



## DIRECTIVE

Workforce Investment Board of Tulare County

Date: June 11, 2025

Errata: December 10, 2025

### TUL 25-04 WIOA Title I Eligibility Technical Assistance Guide (TAG)

#### EXECUTIVE SUMMARY:

The Workforce Innovation and Opportunity Act (WIOA) grants state and Local Workforce Development Boards (Local Boards) the authority to develop their own eligibility policies, procedures, and definitions, provided they align with the overarching requirements of WIOA. The Technical Assistance Guidance (TAG) document outlines areas where Local Boards have the flexibility to tailor their eligibility criteria to meet the specific needs of their Local Community Areas while ensuring consistency with WIOA mandates.

Wherever authority is granted to local areas to establish eligibility policies, procedures, and definitions in line with federal and state laws and regulations, the WIB has incorporated its guidance in this TAG.

Federal and state program auditors and monitors will assess whether the local eligibility policies, procedures, and definitions have been effectively communicated and implemented within the local area. Local policies must be consistent with both state and federal requirements. If the State or the Department of Labor adopts new policies after local policies are established, local policies may need to be revised to comply with updated state or federal guidelines.

The current local WIB guidance can be found in the form fields provided by the state.

This Directive supersedes WIB Directive TUL 14-06 Workforce Investment Act Title I-B Eligibility Technical Assistance Guide (TAG), dated December 1, 2014. Retain this Directive until further notice.

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#### Errata Chronology:

**Errata #1** - On December 10, 2025, the following revisions were made to this Directive:

- Page 4 – Add Reference WSD24-15, Priority of Service for Veterans and Eligible Spouses.
- Page 23 – Updated reference for Veterans Priority of Service from WSD 19-04 to WSD 24-15.
- Page 24 – Updated reference for Veterans Priority of Service from WSD 19-04 to WSD 24-15.
- Page 25 - Specifies Priority of Service levels for veterans and eligible spouses apply only to Adult Career Services and updated reference for Veterans Priority of Service from WSD 19-04 to WSD 24-15.
- Page 26 – Added bullet to clarify that for Youth Services, when programs have limited funding or a waitlist, veterans and eligible spouses must be given priority in the provision of services once program eligibility is established.
- Page 28- Priority 4 Service Level: Revision to the introduction to clarify the statement. Locally, individuals are categorized as Priority Four as referenced in section 4.3, if they are a Tulare County Resident, meet WIOA general eligibility, do not meet Priority 1,2,3 and meet one or more of the following criteria, which do not require the individual to be low-income.
- Page 28 – Priority 4 Service Level: Revision removes the standalone “single parent” designation and integrates it into the broader listing of the Governor’s priority population of individuals who face employment barriers.
- Page 28 – Priority 4 Service Level: Adds Medi-Cal recipients (who are not receiving cash aid) as an additional locally recognized group.
- Page 28 – Priority 4 Service Level: Adds the Governor’s priority population as facing employment barriers:
  - a. Indians, Alaska Natives, and Native Hawaiians
  - b. Older Individuals (55+)
  - c. Justice-Involved
  - d. Eligible migrant and seasonal farmworkers
  - e. Single parents, including single pregnant women
  - f. Lesbian, Gay, Bisexual, and Transgender and gender nonconforming individuals
- Page 28-Removes “They reside in one of the Contiguous Census Tracts identified in Table I of the TUL Policy Memorandum for Determination of Contiguous Census Tracts for WIOA Title I Youth High-Poverty Eligibility”.
  - a. Address verification must be completed and documented in the participant’s file.
- Attachment A Definitions: Removed the example (e.g.) provided under the definition of *Self-Attestation*, section 2.

- Attachment A Table 1: General Eligibility (page 4) - Added a Federal, state, or local Identification Card (including Tribal Records) as an acceptable form of documentation for verifying Tulare County Residency.
- Attachment A Table 4: Barriers to Education and Employment - Youth and Adult Programs (page 18): Specifies acceptable documentation for the “requires additional assistance” criteria for Out-of-School and In-School Youth.
- Attachment A Table 6: Low Income Eligibility Criteria (page 22)- Removed bolded and italicized examples listed (WIC, Medicaid, Medi-Cal, housing assistance) as an acceptable document for low-income verification.

No other revisions were made to this Directive. Retain this directive until further notice.

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#### **REFERENCES:**

- WIOA (Public Law 113-128)
- Jobs for Veterans Act of 2002 (Public Law 107-288)
- Title 26 United States Code (U.S.C.), Internal Revenue Code, Section 139E: Indian General Welfare Benefits
- Title 42 U.S.C., Public Health and Welfare, Section 12102: Definition of Disability
- Title 2 Code of Federal Regulations (CFR) Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)
- Title 2 CFR Part 2900: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Department of Labor Exceptions)
- Title 20 CFR Part 675, et al.: Workforce Innovation and Opportunity Act, Final Rule
- Title 20 CFR Part 1010: Application of Priority of Service for Covered Persons
- Title 29 CFR Part 38: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act
- Training and Employment Guidance Letter TEGL 10-16, Change 3, Performance
- TEGL 23-19, Change 2, Revisions to TEGL 23-19, Change 1, Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs (May 12, 2023)
- TEGL 09-22, WIOA Title I Youth Formula Program Guidance (March 2, 2023)
- TEGL 23-19, Change 1, Guidance for Validating Required Performance Data Submitted by Grant Recipients of DOL Workforce Programs (October 25, 2022)
- TEGL 21-16, Change 1, Third WIOA Title I Youth Formula Program Guidance (July 30, 2021)
- TEGL 14-18, Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the DOL (March 25, 2019)
- TEGL 26-16, Guidance on the use of Supplemental Wage Information to implement the Performance Accountability Requirements under the WIOA (June 1, 2017)

- TEGL 21-16, Third WIOA Title I Youth Formula Program Guidance (March 2, 2017)
- TEGL 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the WIOA and the Wagner-Peyser (W-P) Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules (March 1, 2017)
- TEGL 8-15, Second Title I WIOA Youth Program Transition Guidance (November 17, 2015)
- TEGL 26-13, Impact of the U.S. Supreme Court's Decision in United States v. Windsor on Eligibility and Services Provided under Workforce Grants Administered by the Employment and Training Administration (June 18, 2014)
- TEGL 10-09, Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the DOL (November 2009)
- TEGL 11-11, Change 2, Selective Service Registration Requirements for Employment and Training (May 16, 2012)
- TEGL 22-04, Change 1, Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant (September 28, 2007)
- TEGL 22-04, Serving Military Service Members and Military Spouses under the Workforce Investment Act Dislocated Worker Formula Grant (March 22, 2005)
- California's Unified Strategic Workforce Development Plan (State Plan) 2020-2023
- WSD24-15, Priority of Service for Veterans and Eligible Spouses (February 14, 2025)
- WSD24-07, Performance Guidance (November 26, 2024)
- WSD24-06, WIOA Adult Program Priority of Service (November 8, 2024)
- WSD24-05, CalJOBS Activity Codes (October 10, 2024)
- WSD24-02, LLSIL And Poverty Guidelines (August 20, 2024)
- WSD22-15, WIOA Data Validation Source Documentation (June 27, 2023)
- WSD20-11, Pseudo Social Security Number in CalJOBS (April 29, 2021)
- WSD18-03, Pathway to Services, Referral, and Enrollment (August 28, 2018)
- WSD18-02, Data Change Request Form Procedure (July 31, 2018)
- WSD17-07, WIOA Youth Program Requirements (January 16, 2018)
- WSD16-18, Selective Service Registration (April 10, 2017)
- SB 396, Employment: gender identity, gender expression, and sexual orientation (October 15, 2017)
- WSIN 17-22, Barriers to Employment and LGBT Data Collection (January 10, 2018)

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## **BACKGROUND:**

Title I of WIOA authorizes the workforce development system to provide workforce preparation and employment services to eligible adults, dislocated workers, and youth. Section 675.120 of the WIOA regulations grants state and local governments the authority to establish their own eligibility policies, procedures, and definitions, provided they are consistent with WIOA and its regulations.

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## **POLICY AND PROCEDURES:**

WIB staff and subrecipients are responsible for reviewing the TAG, and WIOA eligibility policies, procedures, interpretations, guidance, and definitions, to ensure full compliance with the established standards.

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**ACTION:**

Please bring this directive to the attention of all WIB Subrecipients and WIB Staff. Ensure copies of this TAG are available to all frontline staff responsible for determining eligibility.

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**INQUIRIES:**

Please direct inquiries regarding this Directive to the WIB at (559) 713-5200.



Jennie C. Bautista  
Interim Executive Director

APPROVED BY  
WORKFORCE INVESTMENT BOARD  
MINUTES OF 12-10-2025

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**ATTACHMENTS:**

- Attachment A (WIB WIOA Title I TAG Acceptable Documentation)
- Attachment B (Summary of Comments)

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

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# Workforce Innovation and Opportunity Act

## Title I Eligibility

### Technical Assistance Guide (TAG)

Prepared by the Workforce Investment Board of Tulare  
County and EDD Workforce Services Branch

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# WIOA Title I Eligibility Technical Assistance Guide

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## Chapter 1 – Local Flexibility

The WIOA provides authority to the state and Local Workforce Development Boards (Local Board) to establish their own eligibility policies, procedures, and definitions to meet the needs of their Local Areas as long as they are consistent with the WIOA. The TAG outlines these areas of flexibility and includes form fields for Local Boards to enter their specific eligibility guidance.

All state-imposed requirements are indicated in ***bold, italic*** font.

***Local Areas are required to develop local policies, procedures, and definitions as indicated in the TAG and ensure this guidance is available to all frontline staff responsible for determining eligibility. Local Areas must ensure their local guidance complies with the requirements of the TAG as well as all federal and state laws and policies.*** Local Areas are not required to use the form fields within this TAG and may utilize other methods for releasing local eligibility guidance.

**The WIB has adopted the use of the form fields within this TAG. When applicable, WIB policy updates will be issued through Directives, Information Bulletins, Policy Memorandums, or other local guidance, and should be considered an addendum to this TAG.**

**All WIB-imposed requirements in this document are located within the form fields designated by the state. Any WIB-imposed requirements in the document's attachments will be in ***bold underlined italic font.*****

Federal and state auditors will verify that local eligibility policies, procedures, and definitions have been appropriately communicated and implemented within the Local Area. Local guidance that does not accurately reflect federal and state requirements may result in disallowed costs.

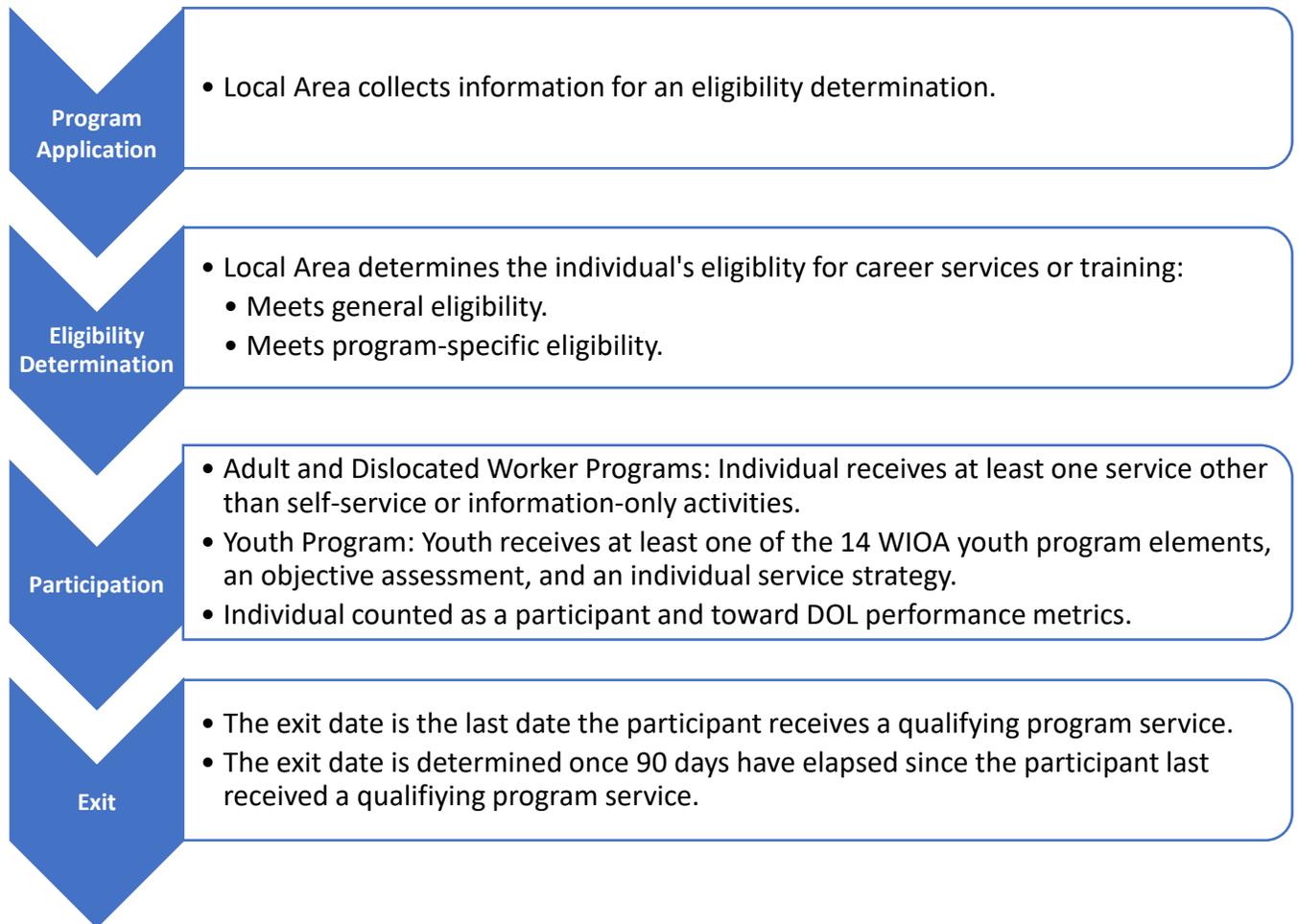
(References: WIOA Sections 107(d)(8) and 185(c); Title 20 *Code of Federal Regulations* [CFR] Section 675.100; Training and Employment Guidance Letter [TEGL] 14-18)

## Chapter 2 – Enrollment Process

### 2.1 Overview

To receive WIOA-funded services, other than basic career self-services or information-only activities, individuals must be registered and determined eligible.

The following diagram illustrates the enrollment process:



(References: Title 20 CFR Sections 678.430, 680.110 and 681.320; TEGL 19-16 and TEGL 21-16; WSD18-03, WSD19-06, and WSD22-15)

### 2.2 WIOA Program Application

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

## WIOA Title I Eligibility Technical Assistance Guide

### Chapter 2 – Enrollment Process

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

1. An eligibility determination.
  - Information must be collected from the individual to support an eligibility determination. This information is collected through the individual’s WIOA program application. Local Areas should make every effort to ensure that applications are completed in entirety and all demographic and barrier information is collected for the individual. The application may be a paper application that is physically signed or an electronic application that is electronically signed.
2. The individual must be asked for Equal Opportunity (EO) data (the Local Area must request EO data, which may be included on the WIOA Application, but an individual is not required to disclose).
3. Receive any staff-assisted basic career service, individualized career service, or training service.
  - For the Youth program, an individual must receive all four required components to be enrolled as a participant: an eligibility determination, an objective assessment, the development of an individual service strategy, and receipt of any of the 14 WIOA youth program elements.

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

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

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

### 2.3 Application Process

There is no federal limitation on the amount of time allowed between the application date and when staff must document and verify eligibility. ***Nevertheless, so much time should not elapse before registration that it becomes unreasonable to assume the information about the individual is still true; otherwise, there may be disallowed costs associated with the individual's eligibility.*** Many Local Areas use 90 days as a general rule. CalJOBS automatically closes applications after 90 days and marks them as “closed - never enrolled” if no further action is taken.

**WIOA Title I Eligibility Technical Assistance Guide**  
**Chapter 2 – Enrollment Process**

Local Boards must establish policies and procedures for time limits covering the application process. The policies and procedures should address the following:

1. Amount of time individuals and staff have to obtain documentation.
2. Amount of time allowed to review an applicant's information and confirm eligibility.
3. Amount of time that can elapse between the application date and the enrollment date.
4. Any other applicable guidance.

(References: WSD18-02 and WSD18-03)

WIB policy and procedures for time limits covering the application process and other applicable guidance:

**Limits Covering the Application Process:**

The maximum amount of time that should elapse between the beginning date of the documentation collection process and the application date is 30 calendar days.

The applicant must sign the application and all required documents on the same day their eligibility is determined and the application is entered into the CalJOBS system.

Management-level staff must review an applicant's information and confirm eligibility within 10 business days from the application signature date.

During this time, participants cannot be referred to training-related activities until their file has been thoroughly reviewed and eligibility has been confirmed.

The CalJOBS system will automatically close the applicant's application and mark it as 'Closed - Never Enrolled' if there is no participant activity or enrollment within a 90-day period.

**Other Applicable Guidance:**

Applicants must be residents of Tulare County to qualify for services through the Workforce Investment Board of Tulare County (WIB). However, Individuals who reside outside the county may be eligible for services if they have significant ties to the area, such as employment, education, or family connections, or if they were referred by local agencies (e.g., Probation or Health and Human Services (HHSA)). Prior written approval from the WIB is required before services can be provided to non-County residents.

**Request for Service Approval in Tulare County**

To serve an individual who resides outside of Tulare County, staff must email a request for prior approval to the Program Coordinator (Youth/Career Services). The request must include a clear justification explaining why services are necessary in Tulare County. The WIB will respond within three (3) business days.

## **WIOA Title I Eligibility Technical Assistance Guide**

### **Chapter 2 – Enrollment Process**

#### **2.4 Eligibility Determination**

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

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

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

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

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

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

#### **2.5 Participation**

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

##### **Adult and Dislocated Worker Programs**

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

##### **Youth Program**

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

Note – For the Adult and Dislocated Worker programs, individuals who use self-service and/or receive information-only services or activities are considered reportable individuals. For the

## WIOA Title I Eligibility Technical Assistance Guide

### Chapter 2 – Enrollment Process

Youth program, if an individual fails to meet one or more of the items needed to be a participant, the individual will be reported as a reportable individual, and will not be included in performance calculations. Certain information about reportable individuals is required to be reported in quarterly and annual WIOA reports. Collecting and reporting information in CalJOBS allows for accurate representation of the number of individuals engaged with the workforce system.

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

### 2.6 Concurrent Participation

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

Examples of concurrent participation include:

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

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

1. The cost must benefit two or more programs in proportions that can be determined without undue effort or cost.
2. The cost to each funding stream must be tracked, documented, and allocated based on the proportional benefit to ensure there is no duplication of services.
3. Each funding stream must maintain its statutory requirements, including eligibility criteria and scope of authorized activities. The individuals must meet the eligibility requirements for each program from which they are receiving services.

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

### 2.7 Exited Participants

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

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**Chapter 2 – Enrollment Process**

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

(References: TEGL 14-18; WSD19-06 and WSD22-15)

## **Chapter 3 – General Eligibility Criteria**

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

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

### **3.1 Selective Service System Registration**

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

To be eligible to receive WIOA-funded services, males born on or after January 1, 1960, who are at least 18 years of age, but not yet 26 years of age, and who are not on active duty in the armed services, must present documentation showing compliance with Selective Service registration requirements. A male youth who reaches 18 years of age while participating in a WIOA program must register, as required, within 30 days of his 18<sup>th</sup> birthday to continue receiving WIOA-funded services.

The Selective Service System registration requirement for transsexual, transgendered, intersex, and non-binary individuals is based upon the gender assigned at birth. U.S. citizens or immigrants who are born male and changed their gender are required to register. Individuals who are born female and changed their gender are not required to register.

Males required to register include, but are not limited to:

- US citizens.
- Non-US citizens, including undocumented immigrants, legal permanent residents, asylum seekers, and refugees.
- Veterans discharged before their 26<sup>th</sup> birthday.
- Members of the Reserve and National Guard not on full-time active duty.
- Dual nationals of the US and another country.

Males who are not required to register include, but are not limited to:

- Males serving in the military on full-time active duty.
- Males attending one of the five military academies or certain military colleges.
- Male veterans discharged after their 26<sup>th</sup> birthday.
- Males who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement. However, they must register within 30 days after being released if they have not yet reached their 26<sup>th</sup> birthday.

## WIOA Title I Eligibility Technical Assistance Guide

### Chapter 3 – General Eligibility Criteria

- Disabled males who meet specific criteria
- Non-US males on a valid non-immigrant visa (e.g., student, agricultural, and tourist visas) until they turn age 26.
- Non-US males who entered the US after their 26<sup>th</sup> birthday.

The above Selective Service registration requirements are not exhaustive. Refer to the Selective Service System website for a comprehensive list of who must register.

Refer to the *WIOA Title I Acceptable Documentation List* for acceptable forms of supporting documentation to show compliance with Selective Service requirements.

Occasionally, males who were subject to registration, but did not register and are now beyond their 26<sup>th</sup> birth date, will apply for assistance from a WIOA program. If it is determined that a male who is 26 years of age or older knowingly and willfully failed to register, the MSSA requires that services must be denied to that individual. However, when it can be determined that the applicant's failure to register was not willful or knowingly, he can be considered for participation.

Local Boards must develop policy and procedures for potential male participants who are 26 years of age or older and failed to register. The local policy may request potential male participants to present a Status Information Letter (which can be obtained from the [Selective Service System](#)) before a determination is made as to whether the individual knowingly and willfully failed to register. Alternatively, the local policy may establish that the process to determine whether the individual knowingly and willfully failed to register, may be initiated without first requesting a Status Information Letter.

For detailed guidance regarding Selective Service registration requirements, refer to WSD16-18.

(References: 50 USC Chapter 49, Sections 3802 and 3811[g], WSD16-18)

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

Refer to the latest WIB Directive on Selective Service for current information.

**WIOA Title I Eligibility Technical Assistance Guide**  
**Chapter 3 – General Eligibility Criteria**

**3.2 Age**

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

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

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

**3.3 Authorization to Work**

**Verifying Work Authorization**

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

*Services that do not Require Work Authorization*

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

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

## **WIOA Title I Eligibility Technical Assistance Guide**

### **Chapter 3 – General Eligibility Criteria**

- Outreach to workers regarding the Employment-Related Law Complaint System and processing such complaints.

#### *Services that do Require Work Authorization*

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

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

The lists above provide examples of work authorization verification requirements for common services, however, these lists are not exhaustive.

#### **Proof of Work Authorization**

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

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

#### **Nondiscrimination Compliance**

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

Local Areas must have procedures in place for verifying an individual's authorization to work. Refer to WSD18-03 for more detailed information on establishing policy for verifying authorization to work.

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

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**WIB policy for verifying authorization to work:**

The WIB ensures compliance with federal work authorization verification requirements under Title 8 CFR Section 274a.2 and adheres to nondiscrimination regulations as required by WIOA Section 188(a)(5).

**Verification of Work Authorization at Eligibility Determination**

To ensure compliance with federal and WIOA regulations, staff must verify an individual's right to work at the time of eligibility determination for WIOA Title I programs. This includes:

1. Reviewing and verifying acceptable work authorization documents as outlined in the Form I-9 (Employment Eligibility Verification) guidelines.
2. Recording work authorization status and document expiration dates in the participant's case file.
3. Ensuring that no individual is denied services based on citizenship status in accordance with WIOA Section 188(a)(5).

Individuals who cannot provide valid work authorization documents at the time of eligibility determination may be ineligible for certain WIOA services until verification is obtained. Staff must provide guidance on obtaining appropriate documentation if needed.

Verification of work authorization at time of eligibility must be documented in the participants file via case notes and document upload.

**Verification and Tracking of Work Authorization**

Staff must verify an individual's legal status or work authorization documentation and track expiration dates. Staff must record expiration dates in case notes and use the CalJOBS case management system, to track participant U.S. Citizenship and Immigration Services (USCIS) expiration dates. The system alerts staff when a participant's work authorization is about to expire.

When a participant's work authorization is nearing expiration, staff must:

1. Notify the individual of the upcoming expiration.
2. Provide guidance on obtaining updated documentation, as needed.
3. Ensure continued eligibility for WIOA services by obtaining current work authorization documents.
4. Follow established procedures if updated documents are not provided, including determining service continuation or alternative support.

Staff must document each step in the participant's CalJOBS file via case notes and documentation upload.

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**Nondiscrimination Compliance**

In accordance with WIOA Section 188(a)(5), staff must not discriminate based on citizenship status when determining eligibility for WIOA services. This includes ensuring that all individuals receive equal treatment in verifying work authorization and accessing services. Discrimination includes treating an individual differently in determining whether they meet any requirement for aid, benefits, services, or training under WIOA Title I-funded programs.

**Guidance on Acceptable Work Authorization Documentation**

The USCIS website ([uscis.gov](http://uscis.gov)) provides resources and guidance on verifying work authorization, including:

- Form I-9 (Employment Eligibility Verification)
- M-274 Handbook for Employers

## **Chapter 4 – Priority of Service**

### **4.1 Priority of Service Overview**

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

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

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

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

(References: WIOA Sections 134(c)(3)(E) and 194(12); Title 38 USC Section 4215; Title 20 CFR Section 1010.200; TEGL 10-09 and TEGL 19-16; WSD 24-15)

### **4.2 Veterans**

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

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

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

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### Chapter 4 – Priority of Service

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

(References: WIOA Sections 134(c)(3)(E) and 194(12); Title 38 USC Section 4215; Title 20 CFR Section 1010.200; TEGL 10-09 and TEGL 19-16;WSD 24-15 )

### Related Definitions

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

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

*Covered Persons* – means any of the following individuals:

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

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

- A. Any veteran who died of a service-connected disability.
- B. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
  - a. Missing in action.
  - b. Captured in the line of duty by a hostile force.
  - c. Forcibly detained or interned in the line of duty by a foreign power.
- C. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the US Department of Veterans Affairs (VA).
- D. Any veteran who died while a disability, (as indicated in category 3) was in existence.

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

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veteran or service member.

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

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

*Veteran* – A person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable.

For detailed information on veteran’s priority of service, refer to WSD 24-15.

### **WIB Policy and Procedures for Veteran’s Priority of Service**

The WIB established policies and procedures for implementing the priority of service requirement for veterans and eligible spouses. The WIB policies ensure that veterans and eligible spouses are able to identify themselves at the point of entry and are given an opportunity to take full advantage of the priority. These policies also ensure that veterans and eligible spouses are aware of the following:

- Entitlement to priority of service.
- The full array of employment, training, and placement services available under priority of service.
- Any applicable eligibility requirements for those programs and/or services.

WIB policy and procedures for implementing the priority of service requirements for veterans and eligible spouses:

An individual is eligible if they meet the definition for a “covered person” in section 4.2..

#### Procedure for Implementation of Priority of Service

##### A. Identifying Eligible Veterans and Eligible Spouses

- During intake and registration, staff must ask all individuals if they are a veteran or an eligible spouse.
- Individuals self-attest to veteran status, but documentation may be requested to confirm eligibility for priority services.

##### B. Providing Priority Access

- For Adult Career Services, when programs have limited funding or a waitlist, staff must use the following table to determine the level of priority:

Section continues to next page

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Levels of Priority of Service	
Priority 1	Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
Priority 2	Individuals who are the recipient of public assistance, other low-income individuals, or individuals who are basic skills deficient.
Priority 3	Veterans and eligible spouses who are not recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
Priority 4	Any individual who does not belong to one of the above groups but belongs to a priority population established by the Governor or Local Board. Refer to section 4.3 of this directive.
Priority 5	All other individuals who do not meet the above priorities.

- For Youth Services, when programs have limited funding or a waitlist, veterans and eligible spouses must be given priority in the provision of services once program eligibility is established.
  - When Enrollment is Open to All
    - Veterans and eligible spouses receive services before non-covered individuals if waiting periods or limited spots exist.
    - If a non-covered person is already receiving services, they will not be displaced but must complete their program before new non-veterans are served.
- C. Referral to Veteran-Specific Services
- Veterans and eligible spouses must be informed of additional resources, including:
    - Disabled Veterans’ Outreach Program (DVOP) Specialists for intensive career services.
    - Local Veteran Employment Representatives (LVERs) for job placement assistance.
    - Veterans Affairs (VA) benefits and services for additional employment and training support.
- D. Compliance
- Compliance will be monitored and reviewed as part of WIOA program oversight.

Staff should also refer to the WIB Veterans Priority of Service directive for further information and guidance.

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

#### 4.3 Adult Program

In addition to priority of service for veterans and eligible spouses, the Local Board must establish a process for individuals served in the adult program that gives priority of service to recipients of public assistance, other low-income individuals, and skills deficient individuals. This does not mean that only veterans, recipients of public assistance, low-income, and skills deficient individuals can receive WIOA-funded adult services. Individuals do not have to be a part of a priority population to be eligible for the adult program, however priority of service must be applied as prescribed in this chapter. Determination of an individual's low-income status is discussed in [Chapter 8](#) of this TAG.

In alignment with California's Unified Strategic Workforce Development Plan (State Plan), Local Boards may also develop a policy to establish additional priority groups for their Local Area (e.g., residents of the Local Area, individuals with disabilities, formerly incarcerated and justice-involved, etc.) provided the local policy is consistent with priority of service for veterans and the priority provisions WIOA Section 134(c)(3)(E) and Title 20 CFR Section 680.600, and any additional populations identified for priority are not to be interpreted as additional eligibility criteria. Any additional priority populations identified by the Local Board should be reflected in the local policy.

(References: WIOA Section 134(c)(3)(E); Title 20 CFR Sections 680.650, 680.120, and 680.600[b]-[c], and 1010.200; TEGL 19-16; State Plan; WSD15-14 and WSD19-04)

WIB criteria for applying and monitoring priority for service for recipients of public assistance, other low-income individuals, and skills deficient individuals within the Adult program:

Priority of service will be given to Tulare County Residents who receive public assistance, those who are low-income, or who are basic skills deficient, while ensuring compliance with the Veterans' Priority of Service. Staff must apply this priority when determining eligibility and document the participant's priority level in their case file. To maintain compliance, staff supervisors will conduct periodic reviews of case files to verify that priority levels are correctly assigned and properly documented.

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### Chapter 4 – Priority of Service

WIB policy adding other priority group(s) (if applicable):

Locally, individuals are categorized as **Priority Four** as referenced in section 4.3, if they are a Tulare County Resident, meet WIOA general eligibility, do not meet Priority 1, 2,3, and meet one or more of the following criteria, which do not require the individual to be low-income:

- They belong to a group of individuals identified by the Governor priority population as facing employment barriers:
  - a. Indians, Alaska Natives, and Native Hawaiians
  - b. Older Individuals (55+)
  - c. Justice-Involved
  - d. Eligible Migrant and seasonal farmworkers
  - e. Single parents, including single pregnant women
  - f. Lesbian, Gay, Bisexual, and Transgender and gender nonconforming individuals
    - i. A signed self-attestation from the participant verifying they meet one or more of the criteria must be documented in participant file.
- Individuals who receive Medi-Cal assistance (non-cash public assistance) who are not receiving cash aid or Supplemental Nutrition Assistance Program (SNAP) (CalFresh).
  - a. Acceptable documentation includes an eligibility printout, verification from the county human services system or portal access confirmation.
  - b. A signed self-attestation may be used if no other documentation is available and must be supported by case notes.

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

#### 4.4 Applying Priority of Service

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

- *Universal Access Programs*  
Basic career services are universally accessible and must be made available to all individuals seeking employment and training services in at least one comprehensive AJCC per Local Area. While veterans and eligible spouses must receive priority of service over all other program participants, priority for low-income and basic skills deficient

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### Chapter 4 – Priority of Service

populations does not apply to basic career services in either the adult or dislocated worker programs.

- *Programs with Eligibility Criteria*

Eligibility criteria identify basic conditions a participant in a specific program must meet. For example, for the WIOA Title I Adult, Dislocated Worker, and Youth programs, every participant is required to meet the general program eligibility requirements listed in [Chapter 3](#) of this TAG. A veteran or eligible spouse must first meet all of these eligibility criteria in order to be considered eligible for participation in the program. Once determined eligible for participation, the veteran or eligible spouse receives priority for participation in the program and receipt of services.

- *Programs with Statutory Priorities*

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

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

### Priority of Service Levels

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

Levels of Priority of Service	
Priority 1	Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
Priority 2	Individuals who are the recipient of public assistance, other low-income individuals, or individuals who are basic skills deficient.
Priority 3	Veterans and eligible spouses who are not recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
Priority 4	Any individual who does not belong to one of the above groups but belongs to a priority population established by the Governor or Local Board.
Priority 5	All other individuals who do not meet the above priorities.

(References: TEGl 10-09 and TEGl 19-16; WSD15-14 and WSD24-15)

## **Chapter 5 - Eligibility Criteria for Career and Training Services**

The WIOA authorizes the following services:

- Basic Career Services
- Individualized Career Services
- Training Services

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

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

### **5.1 Eligibility for Career Services**

For staff-assisted basic career services and individualized career services, Local Boards must identify the assessments to be used to determine eligibility and ensure eligibility determination procedures are consistent with state policies. AJCC staff may use recent interviews, evaluations, or assessments by partner programs to determine if individualized career services would be appropriate. Include below the local policy and procedures to be used for assessments.

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

WIB policy and procedures to be used for assessments for services:

Staff will utilize recent program-specific interviews, evaluations, or assessments from partner programs, such as vocational rehabilitation, Health and Human Services Agency (HHSA), Probation or other WIOA-funded programs to determine eligibility, ensuring compliance with local and state policies. To assess the need for individualized services, staff will consider partner referrals, assessments, and information from basic career services, including comprehensive interviews to identify any additional support the individual may need.

All basic career services and eligibility for individualized career services must be documented in the participant’s case notes. Eligibility for training services and individualized career services - must be recorded in the participant’s Individual Employment Plan (IEP) and case notes.

### **5.2 Eligibility for Training Services**

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

Before providing training services to adults and dislocated workers, AJCC staff must conduct an

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### **Chapter 5 – Eligibility Criteria for Career and Training Services**

interview, evaluation, or assessment to determine if the individual meets any of the following criteria:

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

Where appropriate, Local Boards are encouraged to use previous assessments when making training determinations to reduce duplicate assessments and develop enhanced alignment across partner programs. This could include common intake forms across partner programs to encourage system alignment, reduce individual burden, and ensure customers greater access to programs based on their need.

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

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

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**Chapter 5 – Eligibility Criteria for Career and Training Services**

### 5.3 Self-Sufficiency

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

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

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

When setting criteria to determine self-sufficiency, Local Boards should consider different local conditions such as family size, an area’s cost of living, and other local economic conditions. It may often occur that dislocated workers require a wage higher than the lower living standard income level to maintain self-sufficiency.

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

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

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

WIB criteria for self-sufficiency:

Refer to the latest WIB Directive on Self-Sufficiency for the most current guidance.

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**Using WIOA Assistance in Addition to Other Sources of Grant Assistance**

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

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

**5.4 Local Procedures and Eligibility Criteria**

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

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

***Local Boards may not adopt a “work first” approach in developing local procedures and eligibility criteria for individualized and training services.*** Locally developed procedures and criteria must be designed to provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. The appropriate mix and duration of services should be based on each participant’s unique needs.

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

When reviewing a participant’s eligibility for basic career staff-assisted, individualized career, and training services, federal and state auditors and monitors will review a participant’s eligibility for services against each Local Board’s eligibility policy, procedures, and definitions. Local eligibility policies and procedures must comply with federal and state requirements.

(Reference: WIOA Section 194)

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

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**Chapter 5 – Eligibility Criteria for Career and Training Services**

WIB policy and procedures for determining eligibility for training services:

Training services may be available to Tulare County residents, including employed and unemployed adults, dislocated workers (DWs), and youth. Eligibility is determined based on program requirements and the criteria outlined in Chapter 5, Section 5.2: Eligibility for Training Services of this directive.

Once eligibility is determined, staff must refer to program-specific directives (e.g Individual Training Accounts (ITA) Policy and Procedures Directive, Work Experience directive, program requirements directive), to ensure the appropriate next steps are followed.

## Chapter 6 - Eligibility Criteria for Dislocated Workers

To be eligible to receive dislocated worker services, an individual must meet the general WIOA eligibility criteria listed in [Chapter 3](#) of this TAG and the criteria included in at least one of the dislocated worker categories outlined in this chapter. Local policy, procedures and definitions may be established wherever there is flexibility authorized by the WIOA and regulations. Once an individual is enrolled as a dislocated worker, the individual retains their eligibility as a dislocated worker until exited from the program regardless of employment status or earnings (e.g., an anticipated lay off or termination does not take place). If a participant becomes employed in a full-time, permanent job that pays a wage defined by the Local Board as [self-sufficient or leading to self-sufficiency](#), the participant may continue to be served, as needed, until they are formally exited from the program. However, if it is expected that the participant will not receive any future services, follow-up services may begin immediately following placement into unsubsidized employment.

(Reference: TEGl 10-16, Change 3)

### 6.1 Determining Dislocated Worker Status

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

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

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### Chapter 6 – Additional Eligibility Criteria for Dislocated Workers

employer made a general announcement that such facility will close.

3. **Self-employed Dislocation.** An individual who was self-employed (including farmers, ranchers, fishermen, independent contractors, and consultants) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of a natural disaster.
4. **Displaced Homemaker.** An individual who has been providing unpaid services to family members in the home and meets criteria a **and** b:
  - a. Meets either of the following conditions:
    - (i) Has been dependent on the income of another family member, but is no longer supported by that income (e.g., because the other family member was laid off, or because of death or divorce).; or
    - (ii) Is the dependent spouse of a member of the US Armed Forces on active duty and whose family income has been significantly reduced because of the service member's deployment, call or order to active duty, permanent change of station, or service-connected death or disability.
  - b. Is unemployed or underemployed and having trouble obtaining or upgrading employment.
5. **Spouse of Military Service Member.** A spouse of a member of the Armed Forces on active duty who meets either criteria a **or** b:
  - a. Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the service member's duty station.
  - b. Is unemployed or underemployed and having trouble obtaining or upgrading employment.

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

Refer to Section 6.2 for local definitions and standards for the eligibility criteria.

## 6.2 Definitions and Standards for Eligibility Criteria

The DOL defers to states and Local Boards to define certain eligibility terms. This chapter provides recommendations for defining these terms. Local Boards need to establish definitions to use in determining an individual's eligibility as a dislocated worker so long as the definitions are consistent with the dislocated worker definition in WIOA Section 3(15).

(Reference: Title 20 CFR Section 680.130)

*Attachment to the Workforce* – “Attachment to the workforce” is not defined in the WIOA or DOL regulations. Local Boards may define this term to assist staff in identifying dislocated workers who are not eligible for unemployment compensation but who have been employed

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### Chapter 6 – Additional Eligibility Criteria for Dislocated Workers

for a duration sufficient to demonstrate an attachment to the workforce (e.g., someone who has worked at least three consecutive months during the last 12 months). Verification of attachment to the workforce is only necessary when an applicant was employed by an employer who is not covered under UI or has not worked a sufficient amount of time to qualify for UI.

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

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

WIB definition of attachment to the workforce:

A period of 90 cumulative workdays, either full-time or part-time employment, within the year prior to their WIOA application date. These workdays do not need to be consecutive and may include as little as two hours of work per day.

Acceptable forms of employment include:

- Part-time jobs.
- Self-employment/freelance.  
(examples: childcare provider, domestic workers, rideshare/food delivery driver, photographer, repairer, hairdresser/barber, etc.)

Acceptable forms of document verification include but are not limited to:

- Client pay records.
- Invoices or contracts.
- Self-employment income report.
- Self-attestation.

Employment across multiple employers can be combined to meet the 90-day requirement. Separating service members who were discharged under conditions other than dishonorable, as verified by their DD214 form, also qualifies if their military service demonstrates workforce attachment.

The term "cumulative" refers to the total number of workdays within the specified timeframe, even if they are non-consecutive.

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*Difficulty in Obtaining or Upgrading Employment* – The “difficulty in obtaining or upgrading employment” criterion is used as part of the displaced homemaker criteria but is not defined in the WIOA or regulations. Local Boards may define this term in order to assist staff in identifying displaced homemakers.

WIB definition for difficulty in obtaining or upgrading employment:

Staff must document the challenges individuals face securing employment leading to self-sufficiency, re-entering the workforce, or advancing in their careers after significant life changes. These challenges may result from factors such as:

- Skill gaps or outdated qualifications (e.g., certifications, licenses, or technical knowledge) that no longer meet current industry standards.
- Prolonged absence from the workforce due to caregiving responsibilities or economic dependency on a family member’s income, which has been lost due to separation, divorce, death, or disability.
- Underemployment, which is defined as working in roles that do not align with their skills or economic needs.
- Difficulty explaining the value of unpaid work experience as valid work history, such as caregiving or volunteer work.

Staff should document these challenges by adding case notes and collecting an applicant statement from the participant, which must then be included in the participant’s profile.

*General Announcement* – “General announcement” of intended layoff is not defined in the WIOA or DOL regulations. Local Boards may establish criteria for this term. Local criteria must require a credible source of information, or a documented confirmation from the employer (e.g., a newspaper article, a memorandum from the employer to all employees, a notice posted in the affected facility, notification to applicable labor unions, or any other forms of public notice).

Local criteria for general announcement:

A general announcement of a facility closing must be supported and documented by credible sources, such as a newspaper article, public notice, or other verified communications. It is essential to confirm that the information comes from a reliable source or includes documented confirmation directly from the employer. Additionally, a WARN (Worker Adjustment and Retraining Notification) notice, if available, serves as a key document to substantiate the announcement.

*General Economic Conditions* – “General economic conditions” is not defined in the WIOA or DOL regulations. Local Boards may establish criteria for this term. Local criteria may include,

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among other conditions, self-employment which locally has little demand or has been declining, or the local economy is declining.

WIB criteria for general economic conditions:

The “as a result of general economic conditions in the community in which the individual resides” criterion may include, among other factors, local criteria such as self-employment that has little demand or has been declining or evidence that the local economy is in decline. Examples of such conditions include seasonal economic fluctuations, unforeseen or unusual operating costs impacting business sustainability, and depressed market conditions affecting key industries or sectors within the community.

**Substantial Layoff** – “Substantial layoff” is not defined in the WIOA or DOL regulations. The Worker Adjustment and Retraining Notification (WARN) protects employees and communities by requiring that employers give a 60-day notice to the affected employees and both state and local representatives prior to a plant closing or mass layoff. In California, the threshold for WARN notification, which can be interpreted as a substantial layoff, is any plant closure affecting any number of employees, or a layoff of 50 or more employees within a 30-day period regardless of the percentage of the workforce, or relocation of at least 100 miles affecting any number of employees.

**Unlikely to Return** – “Unlikely to return” is not defined in the WIOA or DOL regulations. Local Boards may define “unlikely to return” to assist staff in identifying dislocated workers. Any of the following considerations may be helpful in defining “unlikely to return”:

- Worked in a declining industry/occupation, as documented on state or locally developed lists of such industries/occupations. State lists are available from the EDD’s Labor Market Information Division. Local lists must be developed by an appropriate entity, such as the Chamber of Commerce, Local Board, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information.
- Has had a lack of job offers as documented by local EDD Workforce Services or UI staff, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry/occupation.
- Worked in an industry/occupation with limited job orders in the CalJOBS system at the time of eligibility determination, as certified by staff.
- Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation, as documented through the assessment of the individual’s educational achievement, testing, or other suitable means.
- Has physical or other challenges which would preclude reentry into the former industry/occupation, as documented by a physician or other professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.).

“Unlikely to return” may be defined in terms of family, personal, or financial circumstances that

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may affect the likelihood of the individual returning to their previous occupation or industry for employment. Local definitions need not be based solely on economic conditions and job availability.

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

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

***Farmworkers, Ranchers, and Fishermen*** – Individuals that may have worked seasonally can be considered “unlikely to return” to work in a previous industry or occupation for a variety of reasons:

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

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

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

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

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

WIB definition of unlikely to return:

A dislocated worker is considered “Unlikely to Return” if they meet all three conditions listed under numbers 1-3. Additionally, Staff must document at least one category in 3 (A–F) that applies to the individual's situation, specify the relevant subcategory in case notes, and collect supporting documentation for the specific subcategory under criterion 3 (“Unlikely to Return”) that applies to their situation.

An individual must meet all of the following requirements:

1. Has been terminated or laid off (or received notice) from employment; or is a separating military service member with a DD-214 or similar documentation.  
**and**
2. Is eligible for or has exhausted unemployment benefits; or has demonstrated workforce attachment but is ineligible for unemployment benefits due to insufficient earnings or working for an employer not covered under state unemployment laws.  
**and**
3. Must be unlikely to return to their previous industry or occupation due to one or more of the following categories and its subcategory.

Criteria for "Unlikely to Return":

A. Labor Market & Employment Factors:

- Lack of job offers documented by rejection letters, job service agencies, or unemployment offices.
- Worked in a declining industry or occupation per labor market data (not just lack of job orders in CalJOBS) records.
- Physical/mental health limitations preventing re-entry, documented by a medical professional.
- Poor employment history, including multiple short-term jobs, long unemployment periods, or reliance on public assistance.
- Job loss due to automation or mechanization (replacement of human labor by machines).

B. Economic & Environmental Disruptions:

- The annual unemployment rate for Tulare County is above 150% of the national average.
- Lost wages (2+ weeks) due to natural disaster or public health emergency.
- Industry was impacted by a public health crisis.
- Labor market shifts (seasonal changes, extreme weather, or other disruptions).

This section continues on the next page.

**C. Barriers to Employment:**

- Offender history.
- High school dropout.
- Homelessness.
- English language learner.
- Older worker (50+).
- Disability (physical or cognitive).
- Basic skills deficient.
- Long-term unemployed (27+ weeks).

**E. Farmworkers & Seasonal Workers:**

- Loss of agricultural land or permanent closures.
- Mechanization replacing manual labor.
- Unpredictable return-to-work schedules.
  - No return-to-work date.

**F. Military Spouses (Special Consideration):**

A military spouse may be deemed "unlikely to return" if relocation or military service obligations significantly impact their ability to regain employment.

Supporting factors include:

- Relocation disrupting career continuity.
- Downgrade in job level/seniority after moving.
- Employment gaps due to frequent moves.
- Industry mismatch in the new location.
- Obsolete skills requiring retraining.

**Documentation & Case Note Requirements:**

- Staff must document all eligibility criteria and sub-criteria in case notes within the participant's file.
  - Case notes must clearly state:
    - The specific eligibility category the participant qualifies under.
    - The supporting evidence collected.
    - How the documentation confirms the "unlikely to return" status.
- The case file must include written documentation verifying the reason the individual is unlikely to return. Acceptable forms of documentation can be found in the WIB WIOA Title I Technical Assistance Guide Acceptable Documentation attachment A.

## 6.3 Layoffs, Furloughs, Temporary Layoffs, and Lockouts

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

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

Individuals that are furloughed are laid off. Depending on the local definition of “unlikely to return,” the circumstances of the applicant, and local economic conditions, furloughed individuals may or may not be likely to return to their previous industry or occupation. Local Areas are in the best position to make this determination. If these individuals are likely to return to their previous industry or occupation and need more than basic career services, they may be served as adults, provided they meet the general eligibility criteria outlined in [Chapter 3](#) of this TAG. In some cases, a business, company, or corporation’s furloughs are in fact substantial layoffs and the “unlikely to return” provision does not apply. Local Boards have the discretion to define substantial layoff since the definition depends on local economic conditions.

*Lockout* – Any refusal by an employer to permit any group of five or more employees to work as a result of a dispute with such employees affecting wages, hours, or other terms or conditions of employment of such employees (California Labor Code Section 1132.8). A lockout does not terminate the employer-employee relationship, so locked out employees are not eligible dislocated workers since they have not been terminated or laid off, they are not eligible for unemployment compensation, and they are likely to return to the same industry or occupation once the dispute is resolved. The same guidance applies to employees that are on strike. There may be locked out employees who for financial reasons seek other employment. These individuals may be served as adults, provided they meet the general eligibility criteria outlined in [Chapter 3](#).

## 6.4 Veterans and Military Spouses

### **Veterans**

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

1. The separating service member has received a DD Form 214 Report of Separation or other documentation showing a separation or imminent separation from the Armed Forces to satisfy the termination or layoff part of the dislocated worker eligibility

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criteria.

2. The separating service member qualifies for the dislocated worker eligibility criteria on eligibility for or exhaustion of unemployment compensation.
3. As a separating service member, the individual meets the dislocated worker eligibility criteria that the individual is unlikely to return to the previous industry.

(Reference: Title 20 CFR Section 680.660)

### Military Spouses

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

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

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

The term "whose family income is significantly reduced" is not defined in the WIOA or the DOL regulations. Local Boards may establish criteria for this term.

WIB criteria for significantly reduced family income for veterans and military spouses:

Significantly Reduced Family Income for Veterans and Military Spouses is defined as:

A prolonged absence from the workforce due to caregiving responsibilities or the need to leave employment because of any of the above events listed in section 6.4.

For further guidance, please refer to the latest WIB Directive on Veterans' Priority of Service for the most current information regarding family income.

## 6.5 Related Definitions

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

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

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

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

(Reference: TEGL 19-16)

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

## **Chapter 7 - Additional Eligibility Criteria for Youth**

To be eligible to receive youth services, an individual must meet the general WIOA eligibility criteria listed in [Chapter 3](#) of this TAG and the additional program eligibility criteria included in this chapter. Local policy, procedures and definitions may be established wherever there is flexibility authorized by the WIOA and DOL regulations.

Local Boards are required to provide case management to all youth participants. Case management is the act of connecting youth to appropriate services and begins at the point of enrollment and must continue throughout program participation and follow-up. Note that, case management is not a program element and does not extend a youth's participation.

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

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

### **7.1 Eligibility for Out-of-School Youth Services**

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

*Eligible OS Youth* – Meets the definition provided below:

1. Not less than 16 years of age and not more than 24 years of age.
2. Not attending any secondary or postsecondary school.
3. Has one or more of the following barriers in the table below:  
A youth only needs to meet one of these barriers. However, Local Areas should document all barriers that apply.

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

Definition of Barriers for Eligibility of OS Youth:	
Barrier 1	A school dropout.
Barrier 2	Within the age of compulsory school attendance but has not attended school for at least the most recent complete school year quarter.
Barrier 3	A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual <u>and</u> is either basic skills deficient or an English language learner.
Barrier 4	An offender.
Barrier 5	<ul style="list-style-type: none"> <li>• A homeless individual.</li> <li>• A runaway.</li> </ul>
Barrier 6	<ul style="list-style-type: none"> <li>• In foster care.</li> <li>• Has aged out of the foster care system.</li> <li>• Has attained 16 years of age and left foster care for kinship, guardianship, or adoption.</li> <li>• A child eligible for assistance under Section 677 of the Social Security Act (42 USC Section 677).</li> <li>• In an out-of-home placement.</li> </ul>
Barrier 7	Pregnant or parenting (including custodial and non-custodial parents).
Barrier 8	A youth with a disability.
Barrier 9	A low-income individual who requires additional assistance to enter or complete an education program or to secure or hold employment.

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

## 7.2 Eligibility for In-School Youth Services

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

*Eligible IS Youth* – Meets the definition provided below:

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

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

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

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

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

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**Five Percent Limitation for In-School Youth Eligibility**

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

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

(Reference: TEGL 09-22)

**7.3 Five Percent Low-Income Eligibility Exception**

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

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

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

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

**7.4 Local Definitions and Eligibility Criteria**

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

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

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

2. A youth or adult who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual’s family, or in society.

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

- ***Lacks a high school diploma or high school equivalency and is not enrolled in secondary education.***
- ***Enrolled in a Title II Adult Education/Literacy program.***
- ***English, reading, writing, or computing skills at an 8.9 or below grade level.***
- ***Determined to be Limited English Skills proficient through staff-documented observations.***
- ***Other objective criteria determined to be appropriate by the Local Area and documented in its required policy.***

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

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

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

The WIB’s definition of deficient in basic literacy skills:

- The WIB adopts the state's criteria to determine whether an individual is basic skills deficient, as identified above.
- For ***English, reading, writing, or computing skills***, the WIB’s local policy is to utilize the Comprehensive Adult Student Assessment Systems (CASAS) assessment results to document basic literacy.

(References: WIOA 3[5]; Title 20 CFR Section 681.290; WSD15-14)

**Use of Funds for Youth Who Require Additional Assistance**

Section 7.2 describes the five percent limitation for IS youth where no more than five percent of IS youth in a given PY may be found eligible based on the criterion “requires additional assistance to complete an educational program or to secure or hold or to secure or hold employment.”

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

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

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

Again, the eligibility criterion is slightly different for IS youth and OS youth, in that the criterion for OS youth contains the phrase “to enter or complete an education program” while the IS youth language states “to complete an education program.” The DOL determined that the difference is significant enough to require Local Areas to establish definition of “requires additional assistance” for both OS youth and IS youth.

(References: Title 20 Sections 681.300 – 681.310; WSD17-07)

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Include the local definition for an IS youth who “requires additional assistance” below:

The WIB’s policy for an ISY individual who requires additional assistance to complete an educational program, or to secure and hold employment:

Subrecipients must obtain prior approval before enrolling an ISY participant under the "Requires Additional Assistance" eligibility criterion. It is important to note that, under WIOA regulations, the number of In-School Youth determined eligible based on this criterion must not exceed five percent of the total ISY enrollment in any program year.

The WIB defines an **ISY** requiring additional assistance as an individual who meets one or more of the following education or personal boundaries:

**1. Educational Barriers:**

- a) Has repeated at least one secondary grade level or is one year over the grade level age.
- b) Is a previous dropout or has been suspended three or more times, or has been expelled.
- c) Has a cumulative grade point average (GPA) of a 2.0 or below.
- d) Has received a court or agency referral mandating school attendance.
- e) Is deemed at risk of dropping out of school documented by a school official.
- f) For each year of secondary education, are at least two semester credits behind the rate required to graduate from high school.

**2. Personal Barriers:**

- a) Has aged out of foster care.
- b) Is an emancipated youth.
- c) Has an incarcerated parent(s).
- d) Is a gang-involved youth or at risk of gang involvement.
- e) Has been referred to or is being treated by an agency for a substance abuse related problem.
- f) Has experienced a recent traumatic event or is a victim of abuse, or resides in an abusive environment.
- g) Has an emotional, medical, or psychological problem as documented by a professional (i.e., counselor, medical institution, therapist, etc.).
- h) An individual or is a member of a household who performs agricultural work.
- i) An individual who identifies as Lesbian, Gay, Transgender, Queer or Questioning, Plus (LGBTQ+).

This section continues on the next page.

**Request for Requires Additional Assistance**

To request approval of the "Requires Additional Assistance" eligibility criterion, the Staff

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must follow these steps:

1. Complete the WIB Subsequent Request Form:
  - Under "Type of Request," check the "Other" box and specify: Request additional assistance to complete an educational program.
  - Provide justification by referencing one or more of the defined criteria.
2. Submit the Form:
  - The Staff must submit the completed form to the WIB Program Team.
3. Review Process:
  - WIB staff will review the request within three business days and issue either an approval or denial.

Include the local definition for an OS youth who “requires additional assistance” below:

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The WIB's policy for an OSY individual who requires additional assistance to enter or complete an educational program, or to secure and hold employment:

To align with the WIB's and WIOA's mission of supporting youth facing educational and employment barriers, the WIB defines an **out-of-school youth** requiring additional assistance as an individual who meets one or more of the following educational, employment or personal barriers:

**1. Educational Barriers:**

- a) Has not regularly attended school in the past six months.

**2. Employment Barriers:**

- a) Has not been employed full-time or part-time in the past six months.
- b) Has been terminated from a job within the 12 months preceding the application.
- c) Has never held a full-time job for more than 13 weeks.

**3. Personal Barriers:**

- a) Has aged out of foster care.
- b) Is an emancipated youth.
- c) Has an incarcerated parent(s).
- d) Is a gang-involved youth or at risk of gang involvement.
- e) Has been referred to or are being treated by an agency for a substance abuse related problem.
- f) Has experienced a recent traumatic event or is a victim of abuse, or resides in an abusive environment.
- g) Has an emotional, medical, or psychological problem as documented by a professional (i.e., counselor, medical institution, therapist etc.).
- h) An individual or is a member of a household who performs agricultural work.
- i) An individual who identifies as Lesbian, Gay, Transgender, Queer or Questioning, Plus (LGBTQ+).

*Dropout* – School dropouts and youth who are within the age of compulsory school attendance but have not attended school for at least the most recent complete school year quarter are two separate barriers but share many of the same characteristics. The confusion for a youth within compulsory school age is determining an exact date for when dropout occurred or if instead the Local Area must wait one school quarter for the youth to qualify for the OS youth program.

Neither the California Department of Education (CDE) nor the US Department of Education (DOE) have established a set number of days a student must miss before the school determines dropout status. Instead, the CDE and DOE define dropout for the purpose of annual statistics. Local educational agencies are responsible to report student exit codes for annual dropout rate statistics to the CDE (California Education Code 48070.6). This means Local Areas working with school districts are in the best position to determine dropout status.

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

*Compulsory School Age* – Compulsory school attendance in California is between the ages 6 and 18. On a youth’s 18<sup>th</sup> birthday, the youth is no longer subject to compulsory attendance, but they may continue to attend school until high school graduation. The CDE strongly recommend that 18-year-old high school students finish their high school education, but it is not a legal mandate for them to attend after their 18<sup>th</sup> birthday. (Reference: Education Code [EC] Section 48200) A youth who chooses not to attend school after their 18<sup>th</sup> birthday may be reported as a dropout.

The following table will help Local Areas distinguish these two barriers:

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

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

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

## 7.5 Youth Related Definitions

*Attending School* – an individual is considered to be attending school if the individual is enrolled

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### Chapter 7 – Additional Eligibility Criteria for Youth

in secondary or postsecondary school. If a youth is between high school graduation and postsecondary education, the youth is considered an IS youth if they are registered for postsecondary education, even if they have not yet begun postsecondary classes. However, if the youth registers for postsecondary education, but does not follow through with attending classes, the youth is considered OS youth if the eligibility determination is made after the youth decided not to attend postsecondary education. Youth on summer break are considered IS youth if they are enrolled to continue school in the fall.

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

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

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

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

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

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

(Reference: WIOA Section 3[38])

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

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treatment foster homes, or group or residential care. (US Department of Health and Human Services information)

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

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

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

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

## **Chapter 8 - Low-Income Individual Determination**

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

### **8.1 Low-Income Individual**

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

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

(Reference: WIOA Section 3[36])

### **Low-Income Exceptions for Youth**

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

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

Local Areas may access ACS 5-Year data on the [US Census Fact Finder](#) website to determine the poverty rate. WSD17-07 provides step-by-step instruction on how to calculate the poverty rate.

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

Additionally, an IS youth who receives or is eligible to receive free or reduced-price lunch would

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### Chapter 8 – Low-Income Individual Determination

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

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

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

## 8.2 Low-Income Related Definitions

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

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

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

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

(Reference: WIOA Section 3[50])

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

1. An individual who lacks a fixed, regular, and adequate nighttime residence to include any of the following:
  - a. Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason.
  - b. Living in a motel, hotel, trailer park, or campground due to lack of alternative adequate accommodations.
  - c. Living in an emergency or transitional shelter.
  - d. Abandoned in a hospital.
  - e. Awaiting foster care placement.
2. An individual who has primary nighttime residence that is a public or private place not

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designed for or ordinarily used as a regular sleeping accommodation (e.g., cars, parks, public spaces, abandoned buildings, substandard housing, bus train station, or similar settings).

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

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

1. A physical or mental impairment that substantially limits one or more of the major life activities:
  - a. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
  - b. Major life activities also include the operations of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
2. A record of such an impairment; or
3. Being regarded as having such impairment.
  - a. The individual establishes that they have been subjected to an action prohibited under the Americans with Disabilities Act (ADA) because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity.
  - b. “Being regarded as having such an impairment” shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(Reference: Title 42 USC Section 12102)

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

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

***(Reference: California Family Code, Section 7002)***

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

*Out-of-Family Youth* – Court adjudicated youth separated from the family (including

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### Chapter 8 – Low-Income Individual Determination

incarcerated youth), homeless, runaway, and emancipated youth. For purposes of determining income eligibility, out-of-family youth are considered a “family of one.”

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

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

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

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

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

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

## 8.3 Dependent Children

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

1. Relationship – A child must be as follows:
  - a. A son, daughter, stepchild, foster child, or a descendant (including adopted and foster child).
2. Age – A child must be as follows:
  - a. Under age 19 at the end of the calendar year.
  - b. A student under age 24 at the end of the calendar year.
  - c. Permanently and totally disabled at any time of the year regardless of age.
3. Residency – A child must have lived with the WIOA participant for more than half the year (Exception to the time requirement include temporary absences, children who were born or died during the year, kidnapped children and children of divorced or separated parents).
  - a. Temporary absences include illness, education, business, vacation, military service, and detention in a juvenile facility.
4. Support – A child pays less than half of their own support for the year.
5. Joint return – A child cannot file a joint tax return for the year unless the joint return is only to claim a refund of income tax withheld or estimated tax paid:

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### Chapter 8 – Low-Income Individual Determination

- a. Example of joint return exception: A WIOA participant's 18-year old son and his 17-year old wife had \$800 of wages from part-time jobs and no other income. They lived with the WIOA participant all year. Neither is required to file a tax return, but taxes were taken out of their pay so they filed a joint return only to get a refund of the withheld taxes.

For additional examples of each qualifying criterion see [IRS publications](#) on personal exemptions and dependents.

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

WIB dependency policies and procedures apply to Youth and Adult Services.

The table below is designed to help staff determine whether an individual is considered a dependent or has a dependent. When verifying family size or dependency status, staff must determine whether the individual is classified as dependent or independent as appropriate.

<b>Automatically Considered Independent</b>
<ul style="list-style-type: none"><li>• <b>Individuals aged 18-24</b> who are attending school and living independently (without parental support).</li><li>• <b>Individuals aged 21 and older</b> who are not enrolled in school.</li><li>• <b>Individuals over the age of 18</b>, regardless of living situation or school status, is considered independent if they meet any of the following criteria:<ul style="list-style-type: none"><li>○ Are a parent between the ages of 18-24.</li><li>○ Receive TANF, food stamps, or Social Security benefits.</li><li>○ Are married (including separated but not divorced).</li><li>○ Live in their own residence or a residence without financial or other support from parents or guardians.</li><li>○ Are a veteran of the U.S. Armed Forces.</li><li>○ Provides a minimum of 51 percent of their own financial support.<ul style="list-style-type: none"><li>▪ This means that the participant is responsible for covering the majority of their living expenses, such as rent, utilities, food, transportation, and other personal costs, without significant assistance from parents, guardians, or other individuals. Staff may use the WIB Directive on 70% LLSIL, Poverty Guidelines, and Self-Sufficiency Levels for 2024 to determine if the participant earns 51% or more of their own income to be considered independent.</li></ul></li></ul></li></ul>
<b>Dependency Status Must Be Determined</b>
<ul style="list-style-type: none"><li>• <b>Individuals aged 18-24</b> who are attending school and live with a parent or guardian in a single residence must verify their dependency status.</li><li>• <b>Individuals aged 18-20</b> who do not meet the criteria above, are not enrolled in school but live with a parent or guardian in a single residence must verify their dependency status.</li></ul>

This section continues on the next page.

**Verification of Dependency Status:**

To confirm dependency, the following documentation may be required:

- A. Income Tax Records: Submit copies of the participant’s or their parents’ most recent tax returns.
  - If providing the participant’s parents’ tax return:  
Locate the “Dependents” section. If the participant’s name appears here, it indicates they were claimed as a dependent.
  - If providing the participant’s own tax return:  
Locate the section that states “Someone can claim you as a dependent on their return.” If the checkbox next to this statement is marked, the participant was claimed as a dependent.
- B. Court Documents: Legal records such as custody agreements, guardianship orders, or adoption papers.
- C. Self-Attestation: A signed statement from the participant or their parent/guardian explaining their dependency status.

**Documentation of Verification of Independent Status:**

- A. Income Tax Records.
  - Locate the section that states “Someone can claim you as a dependent on their return.” If the checkbox next to this statement is not checked, it indicates that the participant was not claimed as a dependent.
- B. Birth Record with a case note stating the relationship with the participant.
- C. Records from a government agency stating benefits.
- D. Marriage License.
- E. For veterans: DD-214, Military ID card, or other documents listed in Attachment Table 7 – Category 1 are acceptable forms of documentation.
- F. Self-attestation: A signed statement from the participant verifying that they meet one of the independent status criteria.

**Claimant Status Update:**

When a participant's tax claimant status is updated from the most recent tax filing period, a self-attestation must be collected to verify the participant's new status (dependent or independent).

## 8.4 Determining Low-Income Status

### Income Sources

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

#### *Included Income*

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

1. Monetary compensation for services, including wages, tips, salary, commissions, or fees before any deductions.
2. Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expense).
3. Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses).
4. Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends (e.g., wages from the California Conservation Corp).
5. Alimony, military family allotments, or other regular support from an absent family member or someone not living in the household.
6. Private pensions, government employee pensions (including military retirement pay).
7. Regular insurance or annuity payments (including state disability insurance).
8. College or university scholarships (not needs-based), grants, fellowships, and assistantships.
9. Net gambling or lottery winnings.
10. Severance payments.
11. Terminal leave pay.
12. Social Security Disability Insurance (SSDI) payments.
13. Social Security old age and survivors' insurance benefits.
14. Unemployment insurance.
15. Regular child support payments (including foster care child payments).

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

1. Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants.
2. Supplemental Educational Opportunity Grants and Federal Work Study.
3. Needs-based scholarship assistance.
4. Loans.
5. Veterans' benefits.
6. All pay and/or financial allowances earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education

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assistance. (Title 20 CFR Section 683.230)

7. Capital gains.
8. Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car.
9. Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury.
10. Non-cash benefits such as employer paid or union-paid portion of health insurance or other fringe benefits, food or housing received in lieu of wages.
11. The value of food and fuel produced and consumed on farms.
12. The imputed value of rent from owner occupied nonfarm or farm housing.
13. Indian General Welfare Benefits (Reference: [Title 26 USC Section 139E](#))
14. Medicare, Medicaid, food stamps, school meals, and housing assistance, and other state or local income-based public assistance.
15. Allowances, earnings, and payments to individuals participating in programs under WIOA Title 1. (Reference: Title 20 CFR Section 683.275[d])
16. When a federal statute excludes income received under that statute in determining eligibility for programs operated under other federal laws, such income is *excluded* in WIOA eligibility determination as well.

(Reference: WIOA Section 3[36])

### Calculating Income

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

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

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

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

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

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

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

$\$16,812 \div 18 = \$934$ , the bi-monthly payment amount  
 $\$934 \times 24 = \$22,416$ , the annual gross income

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

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

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

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

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

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

### The Lower Living Standard Income Level and Poverty Guidelines

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

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

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

## Chapter 9 - Definitions

Below is a list of terms defined throughout the TAG.

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

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

**Attachment to the Workforce** – Locally defined. Click on the term to go to the local definition.

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

1. [Displaced Homemakers](#)
2. [Low-income individuals](#)
3. Indians, Alaska Natives, and Native Hawaiians (WIOA Section 166)
4. Individuals with disabilities, including youth who are individuals with disabilities (WIOA Section 3(25))
5. Older individuals (WIOA Section 3[39])
6. [Offender/Ex-offenders](#)
7. [Homeless Individuals](#)
8. Youth who are in or have aged out of the [foster care](#) system
9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers (WIOA Sections 3[21] and 203[7])
10. Eligible migrant and seasonal farmworkers (WIOA Section 167[i])
11. Individuals within 2 years of exhausting lifetime eligibility under part A of Title IV of the Social Security Act (42 USC Section 601 et seq.)
12. Single parents (including single pregnant women)
13. Long-term unemployed individuals (TEGL 19-16)
14. Such other groups as the Governor involved determines to have barriers to employment. As of January 1, 2018, California includes:
  - ***Transgender and gender non-confirming individuals (Senate Bill 396)***  
(Workforce Services Information Notice WSIN17-22)

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

1. A youth who has English, reading, writing, or computing skills at or below the 8<sup>th</sup> grade level of a generally accepted standardized test. In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target

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### Chapter 9 – Definitions

population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. (Reference: Title 20 CFR Section 681.290)

2. A youth or adult who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job in the individual's family or in society. (Reference: WIOA Section 3[5])

**CalJOBS<sup>SM</sup>** – CalJOBS is California's online resource to help job seekers and employers navigate the state's workforce services and serves California's WIOA Titles I and III federally recognized "system of record" for the participant tracking and reporting for the WIOA and the W-P.

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

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

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

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

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

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

1. Any veteran who died of a service-connected disability.
2. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
  - a. Missing in action.
  - b. Captured in the line of duty by a hostile force.
  - c. Forcibly detained or interned in the line of duty by a foreign power.
3. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the VA.

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4. Any veteran who died while a disability was in existence.

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

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

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

(Reference: The California Family Code, Section 7002)

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

1. Employed
  - a. Did any work at all as a paid, unsubsidized employee on the date participation occurs.
  - b. Worked 15 hours or more in an unpaid job on a farm or business operated by a family member. (Reference: TEGL 10-16, Change 3, Attachment 1)
2. Employed, but received notice of termination or military separation
  - a. Has received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close.
  - b. Is a transitioning service member.

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

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

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

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

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

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

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

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

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

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

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

1. An individual who lacks a fixed, regular, and adequate nighttime residence.
2. An individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.
3. An individual living in a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing).
4. An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided.
5. An individual who meets the following criteria:
  - a. Will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by any of the following:
    - i. A court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days.
    - ii. The individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days.
    - iii. Credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause.
  - b. Has no subsequent residence identified.
  - c. Lacks the resources or support networks needed to obtain other permanent housing.
6. Unaccompanied youth and homeless families with children and youth defined as homeless under other federal statutes who meet the following criteria:

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- a. Have experienced a long-term period without living independently in permanent housing.
- b. Have experienced persistent instability as measured by frequent moves over such period.
- c. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

**Individual Employment Plan** – An individualized career service, that is developed jointly by the participant and career planner when determined appropriate by the one-stop center or one-stop partner. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goals.

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

1. A physical or mental impairment that substantially limits one or more of the major life activities:
  - a. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
  - b. Major life activities also include the operations of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
2. A record of such an impairment; or
3. Being regarded as having such impairment.
  - a. The individual establishes that they have been subjected to an action prohibited under the Americans with Disabilities Act (ADA) because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
  - b. “Being regarded as having such an impairment” shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(Reference: Title 42 USC Section 12102)

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

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

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

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

(Reference: WIOA Section 3[36])

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

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

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

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

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

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

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

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

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

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

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

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

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

**Program Year** – Often abbreviated as PY, a WIOA program year begins on July 1 and ends on June 30.

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

**Runaway Youth** – A person under 18 years of age who absents himself or herself from home or

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place of legal residence without the permission of his or her family.

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

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

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

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

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

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

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

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

**Truancy** – A truant is in violation of California's compulsory school attendance laws and a school district is not permitted to sanction violation of those laws by issuing a permit to work. A truant/dropout is subject to arrest, and the parents are subject to infraction fines if the minor is found working without a work permit.

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

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

**Veteran** – A person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 USC Section 101(2). A recently separated veteran means any veteran who applies for participation under the WIOA within 48 months after the discharge or release from active

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military, naval, or air service.

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