reading, writing, or computing skills at an 8.9 or below grade level indicated by academic assessment
- Determined to be Limited English Skills proficient through staff observations (Detailed case notes required)
- Lacking computer literacy such as non-technical knowledge of computers and how to use them and /or familiarity and experience with computers, software, and computer systems (Detailed case notes required)

Barrier(s)

- DOB / Age Verification
- Birth certificate(s) or hospital birth record
- Court, parole, or probation record(s)
- Self-attestation
- Other: [Click or tap here to enter text.](#)

WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA) DISLOCATED WORKER ELIGIBILITY CHECKLIST



CUSTOMER GENERAL INFORMATION		
First Name	Last Name	
DISLOCATED WORKER CATEGORIES 1-12		
<input type="checkbox"/> Category 1: Terminated or laid off, or has received notice of termination or layoff, and is eligible for or has exhausted entitlements to UC, and is unlikely to return to previous industry or occupation.		
<u>A, B and C Required</u>		
A	B	C
Has been terminated or laid-off or has received a notice of termination or layoff from employment (includes military separation): <input type="checkbox"/> WARN notice <input type="checkbox"/> Photocopy of a printed media article or announcement describing the layoff. The photocopy must include the name of the medium in which published and the date of publication <input type="checkbox"/> Employer or union representative letter or statement <input type="checkbox"/> PISA, REA, IAW or SEA appointment notice / letter <input type="checkbox"/> Screen print of IAW or SEA schedule <input type="checkbox"/> Reemployment plan generated from IAW <input type="checkbox"/> Self-attestation	Is eligible for or has exhausted entitlement to unemployment compensation: <input type="checkbox"/> Statement by an Unemployment Insurance (UI) representative <input type="checkbox"/> UI record <input type="checkbox"/> IAW or SEA appointment notice / letter <input type="checkbox"/> Screen print of IAW or SEA schedule <input type="checkbox"/> Reemployment plan generated from IAW	Is unlikely to return to a previous industry or occupation: <input type="checkbox"/> PISA, REA, IAW or SEA appointment notice / letter <input type="checkbox"/> Screen print of IAW or SEA schedule <input type="checkbox"/> Reemployment plan generated from IAW <input type="checkbox"/> None of the above are available (documented telephone verification from the EDD field office) <input type="checkbox"/> Internet site, such as CalJOBS that indicates lack of industry/occupation availability <input type="checkbox"/> Screen print of LMI Division screens that indicates lack of industry/occupation availability <input type="checkbox"/> Doctor's or vocational rehabilitation counselor's statement indicating applicant's inability to return to previous industry/occupation due to physical limitations <input type="checkbox"/> Career Specialist's determination (detailed case notes required) <input type="checkbox"/> Self-attestation
<input type="checkbox"/> Category 2: Terminated or laid off, or has received notice of termination or layoff, and has been employed for sufficient duration (based on state policy) to demonstrate workforce attachment, but is not eligible for UC due to insufficient earnings, or the employer is not covered under the state UC law, and is unlikely to return to previous industry or occupation.		
<u>A, B and C Required</u>		
A	B	C
Has been terminated or laid-off or has received a notice of termination or layoff from employment (includes military separation): <input type="checkbox"/> WARN notice <input type="checkbox"/> Photocopy of a printed media article or announcement describing the layoff. The photocopy must include the name of the medium in which published and the date of publication	Has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law: <input type="checkbox"/> Paycheck stubs OR W-2 and/or tax returns <input type="checkbox"/> UI records	Is unlikely to return to a previous industry or occupation: <input type="checkbox"/> PISA, REA, IAW or SEA appointment notice / letter <input type="checkbox"/> Screen print of IAW or SEA schedule <input type="checkbox"/> Reemployment plan generated from IAW <input type="checkbox"/> None of the above are available (documented telephone verification from the EDD field office)

<input type="checkbox"/> Employer or union representative letter or statement <input type="checkbox"/> PJSA, REA, IAW or SEA appointment notice / letter <input type="checkbox"/> Screen print of IAW or SEA schedule <input type="checkbox"/> Reemployment plan generated from IAW <input type="checkbox"/> Self-attestation	<input type="checkbox"/> Statement by the employer or union representative IAW or SEA appointment notice / letter <input type="checkbox"/> Statement by a UI representative <input type="checkbox"/> Self-attestation	<input type="checkbox"/> Internet site, such as CalJOBS that indicates lack of industry/occupation availability <input type="checkbox"/> Screen print of LMI Division screens that indicates lack of industry/occupation availability <input type="checkbox"/> Doctor's or vocational rehabilitation counselor's statement indicating applicant's inability to return to previous industry/occupation due to physical limitations <input type="checkbox"/> Career Specialist's determination (detailed case notes required) <input type="checkbox"/> Self-attestation
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Category 3: Individual is terminated or laid off, or has received notice of termination or layoff, from employment as a result of the permanent closure of or substantial layoff at a plant, facility or enterprise.

Note: In the case of downsizing or workforce reduction when it is unclear which employees will be affected, a layoff notice is appropriate.

<u>Closure or substantial layoff:</u>	<u>Notice of Layoff or Laid off:</u>
<input type="checkbox"/> WARN notice <input type="checkbox"/> Bankruptcy documents, if declared under Chapter 7, Title 11 U.S.C. Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance <input type="checkbox"/> Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication <input type="checkbox"/> Statement from the employer or union representative <input type="checkbox"/> Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual <input type="checkbox"/> Telephone verification <input type="checkbox"/> Self-attestation	<input type="checkbox"/> WARN notice <input type="checkbox"/> Copy of other specific notice to employee of intent to layoff <input type="checkbox"/> UI Form 501 (Separation Statement), when completed on both sides and signed by an employer representative <input type="checkbox"/> Employer or union representative letter or statement <input type="checkbox"/> Telephone verification <input type="checkbox"/> Self-attestation

Category 4: Individual is employed at a facility at which the employer has made a general announcement that the facility will close.

- Bankruptcy documents, if declared under Chapter 7, Title 11, U.S.C.
- Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance
- Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication
- Statement from the employer or union representative
- Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual.

Category 5: Individual was previously self-employed (including farmers, ranchers and fishermen), but is unemployed due to general economic conditions in the community of residence or because of natural disaster.

- Bankruptcy documents listing both the name of the business and the applicant's name
- Business license
- Copy of a completed federal income tax return (Schedule SE) for the most recent tax year
- Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication
- Copy of articles of incorporation for the business listing the applicant as a principal
- Self-attestation form with information on self-employment (business specific information) and information on the economic conditions in the community, which lead to unemployment or information on natural disaster, which caused unemployment

Category 6: Displaced Homemaker - An individual who has been providing unpaid services to family members in the home AND 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 and whose family income is significantly reduced because of a deployment, or a call or order to active duty, or a permanent change of station, or the service-connected death or disability of the member; AND is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

- Public assistance records
- Court or bank records
- Divorce papers or spouse's death record
- Spouse's member's layoff notice
- Self-attestation form with information supporting customer as a displaced homemaker

Category 7: 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.

- Marriage license or tax returns AND
- Military records or ID AND
- Self-attestation form from applicant with detailed information regarding loss of employment related to his/her spouse permanent change in duty station

Category 8: 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.

- Marriage license or tax returns AND
- Military records or ID AND
- Self-attestation form from applicant with detailed information regarding employment difficulties

Category 9-11: Not Applicable

Category 12: Individual does not meet criteria outlined for dislocated workers in categories 1-8 above, but is an individual that meets Dislocated Worker Grant (DWG) eligibility outlined under WIOA Title ID National Programs, Sec. 170 National dislocated grants, relating to Sec. 170 (b)(1)(A) workers affected by major economic dislocations OR Sec. 170(b)(1)(B) workers affected by an emergency or major disaster.

- Self-attestation form with information on how the individual became unemployed or significantly underemployed as a result of the emergency or disaster.
- Bank statements (direct deposit)
- Employer statement/contact
- Family or business financial records
- Tax records

WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA) YOUTH ELIGIBILITY CHECKLIST



CUSTOMER GENERAL INFORMATION		
First Name		Last Name
Employment Status <input type="checkbox"/> Never Worked <input type="checkbox"/> Unemployed / Not Working <input type="checkbox"/> Employed Part-time (31 hours or less) <input type="checkbox"/> Employed Full-time (32 hours or more)	Family Size (Household)	Family (Household) Income for the last 6 months (including UI)
INCOME GUIDELINES		
Please use the most recent LLSIL: https://www.dol.gov/agencies/eta/llsil		
IN-SCHOOL YOUTH		
To qualify as an In-School Youth, an applicant must <input type="checkbox"/> 1. Be 14 through 21 years of age. <input type="checkbox"/> 2. Meet low-income guidelines* <input type="checkbox"/> 3. Be registered for Selective Service if male and over 18. 4. Have a school status of: <input type="checkbox"/> Attending high school. <input type="checkbox"/> Attending post-secondary school. <input type="checkbox"/> Attending a high school equivalency program funded through the public K-12 school system. <input type="checkbox"/> An individual with a disability, under 21, who is receiving services through the school. <input type="checkbox"/> In between school terms and intends to return to school. <input type="checkbox"/> Enrolled in classes leading to a credential. <input type="checkbox"/> Homeschool Status. 5. Meet one or more of the following: <input type="checkbox"/> Basic skills deficient <input type="checkbox"/> English language learner <input type="checkbox"/> Ex-offender <input type="checkbox"/> Homeless, including Runaway and Out-of-home placement <input type="checkbox"/> Currently in or aged out of foster care <input type="checkbox"/> Pregnant or parenting <input type="checkbox"/> Individual with a disability <input type="checkbox"/> Additional Assistance** – If this is the <u>only</u> eligibility criteria marked, contact WDBVC to request a 5% limitation		
OUT-OF-SCHOOL YOUTH		
To qualify as an Out-of-School Youth, an applicant must: <input type="checkbox"/> 1. Be 16 through 24 years of age. <input type="checkbox"/> 2. Registered for Selective Service if male and over 18. 3. Have a school status of: <input type="checkbox"/> Not attending any school. <input type="checkbox"/> Attending Adult Education and Literacy (AEL) classes. <input type="checkbox"/> Attending a high school equivalency program not funded through the public K-12 school system. <input type="checkbox"/> Attending Job Corps. <input type="checkbox"/> Attending YouthBuild. <input type="checkbox"/> Under the age of 18, does not have a high school diploma or equivalency, and has not attended school for the most recent school year quarter as determined by the school.		

4. Meet one or more of the following:

- School dropout
- Under the age of 18, does not have a high school diploma or equivalency, has not attended school for the most recent school year quarter as determined by the school
- Ex-offender
- Homeless, including Runaway and Out-of-home placement
- Currently in or aged out of foster care
- Pregnant or parenting
- Individual with a disability
- Meets low-income guidelines* **AND** Additional Assistance** (see below section)
- Meets low-income guidelines*, has a Secondary School Diploma or equivalency **AND** is Basic Skills Deficient.

****Additional Assistance (In-School and Out-of-School Youth)**

- Have repeated at least one secondary grade level or are one year over age for grade
- Have a core grade point average of less than 1.5.
- For each year of secondary education, are at least two semester credits behind the rate required to graduate from high school
- Are emancipated youth
- Have aged out of foster care
- Are previous dropouts or have been suspended five or more times or have been expelled
- Have received court/agency referrals mandating school attendance
- Are deemed at risk of dropping out of school by a school official
- Have been referred to or are being treated by an agency for a substance abuse related problem
- Have experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional
- Have serious emotional, medical or psychological problems as documented by a qualified professional
- Have never held a job (applies to OS youth)
- Have been fired from a job within the 12 months prior to application (applies to OS youth)
- Have never held a full-time job for more than 13 consecutive weeks (applies to OS youth)
- Attends continuation school
- Is involved in gang-related activities
- Has an incarcerated parent/legal guardian
- Immigrant/refugee youth with substantial cultural barriers

High Poverty Areas (must show Census documentation and address)

Title I Youth who are not co-enrolled as an Adult and live-in high poverty areas are considered low income. The WIOA regulations at 20 CFR § 681.260 define high-poverty areas as a Census tract, a set of contiguous Census tracts, an American Indian Reservation, Oklahoma Tribal Statistical Area (as defined by the U.S. Census Bureau), Alaska Native Village Statistical Area or Alaska Native Regional Corporation Area, Native Hawaiian Homeland Area, or other tribal land as defined by the Secretary in guidance or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data. The regulations at 20 CFR § 684.130 allow Indian and Native American grantees to use either the poverty rate of the total population or the poverty rate of Indian and Native Americans in determining whether the poverty rate of an area meets the 25 percent threshold. Instructions can be found here: [https://wdr.doleta.gov/directives/attach/TEGL/TEGL_21-16 Attachment 2.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_21-16_Attachment_2.pdf)

Free or Reduced Lunch (must have school documentation or self-attestation)

A youth who receives or is eligible to receive a free or reduced lunch under the Richard B. Russell National School Lunch Act, is low-income. While the free/reduced lunch low-income category primarily applies to IS Youth, OS youth may also qualify as low income if the youth is a parent living in the same household as a child who receives or is eligible to receive free or reduced-price lunch based on their income level. However, not all youth who receive a free or reduced priced lunch automatically qualify as low income for the WIOA youth program eligibility. In areas where a school district subsidizes all student meals under the Hunger-Free Kids Act of 2010, the Local Area must base low-income status on an individual student's eligibility to receive free or reduced-price lunch or on the youth's ability to meet one of the other low-income categories under WIOA.

Low-Income Exception (must have WDBVC approval to enroll)

The WIOA maintains a five percent low-income eligibility exception where five percent of Local Area youth participants who ordinarily would need to be low-income do not need to meet the low-income provision. However, because not all OS youth are required to be low-income, the five percent low-income exception under WIOA is calculated based on the five percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria.