

New Jersey

Workforce Innovation Notice ¹⁻¹⁵

TO: Workforce Development Board Directors
One-Stop Operators
Employment Service Managers

FROM: John Bicica, Chief
Office of WIOA Technical Assistance and Capacity Building

SUBJECT: WIOA Adult and Dislocated Worker Eligibility Guidelines

DATE: September 14, 2015

Purpose

To issue the *Adult and Dislocated Worker Eligibility Determination: Guidelines for Local Workforce Development Areas under the Workforce Innovation and Opportunity Act*. This document provides federal eligibility determination and documentation requirements.

Background

These guidelines are being issued pursuant to the Workforce Innovation and Opportunity Act (WIOA), the proposed rules and related guidance provided by the United States Department of Labor (USDOL). The eligibility determination and documentation requirements provided in this document will serve as the basis for WIOA Eligibility monitoring. These guidelines will be updated as additional guidance is provided by USDOL. Please note the following key items:

Dislocated Worker Eligibility (Page 3)

- Describes determining and documenting criteria such as “unlikely to return to work”

Separating Service Members and Military Spouses (Page 5)

- Describes how these individuals qualify for WIOA services

Underemployed Individuals and Incumbent Workers (Page 6)

- Provides guidance on serving these customers under WIOA

Career Services (Page 7)

- Provides the a description of these services under WIOA

Eligibility for Training Services (Page 9)

- Describes the determination and documentation procedure

Priority of Service for Individualized Career and Training Services (Page 12)

- Describes mandatory priority of service under adult funds for recipients of public assistance, other low-income individuals and basic skills deficient individuals
- Describes priority of service for veterans and eligible spouses under all programs

Action Required

The attached document should be forwarded to all staff and partner agencies involved in the determination of eligibility for adult and dislocated worker services under WIOA.

Authority

New Jersey Department of Labor and Workforce Development	X
State Employment And Training Commission	

Questions

For general questions regarding this guidance, contact John Bicica, Chief, Office of WIOA Technical Assistance and Capacity Building at john.bicica@dol.nj.gov

Attachment

ADULT AND DISLOCATED WORKER CUSTOMER ELIGIBILITY DETERMINATION

WORKFORCE INNOVATION AND OPPORTUNITY
ACT TITLE I

Guidelines for Local Workforce Development Areas

New Jersey Department of Labor and Workforce Development
July, 2015

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Adult and Dislocated Worker Eligibility Determination Under Title I of the Workforce Innovation and Opportunity Act

Introduction

The following guidelines are being issued pursuant to the Workforce Innovation and Opportunity Act (WIOA) and the proposed rules issued in the Federal Register, Thursday, April 16, 2015. The purpose of these guidelines is to identify requirements relating to certification of participants to be served with Title WIOA I funds used for adults and dislocated workers. **These guidelines are subject to revision as additional guidance is issued by the United States Department of Labor (USDOL).** Supplemental information, such as the Poverty Guidelines, Lower Living Standard Income Levels, and forms are attached. Local areas are encouraged to copy and use the attachments as necessary. The attachments will be updated as new guidance is issued.

Registration and Participation

Registration-Registration is the process of collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application.

Participation-Participation occurs after the registration process and begins when the individual receives a staff-assisted WIOA service, which does not include self-service or informational activities. (See **Career Services** on page 8).

Adults and dislocated workers who receive services funded under Title I other than self-service or informational activities **must** be registered and **must** be a participant.

Employment Opportunity Data- Must be collected on every individual who is interested in being considered for WIOA Title I financially assisted aid, benefits, services, or training, and who has signified that interest by submitting personal information in response to a request from the grant recipient or designated service provider. **(20 CFR 680.110)**

Equal opportunity data or EO data means data on race and ethnicity, age, sex, and disability required by 20 CFR part 37. **(20 CFR 675.300)**

Eligibility for Career Services-Adult Program

Summary of Eligibility Requirements for Adults

1. Age 18 or older [**WIOA Sec. 101 (1)**];
2. A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States [**WIOA Sec. 188 (A) (5)**]
3. In compliance with the Military Selective Service Act (for males born on January 1, 1960, and later.) [**WIOA Sec. 189 (h)**]

Priority of Service for Individualized Career Services and Training Services

Priority shall be given to recipients of **public assistance**, other low-income individuals, and individuals who are basic skills deficient, for individualized career services and training services. **(20 CFR 680.600)**

Jobs for Veterans Act

Public Law 107-288, The Jobs for Veterans Act (JVA), requires that otherwise eligible veterans be given priority of service for federal job training programs, unless the program has a mandated priority group.

Determining Eligibility for Priority of Service under the Jobs for Veterans Act

The following are used to determine eligibility for priority of service over non-veterans for receipt of services (covered person). This priority is only used if the person is already eligible under one of the WIOA programs (Adult, Dislocated Worker, or Youth).

1. Veteran
2. Spouse of any of the following:
 - a. Any veteran who died of a service connected disability
 - b. Any member of the Armed Forces on active duty, who at the time of application for assistance under this section, is listed in one of the following categories for at least 90 days: missing in action; captured in the line of duty by hostile force; forcible detained or interned in line of duty by a foreign government or power.
 - c. Any veteran who has a total disability resulting from a service-connected disability.
 - d. Any veteran who died while a disability so evaluated was in existence.

For the purposes of priority of service under the JVA, a veteran is defined as a person who:

- A. Served on active duty for a period of time of more than 180 days and was discharged or released there from with an honorable discharge.
- B. Was discharged or released from active duty because of a service-connected disability; or
- C. as a member of a reserve component under an order to active duty pursuant to section 12301 (a), (d), or (g), 12302, or 12304 of title 10, served on active duty during a period of war in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than an honorable discharge. *Please note that this definition differs from the definition used for the Wagner-Peyser Act.*

Any discharge that is not dishonorable qualifies the individual as a veteran who is eligible for priority of service. TEGL 10-09 provides additional information on the Jobs for Veterans Act and may be accessed at: <http://wdr.doleta.gov/directives/attach/TEGL/TEGL10-09.pdf>

Training Employment Notice (TEN) 15-10 includes a document titled *A Protocol for Implementing Priority of Service for Veterans and Eligible Spouses*. The TEN may be accessed at <http://wdr.doleta.gov/directives/attach/TEN/ten2010/ten15-10.pdf> The Veterans' Priority applies to **all** WIOA programs (Adult, Dislocated Worker and Youth).

Eligibility for Career Services-Dislocated Worker Program

1. A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States [WIOA Sec. 188 (A) (5)]
2. In compliance with the Military Selective Service Act (for males born on January 1, 1960, and later.) [WIOA Sec. 189 (h)]

Dislocated Worker—The term “dislocated worker” means an individual who—

(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

(ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; or

(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), 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

(iii) is unlikely to return to a previous industry or occupation;

(B)(i) 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;

(ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

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

(C) 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;

(D) is a displaced homemaker; or

(E)(i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B). [WIOA Sec. 3 (15)]

Determining Customer is Unlikely to Return to Previous Industry or Occupation

The following are examples of reasons a customer may be determined the criterion specified in WIOA Sec. 3(15) (A) (iii): (Unlikely to Return to Previous Occupation or Industry). The determination **must** be recorded in America’s One-Stop Operating System (AOSOS). Any documentation provided to verify this criterion **must** be kept in the customer folder and cited in AOSOS case notes in Comments.

- Skill Oversupply—Based on Labor Market Information, it is determined that state or local supply of persons with the specific skills of the applicant exceeds current demand for those skills; or
- Obsolete Skills – Based on assessment of customer’s skills, it is determined that the applicant can no longer meet the minimum requirements of jobs available in their occupation (e.g., clerical worker without word processing skills, etc.); or
- Local Layoff Impact - A local plant or business closing or layoff has had a significant negative impact on the availability of jobs in the applicant's primary occupation and accustomed wage/hour/skill level; or
- No Job Offers Received - Applicant has been available and looking for work for a number of weeks and has not received an offer for work; "number of weeks" might range from 6 to 12 weeks, depending upon the occupation, economy, and/or applicant's verified job search efforts;
- Physical Limitations or Disabilities - Newly acquired physical limitations or injuries occurring which limit the individual’s ability to perform the job from which they were dislocated may make an individual unlikely to return to the previous occupation. Such individuals are eligible if they fit one of the categories of the WIOA dislocated worker program eligibility, but shall have a doctor's release to work; or
- Other Factors - Factors that can be recorded in the customer’s AOSOS record, including staff judgment, indicating “unlikely of returning to the previous industry or occupation.

Self-Employed but Unemployed As a Result of General Economic Conditions—The following are conditions that can cause an individual to lose a business include, but are not limited to:

- Failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or services; or
- Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products or services; or
- Substantial layoffs, or permanent closure(s) of one or more plants or facilities that support a significant portion of the State or local economy; or
- Depressed price(s) or market(s) for the article(s) produced by the self-employed Individual

The determination that a person has become unemployed due to these conditions **must** be recorded in AOSOS. Any documentation provided to verify this criterion **must** be kept in the customer folder and cited in AOSOS case notes in Comments.

Local Policies-Local Areas may set additional policies and procedures regarding “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disaster.” They may also set policies and procedures for what constitutes a “general announcement of a plant closing.” [20 CFR 680.130(b)]

Displaced Homemaker.—The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who—

- (A)(i) has been dependent on the income of another family member but is no longer supported by that income; or
- (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law

referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. [WIOA Sec. 3 (16)]

Separating Service Members and Military Spouses

Under TEGL 22-04, service members exiting the military (*under any circumstances other than dishonorable*), including but not limited to, recipients of Unemployment for Ex-Military Members generally qualify as dislocated workers. Dislocated Worker funds under Title I can help separating service members to enter or reenter the civilian labor force. Generally a separating service member needs a notice of separation, either a DD-214 from the Department of Defense or other appropriate documentation that shows a separation of imminent separation from the Armed Forces qualifies as the notice of termination or layoff, to meet the dislocated worker definition. Additionally, in most instances an individual will have to be eligible for or exhausted entitlement to unemployment compensation in order to receive dislocated worker services. In the case of separating service members, because they may be on a terminal leave from the military, it may make sense to begin providing career services while the service member may still be part of the Active Duty military, but has an imminent separation date. It is appropriate to provide career services to separating service members who will be imminently separating from the military, provided that their discharge will be anything other than dishonorable. **Note:** *When recording their Employment Status field on the Customer Detail screen in AOSOS, select “Employed – Rcvd Notice of Termination.”* ETA policy generally dictates that a separating service member meets the dislocated worker requirement that an individual is unlikely to return to his or her previous industry or occupation. (TEGL 3-15).

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

Separating service members generally fall under category A) Dislocated Workers (and proof of separation under honorable circumstances meets all three criteria for this category), but are treated separately for specificity. Certain eligible spouses also fall under Category A) Dislocated Workers and generally meet all three criteria (an exception would be a spouse who voluntarily leaves work to relocate somewhere other than the spouse’s new duty location). The spouse’s Permanent Change of Station Orders would document their eligibility, although case notes should also be used. Other military spouses may qualify as Displaced Homemakers (see page 6).

For more information, TEGL 22-04 may be accessed at <http://wdr.doleta.gov/directives/attach/TEGL22-04.pdf>

TEGL 22-04 Change 1 may be accessed at <http://wdr.doleta.gov/directives/attach/TEGL/TEGL22-04c1acc.pdf>

Underemployed Individuals and Incumbent Workers

Underemployed Individuals-May include:

- Individuals employed less than full-time who are seeking full-time employment
- Individuals who are employed in a position that is inadequate with respect to their skills and training
- Individuals who are employed who meet the definition of a low-income individual in WIOA Sec 3(6) (See Above)
- Individuals who are employed but whose current job's earnings are not sufficient compared to the previous job's earning from their previous employment, per State and/or local policy.

Individuals who are underemployed and meet the definition of a low-income individual may receive career and training services under the Adult program on a priority basis (for additional information, see Section 8 of TEGL 3-15 which can be accessed here: http://wdr.doleta.gov/directives/attach/TEGL/TEGL_03-15_Acc.pdf). Individuals who meet the definition of an individual with a barrier to employment (see WIOA Sec. 3(24)) who are underemployed may also be served in the Adult program. Individuals who were determined eligible for the Dislocated Worker program who are determined by State and/or local policy to be underemployed, may still be considered eligible for career and training services under this program. **(TEGL 3-15)**

Incumbent Workers-Local areas must establish policies and definitions to determine which workers, or groups of workers, are eligible for incumbent worker services (WIOA sec. 134(d)(4)). To qualify as an incumbent worker, the incumbent worker needs to be employed, meet the Fair Labor Standards Act requirements for an employer-employee relationship, and have an established employment history with the employer for 6 months or more. The training must satisfy the requirements in WIOA sec. 134(d)(4) and § 680.790 and increase the competitiveness of the employee or employer. An incumbent worker does not necessarily have to meet the eligibility requirements for career and training services for adults and dislocated workers under this Act **(20 CFR 680.780)**

WIOA Sec. 134 (d) (4) -The local board may reserve and use not more than 20 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through a training program for incumbent workers, carried out in accordance with this paragraph.

(ii) Determination of Eligibility.—For the purpose of determining the eligibility of an employer to receive funding under clause (i), the local board shall take into account factors consisting of—

(I) the characteristics of the participants in the program;

(II) the relationship of the training to the competitiveness of a participant and the employer; and

(III) such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, the wage and benefit levels of those employees (at present and anticipated upon completion of the training), and the existence of other training and advancement opportunities provided by the employer.

Career and Training Services

Career Services-These are services that must be made available to adults and dislocated workers in an at least one career center in each local area. There are 13 career services; the Notice of Proposed Rulemaking at 20 CFR 678.430 identifies three categories of career services:

- **Basic Career Services**
- **Individualized Career Services**
- **Follow-up Career Services**

Basic Career Services-These are services that must be made available to all job seekers. They include informational and labor exchange services:

- Determinations of whether the individuals are eligible to receive assistance from the adult, dislocated worker or youth programs;
- Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;
- Initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;
- Labor Exchange services, including—
Job search and placement assistance and, in appropriate cases, career counseling, including—
(aa) provision of information on in-demand industry sectors and occupations; and
(bb) provision of information on nontraditional employment; and
(II) appropriate recruitment and other business services on behalf of employers, including small employers, in the local area, which services may include services described in this subsection, such as providing information and referral to specialized business services not traditionally offered through the one-stop delivery system;
 - Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, in appropriate cases, other workforce development programs;
 - Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—
(I) job vacancy listings in such labor market areas;
(II) information on job skills necessary to obtain the jobs described in subclause (I); and
(III) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations; and

- Provision of performance information and program cost information on eligible providers of training services, provided by program, and eligible providers of youth workforce investment activities, providers of adult education, providers of career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, under the Carl D. Perkins Career and Technical Education Act of 2006 and providers of vocational rehabilitation services described in title I of the Rehabilitation Act
- Provision of information, in formats that are usable by and understandable to one-stop center customers, regarding how the local area is performing on the local performance accountability measures described in section 116(c) and any additional performance information with respect to the one-stop delivery system in the local area;
- Provision of information, in formats that are usable by and understandable to one-stop center customers, relating to the availability of supportive services or assistance, including childcare, child support, medical or child health assistance under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008, assistance through the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program for temporary assistance for needy families funded under part A of title IV of the Social Security Act and other supportive services and transportation provided through funds made available under such part, available in the local area;
- Referral to the services or assistance described in subclause (I), as appropriate;
- Provision of information and assistance regarding filing claims for unemployment compensation;
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act;

Individualized Career Services-These are services that must be made available if determined to be appropriate in order for an individual to obtain or retain employment, Priority for Individualized Career Services for customers funded under the Title I adult program must be provided to participants who are public assistance recipients, other low-income individuals and individuals who are basic skills deficient. These services include the following, as consistent with WIOA requirements and federal cost principles:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—
 - (aa) diagnostic testing and use of other assessment tools; and (bb) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
 - (II) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services

pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives; (III) group counseling;

(IV) individual counseling;

(V) career planning;

(VI) short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

(VII) internships and work experiences that are linked to careers;

(VIII) workforce preparation activities;

(IX) financial literacy services, such as the activities described in section 129(b)(2)(D);

(X) out-of-area job search assistance and relocation assistance; or

(XI) English language acquisition and integrated education and training programs; and

Follow-up Services-These services are provided, as appropriate, to participants in adult and dislocated worker activities who are placed in unsubsidized employment, for a minimum of 12 months after the first day of employment. These services include counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate

Eligibility for Training Services

WIOA Sec. 134 (3) states that Training services may be made available to the following adults and dislocated workers:

(I) Individuals who the one-stop operator or partner, after an interview, evaluation, or assessment, and career planning, determines:

- **Are unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through career services;** Case notes **must** indicate **why** the customer would be unlikely to obtain or retain employment through career services and **how** the determination was made through interview, evaluation or assessment. Example of how this criterion would be verified is a record of the career services that were provided, or labor market information that demonstrates the customer's skills are not in demand, or would not lead to self-sufficient employment. Any objective assessment used **must** be kept on file. In addition to case notes, any appropriate AOSOS fields must be completed, such as Work History and Income Status.
- **Are in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment;** Case notes **must** indicate **why** the customer requires training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment. This **must** be corroborated by records showing the customer's income (see Income Determination Guidelines on page 17. This would include documentation that, if employed at the time of registration, the person's current income is below the 100% LLSIL. In addition to case notes in Comments, any appropriate AOSOS fields must be completed, such as Work History and Income Status.

- **Have the skills and qualifications to successfully participate in the selected program of training services;** Case notes **must** document whether the customer has the skills to successfully participate in the selected training. The note **must** describe **how** the conclusions were reached and specify the assessments used, if applicable. For customers who are determined to be basic skills deficient, the customer IEP must indicate what the plan is to address the deficiency. In addition to case notes in Comments, any appropriate AOSOS fields must be completed for this criterion, such as Tests to record the results of any objective assessments.

(II) Have selected a program of training services directly linked to the employment opportunities in the local area or the planning region, or in another area to which they are willing to commute or relocate. Case notes **must** document that the selected training is with an eligible provider of training services in an in-demand sector. Information regarding the selected training program **must** be entered in AOSOS in “Detail” on the Services tab, and must include the O*Net code of the program.

(III) Are unable to obtain grant assistance from other sources to pay the costs of their training; or require assistance beyond that available under grant assistance from other sources to pay the costs of such training. Case notes document the customer’s inability to obtain other grant assistance (Also see paragraph below regarding application for Federal Pell Grants) or why they require WIOA assistance in addition to other sources. This **must** be corroborated by additional documents, such as income statements.

Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant. Customers may submit an online Free Application for Federal Aid through the following link: <http://www.fafsa.ed.gov/>

(IV) For individuals whose services are provided through the adult funding stream, are determined eligible in accordance with priority system. [20 CFR 663.310] and [20 CFR 660.320 (c)] (See Page 4 for information regarding priority of service

Previous Assessments— A one-stop operator or one-stop partner is not required to conduct a new interview, evaluation, or assessment of a participant if they determine that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program. [WIOA Sec. 134 (c)(2)(B)]

In making the determination to fund training services, one-stop operators should take into account the full cost of participating in training services, including the cost of support services and other appropriate costs.

One-stop operators **must** coordinate training funds available and make funding arrangements with one-stop partners and other entities. One-stop operators **must** consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF), State-funded training funds, and Federal Pell Grants, so that WIOA funds supplement other sources (20 CFR 680.230)

All needs identified through interview, evaluation or assessment **must** be addressed in an individual employment plan (including supportive services). In some circumstances, a local area

may determine that a customer requires remedial services in addition to occupational training. These services may be provided concurrently, as appropriate.

There is no requirement that career services be provided as a condition to receipt of training services; however, if career services are not provided before training, the Local Board **must** document the circumstances that justified its determination to provide training without first providing the services. [20 CFR 680.220(b)]

In general, customers who possess previous training, skills and experience in demand sectors should be referred to career services. **Documentation:** Case notes **must** include a justification for every customer provided training services without career services. Example: Customer has never received training services previously **and** lacks skills in demand fields because their only employment was in non-demand occupation(s).

Note: The Notice of Proposed Rulemaking states the following: The Department encourages the use of individualized career services under § 678.420(b) when appropriate for an individual; an individual employment plan or career counseling informed by local labor market information and training provider performance reports often will be appropriate before an individual receives training services.

Documentation of Eligibility

General Documentation Principles

Documentation consists of records, certificates, documents, identification cards, and other items, which can be photocopied and included in the participants' files. Source documents include documents issued by a governmental entity, i.e. driver's license, library card, and private documents such as utility bills, paycheck stubs, or termination notices. Other evidence that would be completed could include telephone/document inspection forms, and a signed self-certification (See Attachment A), the local application form, or WIOA Registration form. (An AOSOS registration form is available in the "Workforce" section of the ToWork portal).

Written statements from government, education, judicial, human services or other appropriate sources may be used to document eligibility. Staff may document eligibility through oral contact with the same resources that could provide written statements. In documenting oral contact, the following information should be included: (a) date of contact; (b) person/agency contacted including name, address, and phone number; (c) information provided ensuring the potential participant's name is noted; and (d) signature/initials of person making contact..

NOTE: Photocopies or other "hard" documentation of the following elements must be maintained:

- Age
- Citizenship/authorization to work
- Social Security number
- Income

All elements used to determine a participant as eligible for WIOA Adult and Dislocated Worker programs must be documented, and hard copies of documentation **must** be kept in the customer's record. Where case notes are used, they **must** be recorded directly into AOSOS.

Documentation of Disability

Under WIOA, "individual with a disability" means an individual with any disability as defined in Section 3 of the Americans with Disabilities Act (ADA) as follows: (1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment. A letter or Individual Education Plans (IEP) from a child study team is often used as documentation of disability. However, these documents are only acceptable for this purpose if they contain a specific diagnosis that meets the definition provided above. The ADA defines disability as "a physical or mental impairment that substantially limits one or more of the major life activities of an individual." The ADA lists specific learning disabilities as one possible physical or mental impairment, and learning is included as a major life activity. A document providing a diagnosis of emotional problems only is *not* accepted as proof of disability. Other items that are acceptable documentation of disability can be found in the WIOA Eligibility Desk Aid.

Notes on Disabilities

A participant's disability is considered protected personal information. Any hard copy document that includes a specific diagnosis **must** be kept in a confidential file. Counselors may enter information about a participant's disability on the "Counseling Statement" tab, within the Comprehensive Assessment window of the customer's record in AOSOS. The Counseling Statement tab can only be accessed by authorized personnel. Participant records can include a notation that a participant has a disability, but to refer to the confidential file or the Counseling Statement tab for the specific diagnosis. The participant's IEP **must** include a plan to address each issue that is recorded, including the provision of supportive services as necessary.

Other Agencies - A written statement from another governmental, educational, judicial, human service or other agency may be used to document appropriate eligibility criteria under certain circumstances. For example, a statement from a public assistance agency could be used to verify age, **if that agency requires that the individual provide the documentation**. A printout from an interface with the database of an agency mentioned above can be used to document appropriate eligibility criteria, such as low-income status and SSN.

Self-Certification (Applicant Statement)

A statement attesting to the veracity of certain eligibility criteria may be used under certain circumstances. The statement must be signed by the customer and a local area representative. A self-certification **must** be done on a standardized form (**Attachment A**, preferably with the letterhead of the one-stop and signed by a staff person. Any form used by a local area **must** include the certification statements provided in the attached sample. Self-certification may not be used to verify age, citizenship status/authorization to work or Selective Service Registration.

Using self-certification for income status-The following elements of determining if a participant is a low-income individual may be verified through self-certification:

Proof of Income for Individuals with Little or No Income - Statement should indicate means of support.

Dependent Status- Used if a person would normally be included in the definition of a family, but is claiming to no longer be a dependent. A statement must be made by the head of the household, not the applicant.

Random Sampling Methodology-A random sample methodology **must** be used with self-certification. For example, a local area can determine what percentage of participants (in a program year) can utilize self-certification for eligibility determination.

Telephone Verification – The Telephone Verification Form (*Attachment B*) may be used when eligibility criteria are verified through telephone contact with agencies that could provide a written statement. Telephone verification should include the following: (a)date of contact; (b)person/agency contacted, including name address and telephone number; (c)potential participant’s name; (d)signature/initials of person making contact.

Birth Certificates Issued in Puerto Rico - The government of Puerto Rico enacted Law 191 of 2009 (“Act to Prohibit the Retention, Keeping on Record, and Keeping Under Custody of Certified Copies of Birth Certificates by Public and Private Entities”), which went into effect on January 1, 2010, and affects the validity and issuance of birth certificates from Puerto Rico. The law also includes changes that will affect the acceptance of birth certificates as date of birth documentation for WIOA program purposes. Law 191 invalidates all birth certificates issued before July 1, 2010, by the Puerto Rico Health Department through its Vital Statistics Record Office. On July 1, 2010, the Vital Statistics Record Office started issuing new birth certificates that incorporate state-of-the-art technology for improved security.

Policy: Acceptance of birth certificates issued by the Puerto Rico Health Department is governed by the date the birth certificate is presented to WIOA staff and the date the birth certificate was issued. WIOA staff must adhere to these criteria when accepting birth certificates from the Puerto Rico Health Department as proof of date of birth for WIOA purposes:

BIRTH CERTIFICATE ISSUE DATE	RULE
Issued prior to July 1, 2010	Do NOT accept
Issued on or after July 1, 2010	Accept

Please note that other forms of documentation besides birth certificates may be accepted as proof of date of birth for WIOA purposes. See WIOA Eligibility Desk Aid, attached.

Additional information regarding Law 191 of 2009 can be found on the website of the Puerto Rico Federal Affairs Administration at <http://www.prfaa.com/birthcertificates/>.

WIOA Sec. 188

WIOA Sec. 188 (a) (5) states “Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants **authorized by the Attorney General to work in the United States.**” Therefore, applicants must provide documents verifying citizenship or legal alien status and authorization to work in the United States. Citizenship can be documented with one of the following: undamaged US Passport, Certified Birth Certificate Consular Report of Birth Abroad, Naturalization Certificate, or Certificate of Citizenship. For additional information see

http://www.travel.state.gov/passport/get/first/first_830.html.

The documentation used for non-citizens authorized to work in the United States are found on the I-9 Employment Eligibility Verification Form. The allowable documents are sometimes modified by the Department of Homeland Security. As these changes are issued, the State will provide guidance to the local areas. For additional information see

<http://uscis.gov/graphics/formsfee/forms/i-9.htm>. See “Citizen Unable to Present Documents Listed Above and Legal Alien Authorized to Work” in the WIOA Eligibility Desk Aid.

Determining Eligibility for Priority of Service under the Jobs for Veterans Act

Public Law 107-288, The Jobs for Veterans Act (JVA), requires that otherwise eligible veterans be given priority of service for federal job training programs. The following are used to determine eligibility for priority of service over non-veterans for receipt of services (covered person). This priority is only used if the person is already eligible under one of the WIOA programs (Adult, Dislocated Worker, or Youth).

1. Veteran
2. Spouse of any of the following:
 - a. Any veteran who died of a service connected disability.
 - b. Any member of the Armed Forces on active duty, who at the time of application for assistance under this section, is listed in one of the following categories for at least 90 days: missing in action; captured in the line of duty by hostile force; forcible detained or interned in line of duty by a foreign government or power.
 - c. Any veteran who has a total disability resulting from a service-connected disability.
 - d. Any veteran who died while a disability so evaluated was in existence.

For the purposes of priority of service under the JVA, a veteran is defined as a person who:

- A. Served on active duty for a period of time of more than 180 days and was discharged or released there from with an honorable discharge.
- B. Was discharged or released from active duty because of a service-connected disability; or
- C. as a member of a reserve component under an order to active duty pursuant to section 12301 (a), (d), or (g), 12302, or 12304 of title 10, served on active duty during a period of war in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than an honorable discharge. *NOTE: This definition differs from the definition used for the Wagner-Peyser Act.*

Applying Priority of Service under WIOA

Any discharge that is not dishonorable qualifies the individual as a veteran who is eligible for priority of service. **TEGL 10-09** states that when a program is required by law to provide a priority or preference for a particular group, priority is provide on the basis provided below:

- 1) Veterans and eligible spouses who meet the mandatory priorities (for the adult program, recipients of public assistance, other low-income individuals and basic skills deficient individuals) must receive the highest level of priority for the program or service;
- 2) Non-covered persons who meet the program’s mandatory priority (not veterans or eligible spouses) receive the second level of priority for the program or service;
- 3) 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
- 4) 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.

See **TEGL 10-09** at <http://wdr.doleta.gov/directives/attach/TEGL/TEGL10-09.pdf> Training Employment Notice (TEN) 15-10 includes a document titled *A Protocol for Implementing Priority of Service for Veterans and Eligible Spouses*. See **TEN 15-10** at <http://wdr.doleta.gov/directives/attach/TEN/ten2010/ten15-10.pdf>

When past income is an eligibility determinant for Federal employment or training programs, any amount received as military pay or allowance by any person who served on active duty and certain other specified benefits must be disregarded (see Income Inclusions/Exclusions). Note that veterans who are part of the priority group may be served under the WIOA Adult program.

Note on Veteran Status: While Wagner-Peyser programs are not required to obtain documentation of veteran status from customers, any time a customer is provided funded federal assistance, documentation of veteran status **must** be obtained.

Income Determination Guidelines

Low-Income Individual - The term "low-income individual" means an individual who—

- (i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- (ii) is in a family with total family income that does not exceed the higher of—
 - (I) the poverty line; or
 - (II) 70 percent of the lower living standard income level;
- (iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- (iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act);
- (v) is a foster child on behalf of whom State or local government payments are made; or
- (vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

Family Income-Family income is the income received from included sources of income of all members of the "family" as defined on page 22. It includes total annual cash receipts before taxes from all sources; the list of "Included Income" and "Excluded Income" are provided below. Family size shall be the maximum number of family members during the income determination period. For separated or divorced applicant, income is prorated depending on the length of time during the last six months the applicant lived with the other wage earner.

Income can be calculated using one of the methods described in this guidance (see page 19). An income worksheet (**Attachment C**) **must** be completed when calculating income and the information must be recorded on the appropriate America's One-Stop Operating System (AOSOS) screen. Self-employment income is to be determined on the basis of the most recently submitted

federal income tax return or on the basis of annualized proceeds posted in more up-to-date acceptable accounting records. All other income is to be annualized based on receipts during the past six months. The income is then compared to the higher of the Poverty Guidelines (**Attachment D**) or the 70% Lower Living Standard Income Level (**Attachment E**).

Income Inclusions and Exclusions

To determine if an individual is a member of a "low income" family, use the following inclusions and exclusions. Family income includes total annual cash receipts before taxes from all sources, with the exceptions listed below as excluded income. An income worksheet (see *Attachment C*) should be completed when calculating income or the information should be recorded on the "Comp Assess" tab in AOSOS.

Included Income

- Monetary wages, salaries, commissions and tips, 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
- Alimony (excludes one-time property settlements)
- Financial assistance from outside the household-regular payments received from non-household members or absent family members (excludes gifts or sporadic assistance)
- Military family allotments (voluntary/automatic deduction from military member's pay check which is sent home to family members)
- Pensions, whether private or government employee (including military retirement pay).
- Regular insurance or annuity payments
- College or university grants, fellowships, and assistantships, other than needs-based.
- Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts.
- Net gambling or lottery winnings
- Terminal leave pay, severance pay or a cash out of accrued vacation leave
- Disaster Relief Employment Wages
- On-the-job training wages

Excluded Income

- Unemployment compensation
- Strike benefits received from union funds
- Old Age and Survivors insurance benefits received under Social Security Act Section 202
- Social Security Disability Insurance Payments

- Cash Welfare payments (including TANF, Supplemental Security Income (SSI), Refugee Cash Assistance (RCA), and General Assistance (GA))
- Child Support payments including foster care child payments
- Financial assistance under Title IV of the Higher Education Act, (Pell Grants, Federal Supplemental Educational Opportunity Grants, Federal Work Study, State grants for higher education. PLUS, Stafford and Perkins loans, like any other loan, are debt, not income.)
- Needs-based scholarship assistance
- Income earned while on active military duty and certain other veterans' benefits (compensation of service-connected disability, family compensation for service-connected death, vocational rehabilitation, and educational assistance)
- Allowances received while serving on active military duty (cost of living, overseas cost of living, clothing, dislocation, housing, travel, per diem, and subsistence)
- Capital gains.
- Any assets withdrawn from a financial institution, or proceeds from 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 fringe benefits, food or housing received in lieu of wages
- Medicare, Medicaid, Food Stamps, school meals and housing assistance
- Allowances, earnings and payments made to participants of Federally Assisted Needs-Based Employment and Training Programs, including WOIA (except on the job training wages)
- Job Corps payments
- Stipends received in the following programs: VISTA, Peace Corps, Foster Grandparents, Retired Senior Volunteer Program, Americorps
- National Flood Insurance Payments
- Black Lung payments received under the Benefits reform Act of 1977

When a federal statute specifically states that income or payments received under such statute shall be excluded in determining eligibility for the level of benefits received under any other federal statute, such income or payments are excluded when determining eligibility for WIOA programs.

Methods of Calculating Income

When calculating income, States and local workforce development areas are encouraged to use any one of the following methods. The examples are illustrative only, and local workforce development areas should obtain as many pay stubs as possible.

STRAIGHT PAY OR SALARY METHOD

Under the Straight Pay or Salary Method, the individual supplies a sample of pay stubs covering the most recent six months of family income. There is no variation in the wages for any of the pay stubs submitted for the income verification; therefore, the intake worker calculates the income based upon the wages indicated on one of the pay stubs. The gross income is multiplied

by the number of pay periods in the six month determination period (26, 13, 12, or 6 respectively). The result is multiplied by two, to get the annualized income used to determine eligibility.

EXAMPLE:

Five pay stubs are provided indicating gross wages of \$991.00 each. The pay frequency is biweekly 13 times in six month). The intake worker multiplies the gross wages indicated on the paystub by the frequency of the pay periods to get income for the six-month determination period. The six month's income is multiplied by two to get annualized income.

EXAMPLE:

$\$991. \times 13 = \$12,883 \times 2 = \$25,766$ annualized gross income

AVERAGE PAY METHOD

Under the Average Pay Method, a sample of six pay stubs are submitted which show variation in the gross earnings. The variation may result from overtime, lost time or work for a different employer. In calculating the annualized income, the intake worker must determine the average gross earnings based upon the number of pay stubs provided. To determine the average gross earnings, the intake worker must total the gross earnings of; all pay stubs provided and divide the result by the number of pay stubs. The result will be the average gross earnings per pay period. After determining average gross earnings the intake will worker will then determine the pay frequency and multiply the gross average earnings by the number of pay periods in a year.

EXAMPLE:

Participant provides intake worker with six pay stubs with gross earnings of; \$534, \$475, \$398, \$534, \$498 and \$534. The pay frequency is weekly. The intake worker should do the following:

Add: $\$534 + \$475 + \$398 + \$534 + \$498 + \$534 = \$2973$

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

Multiple: $\$495.50 \times 52 = \$25,766$ Annualized gross income

YEAR-TO-DATE METHOD

Under the Year-To-Date method of calculating annualized gross income, the individual provides recent pay stubs with cumulative year-to-date gross earnings indicated on the pay stub. The cumulative year to-date gross earnings indicate the gross earnings up to the date of the pay period ending date on the pay stub. To compute the annualized income, the intake worker counts the number of pay periods that have occurred since January 1 or from the date of employment if after January 1.

The intake worker divides the number of pay periods into the gross year-to-date earnings indicated on the pay stub. The result of this computation (average gross income per pay period) is then multiplied by the number of pay periods in the six-month determination period. That result is then multiplied by two, to determine the annualized gross earnings.

EXAMPLE: Individual provides the intake worker with a recent pay stub indicating year-to-date earnings of \$18,829. The pay period ended September 30.

The pay frequency is biweekly and the individual has been employed since January 1. Nineteen pay periods have occurred since January.

The intake worker does the following:

Divides: \$18,829 by 19 = \$991.00 average biweekly earnings.

Multiplies: \$991.00 by 13 (pay periods) = \$12,883 x 2 = \$25,766 annualized gross income.

INTERMITTENT WORK METHOD

When an individual has not had steady work with one or more employers, the individual shall supply as many pay stubs as possible and complete a self-certification explaining all missing pay stubs and non-work periods during the last six months. In this case the intake worker totals all wages for the six month period and multiplies the result by two to annualize the gross income.

If the individual reports little or no includable income, the individual shall indicate other resources relied upon for support during the last six months on the Individual Statement. Resources may include such things as gifts, loans, unemployment compensation, etc.

Definitions

Individual Employment Plan-An Individual Employment Plan (IEP) is a strategy that **must** be developed for each participant who is determined to be in need of individualized career services or training services. An IEP must provide the following:

Identify the employment goals

Appropriate achievement objectives, and

Appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (3)(F)(ii), and

Career pathways to attain career objectives;

Training Services -may include—

(i) occupational skills training, including training for nontraditional employment;

(ii) on-the-job training;

(iii) incumbent worker training in accordance with subsection (d)(4);

(iv) programs that combine workplace training with related instruction, which may include cooperative education programs;

(v) training programs operated by the private sector;

(vi) skill upgrading and retraining;

(vii) entrepreneurial training;

(viii) transitional jobs in accordance with subsection (d)(5);

(ix) job readiness training provided in combination with services described in any of clauses (i) through (viii);

(x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and

(xi) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training [WIOA Sec. 134 (c)(3)]

Customized Training—The term “customized training” means training—

(A) that is designed to meet the specific requirements of an employer (including a group of employers);

(B) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and

(C) for which the employer pays—

(i) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and (ii) in the case of customized training (as defined in subparagraphs (A) and (B)) involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.. [WIOA Sec. 3 (14)]

Family-The term "family" means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories: (A) A husband, wife, and dependent children. (B) A parent or guardian and dependent children. (C) A husband and wife. **NOTE:** Training and Employment Letter (TEGL) 26-13 states “*Consistent with the Supreme Court’s Windsor decision and the ETA’s policy of treating all individuals equally, regardless of sexual orientation, ETA interprets gender specific terms of marriage, such as “widow, “widower,” “husband,” and “wife,” to include married same-sex spouses.*” For additional information, TEGL 26-13 can be accessed here:

http://wdr.doleta.gov/directives/attach/TEGL/TEGL_26-13.pdf

Individual With Barrier to Employment- a member of 1 or more of the following populations:

(A) Displaced homemakers.

(B) Low-income individuals.

(C) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.

(D) Individuals with disabilities, including youth who are individuals with disabilities.

(E) Older individuals.

(F) Ex-offenders.

(G) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (or homeless children and youths (as Assistance Act

(H) Youth who are in or have aged out of the foster care system.

(I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.

(J) Eligible migrant and seasonal farmworkers, as defined in section 167(i).

(K) Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(L) Single parents (including single pregnant women).

(M) Long-term unemployed individuals.

(N) Such other groups as the Governor involved determines to have barriers to employment

[WIOA Sec. 3 (24)]

Individual With a Disability-In general-The term "individual with a disability" means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act [WIOA Sec. 3 (25)]

Lower Living Standard Income Level - That income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based on the most recent lower living family budget issued by the Secretary [WIOA Sec 36 (B)]. The State forwards the Lower Living Standard Income Levels to the local areas when they are issued (usually in the spring).(Attachment E)

Poverty Line-The term "poverty line" means the poverty line (as defined by the Office of Management and Budget), and revised annually in accordance with section 673(2) of the Community Services Block Grant Act applicable to a family of the size involved [WIOA Sec. 3 (49)]. The State forwards the Poverty Guidelines (Attachment D) when they are issued (usually in January). The poverty guidelines would generally be used for a family of one; for larger families, the Lower Living Standard Income Level should be used.

Low-Income Individual - The term "low-income individual" means an individual who—

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008, the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act, or the supplemental security income program established under title XVI of the Social Security Act, or State or local income-based public assistance;

(ii) is in a family with total family income that does not exceed the higher of—

(I) the poverty line; or

(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act;

(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act);

(v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii),but who is a member of a family whose income does not meet this requirement. [WIOA

Sec. 3 (36)]

On-The-Job Training-The term “on-the-job training” means training by an employer that is provided to a paid participant while engaged in productive work in a job that—

(A) provides knowledge or skills essential to the full and adequate performance of the job;

(B) is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in section 134(c)(3)(H), for the extraordinary costs of providing the training and additional supervision related to the training; and

(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate. [WIOA Sec. 3 (44)]

Public Assistance-The term "public assistance" means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test. [WIOA Sec. 31 (50)]

Self-Sufficiency-At a minimum self-sufficiency is income that based on family size, that is at least equal to the 100% Lower Living Standards Income Level. WIOA Sec. 134 (d) (1) (x) permits local areas to adjust self-sufficiency standards based on family size, the ages of children in the family and sub-state geographical considerations.

Supportive Services-Services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this Act. [WIOA Sec. 3 (59)]

Training Providers-Entities that may be eligible to receive WIOA Title-B funds to provide training include:

- Post-secondary education Institutions
- Registered Apprenticeship programs
- Other public or private providers of training, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under Title if such activities are provided [20 CFR 680.410(a)]

Unemployed Individual- an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for purposes of this paragraph, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed. [WIOA Sec. 3(61)]

WARN Notice – Legislation that went onto effect on February 4, 1989, to protect workers, their families and communities by requiring employers to provide notice 60 days in advance of covered plant closings and covered mass layoffs. More information on the WARN notice can be accessed at <http://www.doleta.gov/layoff/warn.cfm> .

Selective Service Requirements

All male US Citizens and male aliens living in the US born on or after January 1, 1960, who are aged 18 to 25, must register with Selective Service. Selective Service Registration requirements are found at www.sss.gov under "Registration Info." To check whether an individual has registered: www.sss.gov/must.htm; see the section identified as "Check a Registration.". The following is a list of registration requirements for various circumstances regarding

military service, aliens, the confined, and the disabled. This chart may also be accessed at <http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>

Category	Required to register
Military-Related	
Members of the Armed Forces on active duty (active duty for training does not constitute “active duty” for registration purposes)	No
Cadets and Midshipmen at the Service Academies or Coast Guard Academy	No*
Cadets at the Merchant Marine Academy	Yes
Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University	No*
National Guardsmen and Reservists not on active duty	Yes
Delayed Entry Program enrollees	Yes
ROTC Students	Yes
Separatees from Active Military Service, separated for any reason before age 26	Yes*
Men rejected for enlistment for any reason before age 26	Yes
Civil Air Patrol members	Yes
Aliens	
Lawful non-immigrants on visas (diplomatic and consular personnel and families, foreign students, tourists with unexpired Form I-94, or Border Crossing Document DSP-150)	No
Permanent resident aliens	Yes
Special (seasonal) agricultural workers	Yes
Special agricultural workers (I-688A)	No
Refugee, parolee, and asylee aliens.	Yes
Undocumented (illegal) aliens.	Yes
Confined	
Incarcerated, hospitalized, or institutionalized for medical reasons.	No*
Disabled, physically or mentally	
Able to function in public with or without assistance	Yes
Continually confined to a residence, hospital, or institution	No
Sex Gender Change/Transexual	
US Citizens or immigrants born male and have a sex change	Yes
Individuals who are born female and have a sex change	No

*Must register within 30 days of release unless already age 26, or already registered when released, or unless exempt during entire period age 18 through 25.

Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are US Citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States. Habitual residence is presumed whenever a national or a citizen of the Republic of the Marshall Islands or the Federated States of Micronesia resides in the US more than one year in any status, except as a student or employees of the government of his homeland.

NOTE: Immigrants who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old were never required to register. Also, immigrants born before 1960 who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after March 29, 1975, were never required to register.

Males over the Age of 26 Who Never Registered

TEGL 11-11 change 2 states that subgrantees receiving federal training funds **must** establish a policy for potential participants who are males 26 years old or older that failed to register with the Selective Service. The policy may be to *either* (1) request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register; *or* (2) initiate the process to determine if the potential participant’s failure to register was knowing

and willful without the first requesting a Status Information Letter. The TEGL can be accessed through this link: http://wdr.doleta.gov/directives/attach/TEGL/TEGL_11-11_change2-Acc.pdf

Status Information Letter

The Request for Status Information Letter can be obtained at <http://www.sss.gov/PDFs/infoform.pdf>. The instructions can be accessed at <http://www.sss.gov/PDFs/instructions.pdf>. The individual needs to describe, in detail, the circumstances that prevented him from registering (hospitalization, institutionalization, incarceration, military service)) and provide documentation of those circumstances. Documentation should be specific to the dates of those circumstances.

If the Status Information Letter indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in federally-funded training. If the Status Information Letter indicates that the individual was required to register and now cannot because he is 26 or older, he is presumed to be disqualified from participation in federally-funded training activities and services until it can be determined that his failure to register was not knowing or willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

Determining Knowing and Willful Failure to Register

If the individual was required, but failed to register, the individual may only receive services if they establish, by a preponderance of the evidence, that the failure was not knowing and willful. The grantee, subgrantee, or contractor that enrolls individuals in federally-funded training activities, and is thereby authorized to approve the use of grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

1. **Service in Armed Forces**-A man provides evidence that he served honorably in the US Armed Forces by submitting a copy of his DD Form 214 attesting to his service, or a copy of his Honorable Discharge Certificate. Such documents may be considered prima facie evidence that his failure to register with the Selective Service was not willful or knowing. **State Policy:** If an individual presents these documents to an authorized entity but does not have a Status Information Letter, that entity may determine, as stated above, that the individual's failure to register was not "knowing and willful," and enroll them if the individual is otherwise eligible for WIOA-funded services without receipt of a Status Information Letter.

2. Third party affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may be helpful to local areas in making determinations in these cases.

Determining Knowing and Willful Failure to Register

TEGL 11-11 change 2 provides the following questions for local areas to consider when determining whether the failure to register is "knowing:"

- Was the individual aware of the requirement to register?

- If the applicant knew about the requirements to register was he misinformed about the applicability of the requirements to him (e.g. veterans who were discharged before their 26th birthdays were occasionally told they did not need to register)?
- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the age of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

TEGL 11-11 change 2 provides the following questions for local areas to consider when determining whether the failure to register is “willful:”

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

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that the evidence shows that the individual’s failure was a knowing and willful, WIOA services must be denied, and the individual must be advised of available WIOA grievance procedures. **A statement from the operator regarding their determination, and how they arrived at their conclusion, must be included in the customer’s record.**

If a person does not receive a decision at the local level within 60 days of filing a complaint or grievance or is dissatisfied with the decision they receive, they have the right to request a review of their complaint by the State. Please note that under Federal rules, the State's decision is final. **(TEGL 8-98)**

WIOA Eligibility Documentation Desk Aid

Program Eligibility

(Unless otherwise noted only one document required per category)

Age (Any one)

Baptismal Record
Birth Certificate
DD-214 Report of Transfer or Discharge Paper
Driver’s License
Federal, State, or Local Government Identification Card
Hospital record of Birth

Passport
Public Assistance/Social Service records or ID card
School Records/Identification Card
Adoption Record
Court Records

Citizen (any one)

US Passport (Undamaged)
Certified Birth Certificate, issued by city, county or state -A certified birth certificate has registrars raised, embossed, impressed or multicolored seal, registrar's signature, and date certificate was filed w/ the registrar's office, which must be within 1 year of your birth.
Consular Report of Birth Abroad
Naturalization Certificate
Certificate of Citizenship

Citizen Unable to Present Documents Listed Above or Lawfully Admitted Alien Authorized to Work

(All documents must be unexpired) Any one verification document that satisfies List A of the I-9 or Verification document(s) that satisfy List B AND List C of the I-9 (must provide at least one from each list)

List A (Documents that establish both identify and employment eligibility)

U.S. Passport or U.S. Passport Card
Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa.
Employment Authorization Document that contains a photograph (Form I-766)\
In the case of non-immigrant alien authorized to work for a specific employer incident to status, a foreign passport w/ Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and proposed employment is not in conflict w/ restriction or limitations identified in form.
Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association between the United States and the FSM or RMI.

List B (Documents that establish identity)

AND

List C (Documents that establish authorization to work)

Driver's license or ID issued by a State or outlying possession of the US provided it contains a photo or information such as name, date of birth, gender, height, eye color, address.	Original or Certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
ID card issued by federal/State/local government agency or entity w/ photo or same identifying info as specified above.	Certification of Birth Abroad, issued by the Dept. of State (Form FS-545);
School ID card with a photograph;	Certification of Report of Birth issued by Dept. of State (Form DS-1350)
Voter's registration card;	Social Security account number card, if it does not specify that the card does not authorize employment;
US Military card or draft record;	Native American tribal document;
Military dependent's ID card;	US Citizen ID Card (Form I-197)
US Coast Guard Merchant Mariner Card;	ID Card for Use of Resident Citizen in the U.S. (Form I-179);
Native American tribal document;	Employment Authorization issued by Dept. of Homeland Security
Canadian driver's license;	

WIOA Eligibility Documentation Desk Aid

(Unless otherwise noted only one document required per category)

Social Security Number

Social Security Account Number Card
Items below can only be used for purposes of verifying Social Security Number, not for authorization to work.
DD-214, Report of Transfer or Discharge
Employment Records
IRS Form Letter 1722
Social Services Agency Database Screenshot (GAAS/FAMIS)
Pay Stub

Social Security Benefits
W-2 Form

Selective Service Registration

Selective Service Acknowledgment Letter
Form DD-214 "Report of Separation"
Screen printout of Selective Service Verification site www.sss.gov/RegVer/wfVerification.aspx
Selective Service Registration Card
Selective Service Verification Form (Form 3A)
Stamped Post Office Receipt of Registration

Documenting Eligibility of Adults and Dislocated Workers for Training Services: Except where (**Required**) is specified, the specific documentation provided may depend on the needs and situation of the individual customer and local area policy, but each criterion **must** be documented. Documentation of all case management activity in AOSOS is also required.

Eligibility for Training Services

Criteria	Documentation
Customer determined unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through career services	Entry in AOSOS "Comments" Tab documenting results of interview, evaluation, or assessment- Required Record of career services Labor market information Other fields as appropriate (i.e. Work History)
Customer determined to be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment	Entry in AOSOS "Comments" Tab documenting results of interview, evaluation, or assessment- Required Financial Records Other fields as appropriate
Determination that the customer has the skills and qualifications to successfully complete selected training program <i>Note: The documentation for this criterion depends on the requirements of the selected program, which should also be documented.</i>	High School Diploma College Diploma Objective Assessment with Scores Entry in AOSOS "Comments" Tab documenting results of interview, evaluation, or assessment- Required
Selected training program 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	ETPL Printout Labor Market Information Entry in AOSOS Services Detail w/ O*Net Code- Required
I) are unable to obtain other grant assistance or such services, including Federal Pell Grant or (II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.	Statement of Ineligibility for Federal Financial Aid Financial Records Public Assistance Records Entry in AOSOS "Comments" Tab- Required

WIOA Eligibility Documentation Desk Aid (Dislocated Worker)

(Unless otherwise noted only one document required per criterion)

(I) a) Terminated or laid off, or has received a notice of termination or layoff, b) Is eligible for or has exhausted entitlement to unemployment compensation; <u>or</u> , has been employed for a duration sufficient to demonstrate, to the appropriate entity at the one-stop center, attachment to the workforce, (but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and c) Is unlikely to return to a previous industry or occupation.
Documentation

a) LOOPS Printout (Basic 1 Screen) Notice of Layoff. Statement from employer or union. Record of Date of Layoff. Worker Adjustment and Retraining Notification (WARN) Act notice Media Article	b) LOOPS Printout (Basic 1 Screen or Payment Screen if necessary) UI Pay Stub Pay Check Stubs W-2 and/or Tax Returns Statement from Employer or Union Self-Certification (attachment to workforce)	c) Labor Market Information Open Job Orders Job Search Logs Other documents as established by local area Case Notes
<p>(2) An individual who: a) Has been terminated or laid off, or 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; b) Employed at facility at which employer has made a general announcement that such facility will close within 180 days; or For purposes of eligibility to receive services other than <u>training services</u>, <u>intensive services</u> or <u>supportive services</u>, is employed at a facility at which the employer has made a general announcement that such facility will close;</p>		
Documentation		
UI Form "Claim for Unemployment Benefits During a Permanent Mass Layoff" ES Referral to Training Form Information documented Employer Letter at the employer Announcement of closing		Newspaper Article Labor Market On-site certification
<p>(3) 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>		
Self-Employment	General Economic Conditions:	Natural Disaster
Bank Statement Most recent IRS or NJ Form 1040 Evidence of most recent quarterly self-employment income Articles of Incorporation or Dissolution Advertisements Registration with county clerk for Doing Business As and Going Out if Business Accounting Records Self-Certification	Accounting Records Vendor Accounts Payable Records Bankruptcy Papers Newspaper Articles Government Economic Agency Reports Published Notice of Going Out of Business Local Labor Market Information	Insurance Claims Federal/State Disaster Claims Proof of disaster by means of other gov't records (Fire, police records) Media article
<p>(4) DISPLACED HOMEMAKER: An individual who has been providing unpaid services to family members in the home who--(A)(i) Has been dependent on the income of another family member but is no longer supported by that income; OR (ii) Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment a call or order to active duty a permanent change of station, or the service-connected death or disability of the member*; and (B) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment</p>		
Documentation		
Income Tax Returns Pay stub of family member *Appropriate military records		Alimony payments Self-Certification
<p>(5) Individual was the spouse of a member of the Armed Forces on active duty who: a) Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; OR b) Is unemployed or underemployed and experiencing difficulty finding or upgrading employment</p>		
Documentation		
Permanent Change of Station Order Case Notes		
Separating Serving Members With Honorable Discharge (TEGL22-04)		
Documentation		
DD 22-14 or Other Appropriate Documentation that shows Separation or Imminent Separation from the Military		

Income (Adult Public Assistance and Other Low-Income Priority only)

Recipient of Public Assistance

Public Assistance Records
Public Assistance Database Screenshot

Income

Alimony Agreement
Applicant statement (Individual with little or no income only)
Award Letter from Veterans Administration or copy of check
Bank Statements (Direct Deposit)
Compensation Award Letter
Court Award Letter
Employer Statement/Contact
Farm or Business Financial Records
Housing Authority Verification
Pay Stubs
Pension Statement
Quarterly Estimated Tax for Self-Employed Persons (Schedule C)
Social Security Benefits
Unemployment Insurance Documents and/or Printout (LOOPS)

Family Size

Birth Certificate
Court/Divorce Decree
Landlord Statement
Lease
Marriage Certificate
Medical Card
Most Recent Tax Return Supported by IRS Documents (e.g. Form 1722)
Public Assistance/Social Service Agency Records
Alien Registration Cards
Written Statement from a Publicly Supported 24-hour Care Facility.
Applicant Statement

Food Stamps

Authorization to Obtain Food Stamps
Food Stamp Receipt
Food Stamp Card with Current Date
Letter from Food Stamp Disbursing Agency
Postmarked Food Stamp Mailer with Name and Address
Public Assistance Records/Printout

Attachment A

Workforce Innovation and Opportunity Act Self-Certification

Applicant Name

Last: _____ First: _____ MI: _____

Social Security Number: _____

I hereby certify, under penalty of perjury, that the following information is true:

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

Applicant's Signature: _____ **Date:** _____

Applicant's Phone Number: _____

Applicant's Address: _____

Signature of Parent or Guardian (as needed): _____

THIS SECTION FOR ELIGIBILITY INTAKE STAFF USE ONLY

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

Funding Source: _____

Eligibility Intake Staff Person Name: _____

Signature: _____ **Date:** _____

Attachment B

TELEPHONE VERIFICATION FORM

Identifying Information	
Applicant Name	
Eligibility Verification by Telephone	
Name of Document	
Eligibility Criteria to be Verified	
Information Verified	
Agency Providing Information	
Name of Person Providing Information	Phone Number
Staff Person Verifying Information	
Date	

I attest that the information recorded by me on this document was obtained through telephone contact on the above date. As indicated, all information was obtained from data previously determined and recorded in the applicant's records at the agency providing the eligibility verification.

Signature of Staff Person Verifying Information

Date

Attachment C

INCOME WORKSHEET

Applicant Name: _____ **Social Security #:** _____

APPLICANT/FAMILY INCOME

TOTAL MEMBERS IN FAMILY: _____ **SOURCE OF INCOME:** _____

HOUSEHOLD INCOME (Past 6 Months) \$ _____ **AGE:** _____

EMPLOYMENT/OTHER _____ **MONTHS X 2*** _____ **INCOME: \$** _____

*Or use 6-month income compared to 1/2 the Poverty or 70% of Lower Living Standard Level

TOTAL NUMBER IN FAMILY UNIT: _____

TOTAL ANNUALIZED FAMILY INCOME: \$ _____

TOTAL LEVEL OR 70% LOWER LIVING STANDARD FOR THIS FAMILY SIZE: \$ _____

CERTIFICATION: I certify that the information provided is true to the best of my knowledge and there is no intent to commit fraud. I am also aware that eligibility is subject to review and verification and I may be required to document its accuracy. Participants are subject to immediate termination if found ineligible after enrollment. Knowingly falsifying information will subject me to prosecution for fraud. I hereby give permission to verify my income by contacting my place of employment or agency from which I received benefits.

APPLICANT'S SIGNATURE: _____

DATE: _____

CERTIFIER'S SIGNATURE: _____

DATE: _____

REVIEW BY: _____

DATE: _____

Attachment D

2015 Health and Human Services Poverty Guidelines

2015 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

Persons in family/household	Poverty guideline
1	\$11,770
2	\$15,930
3	\$20,090
4	\$24,250
5	\$28,410
6	\$32,570
7	\$36,730
8	\$40,890
For families/households with more than 8 persons, add \$4,160 for each additional person.	

Source: Federal Register, Vol. 80, No. 14, January 22, 2015, pp. 3236-3237.

Attachment E

2015 Lower Living Standard Income Levels

70% LOWER LIVING STANDARD INCOME LEVELS (LLSIL) Effective: March 27, 2015

Family Size	New York-Northeastern NJ Bergen, Essex, Hudson, Jersey City, Mercer, Middlesex, Monmouth, Morris/Sussex/Warren, Newark, Ocean, Passaic, Somerset/Hunterdon, Union	Northeast Metro Atlantic/Cape May, Burlington, Camden, Cumberland/Salem, Gloucester
1	(\$11,355)*	(\$10,576)*
2	\$18,612	\$17,334
3	\$25,780	\$23,790
4	\$31,537	\$29,368
5	\$37,214	\$34,660
6	\$43,529	\$40,530
For each additional person add:	\$6,3151	\$5,970

*Amount in parentheses is lower than the Poverty Level, which is \$11,770 for a family size of one.

TABLE 3:SELF-SUFFICIENCY LEVELS-EMPLOYED WORKERS

100% LOWER LIVING STANDARD INCOME LEVELS (LLSIL) Effective: March 27, 2015

(Used to determine the minimum level for establishing self-sufficiency criteria for the eligibility of employed workers)

Family Size	New York-Northeastern NJ Bergen, Essex, Hudson, Jersey City, Mercer, Middlesex, Monmouth, Morris/Sussex/Warren, Newark, Ocean, Passaic, Somerset/Hunterdon, Union	Northeast Metro Atlantic/Cape May, Burlington, Camden, Cumberland/Salem, Gloucester
1	\$16,222	\$15,109
2	\$26,588	\$24,763
3	\$36,494	\$33,986
4	\$45,053	\$41,954
5	\$53,163	\$49,514
6	\$62,184	\$57,900
For each additional person add:	\$9,021	\$8,386

Source: Federal Register, Vol. 80, No. 59, pp. 17186-17188