

Workforce Investment Act Eligibility Technical Assistance Guide

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Workforce Services Division

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Workforce Investment Act Eligibility Technical Assistance Guide

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INTRODUCTION

The Workforce Investment Act (WIA) Eligibility Technical Assistance Guide (TAG) is provided by the Employment Development Department's Workforce Services Division. The TAG was created to assist Local Workforce Investment Areas in establishing participant eligibility for WIA programs, and maintaining adequate documentation for monitoring reviews.

This WIA Eligibility TAG updates the TAG originally prepared in Program Year 2004-05 in cooperation with a Local Eligibility Advisory Workgroup. This workgroup, convened and supported by the California Workforce Investment Board, included representatives from the Alameda County, Kern/Inyo/Mono Consortium, Los Angeles County, North Central Counties Consortium, and NOVA Local Workforce Investment Boards; the West Orange County America's Job Center of CaliforniaSM, formerly known as One-Stop Career Center; and the U.S. Department of Labor Region VI.

I. LOCAL FLEXIBILITY

The Workforce Investment Act (WIA) provides Local Workforce Investment Areas (local areas) flexibility to implement systems that best suit the needs of their local communities. As part of this flexibility, the WIA allows Local Workforce Investment Boards (local boards) to develop a number of their own eligibility policies, procedures and definitions. The Technical Assistance Guide clarifies these areas of flexibility, and provides local boards opportunities to enter their eligibility guidance in indicated areas.

Local guidance must be consistent with federal and State law and policy. Additionally, it must be consistently applied by front line staff. Federal and State monitors and auditors will verify that local eligibility policies, procedures and definitions have been communicated and implemented within the local area. Local guidance that does not correctly reflect federal and State requirements may result in disallowed costs. State requirements are printed in ***bold, italic*** type.

II. ELIGIBILITY DETERMINATION AND REGISTRATION

In order for adults and dislocated workers to receive Workforce Investment Act (WIA) funded services, other than core self-service or informational activities, they must be determined eligible and registered. All youth must be determined eligible and registered to receive WIA services.

ELIGIBILITY FOR SERVICES

The WIA distinguishes between general program eligibility and eligibility for services. General program eligibility includes criteria such as authorization to work, compliance with Selective Service, and age. Eligibility for services is related to local determinations regarding the individual's need for and ability to benefit from services. Such eligibility is determined at the time of intake, and even if the individual's situation changes (such as subsequent involvement with a partner agency) the individual remains eligible.

REGISTRATION

Registration is an information collection process that documents a determination of eligibility. It is also the point at which performance accountability information begins to be collected.

For an individual to be registered into a WIA program, the following must occur:

- (1) The individual must complete the application/eligibility determination process;***
- (2) The individual must provide the documentation required to substantiate his/her eligibility; and***
- (3) Staff must enter the appropriate activity code for the individual into the CalJOBSSM system.***

For adults and dislocated workers, registration occurs the first day on which the individual actually begins receiving staff-assisted core, intensive, or training services, or subsidized employment.

(References: Title 20 Code of Federal Regulations Section 663.105 and Preamble, Subpart A—One-Stop System, p. 49315)

APPLICATION PROCESS

There is no federal limit on how much time is allowed between the application date and registration date, or how much time staff have to document and verify eligibility. Many Local Workforce Investment Areas (local areas) use 90 days as a general rule. ***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.

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Local Workforce Investment Boards (local boards) may establish policies and procedures for time limits covering the application process. The policies and procedures should address: (a) the amount of time individuals and staff have to obtain documentation; (b) the amount of time allowed to review an applicant's information and confirm eligibility; (c) the amount of time that can elapse between the application date and the registration date; and (d) any other applicable guidance. Enter local policies and procedures below:

Local policy and procedures for time limits covering the application process:

The application form may be updated at any time. For example, when staff determine that an adult needs intensive services and the local board has determined that funds are limited in the local area, staff must establish that the adult is a low-income individual or recipient of public assistance (see [Section IV. Priority of WIA Services, Adults](#)). ***Staff may update the application form with this information at the time it is determined that the individual needs and will receive intensive services.***

CONCURRENT PARTICIPATION

Individuals for whom eligibility has been verified, and who have been determined eligible for multiple WIA programs may participate concurrently in multiple WIA and America's Job Center of CaliforniaSM partner programs.

Eligible youth who are 18 through 21 years of age may participate in the youth and/or adult program or both, depending on the services needed.

For additional guidance, see Workforce Services Information Notice, [WSIN13-31](#), Co-enrollment and WIA Reporting of Participants in New CalJOBSSM.

EXITED PARTICIPANTS

Once a participant is exited from a WIA program, the application, documentation, and verification process must be repeated before the individual can be registered into the WIA program again.

III. GENERAL ELIGIBILITY CRITERIA

The general eligibility criteria apply to the Workforce Investment Act (WIA) adult, dislocated worker, and youth programs.

AUTHORIZATION TO WORK

California law requires that an individual have authorization to work in the United States to be eligible to receive WIA funded services. Specifically, the California Unemployment Insurance Code Section 9601.5 states:

“each state or local government agency or community action agency, or any private organization contracting with a state or local government agency, that provides employment services, including, but not limited to, job training, retraining, or placement, shall verify an individual's legal status or authorization to work prior to providing services to that individual in accordance with procedures established under federal law.”

Local Workforce Investment Areas (local areas) must verify an individual's authorization to work in accordance with Title 8 Code of Federal Regulations Section 274a.2. This section specifies that the requirements published in the U.S. Citizenship and Immigration Services [Form I-9](#), are to be used in verifying and documenting that an individual is authorized to work in the United States. As specified in the Form I-9, staff must accept as evidence of employment authorization, any of the documents listed on the last page of Form I-9. Individuals may present any List A document **or** a combination of a List B and a List C document. For additional guidance regarding the Form I-9, see the U.S. Citizenship and Immigration Services website at www.uscis.gov.

Staff must verify an individual's authorization to work no later than time of application for a WIA funded program. Verification is not required for [self-service or informational activities](#) (i.e., services an individual can access in an America's Job Center of CaliforniaSM with minimal or no staff assistance); however, Local Workforce Investment Boards (local boards) have the discretion to establish policies and procedures requesting authorization to work documents prior to the time of application (e.g., at time of intake, or any point in the customer flow up until the time of application). **Local areas must keep either hard copies or scanned copies of the individual's Form I-9 documents for State monitoring purposes.** See Section IX, Eligibility Documentation and Verification, for [document retention requirements](#).

Local policy and procedures for verifying an individual's authorization to work:
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Citizenship is a demographic reporting element required from time to time by the State for research and analysis. It is not necessary to document and verify citizenship, in addition to documenting an individual's employability.

SELECTIVE SERVICE REGISTRATION

The WIA Section 189(h) requires males to comply with Selective Service registration requirements prior to participation in WIA funded programs. Local areas must ensure that each applicable male that participates in any local program or activity established under WIA, or receives any assistance or benefit under WIA, has not knowingly and willfully violated Section 3 of the Military Selective Service Act (MSSA).

Males born on or after January 1, 1960, and at least 18 years of age, who are not in the armed services on active duty, must be registered for the Selective Service. A youth who becomes 18 years of age while participating in a WIA program must register within 30 days of his 18th birthday.

Occasionally, males who were subject to Selective Service registration, but did not register and are now beyond their 26th birth date, apply for assistance from the WIA program. The MSSA requires that services must be denied to a male applicant 26 years or older, if it is determined that he knowingly and willfully failed to register. However, when it can be determined that the applicant did not knowingly or willfully fail to register, he can be considered for participation. Local boards must develop policy and procedures for determining whether an individual knowingly and willfully failed to register.

For detailed guidance regarding Selective Service registration requirements, and model questions to help determine whether a potential WIA participant's failure to register with Selective Service was knowing and willful, please see Workforce Services Directive [WSD12-8, Selective Service Registration](#).

Local policy and procedures for determining whether an individual knowingly and willfully failed to register:

AGE

The following chart displays the age criteria for participation in the WIA adult, dislocated worker, and youth programs.

WIA PROGRAM	AGE	REFERENCE
Adult	18 or older	WIA Section 101(1)
Dislocated Worker	18 or older	Title 20 CFR Section 663.110
Youth	14-21	WIA Section 101(13)

IV. PRIORITY OF WIA SERVICES

VETERANS

On November 7, 2002, President Bush signed the Jobs for Veterans Act (Act) in order to revise and improve employment, training, and placement services provided to veterans. Section 2(a) of the Act mandates priority of service for veterans and eligible spouses "who otherwise meet the eligibility requirements for participation" in U.S. Department of Labor (DOL) programs.

Verification of status for veterans and eligible spouses is not required until the veteran or eligible spouse undergoes eligibility determination and is registered in a Workforce Investment Act (WIA) program. Until the point at which the participant is registered, a participant who states they meet the veterans' priority eligibility criteria must be accorded veterans priority of service on the basis of self-attestation.

Related Definitions

The definitions listed below are for the purposes of implementing priority of service only. The definitions of "veteran" and "eligible spouse" applicable to the priority of service requirement are different from, and more broad than, the definitions of "veteran" and "other eligible persons" applicable to services provided by the Disabled Veterans' Outreach Program and Local Veterans' Employment Representative staff.

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 Title 38 United States Code (USC) 101(2).

ACTIVE SERVICE - includes full-time federal service in the National Guard, Coast Guard, or a Reserve component. This definition does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as "weekend" or "annual" training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by state rather than federal authorities (state mobilizations usually occur in response to events such as natural disasters).

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; or
 - (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 U.S. Department of Veterans Affairs; or

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- (4) Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories 2 or 3 above) would lose his or her 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 [Title 38 USC 4215(a)].

(Note: Consistent with Training and Employment Guidance Letter (TEGL) [26-13](#), the definition of “eligible spouse” includes same-sex spouses.)

NON-COVERED PERSON – Persons not eligible for priority of service.

PRIORITY OF SERVICE - 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.

Applying Priority of Service

The application of priority of service varies depending on the eligibility requirements of the particular program. There are three basic categories of DOL-funded programs: universal access programs, programs that require participants to meet specified eligibility criteria, and programs with statutory priorities. The following describes how priority of service applies to these basic types of programs.

- (1) Universal access programs - For workforce programs that operate or deliver services to the public as a whole without targeting specific groups (i.e., core services delivered through the America’s Job Center of CaliforniaSM system under the Wagner-Peyser and WIA programs), veterans and eligible spouses must receive priority of service over all other program participants.
- (2) Programs with Eligibility Criteria - Eligibility criteria identify basic conditions that each participant in a specific program is required to meet. For example, for the WIA adult, dislocated worker, and youth programs, every participant is required to meet three criteria: authorization to work, selective service registration, and age requirements. A veteran or eligible spouse must first meet all of the statutory 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.
- (3) Programs with Statutory Priorities - For workforce programs with statutory priorities (such as priority for low-income individuals and recipients of public assistance for the adult program), Local Workforce Investment Areas (local areas) must determine the status of each individual veteran or eligible spouse and apply priority of service as described below:
 - (a) Veterans and eligible spouses who meet the mandatory priorities or spending

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- requirement or limitation must receive the highest level of priority for the program or service;
- (b) Non-covered persons who meet the program's mandatory priority or spending requirement or limitation then receive the second level of priority for the program or service;
 - (c) Veterans and eligible spouses outside the program-specific mandatory priority or spending requirement or limitation then receive the third level of priority for the program or service; and
 - (d) Non-covered persons outside the program-specific mandatory priority or spending requirement or limitation then receive the fourth level of priority for the program or service.

For additional guidance regarding priority of service, see 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 DOL, and the [Jobs for Veterans Act](#) Web page.

Local Policy and Procedures

Local Workforce Investment Boards (local boards) must establish policy and procedures for implementing the priority of service requirement for veterans and eligible spouses. Local policies must ensure that veterans and eligible spouses are identified at the point of entry and given an opportunity to take full advantage of priority of service. These policies must ensure that veterans and eligible spouses are aware of: their entitlement to priority of service; the full array of employment, training, and placement services available under priority of service; and any applicable eligibility requirements for those programs and/or services.

Local policy and procedures for implementing the priority of service requirement for veterans and eligible spouses:

[References: [TEGL 22-04](#), Serving Military Service Members and Military Spouses Under the WIA Dislocated Worker Formula Grant; [TEGL 22-04, Change 1](#), Serving Military Spouses as Dislocated Workers under the WIA Dislocated Worker Formula Grant; and the Jobs for Veterans Act Q&A Guidance website www.doleta.gov/programs/VETs]

ADULTS

The DOL assumes that adult funding is generally limited because there are not enough adult funds available to provide services to all of the adults who could benefit from such services. However, the DOL also recognizes that conditions are different from one area to another and funds might not be limited in all areas. Because of this, the regulations require that all local boards must consider the availability of funds in their area. In making this determination, the availability of other federal funding, such as Temporary Assistance for Needy Families funds, should be taken into consideration. Unless the

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local board determines that funds are not limited in the local area, priority for intensive and training services must be given to recipients of public assistance and other low-income individuals.

Local boards must establish criteria to determine whether funds are limited in their area and if so, the process for applying priority for services. Such criteria may include the availability of other funds for providing employment and training related services in the local area, the needs of the specific groups within the local area, and other appropriate factors. The priority for services does not mean that only the recipients of public assistance and other low-income individuals may receive WIA adult funded intensive and training services. The local board may establish a process that gives priority for services to the recipients of public assistance and other low-income individuals and that also serves other individuals meeting eligibility requirements.

Local criteria for determining whether funds are limited in the local area, and if so, the process for applying priority for services:
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The determination of an individual's low-income status is discussed in [Section VIII](#) of this Technical Assistance Guide.

[References: WIA Section 134(d)(4)(E); and Title 20 Code of Federal Regulations Section 663.600 and Preamble, Subpart F—Priority and Special Populations, p. 49343]

V. Eligibility Criteria for Core, Intensive, and Training Services

Workforce Investment Act (WIA) services are provided to adult and dislocated worker participants in three tiers: core services, intensive services, and training services. The eligibility requirements for the three tiers are provided below.

ELIGIBILITY FOR CORE SERVICES

Core services are broken down into two categories: (1) self-service or informational activities, and (2) staff-assisted core services.

SELF-SERVICE OR INFORMATIONAL ACTIVITIES - Services an individual can access in an America's Job Center of CaliforniaSM (AJCC) with minimal or no staff assistance (e.g., self-service labor market research, resume preparation, job search, etc.).

STAFF-ASSISTED CORE SERVICES – A core service that requires significant staff involvement with a customer in terms of resources or time.

For the adult and dislocated worker programs, the WIA distinguishes between self-service and informational activities, and staff-assisted core services. Self-service and informational activities have no eligibility requirements (i.e., all individuals visiting an AJCC may receive these services) while staff-assisted core services require the individual to be registered and meet the eligibility criteria for the adult or dislocated worker program, as appropriate.

Eligibility for Staff-Assisted Core Services

To be eligible to receive staff-assisted core services as an adult, an individual must be 18 years of age or older. To be eligible to receive staff-assisted core services as a dislocated worker, an eligible adult must meet the definition of dislocated worker at WIA Section 101(9) [Title 20 Code of Federal Regulations (CFR) Section 663.115].

It is not necessary to establish that an adult who is receiving staff-assisted core services is a recipient of public assistance or is a low-income individual. Staff-assisted core services may be provided to any registered adult who has the authorization to work in the U.S. and, if male, has complied with Selective Service registration. For example, a highly paid working professional seeking career counseling and advancement through job search and placement services would be eligible for staff-assisted core services. However, this individual would not be eligible to receive intensive and training services.

ELIGIBILITY FOR INTENSIVE SERVICES

The following individuals may receive intensive services:

- (1) Adults and dislocated workers who are:
 - (a) Unemployed;
 - (b) Have received at least one core service and are unable to obtain employment through core services; and
 - (c) Are determined by an AJCC operator to need more intensive services to obtain employment.
- (2) Adults and dislocated workers who are:
 - (a) Employed;
 - (b) Have received at least one core service; and
 - (c) Are determined by an AJCC operator to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.
- (3) Adults who meet the criteria in (1) or (2) above, and are determined eligible in accordance with the State and local priority system, if any, in effect for adults.

[Reference: WIA Section 134(d)(3)]

There is no required minimum time period for an individual to participate in core services before receiving intensive services, and it is not necessary for participants to receive a staff-assisted core service before receiving an intensive service. Any core service (i.e., self-service or informational, or staff-assisted) is sufficient to satisfy the federal requirement that an individual receive at least one core service before receiving intensive services. Such decisions are based on each participant's employment and training needs.

[Reference: Title 20 CFR Sections 663.160(a) and 663.165]

Self-Sufficiency

Employed adult and dislocated workers must be determined to be in need of intensive or training services to obtain or retain employment that allows for self-sufficiency as a condition of receiving those services. Local Workforce Investment Boards (local boards) must set criteria for determining whether employment leads to self-sufficiency. This local criteria must include that self-sufficiency means employment that pays at least the [Lower Living Standard Income Level](#).

When setting criteria to determine self-sufficiency, local boards should consider different local conditions such as family size, an area's cost of living, and other local economic conditions. It may often occur that dislocated workers require a wage higher than the lower living standard income level to maintain self-sufficiency. Self-sufficiency for a dislocated worker may be defined in relation to a percentage of the layoff wage.

Local boards may also consider the special needs of individuals with disabilities or other barriers to employment when setting criteria to determine self-sufficiency. This provision helps ensure that intensive services are provided to those employed adults who are the most in need of services. These may include individuals employed in low skill/low wage jobs.

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The adoption of a definition of self-sufficiency allows a Local Workforce Investment Area (local area) to broaden the population it serves (e.g., by including the working poor) while not negatively impacting performance measures. Those employed at the time of registration are excluded from the adult entered employment rate, (i.e., programs are not held responsible for these individuals under this measure). They are included in other measures such as average earnings and employment retention, and can enhance a local area's performance while assuring services are provided to individuals who are above the poverty guidelines but not yet self-sufficient.

The local definitions of self-sufficiency are not standards for employment against which local areas are monitored; rather, self-sufficiency is a goal that the workforce investment system helps clients achieve. While the U.S. Department of Labor recognizes the importance of self-sufficiency as a goal for all employment, it has not imposed that standard on the workforce investment system. As an eligibility criterion, self-sufficiency is a service requirement and not an employment outcome.

Local boards may develop two sets of criteria for self-sufficiency, one for dislocated workers and another for adults. Self-sufficiency for dislocated workers may be defined in relation to a percentage of the layoff wage.

(Reference: Title 20 CFR Sections 663.220 and 663.230)

Enter local criteria for self-sufficiency below:

Local criteria for self-sufficiency:

ELIGIBILITY FOR TRAINING SERVICES

Training services may be made available to employed and unemployed adults and dislocated workers who:

- (1) Have met the eligibility requirements for intensive services, have received at least one intensive service, and are unable to obtain or retain employment through such services;
- (2) After an interview, evaluation, or assessment, and case management, have been determined by an AJCC operator or partner, to be in need of training and to have the skills and qualifications to successfully complete the selected training program;
- (3) Select a program of training services that is directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate;
- (4) Are unable to obtain grant assistance from other sources (e.g., State-funded training funds, Trade Adjustment Assistance, or Federal Pell Grants) to pay the costs of such training, or require WIA assistance in addition to other sources of grant assistance. [Note: Provisions relating to fund coordination are found at Title 20 CFR Section 663.320 and WIA Section 134(d)(4)(B)]; and
- (5) For individuals whose services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system, if any, in effect for adults.

[Reference: WIA Section 134(d)(4)]

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There is no required minimum time period for an individual to participate in intensive services before receiving training services. However, the period of time an individual spends receiving intensive services should be sufficient to prepare the individual for training or employment (Title 20 CFR 663.250).

LOCAL PROCEDURES AND ELIGIBILITY CRITERIA

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.

The adult and dislocated worker programs are not “work first” programs. **Local boards may not adopt a “work first” approach in developing local procedures and eligibility criteria for the three tiers of service.** Locally developed 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 (WIA Section 195). The appropriate mix and duration of services should be based on each participant’s unique needs.

Local boards should not adopt a “work first” approach in designing activities that lead from participation in core to intensive and training services. These activities should not be used to discourage individuals from participating in the program or to excuse local areas from serving individuals. Such activities are potential obstacles to the success of this program resulting in low participation and poor customer service.

In developing local procedures and eligibility criteria for the three tiers of service, WIA-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.)

When reviewing a participant’s eligibility for staff-assisted core, intensive, and training services, federal and State auditors and monitors will review a participant’s eligibility for services against each local board’s eligibility policy, procedures, and definitions. **Local eligibility policies and procedures must comply with federal and State requirements.**

Include below local policy and procedures for determining eligibility for services.

Local policy and procedures for determining eligibility for services:

VI. ADDITIONAL ELIGIBILITY CRITERIA FOR DISLOCATED WORKERS

To be eligible to receive dislocated worker services, an individual must meet the general Workforce Investment Act (WIA) eligibility criteria listed in [Section III](#) of the Technical Assistance Guide (TAG), i.e., authorization to work, Selective Service registration, and age, and the criteria included in this section. Local policy, procedures and definitions may be established wherever there is flexibility authorized by the WIA and regulations.

Once an individual is registered as a dislocated worker, the individual remains a dislocated worker until exited from the program regardless of employment status or earnings. If a participant becomes employed in a full time, permanent job that pays a wage defined by the Local Workforce Investment Board (local board) as self-sufficient or leading to self-sufficiency, the participant may continue to be served in the program until he/she is formally exited from the program.

DETERMINING DISLOCATED WORKER STATUS

In order to receive services as a dislocated worker, an individual must meet one of the six criteria listed below:

- (1) The individual must meet (A), (B) and (C). There are two options for meeting (B):
(a) or (b).

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 were not covered under a State unemployment compensation law; **AND**
 - (C) Is [unlikely to return](#) to a previous industry or occupation;
- (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;
 - (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 WIA Section 134(d)(4), intensive services described in Section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a [general announcement](#) that such facility will close;

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- (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;
- (5) The individual is a [displaced homemaker](#);
- (6) ***The individual is an eligible dislocated worker (meets the general WIA eligibility criteria and one of the five 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 [self-sufficient](#) dislocated worker wage; or
 - leading to self-sufficiency; or
 - providing more than [stopgap employment](#).

[WIA Section 101(9) and (10)]

LOCAL DEFINITIONS AND ELIGIBILITY CRITERIA

Attachment to the Workforce

“Attachment to the workforce” is not defined in the WIA or the regulations. Local boards may define this term to assist staff in identifying those dislocated workers who are not eligible for unemployment compensation but have been employed for a duration sufficient to demonstrate an attachment to the workforce (e.g., someone who has worked at least 3 consecutive months during the last 12 months).

Local definition of attachment to the workforce:
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Unlikely to Return

“Unlikely to return” is not defined in the WIA or the regulations. Local boards may define this term to assist staff in identifying dislocated workers. Any of the following considerations may be helpful in defining “unlikely to return.”

- Worked in a declining industry/occupation, as documented on State or locally-developed lists of such industries/occupations. State lists are available from the Employment Development Department’s (EDD) Labor Market Information Division. Local lists must be developed by an appropriate entity, such as the Chamber of Commerce, the local board, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information.
- Has had a lack of job offers as documented by local EDD Workforce Services or Unemployment Insurance staff, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry/occupation.

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- Worked in an industry/occupation job for which there are limited job orders in the EDD CalJOBSSM system at the time of eligibility determination, as certified by EDD or America's Job Center of CaliforniaSM staff with access to the CalJOBSSM database.
- Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation, as documented through the assessment of the individual's educational achievement, testing, or other suitable means.
- Has physical or other problems which would preclude reentry into the former industry/occupation, as documented by a physician or other professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.).

"Unlikely to return" may be defined in terms of family, personal, or financial circumstances that may affect the likelihood of the individual's returning to his or her previous occupation or industry for employment. Local definitions need not be based solely on economic conditions and job availability.

Local definition of unlikely to return:

Substantial Layoff

"Substantial layoff" is not defined in the WIA or the regulations. Local boards may define this term to assist staff in identifying individuals who are unemployed due to a substantial layoff (e.g., a substantial layoff may be one which affects at least 50 employees who worked 20 or more hours per week, and comprise at least one third of the lay-off employer's local workforce).

Local definition of substantial layoff:

General Announcement

"General announcement" is not defined in the WIA or the regulations. Local boards may establish criteria for this term. Local criteria must require a credible source of information, or a documented confirmation from the employer (e.g., a newspaper article or public notice).

Local criteria for general announcement:

General Economic Conditions

"General economic conditions" is not defined in the WIA or the regulations. Local boards may establish criteria for this term. Local criteria may include, among other conditions, self-employment which locally has little demand or has been declining, or the local economy is declining.

Local criteria for general economic conditions:

Difficulty in Obtaining or Upgrading Employment

DISPLACED HOMEMAKER - An individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment [WIA Section 101(10)].

The “difficulty in obtaining or upgrading employment” criterion is used as part of the displaced homemaker criteria but is not defined in the WIA or regulations. Local boards may define this term in order to assist staff in identifying displaced homemakers.

Local definition for difficulty in obtaining or upgrading employment:

UNLIKELY TO RETURN STANDARD

Farmworkers

The inherently seasonal nature of farmworker occupations has been incorrectly perceived by some practitioners as disqualifying under the “unlikely to return” to work standard in WIA Section 101(9)(A). In fact, 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 such as:

- (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; or
- (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 and facilities such as packaging, canneries, or farming are not excluded from the standard under WIA Section 101(9)(B). The WIA Section 101(9)(C) standard regarding those that were self-employed (including employment as a farmer, a rancher, or a fisherman) and are unemployed due to economic conditions that resulted from extreme or unusual weather patterns and agricultural market downturns can also apply to farmworkers.

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Profiled and Referred Unemployment Insurance Claimants

Unemployment insurance (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, an automated system identifies claimants likely to exhaust their benefits and refers those claimants to a mandatory subsequent reemployment service.

The Governor has determined that the UI profiling methodology and referral process meets the dislocated worker eligibility criteria in WIA Section 101(9). In such instances, no further documentation is needed to establish the “unlikely to return” criterion at WIA Section 101(9)(A)(iii).

[Reference: Title 20 Code of Federal Regulations Preamble, Subpart A—One-Stop System, p.49316]

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 U.S. Code 7511(a)(5)]. As such, it is a temporary termination of employment or layoff.

Individuals that are furloughed are laid off. Depending on the local definition of “unlikely to return”, 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. Local Workforce Investment Areas 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 core services, they may be served as adults. In some cases, a business, company or corporation’s furloughs are in fact substantial layoffs and the “unlikely to return” provision does not apply. Local boards have the discretion to define substantial layoff since the definition depends on local economic conditions.

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.

STOPGAP EMPLOYMENT

STOPGAP EMPLOYMENT - *Work individuals do only because they have lost the customary work for which their training, experience or work history qualifies them. Employment would be considered "stopgap" if the salary were substantially below the salary of the individual's primary occupation and/or if they are working substantially under the skill level of their customary occupation. There may be times when stopgap employment provides a self-sufficient wage, such as a job obtained through a temporary employment agency, but such employment would not change the individual's dislocated worker status. The determination about whether or not an individual's employment since dislocation is stopgap employment must be made on a case-by-case basis and take into consideration an individual's personal, family, financial, and employment situation. Individuals engaged in stopgap employment are reported as employed.*

VETERANS AND MILITARY SPOUSES

Veterans

One of the criteria used to establish eligibility for a dislocated worker is determining that the worker was terminated or laid-off. The term "terminated" is not defined in the WIA law or the regulations. However, per U.S. Department of Labor policy, if a veteran is discharged under honorable circumstances (voluntarily or involuntarily), the employment relationship between the individual and the military is terminated, and the individual meets the criteria of being "terminated" for establishing dislocated worker eligibility. In order to receive services as a dislocated worker, the veteran would also have to satisfy the other criteria for dislocated worker eligibility as outlined in Section VI of this TAG, including the "unlikely to return" standard and the general WIA eligibility criteria.

Military Spouses

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.

[Note: Consistent with Training and Employment Guidance Letter (TEGL) [26-13](#), the definition of "military spouse" includes same-sex spouses.]

A military spouse who leaves a job to follow his/her spouse can be served as a dislocated worker in certain circumstances. When the spouse is unable to continue an employment relationship because of the service member's duty reassignment or discharge from the military, then the cessation of employment can be considered to meet the criteria of being "terminated" for purposes of establishing dislocated worker eligibility. This cessation of employment can also be considered to meet the "unlikely to return" standard because in the majority of cases, the circumstances in which military spouses are required to leave a job do not position them to return immediately to their

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previous occupations, particularly at the same level. In order to receive services as a dislocated worker, military spouses would also have to satisfy the other criteria for dislocated worker eligibility as outlined in Section VI of this TAG, including the general WIA eligibility criteria.

Additionally, a military spouse may be eligible to be served as a dislocated worker if he/she meets the definition of a [displaced homemaker](#).

[References: [TEGL 22-04](#), Serving Military Service Members and Military Spouses Under the WIA Dislocated Worker Formula Grant; [TEGL 22-04, Change 1](#), Serving Military Spouses as Dislocated Workers under the WIA Dislocated Worker Formula Grant]

RELATED DEFINITIONS

EMPLOYED – An individual employed at the date of participation is one who:

- (1) Did any work at all as a paid employee on the date participation occurs [except the individual is not considered employed if he/she: (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, or (b) is a transitioning service member];
- (2) Did any work at all in his/her own business, profession, or farm;
- (3) Worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family;
- (4) Was not working, but has a job or business from which he/she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, regardless of whether paid by the employer for time off, and regardless of whether seeking another job (TEGL 17-05, [Attachment B](#)); or
- (5) **Has been engaged in [stopgap employment](#) since dislocation.**

This information is to be collected from the individual at registration, not from wage records.

NOT EMPLOYED - An individual is considered not employed at the date of participation when he/she:

- (1) Did no work at all as a paid employee on the date participation occurs;
- (2) 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; or
- (3) Is a transitioning service member (TEGL 17-05, [Attachment B](#)).

This information is to be collected from the registrant at registration, not from wage records.

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 (TEGL [14-00, Change 1](#)).

VII. ADDITIONAL ELIGIBILITY CRITERIA FOR YOUTH

To be eligible to receive youth services, an individual must meet the general Workforce Investment Act (WIA) eligibility criteria listed in [Section III](#) of the Technical Assistance Guide (i.e., authorization to work, Selective Service registration, and age), and the criteria included in this section. Local policy, procedures and definitions may be established wherever there is flexibility authorized by the WIA and regulations.

ELIGIBILITY FOR YOUTH SERVICES

In order to receive youth services, an individual must meet the definition of eligible youth as provided below:

ELIGIBLE YOUTH – An individual who:

- (1) Is not less than age 14 and not more than age 21; and
- (2) Is a low-income individual; and
- (3) Is one or more of the following:
 - (a) [Deficient in basic literacy skills](#);
 - (b) An [offender](#);
 - (c) [Homeless](#), a [runaway](#), or a [foster child](#);
 - (d) [Pregnant](#) or a parent;
 - (e) A [school dropout](#); or
 - (f) An individual who [requires additional assistance](#) to complete an educational program, or to secure and hold employment.

[Reference: WIA Section 101(13)]

LOCAL DEFINITIONS AND ELIGIBILITY CRITERIA

Deficient in Basic Literacy Skills

Local Workforce Investment Boards (local boards) may define “deficient in basic literacy skills.” These definitions may include criteria addressing local concerns and must include a determination that an individual:

- (1) Computes or solves problems, reads, writes, or speaks English at or below the 8th grade level¹ on a generally accepted standardized test or a comparable score on a criterion referenced test; or
- (2) Is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual’s family, or in society. [WIA Section 203(12) and Title 20 Code of Federal Regulations (CFR) Section 664.205]

¹ The term “at or below the 8th grade level” means at or below 8.9.

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The term “deficient in basic literacy skills” is not identical to the term “basic skills deficient.” “Deficient in basic literacy skills” is an eligibility criterion for the youth program, while “basic skills deficient” is used to determine whether a Local Workforce Investment Area (local area) meets the out-of-school youth and five percent eligibility exceptions for the youth program [WIA Sections 101(13)(C)(i), 101(33), and 129(c)(5)(B)].

BASIC SKILLS DEFICIENT - An individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion referenced test [WIA Section 101(4)].

The WIA and the regulations do not 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:

Local definition of deficient in basic literacy skills:

Requires Additional Assistance to Complete an Educational Program or to Secure and Hold Employment

Local boards may define “requires additional assistance” to complete an educational program, or to secure and hold employment (Title 20 CFR Section 664.210). Possible definitions/criteria for individuals who require additional assistance may include individuals who:

- Have repeated at least one secondary grade level or are one year over age for grade;
- Have a core grade point average (GPA) 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;
- Are 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;

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- Have serious emotional, medical or psychological problems as documented by a qualified professional;
- Have never held a job (applies to older youth);
- Have been fired from a job within the 12 months prior to application (applies to older youth); and
- Have never held a full-time job for more than 13 consecutive weeks (applies to older youth).

Include the local definition of “requires additional assistance” below:

An individual who requires additional assistance to complete an educational program, or to secure and hold employment:

Serious Barriers to Employment

Local boards may define “serious barriers to employment” (Title 20 CFR Section 664.220). Possible definitions/criteria for individuals facing serious barriers to employment may include individuals who:

- Have repeated at least one secondary grade level or are one year over age for grade;
- Have a core GPA 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;
- Are 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 older youth);
- Have been fired from a job within the 12 months prior to application (applies to older youth); and
- Have never held a full-time job for more than 13 consecutive weeks (applies to older youth).

Include the local definition of “serious barriers to employment” below:

Serious barriers to employment:

YOUTH RELATED DEFINITIONS

FOSTER CHILD – A youth participant who is currently in foster care or has been in the foster care system at any point during his/her lifetime.

OFFENDER— Any adult or juvenile who:

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

[Reference: WIA Section 101(27)]

OTHER RESPONSIBLE ADULT - For purposes of authorizing a minor to participate in WIA programs, the signature of a parent, guardian, or other responsible adult is required. This provision allows the local areas to enroll minors with the authorization of individuals other than a parent or legal guardian.

The definition of "other responsible adult" includes:

- (1) ***A relative with whom the individual resides;***
- (2) ***An adult who has been delegated custodial or administrative responsibilities in writing, either temporarily or permanently, by parents or by an appropriate agency;***
- (3) ***An agency or organization representative who is in a position to know the individual's circumstances (i.e., that they could not get a parent's or guardian's signature authorizing participation), for example, a clergy person, a school teacher or other school official, a probation or other officer of the court, a foster parent;***
- (4) ***A representative of an agency which provided support services to the individual and who is aware of the individual's circumstances (i.e., that they cannot get a parent's or guardian's signature authorizing participation) for example, a social worker, a homeless shelter official, a child protective worker, a health clinic official; and***
- (5) ***Other responsible adults determined by the local area as appropriate to authorize the individual's participation.***

PREGNANT or PARENTING YOUTH - An individual who is under 22 years of age and who is pregnant, or a youth (male or female) who is providing custodial care for one or more dependents under age 18 [WIA Sections 101(13) and 129(c)(5)(D)].

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OUT-OF-SCHOOL YOUTH – An individual may be served as an out-of-school youth, if such an individual meets the definition of eligible youth, and

- (1) Is a school dropout; or
- (2) Has received a secondary diploma or its equivalent but is
 - (a) Basic skills deficient;
 - (b) Unemployed; or
 - (c) Underemployed.

[Reference: WIA Section 101(33)]

U.S. Department of Labor clarification of out-of-school youth - An eligible youth who is not attending school (even if the youth has a High School diploma or its equivalent) or is attending post-secondary school and is basic skills deficient (Training and Employment Guidance Letter [04-13](#), WIA Performance Reporting System).

SCHOOL DROPOUT - An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. Youth enrolled in alternative schools are not school dropouts. A youth's dropout status is determined at the time of application and remains in effect throughout her or his participation [WIA Section 101(39); Title 20 CFR Sections 664.300 and 664.310].

TRUANCY—A truant/dropout 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 (California Department of Education website, [Frequently Asked Questions: Work Permits](#)).

FIVE PERCENT ELIGIBILITY EXCEPTIONS

Up to five percent of WIA youth participants may be individuals who do not meet the minimum income criteria to be considered eligible youth, if such individuals are within one or more of the following categories:

- (1) School dropout;
- (2) Basic skills deficient, as defined in WIA Section 101(4);
- (3) Are one or more grade levels below the grade level appropriate to the individual's age;
- (4) Pregnant or parenting;
- (5) Possess one or more disabilities, including learning disabilities;
- (6) Homeless or runaway;
- (7) Offender; or
- (8) Face [serious barriers to employment](#) as identified by the local board.

[Reference WIA Section 129(c)(5)]

VIII. LOW-INCOME INDIVIDUAL DETERMINATION

The determination of low-income status applies to the Workforce Investment Act (WIA) youth and adult programs. An individual must be low-income to be eligible to receive youth services. If the Local Workforce Investment Board (local board) determines that funds are limited in the Local Workforce Investment Area (local area) for the adult program, priority must be given to recipients of public assistance and other low-income individuals for intensive and training services.

LOW-INCOME INDIVIDUAL

LOW-INCOME INDIVIDUAL - An individual, who:

- (1) Receives, or is a member of a [family](#) that receives cash payments under a federal, state, or local income-based public assistance program;
- (2) Received an income, or is a member of a family that received a total family income, for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, public assistance, and old-age and survivors insurance benefits received under Section 202 of the Social Security Act) that, in relation to family size, does not exceed the higher of:
 - (a) The [poverty line](#), for an equivalent period; or
 - (b) Seventy percent of the [Lower Living Standard Income Level](#) (LLSIL), for an equivalent period;
- (3) Is a member of a household that receives (or has been determined within the six-month period prior to application for the program involved to be eligible to receive) food stamps;
- (4) Qualifies as a [homeless](#) individual;
- (5) Is a [foster child](#) on behalf of whom state or local government payments are made; or
- (6) Is an [individual with a disability](#) whose own income meets the requirements of a program described in (1) or (2), but who is a member of a family whose income does not meet such requirements.

[Reference: WIA Section 101(25)]

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 U.S. Department of Labor based upon the most recent lower living family budget. The LLSIL is published annually in the Federal Register.

POVERTY LEVEL - The income level at which families are considered to live in poverty, as annually determined by the U.S. Department of Health and Human Services. The poverty level is published annually in the Federal Register.

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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; and
- (2) Eligibility for the program must be determined by a needs or income test.

[Reference: WIA Section 101(37)]

HOMELESS - The term homeless, homeless individual, or homeless person includes:

- (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 -
 - (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—
 - (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; or
 - (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; and
 - (c) lacks the resources or support networks needed to obtain other permanent housing; and
- (6) Unaccompanied youth and homeless families with children and youth defined as homeless under other federal statutes who—
 - (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; and

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(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.

[References: WIA Section 101(25)(D); Title 42 U.S. Code Section 11302(a) and (c)]

INDIVIDUAL WITH A DISABILITY - The term disability means, with respect to an individual:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such an individual [For definitions and examples of “physical or mental impairment” and “major life activities,” see the definition of “disability” in Title 29 Code of Federal Regulations (CFR) 37.4.];
- (2) A record of such an impairment; or
- (3) Being regarded as having such impairment.

[References: WIA Section 101(17); Title 20 CFR Section 664.250; The Americans with Disabilities Act of 1990, Section 3(2)(a)]

EMANCIPATED MINOR - Any person under the age of 18 who:

- (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; or
- (3) Has received a declaration of emancipation pursuant to California Family Code 7122.

[Reference: The 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 his or her family.

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 husband, wife, (including same-sex spouses) and dependent children.
- (2) A parent or guardian and dependent children.
- (3) A husband and wife (including same-sex spouses).

[Reference: WIA Section 101(15)]

(Note: Consistent with Training and Employment Guidance Letter [26-13](#), the definition of “marriage” includes same-sex spouses, and the terms “husband” and “wife” are to be interpreted in a gender neutral manner to include same-sex spouses.)

DEPENDENT CHILDREN

DEPENDENT CHILDREN - Individuals who are:

- (1) Claimed as a dependent on their parent’s income tax; AND**
- (2) (a) Under 18, not an emancipated minor, and living in a single residence with their parent(s) or guardian(s); or**
 - (b) Ages 18-21, and living in single residence with their parent(s) or guardian(s).**

Local boards may establish policy and procedures for determining the dependency of youth who do not fall into one of the defined categories above, or for whom income tax information is not available. As it is not possible to develop policy that will cover every situation, local boards should establish policy that allows for common sense, humanity, and good case records. Please include these local policy and procedures below.

Local dependency policy and procedures:

DETERMINING LOW-INCOME STATUS

Income Sources

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

- Monetary compensation for services, including wages, tips, salary, commissions, or fees before any deductions;
- Net receipts from non-farm self-employment (receipts from a person’s own unincorporated business, professional enterprise, or partnership, after deductions for business expense);
- 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);
- Regular payments from railroad retirement, strike benefits from union funds, worker’s compensation, and training stipends (e.g., wages from the California Conservation Corp);
- Alimony, military family allotments, or other regular support from an absent family member or someone not living in the household;
- Private pensions, government employee pensions (including military retirement pay);

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- Regular insurance or annuity payments (including state disability insurance);
- College or university scholarships (not needs-based), grants, fellowships, and assistantships;
- Net gambling or lottery winnings;
- Severance payments;
- Terminal leave pay; and
- Social Security Disability Insurance payments.

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

- Unemployment insurance;
- Child support payments (including foster care child payments);
- Need-based public assistance payments (including Temporary Assistance for Needy Families, supplemental security income, emergency assistance money payments, and non-federally-funded general assistance or general relief money payments);
- Social Security old age and survivors' insurance benefit payments;
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants;
- Supplemental Educational Opportunity Grants and Federal Work Study;
- Needs-based scholarship assistance;
- Loans;
- Veterans benefits;
- Income 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;
- Capital gains;
- Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
- 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;
- The value of food and fuel produced and consumed on farms;
- The imputed value of rent from owner occupied nonfarm or farm housing;
- Medicare, Medicaid, food stamps, school meals, and housing assistance; and
- Allowances, earnings and payments to individuals participating in programs under WIA (except on-the-job training wages).

[Adopted from WIA Section 101(25)(B)]

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Section VIII. Low-Income Individual Determination

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 WIA eligibility determination as well.

The Lower Living Standard Income Level and Poverty Guidelines

The LLSIL and poverty guidelines are used to establish low-income status for WIA Title I programs. Local areas use the LLSIL and poverty guidelines to determine eligibility for youth, eligibility for employed adults for certain services, and self-sufficiency. The LLSIL and poverty guidelines are published each year for the Workforce Development Community in a [Workforce Services Directive](#).

The WIA specifies that only the income received during the six-month period immediately prior to the individual's application for WIA 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.

The LLSIL and poverty guidelines are included in a table according to family size. To use the table, local areas should compare the applicant's actual individual or family income during the six-month income determination period with the six-month figures on the table. If complete information is not available, local areas may take the available information and calculate the income for a six-month or annual time period. ***If multiplying the six-month income by two overstates the actual annual income, the actual annual income should be used.***

Below is a sample LLSIL and poverty guidelines table for illustrative purposes only:

SAMPLE LLSIL AND POVERTY GUIDELINES TABLE

Family Size							
	1	2	3	4	5	6	Each Add'l. add
70% Lower Living Standard Income Level							
Annual	\$7,400	\$12,110	\$16,630	\$20,530	\$24,220	\$28,330	\$4,110
6 Months	\$3,700	\$6,055	\$8,315	\$10,265	\$12,110	\$14,165	\$2,055
100%	\$10,560	\$17,300	\$23,750	\$29,320	\$34,600	\$40,470	\$5,870
Poverty Guidelines							
Annual	\$8,350	\$11,250	\$14,150	\$17,050	\$19,950	\$22,850	\$2,900
6 Months	\$4,175	\$5,625	\$7,075	\$8,525	\$9,975	\$11,425	\$1,450

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.

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

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.

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

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

(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.

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

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

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

(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.

IX. ELIGIBILITY DOCUMENTATION AND VERIFICATION

The following guidance is intended to assist Local Workforce Investment Areas (local areas) in maintaining adequate documentation for monitoring reviews.

DOCUMENTATION AND VERIFICATION RELATED DEFINITIONS

DOCUMENTATION – To maintain either hard copy or electronic on-file evidence obtained during the verification process. Evidence includes hard or scanned copies of documents, completed telephone/document inspection forms, hard copy or electronic signed applicant statements, local area Management Information System (MIS), and case notes.

VERIFICATION - To confirm an eligibility requirement through examination of official documents, (e.g., birth certificates, public assistance records, etc.), speaking with official representatives of cognizant agencies, observation (e.g., pregnancy status), examination of department records (e.g., cross match), and review of unofficial documents (e.g., written statement from an individual providing residence to a homeless individual, doctor's note confirming pregnancy, etc.).

PAPERLESS – A scanned document that is maintained, a cross match with a non-Workforce Investment Act (WIA) system, or the local area's Management Information System. [U.S. Department of Labor (DOL) interpretation]

TYPES OF DOCUMENTATION

- (1) Hard copies of evidence kept in a participant's file
- (2) Scanned documents stored electronically
- (3) Cross-Match

A cross-match requires validators to find detailed supporting evidence for the data element in a database. An indicator or presence of a Social Security number (SSN) in a non-WIA database is not sufficient evidence.

Example: Temporary Assistance for Needy Families participation can be determined by a cross-match with the State's public assistance database. It is not sufficient to find that the sampled SSN is present in the public assistance database; validators must also find supporting information such as dates of participation and services rendered.

- (4) Local Area MIS

Specific, detailed information that is stored in the local area's MIS that supports an element. An indicator, such as a checkmark on a computer screen, is not sufficient for source documentation.

Example: Local area MIS is an acceptable source of documentation for the date of first training service. To be an acceptable source to validate the date of first training service, the local area MIS should have the date of the first training, and information about the type of training and the organization that provided the training.

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(5) Self-Attestation

Self-attestation (also referred to as an applicant statement) occurs when a participant states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) the participant identifying his or her status for permitted elements, and (b) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the local area MIS with an electronic signature.

(6) Case Notes

Paper or electronic statements by the case manager that identifies, at a minimum: (a) a participant's status for a specific data element, (b) the date on which the information was obtained, and (c) the case manager who obtained the information. If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of information verified. The case manager does not need to keep a hard copy of the information verified in the participant's case file.

Example: If a case manager verifies the status of a youth as a foster child by viewing court records, the case notes must include auditable information, such as a court document number, that could allow an auditor/monitor to later retrieve this information. The case manager would not need to keep a hard copy of the court document in the participant's file.

[Reference: [Training and Employment Guidance Letter 28-11, Attachment A](#), Source Documentation Requirements for Program Year 2011 WIA Data Element Validation]

LOCAL POLICY AND PROCEDURES

Documentation and Verification

The WIA does not address the issues of eligibility documentation and verification; however, the DOL has implemented source documentation requirements for data validation to ensure local areas maintain and report accurate program information. These source documentation requirements are listed in [Section X](#) of this Technical Assistance Guide (TAG), and are the only documentation sources local areas may accept in establishing WIA program eligibility.

Local Workforce Investment Boards (local boards) may adopt policy and procedures for documenting and verifying eligibility for WIA-funded programs, using the acceptable source documentation. These policies and procedures should be customer friendly and not add to the frustrations already experienced by individuals who are out of work. It is the purpose of WIA programs to assist people who are having difficulty finding employment. It is not the intention of this program to discourage participation by imposing difficult documentation and verification requirements.

Local areas must make reasonable efforts to document eligibility for WIA-funded programs. While an applicant statement is not considered a primary

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documentation source, applicant statements may be used when an item is unverifiable or it is unreasonably difficult to obtain, as allowed in Section X of the TAG. The applicant's difficulty in obtaining documentation does not need to entail hardship or suffering to justify using an applicant statement. In taking an applicant's statement, it is not necessary to obtain corroboration unless there is reason not to believe the applicant. Local areas may develop applicant statement forms or provide guidance to case managers about how to take acceptable applicant statements.

For cases where documentation cannot or may not be copied, and/or is not readily obtainable, documents may be inspected or information verified by telephone. Telephone verification must be documented in the case notes and must include contact information and specific details. For example, "August 15, 2013. Called Dept. of Corrections, spoke with Sgt. X who verified that Mr. Y was incarcerated between January 25 and March 16, 2013." Local areas may develop documentation inspection and telephone verification forms or provide guidance to case managers regarding what information must be included in a participant's case notes.

Local areas must document an applicant's birth date/age, authorization to work, and compliance with Selective Service as specified in Section X, [Table 1](#) of the TAG.

Local areas are responsible for ensuring that adequate documentation (i.e., one documentation source from each applicable eligibility criterion) is contained in the participant's hard copy or electronic file to minimize the risk of disallowed costs. Local boards should develop a balanced local verification and documentation policy that is not excessively intrusive and burdensome and is, at the same time, a good faith and reasonable effort to establish WIA eligibility.

Local eligibility documentation and verification policy and procedures:

Case Files

The WIA distinguishes between general program eligibility and eligibility for services. General program eligibility includes criteria such as authorization to work, compliance with Selective Service, and age. Eligibility for services is related to local determinations regarding the individual's need for and ability to benefit from services. Adult and dislocated worker case files must contain determinations for both general program eligibility and the need for staff-assisted core, intensive and training services. These may be hard copy or electronic case files [Title 20 Code of Federal Regulations (CFR) Sections 663.160(b) and 663.240(b)].

- General Program Eligibility

For adults receiving staff-assisted core services, local areas must record equal opportunity information, authorization to work, age, and compliance with Selective Service registration. If an adult is unable to obtain or retain employment through staff-assisted core services and requires intensive services, local areas must record

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the remaining federal, State, and local documentation and verification requirements before providing intensive services [Title 20 CFR Section 663.105].

For dislocated workers receiving staff-assisted core services, local areas must record equal opportunity information, authorization to work, age, compliance with Selective Service registration, and a determination that the individual meets the definition of “dislocated worker” [Title 20 CFR Section 663.105].

For individuals receiving youth services, local areas must record equal opportunity information, authorization to work, age, compliance with Selective Service registration (when applicable), and a determination that the individual meets the definition of “eligible youth” [Title 20 CFR Sections 664.200 and 664.215].

Include local policy and procedures for maintaining participant case files below.

Maintaining participant case files:

DOCUMENTATION RETENTION REQUIREMENTS

Local areas must retain participant case files for a minimum of three years. This three year retention clock begins when: (1) the participant record is no longer included in any quarterly or annual reportable outcome, and (2) any issues (e.g., audit findings, monitoring findings, single audit findings, unresolved costs, investigations, DOL issues, etc.) have been resolved [Title 29 CFR Sections 95.53 and 97.42(b), and [WIA Data Reporting and Validation System handbook](#), pg. 98].

Example 1: An adult participant exits from the WIA program on December 31, 2013. The participant is reported in the local area’s Entered Employment Rate, Employment Retention Rate, and Average Earnings WIA common measures.

In this scenario, the Employment Retention Rate and Average Earnings measures have the longest reportable time periods. These measures require data collection through the fifth quarter after the exit quarter (three quarters of data and two additional quarters to collect the appropriate base wage data). Since the participant was exited in December 2013, the State collects the employment data from January 1, 2014, through September 30, 2014. The data is collected by March 31, 2015, and reported in Program Year (PY) 2014. As a result, the three year retention clock would begin July 1, 2015.

PY 2013				PY 2014				PY 2015			
Jul-Sept 2013	Oct-Dec 2013	Jan-Mar 2014	April-Jun 2014	Jul-Sept 2014	Oct-Dec 2014	Jan-Mar 2015	April-Jun 2015	Jul-Sept 2015	Oct-Dec 2015	Jan-Mar 2016	April-Jun 2016
	exit quarter	1 st qtr after exit	2 nd qtr after exit	3 rd qtr after exit	4 th qtr after exit	5 th qtr after exit	end of PY	retention clock begins			

Example 2: A local area has received a monitoring finding for not maintaining adequate eligibility documentation for a group of youth participants. This finding does not get resolved for four years. The local area is required to retain the youth’s case files a minimum of three years from the date the monitoring finding is resolved.

X. ACCEPTABLE DOCUMENTATION SOURCES

The following tables are designed to assist Local Workforce Investment Areas (local areas) in documenting participant eligibility for Workforce Investment Act (WIA) programs. Only the documentation sources included in these tables are acceptable for establishing WIA eligibility.

Table 1 – General Eligibility

GENERAL ELIGIBILITY	
The three general eligibility criteria apply to all WIA Title I programs	
Eligibility Criteria (Verify each eligibility criterion)	Acceptable Documentation (One document per eligibility criterion is required. Only the documentation sources listed below may be used.)
<p>1. Birth date/age</p>	<ul style="list-style-type: none"> • Baptismal record • 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
<p>2. U.S. work authorization</p> <p>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 <u>and</u> 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)

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Table 2 – Dislocated Worker Eligibility

DISLOCATED WORKER ELIGIBILITY (A dislocated worker must meet the WIA general eligibility criteria and one of the seven eligibility criteria below)	
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>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 Eligibility Assistance (REA) 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 • 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 REA 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 style="text-align: center;">or</p> <ul style="list-style-type: none"> • Pay check 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

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<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

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<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 core services only, 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 • Self-attestation
<p>6. Is an eligible dislocated worker (meets the WIA Title I general eligibility criteria and one of the five methods listed above) who, since dislocation and prior to application, has not been employed in a job that paid a wage defined by the Local Workforce Investment Board (local board) as either:</p> <p>(a) a self-sufficient dislocated worker wage;</p> <p>(b) leading to self-sufficiency;</p> <p>or</p> <p>(c) providing more than stopgap employment.</p>	<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

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Table 3 – Youth Eligibility

YOUTH ELIGIBILITY (A youth participant must meet the WIA 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	See the Low-Income Table
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	<ul style="list-style-type: none"> • School documentation/statement/records • Drop out letter • WIA application • Local area Management Information System • Self-attestation
(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 • WIA application • Self-attestation
a foster child	<ul style="list-style-type: none"> • Written confirmation from social service agency • Case notes
(D) Pregnant or a parent	<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
(E) An offender	<ul style="list-style-type: none"> • Documentation from juvenile or adult criminal justice system • Documented phone call with court or probation representatives • WIA application • Self-attestation
(F) An individual who requires additional assistance to complete an educational program, or to secure and hold employment	<ul style="list-style-type: none"> • Locally established eligibility documentation requirements • Individual Service Strategy • Case notes • WIA application • Local area Management Information System • Self-attestation

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<p>3. Up to five percent of WIA 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</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

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Table 4 – Low-Income

LOW-INCOME (A low-income individual must meet one of the criteria below.)	
Eligibility Criteria (Verify one of the seven eligibility criteria)	Acceptable Documentation (One document per eligibility criterion is required)
<p>1. Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program.</p>	<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
<p>2. Received an income, or 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> <p>(A) The poverty line for an equivalent period; or</p> <p>(B) 70 percent of the Lower Living Standard Income Level for an equivalent period.</p> <p>Note: Documentation should be provided for each applicable inclusive income source received by the applicant and each family member for the six-month 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>	<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 (Schedule C) • Social Security benefits records • UI documents and/or printout • Self-attestation
<p>3. The applicant is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).</p>	<ul style="list-style-type: none"> • 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>4. Qualifies as a homeless individual, as defined in subsections (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).</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 • WIA application • Self-attestation

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<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
<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

Table 5 – Priority for WIA Services

PRIORITY FOR WIA SERVICES	
Veterans' Priority of Service	
Eligibility Criteria	Acceptable Documentation (Only the documentation sources listed below may be used.)
Veterans and eligible spouses are entitled to priority of service under WIA Title I programs.	<ul style="list-style-type: none"> • Form DD 214 • Veterans' Administration letter or records • Cross match with veterans data
Adult Program Priority	
Eligibility Criteria	Acceptable Documentation
If the local board determines that funds are limited in the local area, priority for intensive and training services must be given to recipients of public assistance and other low-income individuals.	See the Low-Income Table

Table 6 – 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
Not employed	<ul style="list-style-type: none"> • Case notes showing information collected from participant
Underemployed	<ul style="list-style-type: none"> • Employment specialist or case manager's determination • Telephone verification • Self-attestation

XI. ACRONYMS

AJCC	America's Job Center of California SM , formerly known as One-Stop Career Center
CFR	Code of Federal Regulations
CUIC	California Unemployment Insurance Code
DOL	U.S. Department of Labor
EDD	Employment Development Department
IAW	Initial Assistance Workshop
Local Area	Local Workforce Investment Area
Local Board	Local Workforce Investment Board
MSSA	Military Selective Service Act
PJSA	Personalized Job Search Assistance
REA	Reemployment Eligibility Assistance
SEA	Self-Employment Assistance
SSN	Social Security Number
TAG	Technical Assistance Guide
TEGL	Training and Employment Guidance Letter
U.S.	United States
USC	United States Code
WARN	Worker Adjustment and Retraining Notification
WIA	Workforce Investment Act
WSD	Workforce Services Division

XII. DEFINITIONS

Below is a list of terms defined throughout the Technical Assistance Guide (TAG). Clicking on a term will take you to the section in the TAG where it is defined or discussed.

ACTIVE SERVICE - Includes full-time federal service in the National Guard, Coast Guard, or a Reserve component. This definition does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by state rather than federal authorities (state mobilizations usually occur in response to events such as natural disasters).

ATTACHMENT TO THE WORKFORCE - Locally defined. Click on the term to go to the local definition.

BASIC SKILLS DEFICIENT - An individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion referenced test.

DEFICIENT IN BASIC LITERACY SKILLS - Locally defined. Click on the term to go to the local definition.

DEPENDENT CHILDREN - Dependent children are individuals who are:

- (1) Claimed as a dependent on their parent’s income tax; AND
- (2) (a) Under 18, not an emancipated minor, and living in a single residence with their parent(s) or guardian(s); or
(b) Ages 18-21, and living in single residence with their parent(s) or guardian(s).

DISPLACED HOMEMAKER - An individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

DOCUMENTATION - To maintain either hard copy or electronic on-file evidence obtained during the verification process. Evidence includes hard or scanned copies of documents, completed telephone/document inspection forms, hard copy or electronic signed applicant statements, Local Workforce Investment Area Management Information System, and case notes.

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

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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; or
 - (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 U.S. Department of Veterans Affairs; or
- (4) Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories 2 or 3 above) would lose his or her 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 [Title 38 USC 4215(a)].

(Note: Consistent with Training and Employment Guidance Letter [26-13](#), the definition of “eligible spouse” includes same-sex spouses.)

ELIGIBLE YOUTH – An individual who:

- (1) Is not less than age 14 and not more than age 21; and
- (2) Is a low-income individual; and
- (3) Is one or more of the following:
 - (a) Deficient in basic literacy skills;
 - (b) An offender;
 - (c) Homeless, a runaway, or a foster child;
 - (d) Pregnant or a parent;
 - (e) A school dropout; or
 - (f) An individual who requires additional assistance to complete an educational program, or to secure and hold employment.

EMANCIPATED MINOR - Any person under the age of 18 who:

- (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; or
- (3) Has received a declaration of emancipation pursuant to California Family Code 7122.

EMPLOYED - An individual is considered employed at the date of participation is one who:

- (1) Did any work at all as a paid employee on the date participation occurs [except the individual is not considered employed if he/she: (a) has received a notice of termination of employment or the employer has issued a Worker Adjustment and

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- Retraining Notification or other notice that the facility or enterprise will close, or (b) is a transitioning service member];
- (2) Did any work at all in his/her own business, profession, or farm;
 - (3) Worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family;
 - (4) Was not working, but has a job or business from which he/she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, regardless of whether paid by the employer for time off, and regardless of whether seeking another job; or
 - (5) Has been engaged in stopgap employment since dislocation.

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:

- (4) A husband, wife, (including same-sex spouses) and dependent children.
- (5) A parent or guardian and dependent children.
- (6) A husband and wife (including same-sex spouses).

(Note: Consistent with Training and Employment Guidance Letter [26-13](#), the definition of “marriage” includes same-sex spouses, and the terms “husband” and “wife” are to be interpreted in a gender neutral manner to include same-sex spouses.)

FOSTER CHILD – A youth participant who is currently in foster care or has been in the foster care system at any point during his/her lifetime.

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 U.S. Code 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:

- (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);

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- (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 -
 - (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—
 - (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; or
 - (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; and
 - (c) lacks the resources or support networks needed to obtain other permanent housing; and
- (6) Unaccompanied youth and homeless families with children and youth defined as homeless under other federal statutes who—
 - (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; and
 - (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 WITH A DISABILITY - The term disability means, with respect to an individual:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such an individual (For definitions and examples of “physical or mental impairment” and “major life activities,” see the definition of “disability” in Title 29 CFR 37.4.);
- (2) A record of such an impairment; or
- (3) Being regarded as having such impairment.

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.).

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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:

- (1) Receives, or is a member of a family that receives cash payments under a federal, state, or local income-based public assistance program;
- (2) Received an income, or is a member of a family that received a total family income, for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, public assistance, and old-age and survivors insurance benefits received under Section 202 of the Social Security Act) that, in relation to family size, does not exceed the higher of:
 - (a) The poverty line, for an equivalent period; or
 - (b) Seventy percent of the Lower Living Standard Income Level for an equivalent period;
- (3) Is a member of a household that receives (or has been determined within the six-month period prior to application for the program involved to be eligible to receive) food stamps;
- (4) Qualifies as a homeless individual;
- (5) Is a foster child on behalf of whom state or local government payments are made; or
- (6) Is an individual with a disability whose own income meets the requirements of a program described in (1) or (2), but who is a member of a family whose income does not meet such requirements.

LOWER LIVING STANDARD INCOME LEVEL - The income level (adjusted for regional, metropolitan, urban, and rural differences and family size), determined annually by the U.S. Department of Labor based upon the most recent lower living family budget. The lower living standard income level 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.

(Note: Consistent with Training and Employment Guidance Letter [26-13](#), the definition of “military spouse” includes same-sex spouses.)

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NON-COVERED PERSON - Persons not eligible for priority of service.

NOT EMPLOYED - An individual is considered not employed at the date of participation when he/she:

- (1) Did no work at all as a paid employee on the date participation occurs;
- (2) Has received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification or other notice that the facility or enterprise will close; or
- (3) Is a transitioning service member.

OFFENDER - The term offender means any adult or juvenile who:

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

OTHER RESPONSIBLE ADULT - The definition of "other responsible adult" includes:

- (1) A relative with whom the individual resides;
- (2) An adult who has been delegated custodial or administrative responsibilities in writing, either temporarily or permanently, by parents or by an appropriate agency;
- (3) An agency or organization representative who is in a position to know the individual's circumstances (i.e., that they could not get a parent's or guardian's signature authorizing participation), for example, a clergy person, a school teacher or other school official, a probation or other officer of the court, a foster parent;
- (4) A representative of an agency which provided support services to the individual and who is aware of the individual's circumstances (i.e., that they cannot get a parent's or guardian's signature authorizing participation) for example, a social worker, a homeless shelter official, a child protective worker, a health clinic official; and
- (5) Other responsible adults determined by the Local Workforce Investment Area as appropriate to authorize the individual's participation.

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."

OUT-OF-SCHOOL YOUTH - An individual may be served as an out-of-school youth, if such an individual meets the definition of eligible youth, and

- (1) Is a school dropout; or
- (2) Has received a secondary diploma or its equivalent but is
 - (a) Basic skills deficient,
 - (b) Unemployed, or
 - (c) Underemployed.

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U.S. DEPARTMENT OF LABOR CLARIFICATION OF OUT-OF-SCHOOL YOUTH—An eligible youth who is not attending school (even if the youth has a High School diploma or its equivalent) or is attending post-secondary school and is basic skills deficient (Training and Employment Guidance Letter [04-13](#), WIA Performance Reporting System).

PAPERLESS – A scanned document that is maintained, a cross match with a non-Workforce Investment Act system, or the Local Workforce Investment Area’s Management Information System. [U.S. Department of Labor interpretation]

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

PREGNANT or PARENTING YOUTH - An individual who is under 22 years of age and who is pregnant, or a youth (male or female) who is providing custodial care for one or more dependents under age 18.

PRIORITY OF SERVICE - 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.

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, and
- (2) Eligibility for the program must be 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.

SCHOOL DROPOUT - An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. Youth enrolled in alternative schools are not school dropouts. A youth’s dropout status is determined at the time of application and remains in effect throughout her or his participation.

SELF-SERVICE OR INFORMATIONAL ACTIVITIES - Services an individual can access in an America’s Job Center of CaliforniaSM (AJCC) with minimal or no staff assistance (e.g., self-service labor market research, resume preparation, job search, etc.).

SELF-SUFFICIENCY - Locally defined. Click on the term to go to the local definition.

SERIOUS BARRIERS TO EMPLOYMENT - Locally defined. Click on the term to go to the local definition.

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STAFF-ASSISTED CORE SERVICES – A core service that requires significant staff involvement with a customer in terms of resources or time.

STOPGAP EMPLOYMENT - Work individuals do only because they have lost the customary work for which their training, experience or work history qualifies them. Employment would be considered "stopgap" if the salary were substantially below the salary of the individual's primary occupation and/or if they are working substantially under the skill level of their customary occupation. There may be times when stopgap employment provides a self-sufficient wage, such as a job obtained through a temporary employment agency, but such employment would not change the individual's dislocated worker status. The determination about whether or not an individual's employment since dislocation is stopgap employment must be made on a case-by-case basis and take into consideration an individual's personal, family, financial, and employment situation. Individuals engaged in stopgap employment are reported as employed.

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/dropout 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.

VERIFICATION - To confirm an eligibility requirement through examination of official documents, (e.g., birth certificates, public assistance records, etc.), speaking with official representatives of cognizant agencies, observation (e.g., pregnancy status), examination of department records (e.g., cross match), and review of unofficial documents (e.g., written statement from an individual providing residence to a homeless individual, doctor's note confirming pregnancy, etc.).

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 U.S.C. 101(2).

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.