

WORKFORCE INVESTMENT BOARD OF TULARE COUNTY (WIB) WORKFORCE INVESTMENT ACT (WIA) TITLE I-B ACTIVITIES	DATE: December 1, 2014
	SUBJECT: WIA Title I-B Eligibility TAG

TUL 14-06

WIB DIRECTIVE

TO: WIB Service Providers and WIB Staff

SUBJECT: Workforce Investment Act Title I-B Eligibility Technical Assistance Guide (TAG)

PURPOSE:

The purpose of this directive is to provide technical assistance to WIB staff and WIB Service Providers about determining applicant eligibility to participate in the Workforce Investment Act's (WIA) Title I-B adult, dislocated worker, and youth programs.

Changes to the Technical Assistance Guide (TAG) are briefly enumerated below in the Policy and Procedures portion of this directive.

SUMMARY:

The WIA provides local areas increased flexibility to implement systems that best suit the needs of local communities. The State of California supports the idea that local workforce investment areas (local area) are best positioned to exercise this flexibility, which aids in ensuring a strong role for local boards in California's workforce investment system.

Wherever authority is reserved for a local area to develop eligibility policies, procedures, and definitions consistent with federal authorizing laws and regulations, the WIB has incorporated its own eligibility policies, procedures, and definitions in this technical assistance guide. Federal and state program auditors and monitors will verify that the local eligibility policies, procedures, and definitions have been communicated and implemented within the local area. Local policy must be consistent with State and federal policy. In cases where the State or Department of Labor adopts a policy subsequent to policy established at the local level, changes to the local policy may be required to bring it into compliance with federal or State requirements. Current State requirements are printed in bold, italic type.

SCOPE:

The requirements in this directive apply to WIB staff and WIB services providers responsible for determining the eligibility of applicants for WIA Title I-B adult, dislocated worker, and youth activities.

EFFECTIVE DATE:

This directive is effective upon release.

REFERENCES:

- WIA of 1998; Title I: Workforce Investment System
- Jobs for Veterans Act 2002 (38 USC Section 4215)
- Title 20 Code of Federal Regulations (CFR) Part 652, et al.
- Training and Employment Guidance Letter (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)
- WSD 13-31, Authorization to Work Verification Requirements (7/2/13)
- TEGL 11-11, and Changes 1 and 2, Selective Service Registration Requirements for WIA and Wagner-Peyser Funded Programs (November 23, 2011)
- 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 U.S. Department of Labor (November 10, 2009)

- TEGL 17-05, Common Measures Policy for the Employment and Training Administration's Performance Accountability System and Related Performance Issues (February 17, 2006)
- TEGL 22-04, and Change 1, Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant (March 22, 2005)
- TEGL 5-03, Implementing the Veterans Priority Provisions of the Jobs for Veterans Act (September 16, 2003)
- TEGL 08-98, Selective Service Registration (November 4, 1998)
- Workforce Services Information Notice WSIN13-31, Co-enrollment and WIA Reporting of Participants in New CalJOBSSM (December 10, 2013)
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WORKFORCE INVESTMENT BOARD OF TULARE COUNTY (WIB) — IMPOSED

REQUIREMENTS:

The contents of this directive contain Workforce Investment Board of Tulare County and State of California EDD imposed requirements

FILING INSTRUCTIONS:

This directive supersedes:

- WIA Title I-B Eligibility Technical Assistance Guide TUL 114-01 dated January 1, 2014

Retain this directive until further notice.

BACKGROUND

Title I-B of WIA authorizes a workforce investment system to provide workforce preparation and employment to eligible adults, dislocated workers, and youth. Section 661.120 of the WIA regulations provides authority to state and local governments to establish their own eligibility policies, procedures, and definitions as long as they are consistent with WIA and the WIA regulations.

POLICY AND PROCEDURES:

Workforce Investment Board staff and WIB service providers shall review the TAG and review WIA eligibility policies, procedures, interpretations, guidance and definitions to assure that they comply with the TAG.

ACTION:

Bring this directive to the attention of all affected staff and Service Providers. Ensure copies of the TAG are available to all front line staff responsible for determining eligibility.

INQUIRIES:

Please direct inquiries about this directive to the WIB office at (559) 713-5200.

Adam Peck
 Executive Director
 AP: DM: CE: EC:



Workforce Investment Act

Eligibility Technical Assistance Guide

Prepared By
Workforce Investment Board of Tulare County and
EDD Workforce Services Division

December 1, 2014

**Workforce Investment Act
Eligibility Technical Assistance Guide**

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I. LOCAL FLEXIBILITY

The Workforce Investment Act (WIA, the Act) provides local areas increased flexibility to implement systems that best suit the needs of local communities. The State of California supports the idea that local workforce investment areas (local area) are best positioned to exercise this flexibility, which aids in ensuring a strong role for local boards in California's workforce investment system.

Local areas are required to develop their own policies, procedures, criteria, and definitions of eligibility, to ensure that federal requirements are consistently interpreted and applied by front line staff. This will assist the monitors in conducting reviews and avoid any confusion or misinterpretation of the federal requirements that could potentially result in disallowed costs. Wherever authority is reserved for a local area to develop eligibility policies, procedures, and definitions consistent with federal authorizing laws and regulations, the local area should incorporate its own eligibility policies, procedures, and definitions in this Technical Assistance Guide (TAG). Federal and State program auditors and monitors will verify that the local eligibility policies, procedures, and definitions have been communicated and implemented within the local area. Local policy must be consistent with State and federal policy. In cases where the State or Department of Labor (DOL) adopts a policy subsequent to policy established at the local level, changes to the local policy may be required to bring it into compliance with federal or State requirements. Current State requirements are printed in **bold, italic** type. **WIB policy updates will be issued as Directives, Information Bulletins, or other local guidance and, as appropriate, should be considered an addendum to this TAG.** [View WIB policy directives at tularewib.org.](http://tularewib.org)

WIA is the nation's job training system for individuals that are unable to obtain other grant assistance for training or require assistance in addition to other grant assistance training programs.

The adult and dislocated worker programs are not "work first" programs. Locally developed procedures and criteria must be designed to provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities [WIA Section 195]. The appropriate mix and duration of services should be based on each participant's unique needs.

Participants may receive the three levels of service concurrently and the determination that an individual needs intensive and/or training services can be made without regard to how long the individual has been receiving core or intensive services. Neither is it necessary for all individuals to receive staff-assisted core services before receiving intensive services. In addition, job search is not the only core service that satisfies the federal requirement that an individual must receive at least one core service before receiving intensive services. Such decisions are based on each participant's employment and training needs.

WIA-funded adult and dislocated worker services may not duplicate or supplant services traditionally funded by the Wagner-Peyser Act. (This does not preclude cooperative efforts among one-stop partners to provide seamless and comprehensive services to one-stop customers.)

Local areas should not adopt a "work first" approach in designing activities that lead from participation in core to intensive and training services. These activities should not be used to discourage individuals from participating in the program or to excuse local areas and Service Providers from serving individuals. Both the State and DOL view such activities as potential obstacles to the success of this program resulting in low enrollments and poor customer service.

II. WIA ELIGIBILITY DETERMINATION AND REGISTRATION

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

ELIGIBILITY FOR SERVICES

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

A participant is required to receive at least one core service and one intensive service before moving on to a training service. The receipt of a core service and eligibility for intensive services should be documented in the case notes of a participant's case file. The receipt of intensive service and eligibility for training services should be documented on the participant's Individual Employment Plan (IEP).

REGISTRATION

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

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

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

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

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

APPLICATION PROCESS

Once the application/eligibility process is completed and the documentation required to substantiate the client's eligibility for the program is obtained, and a decision is made to serve the individual, an enrollment form (electronic or hard copy) should be completed to enroll the individual into an activity.

There is no federal limit on how much time is allowed between the application date and enrollment/registration date, or how much time a local area has to document and verify eligibility. Many areas may be using 90 days as a general rule. Nevertheless, so much time should not elapse before enrollment/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. In determining how much time is allowed between the application date and

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enrollment/registration date, local areas should be aware that delays in providing services reduce the number of days an individual will receive UI benefits while participating in WIA and increase the number of days an individual is not gainfully employed.

The application form may be updated at any time.

Include below your local policy and procedures for (a) the amount of time clients and staff have to obtain documentation; (b) the amount of time allowed to review an applicant's information and confirm eligibility; (c) the amount of time that can elapse between the application date and the enrollment date; and any other applicable guidance.

Local Policy and procedures for time limits covering the application process: Thirty (30) days is the maximum amount of time that should elapse between the beginning date of the documentation collection process and the application date.

Fifteen (15) working days from the interview signature date is the amount of time allowed to review an applicant's information and confirm eligibility. Individuals may receive Universal Core and Wagner-Peyser services until WIA eligibility is determined (No registration required – See Attachment 5).

Ninety (90) days is the amount of time that can elapse between the application date and enrollment date.

The completed application form represents the local area's intention to provide staff-assisted core, intensive, or training services, or subsidized employment. Once the individual receives a service funded by the program in a physical location or through electronic technologies, the individual becomes an enrolled participant, and the information that is used in performance measurement begins to be collected.

Wherever there is a priority to serve low-income individuals and recipients of public assistance, it is not necessary to establish that an adult who is receiving staff-assisted core services is a recipient of public assistance or is a low-income individual. The priority only applies to the receipt of intensive and training services. The application form may be updated with this information at the time that it is determined that the individual needs, and will receive intensive services. However, to be eligible to receive staff-assisted core services as a dislocated worker, an individual must meet the definition of "dislocated worker."

CONCURRENT PARTICIPATION

Individuals for whom eligibility has been verified, and who have been determined eligible for multiple WIA programs may be enrolled concurrently in multiple WIA and one-stop (America's Job Center of California) partner programs.

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

For additional guidance, see Workforce Services Information Notice, WSIN13-31, Co-enrollment and WIA Reporting of Participants in New CalJOBS.

EXITED PARTICIPANTS

Once a participant exits WIA, the application, documentation, and verification process must be repeated before the individual can be enrolled/registered in WIA again.

III. GENERAL TITLE I-B ELIGIBILITY CRITERIA

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

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youth programs.

AUTHORIZATION TO WORK

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

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

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

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

Local Policy Authorization to Work (Right To Work): The WIB's local policy regarding "Right to Work" is conducted in compliance with federal requirements Title 8 CFR Section 274a.2. Service Providers are to verify and track expiration dates of individuals' legal status or work authorization documentation and record expiration date of right to work documents in case notes. The One-Stop case management system, employmentconnect.org, provides staff resources to track WIA participant INS expiration dates. The alert will notify staff of an individual in their case load whose authorization to work is about to expire. Staff must take the necessary steps to obtain current INS documents to verify the participant continues to be eligible to receive WIA services.

The U.S. Citizenship and Immigration Services website; uscis.gov provides further guidance in obtaining appropriate I-9 documents and resources such as; Form I-9 English and M-274 Handbook for Employers. Note: The I-9 Spanish Form may only be used in Puerto Rico.

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

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SELECTIVE SERVICE REGISTRATION–

Section 189(h) of the WIA requires that a determination of selective service registration status (attachment 6) be made prior to enrollment in WIA funded programs. Local areas shall ensure that each applicable male participating in any local program or activity established under WIA , or receiving any assistance or benefit under Title I-B, has not violated *Section 3 of the Military Selective Service Act (MSSA)*.

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

Occasionally, males who were subject to Selective Service System (SSS) registration, but did not register and are now beyond their 26th birth date, apply for assistance from the WIA program. The amendments to the MSSA provide that services must be denied to a male applicant 26 years or older, if it is determined that he knowingly and willfully failed to register. When it can be determined that the applicant did not knowingly or willfully fail to register, he can be considered for participation.

Local areas should develop policy and procedures for determining whether an individual knowingly and willfully failed to register. The DOL's TEGl 8-98, (*Attachment 6*) provides federal guidance in applying *Section 3* of the MSSA.

[Reference: *WIA Section 189(h)*, *WIA Directive WSD12-8 Selective Service Registration*]

Local Policy and procedures for determining whether an individual knowingly and willfully failed to register: Please see attachment 6 WIB Directive TUL 12-02 Selective Service Registration

AGE

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

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

IV. PRIORITY OF WIA SERVICES

VETERANS

On November 7, 2002, President Bush signed the *Jobs for Veterans Act* to revise and improve employment, training, and placement services furnished to veterans. Section 2(a) of the Act amended 38 U.S.C. 4215(a) by mandating priority of service for veterans and eligible spouses "who otherwise meet the eligibility requirements for participation" in the U.S. Department of Labor (DOL) programs.

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

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eligibility criteria must be accorded veterans priority of service on the basis of self-attestation.

Related Definitions

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

VETERAN - A person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in Title 38 United States Code (USC) 101(2).

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

ELIGIBLE SPOUSE - the spouse (**including the same-sex spouse**) of any of the following:

- (1) Any veteran who died of a service-connected disability;
- (2) Any member of the armed forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - (a) Missing in action;
 - (b) Captured in the line of duty by a hostile force; or
 - (c) Forcibly detained or interned in the line of duty by a foreign power;
- (3) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the U.S. Department of Veterans Affairs; or
- (4) Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories 2 or 3 above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g., if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member [Title 38 USC 4215(a)].

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

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

PRIORITY OF SERVICE - Veterans and eligible spouses are entitled to receive precedence over non-covered persons for employment, training, and placement services. Specifically, a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

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Applying Priority of Service

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

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

For additional guidance regarding priority of service, see TEGL [10-09](#), Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by DOL, and the [Jobs for Veterans Act](#) Web page.

Local Policy and Procedures

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

Local Policy - Process by which the priority of services to veterans and other covered persons will be applied:

- First Priority: Veterans and/or eligible spouses who are public assistance recipients or low-income individuals who meet the existing program eligibility requirements or are dislocated workers
- Second Priority: Non-veterans who are public assistance recipients or low-income individuals who meet existing program eligible requirements
- Third Priority: Veterans and/or eligible spouses who meet existing program eligibility requirements
- Fourth Priority: Non-veterans who meet existing program eligibility requirements

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

ADULTS—The DOL assumes that adult funding is generally limited because there are not enough adult funds available to provide services to all of the adults who could benefit from such services. However, the DOL also recognizes that conditions are different from one area to another and funds might not be limited in all areas. Because of this, the regulations require that all local boards must consider the availability of funds in their area. In making this determination, the availability of other federal funding, such as *Temporary Assistance to Needy Families* (TANF) funds, should be taken into consideration. Unless the local board determines that funds are not limited in the local area, priority for intensive and training services must be given to recipients of public assistance and other low-income individuals.

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

Local Policy - Process by which the priority for adult intensive and training services will be applied: As outlined in the Tulare County 5-year Strategic Plan, Core services will be universally available: however, eligible Veterans will receive priority for the receipt of intensive and training services.

Within the integrated service design, Core and Intensive services shall be expanded to individuals who are not recipients of public assistance or other low-income individuals. The One-Stop Operator must determine if an individual is eligible as a **Dislocated Worker prior to engaging the streamlined WIA Adult eligibility process**. Enrollment services requires the following;

- A. Successful completion of an Integrated WIA Application which is entered into the electronic data management system (www.employmentconnect.org); and
- B. Verification of: Right to Work, Birth Date, and Selective Service (if applicable); and
- C. Verification of Tulare County Residence

Because Integrated Service Design allows individuals to be eligible for Intensive and Training services without regard to income, there is a need to establish criteria to determine when it is appropriate to

expend WIA training funds.

The criteria to determine if an individual is appropriate for training are;

A. An individual must meet **WIA Adult** low-income guidelines for eligibility as defined in the WIB WIA Eligibility Technical Assistance Guide. (Documentation utilized to determine eligibility shall be retained in the electronic files.)

or

B. An **Employed Individual**, but not economically self-sufficient as defined in the most current WIB Self-Sufficiency Directive must be within 175% of the LLISL. (Documentation utilized to determine eligibility shall be retained in the electronic files.)

or

A. An individual must meet **Dislocated Worker** eligibility as defined in the WIB WIA Eligibility Technical Assistance Guide. Dislocated Workers **do not** need to verify family size or income. (Documentation utilized to determine eligibility shall be retained in the electronic files.)

or

B. A **Veteran** as defined in WIA. A veteran does not need to meet WIA Adult low-income guidelines for eligibility. (Documentation utilized to determine eligibility shall be retained in the electronic files.)

and

- Customer has completed Work Keys
- With regard to ITA's, the customer has researched the demand occupations in the labor market, and identified appropriate education and training providers. Customer has met WIB approved pre-requisites for requested training.

The determination of an individual's low-income status is discussed in Section VIII of this TAG.

[Reference: WIA Section 134(d)(4)(E); and Title 20 CFR Part 663.600 et al. Preamble, Subpart F— Priority and Special Populations, p. 49343]

V. ELIGIBILITY FOR CORE, INTENSIVE AND TRAINING SERVICES

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

ELIGIBILITY FOR CORE SERVICES

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

For performance measurement of the adult and dislocated worker programs, WIA distinguishes self-service and informational activities as separate from the other activities within the WIA service categories (staff-assisted core, intensive, and training).

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

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

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

ELIGIBILITY FOR STAFF-ASSISTED CORE SERVICES

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

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

Significant use of resources and a significant use of staff time: Individuals, who are primarily seeking information and do not seek direct, one-on-one staff assistance, do not need to be registered. However, when an individual seeks assistance requiring significant staff involvement to take the next steps toward self-sufficient employment, then eligibility must be determined. For services other than self-service or informational activities, individuals must be determined eligible and registered. In addition, equal opportunity data must be collected on every individual who is interested in being considered for WIA financially assisted aid, benefits, services, or training, and has signified that interest by submitting personal information in response to a request from the WIB. The following are the core services that require registration when a *significant degree of staff assistance* is given to clients, and when application and registration are required.

- Staff assisted job search & placement assistance, including career counseling
- Follow-up services, including counseling regarding the workplace
- Staff assisted job referrals (such as testing & background checks)
- Staff assisted job development (working with employer & jobseeker)
- Staff assisted workshops and job clubs

There are two main factors to consider when determining which core services require adults and dislocated workers to be registered and counted in performance measurements:

1. Level of staff involvement with the customer. When there is significant staff involvement in terms of resources or time, individuals receiving the staff-intensive core services are required to be registered for the adult or dislocated worker programs (all youth customers must be registered).
2. Purpose of the service. The Act specifically excludes those individuals who participate in self-service activities only (such as browsing the Internet). For staff-assisted activities, the purpose of the service should be examined to determine if registration is required for the service. Services that are designed to inform and educate individuals about the labor market and their employment strengths, weaknesses, and the range of services appropriate to their situations should be considered informational in nature. Staff-assisted services that are designed to impart job seeking and/or occupational skills should require registration. [Reference: WIA Sections 101(1), 134(d)(2), 189(h), 188(a)(5), and TEGL 7-99]

ELIGIBILITY FOR INTENSIVE SERVICES

The following individuals may receive intensive services:

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

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

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

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

Self-Sufficiency

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

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

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

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

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local area's performance while assuring services are provided to individuals who are above the poverty guidelines but not yet self-sufficient.

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

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

(Reference: Title 20 CFR Sections 663.220 and 663.230)

Local Criteria For Self-Sufficiency: The local self-sufficiency criteria for employed adults and dislocated workers are 175% of the LLSIL. View most recent Self-Sufficiency Level WIB Directive at www.tularewib.org.

Within the integrated service design, Core and Intensive services shall be expanded to individuals who are not recipients of public assistance or other low income individuals. The One-Stop Operator must determine if an individual is eligible as a Dislocated Worker prior to engaging the streamlined WIA Adult eligibility process. Enrollment requires the following;

- A. Successful completion of an Integrated Application which is entered into the electronic data management system (www.employmentconnect.org); and
- B. Verification of: Right to Work, Birth Date, and Selective Service (if applicable); and
- C. Verification of Tulare County Residence

Because Integrated Service Design allows individuals to be eligible for Intensive and Training services without regard to income, there is a need to establish criteria to determine when it is appropriate to expend WIA training funds.

The criteria to determine if an individual is appropriate for training are;

- A. Unemployed, underemployed or is dislocated from employment and needs training to obtain/retain employment; **or**
- B. An employed individual, **but not economically self-sufficient** as defined in the most current WIB Self Sufficiency Directive located at www.tularewib.org. Family income must be within 175% of the LLSIL for employed workers only. Dislocated Workers do not need to verify income. **and**
 - Customer has completed Work Keys;
 - Regarding ITA's, the customer has researched the demand occupations in the labor market and identified appropriate education and training providers. Customer has met WIB approved prerequisites for requested training.

ELIGIBILITY FOR TRAINING SERVICES

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

- (1) Have met the eligibility requirements for intensive services, have received at least one intensive service under Section 663.240, and have been determined to be unable to obtain or retain employment through such services;
- (2) After an interview, evaluation, or assessment, and case management, have been determined by a Service Provider or one-stop partner, to be in need of training services and to have the skills and qualifications to successfully complete the selected training program;
- (3) Select a program of training services that is directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate;

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- (4) Are unable to obtain grant assistance from other sources (e.g., State-funded training funds, Trade Adjustment Assistance, or Federal Pell Grants) to pay the costs of such training, or require WIA assistance in addition to other sources of grant assistance. [Provisions relating to fund coordination are found at Title 20 CFR Section 663.320 and WIA Section 134(d)(4)(B)]; and
- (5) For individuals whose services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system, if any, in effect for adults.

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

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

LOCAL PROCEDURES AND ELIGIBILITY CRITERIA

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

The adult and dislocated worker programs are not “work first” programs. **Local boards may not adopt a “work first” approach in developing local procedures and eligibility criteria for the three tiers of service.** Locally developed procedures and criteria must be designed to provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities (WIA Section 195). The appropriate mix and duration of services should be based on each participant’s unique needs.

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

In developing local procedures and eligibility criteria for the three tiers of service, WIA-funded adult and dislocated worker services may not duplicate or supplant services traditionally funded by the Wagner-Peyser Act. (This does not preclude cooperative efforts among AJCC partners to provide seamless and comprehensive services to customers.)

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

Local Policy - Determining eligibility for services and maintaining case records: The Act distinguishes between general program eligibility and eligibility for services. General program eligibility includes federally imposed criteria including citizenship/right-to-work, Selective Service registration, age, targeted populations, and youth barriers. Eligibility for services is related to local determinations about the client’s need for and ability to benefit from services. Adult and dislocated worker case files must contain determinations of the need for intensive and training services. [20 CFR 663.160(b) and 663.240(b)]

A participant is required to receive at least one core service and one intensive service before moving on to a training service. The receipt of a core service and eligibility for intensive services should be documented in the case notes of a participant’s electronic file and/or case file. The receipt of intensive service and eligibility for training services should be documented on the participant’s Individual

Employment Plan (IEP).

Note: This tiered service structure does not apply to youth (14-21). All youth must be determined eligible and registered in order to receive services funded under WIA Title I-B. [664.215]

VI. ADDITIONAL ELIGIBILITY CRITERIA FOR DISLOCATED WORKERS

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

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

DETERMINING DISLOCATED WORKER STATUS

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

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

The individual:

- A. Has been terminated or laid off, or has received a notice of termination or layoff, from employment; **AND**
 - B. (B) (a) Is eligible for or has exhausted entitlement to unemployment compensation; **or**
(b) Has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings OR having performed services for an employer that were not covered under a State unemployment compensation law; **AND**
 - C. Is unlikely to return to a previous industry or occupation; or
- (2) The individual has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any *substantial layoff* at, a plant, facility, or enterprise;
 - (3) Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services described in WIA Section 134(d)(4), intensive services described in Section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a *general announcement* that such facility will close; or
 - (4) Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of *general economic conditions* in the community in which the individual resides or because of natural disasters; or
 - (5) Is a displaced homemaker; or

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

- a **self-sufficient** dislocated worker wage; or
- leading to self-sufficiency; or
- providing more than **stopgap employment**.

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

LOCAL DEFINITIONS AND ELIGIBILITY CRITERIA

Attachment to the Workforce

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

Local Policy - Sufficient attachment to the workforce: *A period of 90 cumulative full or part time workdays within the last one (1) year prior to the date of WIA application. For the purpose of this definition, a workday can include as little as two (2) hours of work. Part time employment conditions that, by their nature or design, restrict the number of hours available for work in any day are acceptable in determining sufficient attachment to the workforce. Examples include, but are not limited to school aides, baby sitters, domestics, etc.*

Unlikely to Return

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

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

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

Local Policy – Unlikely to Return –

Due to current economic environment in Tulare County, including a very high unemployment rate, numerous increases in employer lay-offs, and limited employment opportunities, individuals that meet the two eligibility criteria described in (a) and (b) below for the Dislocated Workers categories Terminated/Laid off, and Voluntary Terminated and Dislocated Military Spouses, are determined to be eligible for WIA Dislocated Worker funded services and activities and need not prove (c) that the individual is unlikely to return to their previous industry or occupation (Attachment 8, “Rationale Unlikely-To-Return Expansion to Include All Dislocated Workers in Tulare County for 2014”)

An individual who:

- a. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; and
- b. Is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law.
- c. Unlikely to return to previous industry or occupation (temporarily not required to prove due economic conditions in Tulare County)

TEMPORARILY NOT REQUIRED

When determining unlikely to return, **use at least one** of the following criteria: Worked in a declining industry/occupation, as documented on State or locally-developed lists of such industries/occupations. State lists are available from the Employment Development Department’s (EDD) Labor Market Information Division. The following website will provide local labor market information for declining industry/occupation; <http://www.labormarketinfo.edd.ca.gov/?pageid=1003> . Select “Industry Employment” and then find Tulare County and select “Current Month” to find current local labor market information for local declining industries and determine unlikely to return to previous occupation and/or industry.

This information is updated on a monthly basis. Local lists must be developed by an appropriate entity, such as the Chamber of Commerce, the Local Workforce Investment Board, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information;

1. Customer has had a lack of job offers as documented by the local Job Service (JS)/UI office, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry/occupation;
2. Worked in an industry/occupation/job for which there are limited job orders in the EDD CalJOBS system at the time of eligibility determination as outlined by the local EDD field office or One-Stop staff with access to the CalJOBS database.
3. 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 customer’s educational achievement levels, testing, or other suitable means;
4. Has physical or other problems which would preclude reentry into the former industry/occupation, as documented by a physician or other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.);
5. Natural disaster that results in lost wages;
6. Mechanization;
7. Loss of agricultural land;
8. Any significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work dates.
9. Change in family situation that requires higher income.
10. As a civilian, recently separated Veterans are unlikely to return to their previous industry.
11. Customers who have been unemployed for 15 of the last 26 weeks are unlikely to return to their previous occupation. Their previous occupation and/or industry are highly compromised based on economic reports provided by EDD. The State average unemployment rate is 12 percent and Tulare County is well above the state average.

Substantial Layoff

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

Local Policy - Substantial layoff: Any temporary or permanent reduction in workforce by 10% of employees by department or total company, but not necessarily resulting in permanent closure.

General Announcement

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

Local Policy - General announcement: The *general announcement* of plant closing criterion may include, among other things, a newspaper article or public notice. It is important to have a credible source of information, or a documented confirmation from the employer. Refer to **Section X. TABLE OF DOCUMENTATION TO ESTABLISH WIA ELIGIBILITY** for further acceptable documentation of general announcement.

General Economic Conditions

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

Local Policy - General Economic Conditions: The “*as a result of general economic conditions in the community in which the individual resides*” criterion may include, among other conditions, self-employment which locally has little demand or has been declining, or the local economy is declining. Examples include, but are not limited to, seasonal factors, unforeseen or unusual operating costs, and depressed market conditions. Refer to **Section X. ACCEPTABLE DOCUMENTATION TO ESTABLISH WIA ELIGIBILITY** for further acceptable documentation of general economic conditions.

Difficulty in Obtaining or Upgrading Employment

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

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

Local Policy - Difficulty in obtaining or upgrading employment: Has had a lack of job offers as documented by the local Job Service (JS)/UI office, rejection letters from employers, or other documentation of unsuccessful efforts to obtain employment or upgrade employment.

UNLIKELY TO RETURN STANDARD

Farmworkers

The inherently seasonal nature of farmworker occupations has been incorrectly perceived by some practitioners as disqualifying under the “unlikely to return to work” standard in WIA Section 101(9)(A). In fact, individuals that may have worked seasonally can be considered unlikely to return to work in a previous industry or occupation for a variety of reasons such as:

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

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

Profiled and Referred Unemployment Insurance Claimants

Unemployment insurance (UI) profiling refers to a process which uses an automated system to identify claimants likely to exhaust regular UI benefits. After a UI claim is filed and a first payment is made, an automated system identifies claimants likely to exhaust their benefits and refers those claimants to a mandatory subsequent reemployment service.

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

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

LAYOFFS, FURLOUGHS, TEMPORARY LAYOFFS AND LOCKOUTS

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

Furlough means 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 United States Code (USC) 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. The local areas are in the best position to make

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this determination. If these individuals are likely to return to their previous industry or occupation and need more than core services, they may be served as adults. In some cases, a business, company or corporation's furloughs are in fact substantial layoffs and the unlikely to return provision does not apply. Local areas have the discretion to define "substantial layoff" since the definition depends on local economic conditions.

Lockout means 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 [Section 1132.8 of the California Labor Code]. A lockout does not terminate the employer-employee relationship. Consequently, 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.

In those cases mentioned above when individuals are not dislocated workers, local boards have the flexibility to serve them as adults even when there is a local priority to serve recipients of public assistance and other low-income individuals.

STOPGAP EMPLOYMENT

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

VETERANS AND MILITARY SPOUSES

Veterans

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

Military Spouses

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

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

A military spouse who leaves a job to follow his/her spouse can be served as a dislocated worker in certain circumstances. When the spouse is unable to continue an employment relationship because of the service member’s duty reassignment or discharge from the military, then the cessation of employment can be considered to meet the criteria of being “terminated” for purposes of establishing dislocated worker eligibility. This cessation of employment can also be considered to meet the “unlikely to return” standard because in the majority of cases, the circumstances in which military spouses are required to leave a job do not position them to return immediately to their previous occupations, particularly at the same level. In order to receive services as a dislocated worker, military spouses would also have to satisfy the other criteria for dislocated worker eligibility as outlined in Section VI of this TAG, including the general WIA eligibility criteria.

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

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

RELATED DEFINITIONS

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

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

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

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

- (1) Did no work at all as a paid employee on the date participation occurs;
- (2) Has received a notice of termination of employment or the employer has issued a WARN or other notice that the facility or enterprise will close; or
- (3) Is a transitioning service member (TEGL 17-05).

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

UNDEREMPLOYED - An individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual’s demonstrated level of educational attainment (TEGL 14-00, Change 1)

VII. ELIGIBILITY CRITERIA FOR YOUTH

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

ELIGIBILITY FOR YOUTH SERVICES

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

ELIGIBLE YOUTH – An individual who:

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

[Reference: WIA Section 101(13)]

LOCAL DEFINITIONS AND ELIGIBILITY CRITERIA

Deficient in Basic Literacy Skills

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

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

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

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

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referenced test [WIA Section 101(4)].

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

Local Policy - Deficient in Basic Literacy Skills: Deficient in basic literacy skills is defined as an individual that computes or solves problems, reads, writes, or speaks English at or below the 8th grade level (8th grade, 9th month) on a generally accepted standardized test. Basic skills testing may include all of the areas cited above but must at a minimum include testing in English reading and math. The CASAS and TABE are commonly accepted forms for documentation of basic literacy skills.

Situations may arise where standardized testing is not an appropriate mechanism for determining the level of an individual's basic literacy skills, (i.e., individuals with skill levels obviously at or below the 8th grade level, individuals who refuse testing or otherwise cannot be tested). In such cases survival/living skills may be the criterion used in evaluating and defining the level of English literacy skills necessary to function on the job, in the individual's family or in society.

The **Youth Services Customer Profile** is a locally developed assessment tool used with all youth seeking WIA services in Tulare County. The *Strengths, Interests, and Goals* segment of the Profile includes a section on *Life Skills Goals*. When standardized testing is not possible (due to disability or individual function level) for determining the level of an individual's basic literacy skills, the *Life Skills Goals* section of the *Customer Profile* shall be used as the pre/post test in evaluating and defining the level of English literacy skills necessary to function on the job, in the individual's family or in society.

Please note: Common performance measures require all out-of-school youth (those not attending any school) to be tested for basic literacy and numeracy skills using a generally accepted standardized test. Therefore, the *Life Skills* section of the *Customer Profile* will **not be an acceptable tool for evaluating basic literacy and numeracy levels for out-of-school youth unless disability or individual functioning level prohibits standardized testing. This must be clearly explained in case notes.**

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

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

Local Policy – Requires Additional Assistance: A low-income youth may be identified as requiring additional assistance to complete an educational program, or to secure and hold employment if one or more of the following is true at the time of application:

- Has a core grade point average (GPA) of 1.5 or less;
- Has repeated at least one secondary grade level or is one year over age for grade;
- For each year of secondary education, is at least two semester credits behind the rate required to graduate from high school;
- Is deemed at risk of dropping out of school by a school official (must document through the *School Referral Form*);
- Is a previous dropout or has been suspended five or more times or has been expelled;
- Out of school youth;

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- Disconnected youth (an individual between the ages of 14 and 21 that has not been regularly employed or attended school in the past six months);
- Is an emancipated youth;
- Has aged out of foster care;
- Youth of incarcerated parent(s);
- Is a court/agency referral mandating school attendance;
- Gang-involved youth or at-risk of gang involvement (at risk of gang involvement: family, significant others are gang members or the neighborhood in which youth lives and/or attends school is a documented high intensity gang area);
- Has been referred to or are being treated by an agency for a substance abuse related problem;
- Has never held a job and/or is deficient in occupational skills related to employment goal (older youth);
- Has been fired from a job within the 12 months prior to application (older youth);
- Has never held a full-time job for more than 13 consecutive weeks (older youth);
- Has experienced recent traumatic events, is a victim of abuse, or resides in an abusive environment as documented by a school official or other qualified professional;
- Has a limited ability to communicate in English resulting in a barrier to employment;
- Has a personal or family history of seasonal or chronic unemployment (i.e. migrant or seasonal farmworker youth);

Examples of acceptable documentation verifying a youth requiring additional assistance may include school records, WIB School Referral Form, Telephone Verification (attachment 2), written statement from cognizant agency, Applicant Statement (attachment 1), case record (notes) of “observable condition”, etc. Specific documentation requirements are listed in the *Table of Documentation*.

Five Percent Eligibility Exceptions

Not more than five percent of participants served by WIA Youth programs may be individuals who do not meet the income criteria for eligible youth, but are within one or more of the following categories:

- A. School dropout;
- B. Basic skills deficient, as defined in WIA Section 101(4);
- C. Are one or more grade levels below the grade level appropriate to the individual's age;
- D. Pregnant or parenting;
- E. Possess one or more disabilities, including learning disabilities;
- F. Homeless or runaway;
- G. Offender; or
- H. Face *serious barriers to employment* as identified by the state or the local board.

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

Serious Barriers to Employment

Local boards may define the term *serious barriers to employment* and describe it in the local plan [Title 20 CFR Part 652 et al. Preamble, Subpart B—Eligibility for Youth Services, p. 49349]. Include your local area's definition of serious barriers to employment below:

Local Policy – Serious Barriers to Employment: Serious barriers to employment include the following:

- A core GPA of 1.5 or less;
- Deemed at risk of dropping out of school by a school official;
- Previous dropout or has been suspended or expelled from school;
- Referred to or being treated by an agency for a substance abuse related problem;
- Experienced recent traumatic events, victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional;
- Emancipated Youth;
- Aged out of foster care;
- Court/agency referrals mandating school attendance;
- Never held a job (older youth);
- Has been fired from a job within the 12 months prior to application (older youth);
- Has never held a full-time job for more than 13 consecutive weeks (older youth);
- Has a limited ability to communicate in English resulting in a barrier to employment.
- Examples of acceptable documentation verifying a youth requiring additional assistance may include school records, TCWIB School Referral Form, Telephone Verification (attachment 2), written statement from cognizant agency, Applicant Statement, case record (notes) of “observable condition”, etc. Specific documentation requirements are listed in the Table of Documentation.

YOUTH RELATED DEFINITIONS

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

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

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

[Reference: WIA Section 101(27)]

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

The definition of "other responsible adult" includes:

- (1) *A relative with whom the individual resides.*
- (2) *An adult who has been delegated custodial or administrative responsibilities in writing, either temporarily or permanently, by parents or by an appropriate agency.*
- (3) *An agency or organization representative who is in a position to know the individual's circumstances (i.e., that they could not get a parent's or guardian's signature authorizing participation), for example, a clergy person, a school teacher or other school official, a*

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probation or other officer of the court, a foster parent.

- (4) **A representative of an agency which provided support services to the individual and who is aware of the individual's circumstances (i.e., that they cannot get a parent's or guardian's signature authorizing participation) for example, a social worker, a homeless shelter official, a child protective worker, a health clinic official.**
- (5) **Other responsible adults determined by the local board as appropriate to authorize the individual's participation.**

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

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

- A. Is a school dropout; or
- B. Has received a secondary diploma or its equivalent but is
 - 1. Basic skills deficient,
 - 2. Unemployed, or
 - 3. Underemployed.

[Reference: WIA Section 101(33)]

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

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

[References: WIA Section 101(39); Title 20 CFR Sections 664.300 and 664.310]

TRUANCY - A truant/dropout is in violation of California's compulsory school attendance laws and a school district is not permitted to sanction violation of those laws by issuing a permit to work. A truant/dropout is subject to arrest, and the parents are subject to infraction fines if the minor is found working without a work permit (California Department of Education website, [Frequently Asked Questions: Work Permits](#)).

VIII. LOW-INCOME INDIVIDUAL DETERMINATION

To be eligible to receive youth services an individual must be low-income. Unless the local board determines that funds are not limited in the local area for the adult program, priority must be given to recipients of public assistance and other low-income individuals for intensive and training services. The Act defines low-income individual in Section 101(25). The definition of low-income individual applies to the priority to serve low-income adults and eligible youth. Related to the definition of low-income individual are the definitions of *poverty level, public assistance, family, dependent children, emancipated minor, out-of-family youth, lower living standard income level, homeless, and individual with a disability*. All of these definitions are listed on the following pages.

LOW-INCOME INDIVIDUAL

The term *low-income individual* means an individual, who:

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

[Reference: WIA Section 101(25)]

LOW-INCOME RELATED DEFINITIONS

LOWER LIVING STANDARD INCOME LEVEL - The *lower living standard income level* (LLSIL) means the income level (adjusted for regional, metropolitan, urban, and rural differences and family size), determined annually by the U.S. Department of Labor based upon the most recent *lower living family budget* issued by the Secretary. [Reference: *published annually in the Federal Register*] - View latest TCWIB Directive at www.tularewib.org

POVERTY LEVEL - The *poverty level* means the income level at which families are considered to live in poverty, as annually determined by the Department of Health and Human Services. [Reference: *published annually in the Federal Register*] - View latest TCWIB Directive at www.tularewib.org

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

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

[Reference: WIA Section 101(37)]

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

- (1) An individual who lacks a fixed, regular, and adequate nighttime residence;
- (2) An individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

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

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

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

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

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

An individual with a disability whose own income meets the low-income criteria, but is a member of a family whose income does not meet the low-income requirements, is a low-income individual.

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

- (1) Has entered into a valid marriage, whether or not such marriage was terminated by dissolution;
- (2) Is on active duty with any of the armed forces of the United States of America; or

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

[Reference: The California Family Code, Section 7002]

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

OUT-OF-FAMILY YOUTH - Court adjudicated youth separated from the family (including incarcerated youth), homeless, runaway, and emancipated youth. For purposes of determining income eligibility, out-of-family youth are considered a “family of one.”

FAMILY - The term *family* means two or more persons related by blood, marriage (including same-sex marriages), or decree of court, who are living in a single residence, **and** are included in one or more of the following categories:

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

[Reference: WIA Section 101(15)]

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

DEPENDENT CHILDREN

DEPENDENT CHILDREN - Individuals Who Are:

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

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

Local Dependency Policy And Procedures For: Youth age 18-21 who are not full-time students in a secondary school (high school) or equivalent, and are living in a single residence with their parent(s) or guardian(s):

- If the 18-21 year-old is a dependent family member (e.g. the youth is claimed as a dependent on the parent’s income tax), then income is calculated based on wages, salaries, tips, etc. of all family members. If the older youth is determined not to be a dependent family member (e.g., the youth is not claimed as a dependent on the parent’s income tax), the older youth’s income is based on his or

her own wages, salaries, tips, etc.

- Income shall be calculated following the standards incorporated in this TAG.
- If the individual claims little or no income he/she must submit a statement that little or no income was received during the past six-months. If an individual provided work and/or services for which the household would typically pay, and in lieu of wages received lodging, food, and similar necessities, this information should be included in his/her statement. Specific documentation requirements are listed in the *Table of Documentation*.

DETERMINING LOW-INCOME STATUS

Income Sources

Income eligibility is a function of family resources and family size. **The following income sources SHOULD BE included in an individual's income calculation:**

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

The following income sources SHOULD NOT be included in an individual's income calculation:

- Unemployment Insurance;
- Child support payments (including foster care child payments);
- Need-based Public Assistance payments (including TANF, Supplemental Security Income, Emergency Assistance money payments, and non-federally-funded general assistance or general relief money payments);
- Social Security Old Age and Survivors' Insurance benefit payments;
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants;
- Supplemental Educational Opportunity Grants and Federal Work Study;
- Needs-based scholarship assistance;
- Loans;
- Veterans Benefits;
- Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance;

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- Capital gains;
- Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
- Non-cash benefits such as employer paid or union-paid portion of health insurance or other fringe benefits, food or housing received in lieu of wages;
- The value of food and fuel produced and consumed on farms;
- The imputed value of rent from owner occupied non-farm or farm housing;
- Medicare, Medicaid, food stamps, school meals, and housing assistance; and
- Allowances, earnings and payments to individuals participating in programs under this Act (except OJT wages).

[Adopted from WIA Section 101(25)(B) and Training and Employment Information Notice 29-91]

When a federal statute excludes income received under that statute in determining eligibility for programs operated under other federal laws, such income is also excluded in WIA eligibility determination.

The Lower Living Standard Income Level and Poverty Guidelines

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

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

The LLSIL and poverty guidelines are included in a table according to family size. To use the table, local areas should compare the applicant's actual individual or family income during the six-month income determination period with the six-month figures on the table. If complete information is not available, local areas may take the available information and calculate the income for a six-month or annual time period. **If multiplying the six-month income by two overstates the actual annual income, the actual annual income should be used.** The most current WIB Directive 70 Percent Lower Living Income Standard (LLSIL) and Poverty Guidelines are located at www.tularewib.org.

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

SAMPLE CHART

Family Size							
	1	2	3	4	5	6	Each Add'l. add
70% LLSIL							
Annual	\$9,443	\$15,476	\$21,247	\$26,230	\$30,951	\$36,201	\$5,250
6 Months	\$4,722	\$7,738	\$10,624	\$13,115	\$15,476	\$18,101	\$2,625
100%	\$13,490	\$22,108	\$30,353	\$37,471	\$44,216	\$51,716	\$7,500
Poverty Guidelines							
Annual	\$10,830	\$14,570	\$18,310	\$22,050	\$25,790	\$29,530	\$3,740
6 Months	\$5,415	\$7,285	\$9,155	\$11,025	\$12,895	\$14,765	\$1,870

Calculating Income

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

(1) Salary

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

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

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

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

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

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

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

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

(2) Varying

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

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

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

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

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

(3) Intermittent

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

IX. ELIGIBILITY DOCUMENTATION AND VERIFICATION

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

DOCUMENTATION AND VERIFICATION RELATED DEFINITIONS

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

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

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

TYPES OF DOCUMENTATION

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

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

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

- (4) Local Area MIS

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

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

- (5) Self-Attestation

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

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this self-identification. The form and signature can be on paper or in the local area MIS with an electronic signature.

(6) Case Notes

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

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

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

LOCAL POLICY AND PROCEDURES

Documentation and Verification

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

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

Local areas must make reasonable efforts to document eligibility for WIA-funded programs. While an applicant statement is not considered a primary documentation source, applicant statements may be used when an item is unverifiable or it is unreasonably difficult to obtain, as allowed in Section X of the TAG. The applicant's difficulty in obtaining documentation does not need to entail hardship or suffering to justify using an applicant statement. In taking an applicant's statement, it is not necessary to obtain corroboration unless there is reason not to believe the applicant or the applicant is a minor under the age of 18.

For cases where documentation cannot or may not be copied, and/or is not readily obtainable, documents may be inspected or information verified by telephone. Telephone verification must be documented in the case notes and must include contact information and specific details. For example, "Aug. 15, 2013. Called Dept. of Corrections, spoke with Sgt. X who verified that Mr. Y was incarcerated between January 25 and March 16, 2013."

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

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

Case Files

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

- **General Program Eligibility**

For adults receiving staff-assisted core services, local areas must record equal opportunity information, authorization to work, age, and compliance with Selective Service registration. If an adult is unable to obtain or retain employment through staff-assisted core services and requires intensive services, local areas must record the remaining federal, State, and local documentation and verification requirements before providing intensive services [Title 20 CFR Section 663.105].

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

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

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

A participant is required to receive at least one core service and one intensive service before moving on to a training service. The receipt of a core service and eligibility for intensive services should be documented in the case notes of a participant's case file. The receipt of intensive service and eligibility for training services should be documented on the participant's Individual Employment Plan (IEP).

DOCUMENTATION RETENTION REQUIREMENTS

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

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

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

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

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

X. ACCEPTABLE DOCUMENTATION SOURCES

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

Table 1 – General Eligibility

GENERAL ELIGIBILITY	
The three general eligibility criteria apply to all WIA Title I programs	
Eligibility Criteria (Verify each eligibility criterion)	Acceptable Documentation (One document per eligibility criterion is required. Only the documentation sources listed below may be used.)
<p>1. Birth date/age</p>	<ul style="list-style-type: none"> • Baptismal record • Birth certificate • Form DD-214 “Report of Separation” • Driver’s license • Federal, state or local government issued identification card • Hospital record of birth • Passport • Public assistance/social service records • School records or identification card • Work permit • Cross match with Department of Public Health vital records • Tribal records
<p>2. U.S. work authorization</p> <p>Note: For the list of acceptable verification documents included in the Form I-9, go to www.uscis.gov.</p> <p>In response to inquiries about the validity of unsigned social security cards, the most recent versions of the card state that, "This card is invalid if not signed by the number holder unless health or age prevents signature." Unsigned social security cards for minors (under 18 years) are acceptable for WIA eligibility purposes. However, the social security card must be signed prior to the youth starting work (i.e. work experience), or upon turning 18 years of age.</p>	<ul style="list-style-type: none"> • Verification document(s) that satisfy List A of the Form I-9 • Verification document(s) that satisfy List B <u>and</u> C of the Form I-9
<p>3. Selective Service registration</p> <p>Note: Each male registrant 18 years of age or older born on or after January 1, 1960, must present evidence that he has complied with <i>Section 3</i> of the Military Selective Service Act.</p> <p>Each male who turns 18 years of age during WIA participation must also submit evidence that he has complied with the requirements of the Military Selective Service Act.</p>	<ul style="list-style-type: none"> • Selective Service acknowledgement letter • Form DD-214 “Report of Separation” • Screen printout of the Selective Service verification internet site: https://www.sss.gov/ReqVer/wfVerification.aspx • Selective Service registration card • Selective Service verification form (Form 3A) • Stamped post office receipt of registration • Selective Service status information letter • Evidence presented by an individual that his failure to register with the Selective Service was not knowing and willful (e.g., a written explanation accompanied by supporting documentation such as a third party affidavit) •

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<p>*RESIDENCY (Tulare County)</p> <p>Note: The documentation listed must show proof of current (within 60 days) residence at time of certification.</p> <p>*Priority for WIA Title I-B Intensive and Training services is given to Tulare County residents.</p>	<ul style="list-style-type: none"> • Computer Printout from other Government Agencies • Driver's License • Food Stamp Award Letter • Homeless (See Requirements for Homeless Individuals) • Housing Authority Verification • Insurance Policy (Residence or Auto) • Landlord Statement • Lease • Letter from Social Service Agency or School • Library Card • Medicaid/Medicare Card • Phone Directory • Postmarked Mail Addressed to Applicant • Property Tax Record • Public Assistance Records • Rent Receipt • School Identification Card • Selective Service Registration Card • Utility Bill (gas, electric, water, cable, telephone, etc.) • Voter Registration Card • Applicant Statement
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Table 2 – Dislocated Worker Eligibility

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

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<p>(B) (a) Is eligible for or has exhausted entitlement to unemployment compensation;</p> <p>or</p> <p>(b) Has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law;</p> <p>AND</p>	<ul style="list-style-type: none"> • Statement by an Unemployment Insurance (UI) representative • UI records, including the DE 1180PH Claim Status and History form, DE 4581 Continued Claim Paper form, DE 8406 PJSA appointment notice form, DE 8530 REA letter, and Employment Development Department (EDD) Web-CertSM printout • DE 1106/Z Appointment notice of referral to an IAW • Screen print of IAW schedule • Reemployment plan generated from IAW • Invitation letter to SEA orientation • Screen print of SEA schedule. <p style="text-align: center;">or</p> <ul style="list-style-type: none"> • Pay check stubs • W-2 and/or tax returns • UI records, including DE 429Z Notice of UI Award and DE 4581 Continued Claim paper form • Statement by the employer or union representative • Statement by a UI representative • Self-attestation
<p>(C) Is unlikely to return to a previous industry or occupation.</p>	<ul style="list-style-type: none"> • DE 1106/Z Appointment notice of referral to an IAW • Screen print of IAW schedule • Reemployment plan generated from IAW • Invitation letter to SEA orientation • Screen print of SEA schedule • DE 8406 PJSA appointment notice form <p>Note: If one of the above is not available, documented telephone verification from the EDD field office will suffice.</p> <ul style="list-style-type: none"> • Internet site, such as CalJOBSSM that indicates lack of industry/occupation availability • Screen print of Labor Market Information Division screens that indicates lack of industry/occupation availability • Doctor statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Vocational rehabilitation counselor's statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Employment Specialist's determination • Self-attestation

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<p>2. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of an permanent closure of, or any substantial layoff at, a plant, facility, or enterprise.</p> <p>Note: In the case of downsizing or workforce reduction when it is unclear which employees will be affected, a layoff notice is appropriate.</p>	<p><u>Closure or substantial layoff:</u></p> <ul style="list-style-type: none"> • Bankruptcy documents, if declared under <i>Chapter 7</i>, Title 11 U.S.C. Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Statement from the employer or union representative • Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual • WARN notice • Telephone verification • Self-attestation <p><u>Notice of Layoff or Laid off:</u></p> <ul style="list-style-type: none"> • WARN notice • Copy of other specific notice to employee of intent to layoff • UI Form 501 (Separation Statement), when completed on both sides and signed by an employer representative • Employer or union representative letter or statement • Telephone verification • Self-attestation
<p>3. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days;</p> <p>or,</p> <p>For purposes of eligibility to receive core services only, is employed at a facility at which the employer has made a general announcement that such facility will close.</p>	<ul style="list-style-type: none"> • Bankruptcy documents, if declared under Chapter 7, Title 11, U.S.C. • Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Statement from the employer or union representative • Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual
<p>4. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.</p>	<ul style="list-style-type: none"> • Bankruptcy documents listing both the name of the business and the applicant's name • Business license • Copy of a completed federal income tax return (Schedule SE) for the most recent tax year • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Copy of articles of incorporation for the business listing the applicant as a principal • Self-attestation

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<p>5. Is a displaced homemaker.</p>	<ul style="list-style-type: none"> • Public assistance records • Court records • Divorce papers • Bank records • Spouse's member's layoff notice • Spouse's death record • Self-attestation
<p>6. Is an eligible dislocated worker (meets the WIA Title I general eligibility criteria and one of the five methods listed above) who, since dislocation and prior to application, has not been employed in a job that paid a wage defined by the Local Workforce Investment Board (local board) as either:</p> <p>(a) a self-sufficient dislocated worker wage;</p> <p>(b) leading to self-sufficiency;</p> <p>or</p> <p>(c) providing more than stopgap employment.</p>	<ul style="list-style-type: none"> • Acceptable documentation from one of the five dislocated worker eligibility criteria above <p>and</p> <ul style="list-style-type: none"> • Pay Stubs • Bank statements (direct deposit) • Employer statement/contact • Family or business financial records • Tax documents • Self-attestation

Table 3 – Youth Eligibility

<p style="text-align: center;">YOUTH ELIGIBILITY (A youth participant must meet the WIA general eligibility criteria and the eligibility criteria below)</p>	
<p style="text-align: center;">Eligibility Criteria (Verify each eligibility criterion)</p>	<p style="text-align: center;">Acceptable Documentation (One document per eligibility criterion is required.)</p>
<p>1. Low-income individual</p>	<p>See the Low-Income Table</p>
<p>2. An Individual who is one or more of the following:</p>	
<p>(A) Deficient in basic literacy skills</p>	<ul style="list-style-type: none"> • Standardized assessment test • School records • Case notes
<p>(B) A school dropout</p>	<ul style="list-style-type: none"> • School documentation/statement/records • Drop out letter • WIA application • Local area Management Information System • Self-attestation
<p>(C) Homeless or a runaway;</p> <p style="text-align: center;">or</p>	<ul style="list-style-type: none"> • Written statement from an individual providing temporary residence • Written statement from social service agency • Written statement from a shelter • WIA application • Self-attestation
<p>a foster child</p>	<ul style="list-style-type: none"> • Written confirmation from social service agency • Case notes

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

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

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Table 4 – Low-Income

LOW-INCOME (A low-income individual must meet one of the criteria below.)	
Eligibility Criteria (Verify one of the seven eligibility criteria)	Acceptable Documentation (One document per eligibility criterion is required)
<p>1. Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program.</p>	<ul style="list-style-type: none"> • Authorization to receive cash public assistance • Public assistance check • Medical card showing cash grant status • Public assistance records • Refugee assistance records • Cross-match with public assistance database
<p>2. Received an income, or is a member of a family that received a total family income, for the six-month period prior to application for the program that, in relation to family size, does not exceed the higher of:</p> <p>(A) The poverty line for an equivalent period; or</p> <p>(B) 70 percent of the Lower Living Standard Income Level for an equivalent period.</p> <p>Note: Documentation should be provided for each applicable inclusive income source received by the applicant and each family member for the six-month income period immediately preceding the determination date.</p> <p>It is necessary to verify family size when utilizing family income eligibility.</p> <p>An applicant who claims little or no income must submit a statement that little or no income was received during the past six months, and that he/she was not employed for that period.</p>	<ul style="list-style-type: none"> • Alimony agreement • Award letter from Veterans Administration • Bank statements (direct deposit) • Compensation award letter • Court award letter • Employer statement/contact • Family or business financial records • Housing authority verification • Pay stubs • Pension statement • Public assistance records • Quarterly estimated tax for self-employed persons (Schedule C) • Social Security benefits records • UI documents and/or printout • Self-attestation
<p>3. The applicant is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).</p>	<ul style="list-style-type: none"> • Current authorization to obtain food stamps • Food stamp card with current date • Current food stamp receipt • Postmarked food stamp mailer with applicable name and address • Statement from County Welfare Office • Public assistance records
<p>4. Qualifies as a homeless individual, as defined in subsections (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).</p>	<ul style="list-style-type: none"> • Written statement from an individual providing temporary residence • Written statement from social service agency • Written statement from a shelter • WIA application • Self-attestation
<p>5. Foster child for which state or local government payments are made on his/her behalf.</p>	<ul style="list-style-type: none"> • Written confirmation from social services agency • Case notes

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<p>6. An individual with a disability whose own income meets the low-income requirements of #1 and #2 listed above, but is a member of a family whose income does not meet such requirements.</p> <p>Note: Disability status as well as income must be verified. An individual with a disability shall be considered a family of one for eligibility purposes.</p>	<ul style="list-style-type: none"> • Medical records • Physician's statement • Psychiatrist or psychologist diagnosis/statement • Social Security Administration disability records • Letter from drug or alcohol rehabilitation agency • School record/official statement • Observable condition (self-attestation with the interviewer serving as the corroborating witness) • Rehabilitation evaluation • Sheltered workshop certification • Social Service records/referral • Veterans Administration letter/records • Vocational rehabilitation letter/statement • Workers compensation records/statement • Telephone verification • Other applicable, verifiable, documentation • Self-attestation
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Table 5 – Priority for WIA Services

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

Table 6 – Employment Status at Participation

EMPLOYMENT STATUS AT PARTICIPATION	
Eligibility Criteria	Acceptable Documentation
Employed	<ul style="list-style-type: none"> • Pay stub • Case notes showing information collected from participant
Not employed	<ul style="list-style-type: none"> • Case notes showing information collected from participant
Underemployed	<ul style="list-style-type: none"> • Employment specialist or case manager’s determination • Telephone verification • Self-attestation

XI. ACRONYMS

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

XII. DEFINITIONS

Below is a list of terms defined throughout the Technical Assistance Guide (TAG).

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

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

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

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

DEPENDENT CHILDREN - **Dependent children are individuals who are:**

(1) Claimed as a dependent on their parent’s income tax; AND

(2) (a) Under 18, not an emancipated minor, and living in a single residence with their parent(s) or guardian(s); or

(b) Ages 18-21, and living in single residence with their parent(s) or guardian(s).

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

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

ELIGIBLE SPOUSE - The spouse (**including the same-sex spouse**) of any of the following:

(1) Any veteran who died of a service-connected disability;

(2) Any member of the armed forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:

(a) Missing in action;

(b) Captured in the line of duty by a hostile force; or

(c) Forcibly detained or interned in the line of duty by a foreign power;

(3) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the U.S. Department of Veterans Affairs; or

(4) Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a

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living veteran or service member (i.e., categories 2 or 3 above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member [Title 38 USC 4215(a)].

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

ELIGIBLE YOUTH – An individual who:

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

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

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

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

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

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

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

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

WIA Eligibility Technical Assistance Guide

manner to include same-sex spouses.)

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

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

GENERAL ANNOUNCEMENT - Locally defined. Click on the term to go to the local definition.

GENERAL ECONOMIC CONDITIONS - Locally defined. Click on the term to go to the local definition.

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

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

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

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

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

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

LOW-INCOME INDIVIDUAL - An individual, who:

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

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

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

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

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

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

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

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

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

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

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

OUT-OF-FAMILY YOUTH - Court adjudicated youth separated from the family (including incarcerated youth), homeless, runaway, and emancipated youth. For purposes of determining income eligibility, out-of-family youth are considered a "family of one."

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

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

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

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

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

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

PRIORITY OF SERVICE - Veterans and eligible spouses are entitled to receive precedence over non-covered persons for employment, training, and placement services. Specifically, a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

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

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

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

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

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

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

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

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

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

SUBSTANTIAL LAYOFF - Locally defined. Click on the term to go to the local definition.

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TRANSITIONING SERVICE MEMBER – A service member in active duty status (including separation leave) who participates in employment services and is within 24 months of retirement or 12 months of separation.

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

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

UNLIKELY TO RETURN - Locally defined. Click on the term to go to the local definition.

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

VETERAN - A person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2).

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

XIII. Table of Documentation to Establish WIA Eligibility

ATTACHMENT 1

WORKFORCE INVESTMENT BOARD of TULARE COUNTY

APPLICANT STATEMENT

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT I _____

If applicant cannot obtain a satisfactory witness or provide a telephone contact, explain above.

I ATTEST THAT THE INFORMATION STATED ABOVE IS TRUE AND ACCURATE, AND UNDERSTAND THAT THE ABOVE INFORMATION, IF MISREPRESENTED, OR INCOMPLETE, MAY BE GROUNDS FOR IMMEDIATE TERMINATION AND/OR PENALTIES AS SPECIFIED BY LAW.

APPLICANT'S SIGNATURE and DATE

PARENT or GUARDIAN SIGNATURE
(Youth Only)

APPLICANT'S ADDRESS

RELATIONSHIP TO APPLICANT

OFFICE USE ONLY

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

SIGNATURE and DATE OF CERTIFYING STAFF
WIB-84 (11/10)

WORKFORCE INVESTMENT BOARD of TULARE COUNTY
TELEPHONE VERIFICATION FORM

WIA ELIGIBILITY VERIFICATION BY TELEPHONE OR DOCUMENT INSPECTION		
APPLICANT'S IDENTIFICATION NUMBER	NAME OR NUMBER OF DOCUMENT	
<input type="checkbox"/>	<input type="checkbox"/>	
APPLICANT'S LAST NAME	FIRST NAME	M.I.
PRIMARY ELIGIBILITY ITEM TO BE VERIFIED: _____		
AGENCY PROVIDING VERIFICATION: _____		
AGENT VERIFYING ELIGIBILITY ITEM: _____		
DATE & TIME OF VERIFICATION: _____		
APPLICANT/PARTICIPANT RECORD/I.D. NUMBER: _____		
TELEPHONE NUMBER OF AGENCY PROVIDING VERIFICATION: _____		
ADDITIONAL ELIGIBILITY ITEMS VERIFIED (LIST & RECORD DATA FOR EACH)		

I ATTEST THAT THE INFORMATION RECORDED BY ME ON THIS DOCUMENT WAS OBTAINED THROUGH TELEPHONE CONTACT OR DOCUMENT INSPECTION ON THE ABOVE DATE. AS INDICATED BY THE AGENT, ALL INFORMATION WAS OBTAINED FROM DATA PREVIOUSLY DETERMINED AND RECORDED IN THE APPLICANT'S RECORDS AT THE AGENCY PROVIDING THE ELIGIBILITY VERIFICATION.		
OR		
I ATTEST THAT THE DOCUMENT INSPECTED, VERIFIED THE PRIMARY/SECONDARY ITEMS REQUIRED TO DETERMINE ELIGIBILITY FOR THE WIA PROGRAM.		
STAFF SIGNATURE and DATE: _____		

<p>U.S. Department of Labor Employment and Training Administration Washington, D.C. 20210</p>	CLASSIFICATION JTPA/SSS
	CORRESPONDENCE SYMBOL TDCP
	DATE November 4, 1998

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 8-98

TO: ALL STATE JTPA LIAISONS
 ALL STATE EMPLOYMENT SECURITY AGENCIES
 ALL STATE WORKER ADJUSTMENT LIAISONS
 ALL ONE-STOP CAREER CENTER SYSTEM LEADS

FROM: DAVID HENSON
 Director
 Office of Regional Management

SUBJECT: Selective Service Registration

- Purpose. To provide updated guidance to Job Training Partnership Act (JTPA) grantees on applying the Selective Service registration requirement and to rescind TEIN No. 20-94.
- References. JTPA §604, Enforcement of Military Selective Service Act, as amended (MSSA); Training and Employment Guidance Letter (TEGL) No. 4-89; and Training and Employment Information Notice (TEIN) No. 20-94.
- Background. Only those males who are subject to, and have complied with, the registration requirements of MSSA are eligible for participation in JTPA-funded programs and services. Section 604 of the JTPA, as amended, requires the Secretary of Labor to insure that each individual participating in any JTPA program, or receiving any assistance under the Act, has not violated the requirements of §3 of the MSSA (50 U.S.C. App. 453). This section requires that every male citizen and every other male residing in the United States must register with the Selective Service System (SSS) between their 18th and 26th birth dates. The Director of the SSS and the Secretary of Labor are required to cooperate in carrying out these provisions.

<p>RESCISSIONS TEIN NO. 20-94</p>	EXPIRATION DATE Continuing
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DISTRIBUTION

WIA Eligibility Technical Assistance Guide

In 1986, the MSSA was amended by Public Law 99-661, §1366 to require the registration status to be examined and confirmed as follows:

- (g) A person may not be denied a right, privilege, or benefit under federal law by reason of failure to present himself for and submit to registration under section 3 [50 U.S.C. App. 453] if - -
 - (1) the requirement for the person to register has terminated or become inapplicable to the person; and
 - (2) The person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register.

The Conference Report to the amendment clarified “that a non-registrant is not to be denied any federal benefit if he can demonstrate that his failure to register was not knowing or willful.” This provision was added “in order not to penalize an individual with an obvious disqualifying handicap, such as total paralysis of the limbs, or an individual who has been honorably discharged from the armed services.” (See TEGl No. 4-89)

Occasionally, males who were subject to SSS registration, but did not register and are now beyond their 26th birth date, apply for assistance from the JTPA program. In the past, when grantees completed the “advisory form” for such applicants, the SSS responded with an “advisory opinion letter” which, in effect, ruled on an applicant’s compliance with the JTPA’s requirement to register with the SSS.

Since January 1995, the SSS has been issuing “status information letters” indicating an applicant’s Selective Service Status, in lieu of the previous system of “advisory opinion letters.” This current practice is pursuant to SSS’s determination that final decisions for disbursing federally financed domestic benefits, services, rights, or training, rests solely with the various provider agencies which disburse them. In the case of JTPA, these provider agencies are the SDAs and SSAs.

- 4. Policy. The SDA/SSA programs disbursing services or benefits have the responsibility for deciding the above cases and determining eligibility for services or benefits on a case-by-case basis.
 - a. Males between the Ages of 18 and 26. Individuals, who are required to register, but have not registered, and have not yet reached their 26th birth date, should be referred to SSS for registration prior to enrollment in JTPA.
 - b. Males over the Age of 26 Who Did Not Register. Any male over 26 years old who possesses a “Status Information Letter” from the SSS indicating that he was required to register, but did not, and now cannot be registered because the law does not allow for registration after the age of 26, is presumptively disqualified from participation in JTPA-funded services and activities. The burden then falls on the applicant to provide evidence explaining why he failed to register with the SSS. This could include a written explanation from the applicant, stating his circumstances at the time of the required registration, and his reasons for not registering, together with supporting documentation.

Since the JTPA grantee is now authorized to make these determinations for eligibility purposes, the JTPA staff should evaluate the evidence presented by the applicant and make a determination regarding whether or not the applicant’s failure to register with the SSS when he was required to register is consistent with the above cited amendment to P.L. 99-661, §1366. If after reviewing the evidence, the SDA/SSA determines that the preponderance of the evidence shows that a man’s failure to register was not a knowing and willful failure and he is otherwise eligible, services may be granted. If the determination is that the evidence shows the applicant’s failure to register was knowing and willful, JTPA services must be denied. Applicant’s denied services should be advised

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of the available grievance procedures under JTPA. Decisions by the local program are appealable to the State (see Item 6.below).

5. Examples of Documentation/Evidence Which Could be Provided by the Applicant. A non-registrant should be encouraged to offer as much evidence and in as much detail as possible to support his case. Following are examples of documentation/evidence that may be of assistance to SDAs/SSAs in making a determination in these cases:

- a. Service in Armed Forces. A man provides evidence that he served honorably in the U.S. Armed Forces by submitting a copy of his DD Form 214 attesting to his service, or a copy of his Honorable Discharge Certificate. Such documents may be considered prima facie evidence that his failure to register with the SSS was not willful or knowing.
- b. Aliens Entering U.S. On or After Age 26. Alien males who entered the U.S. on or after attaining their 26th birthday are exempt from the Selective Service registration requirements. Immigration and Naturalization Service (INS) Form I-94 (Arrival/Departure Record) and INS Form I-551 (Alien Registration Receipt Card commonly called the “green card”) held by aliens will show the birth date of the alien. Also, INS has granted legal status and employment authorization to some lawful seasonal agricultural workers (SAWs) and some formerly illegal aliens under the 1986 Immigration Reform and Control Act (IRCA).
- c. Immigrant Aliens. Immigrant aliens, and refugees, parolees, asylees, SAWs, and IRCA-legalized aliens with work permits can be enrolled into JTPA programs only after an SSS registration or exemption is established as outlined above. INS Form I-688 (Temporary Resident Card) will be helpful in establishing the alien’s status.
- d. Former Illegal Aliens. Male aliens 26 years of age or older who entered the U.S. illegally and who were subsequently granted legal status by the INS (IRCA-legalized aliens) or who were born after December 31, 1959, but who are not registered with the SSS can be enrolled into JTPA only after a “status information” letter (formerly called an “advisory opinion letter”) has been obtained from SSS. If SSS issues a status information letter that it has no evidence that such individuals knowingly and willfully failed to register, the individuals should provide the SDA/SSA reasons why SSS has no evidence of their registration, and in so doing, provide evidence to convince the SDA/SSA that they did not knowingly or willfully fail to register. The individuals can then be enrolled into JTPA programs, if they are otherwise eligible.

If SSS is silent on this question, then the SDA must make the determination, as described above (see TEGL No. 4-89, Item 5.). [It is important to remember that §167(a)(5) of JTPA prohibits participation of an alien without, legal status from INS, even if there is a determination that there is evidence to show the applicant did not knowingly and willfully fail to register with the SSS (see TEGL No. 4-89, Item 5.)].

- e. Non-Immigrant Aliens. Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families; foreign students; and tourists with unexpired Forms I-94, I-95A or Border Crossing Documents I-185, I-186, I-586, or I-444) are not required to register with the Selective Service, but must be authorized to work in the United States under §167(a)(5) to be eligible for JTPA.
 - f. Third Party Affidavits. Third Party Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to SDAs/SSAs in making determinations in cases regarding willful and knowing failure to register with the SSS.
6. Grievance/Appeal Procedures. The JTPA and its regulations provide a system for handling grievances, complaints, hearings, and appeal rights under JTPA. The specific procedures to be followed are developed at the local and State levels in accordance with the provisions of the Act and the regulations at 20 CFR Part 627 Subpart E. Under JTPA, the State is responsible for making sure that there is a

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process in place to handle JTPA complaints/appeals at the local level. If a person does not receive a decision at the local level within 60 days of filing a complaint or grievance or is dissatisfied with the decision they receive, they have the right to request a review of their complaint by the State. Please note that under federal rules, the State's decision is final.

7. Action Required. States are requested to ensure that the information contained in this issuance is provided to all SDAs/SSAs, and other staff responsible for JTPA eligibility determinations and/or reviews.
8. Inquiries. Questions may be directed to your Regional Office. Additional information is available at the SSS web site: www.sss.gov. States, SDAs, and SSAs are encouraged to contact their legal staff if further assistance is required as local and State policies are developed.

Employment and Training Administration Advisory System Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION "Jobs for Veterans Act"
	CORRESPONDENCE SYMBOL OWI
	DATE September 16, 2003

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 5-03

TO: ALL STATE WORKFORCE LIAISONS
ALL STATE WORKFORCE AGENCIES
ALL ONE-STOP SYSTEM LEADS
ALL STATE RAPID RESPONSE COORDINATORS
ALL STATE BUSINESS RELATIONS GROUP CONTACTS
ALL ETA DISCRETIONARY GRANTEEES
ALL ETA COMPETITIVE GRANTEEES
ALL ETA DEMONSTRATION GRANTEEES

/s/

FROM: EMILY STOVER DeROCCO
Assistant Secretary

SUBJECT: Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (PL 107-288)

- Purpose. To inform states and other Department of Labor (DOL)-funded workforce investment system partners of the veterans' priority provisions of the "Jobs for **Veterans Act**" and to provide general guidance as to the implementation of these provisions.
- References. "Jobs for Veterans Act" (Pub. L. 107-288)
- Background. On November 2, 2002, President Bush signed the "Jobs for Veterans Act" (Pub. L. 107-288). Section 2(a) of the Act 38 U.S.C. 4215(a) creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in DOL training programs.
- Policy Guidance. Twenty DOL-funded workforce programs are covered by the section 4215 veterans' priority. Most of these programs have only general program eligibility requirements and do not target specific participant groups. DOL also administers a number of programs that have existing statutory targeting provisions that must be taken into account when applying the veterans' priority.

RESCISSIONS	EXPIRATION DATE Continuing
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The programs affected include, but are not limited to: the Workforce Investment Act (WIA) Adult and Dislocated Worker formula-funded program, Wagner-Peyser Employment Services, the Trade Act programs, National Emergency Grants, the Senior Community Service Employment Program (SCSEP), the Migrant and Seasonal Farmworker program, the Indian and Native American program, H-1B Technical Skills Training Grants, Job Corps, WIA Demonstration Projects, Youth Opportunity Grants, the WIA Youth formula-funded program, Labor Market Information Formula Grants, Pilots, Research and Development, and the Career One-Stop Electronic Tools and other Internet-based self-service tools operated by DOL grantees.

For most DOL programs, implementing the veterans' priority will pose few practical difficulties. However, in a few programs, the veterans' priority will compete with existing statutory priorities that favor certain

population groups. These programs include SCSEP, the WIA-funded Adult and Youth programs, and the Welfare-to-Work (WtW) program.

Individual guidance will be issued separately for each affected ETA program. This will include guidance on electronic and other self-service service delivery methods where the priority is applicable. In the interim, the purpose of this Training and Employment Guidance Letter (TEGL) is to provide the workforce investment system with general guidance regarding the statute and its scope, as well as an understanding of how the veterans' priority will affect current business processes as it is implemented. For WIA, this TEGL is applicable to operations under current law. At the time of WIA reauthorization, veterans' priority guidance will be updated.

5. Interaction of Veterans' Priority With Existing Program Requirements That DO NOT Target Specific Groups. While the exact manner in which the veterans' priority is applied will vary considerably depending upon the services offered, the law requires that the individual receiving priority must first meet the program's existing eligibility requirements. Thus, for all programs, veterans must meet the program eligibility requirements in order to obtain priority of service.
6. Interaction of Veterans' Priority With Existing Program Requirements That DO Target Specific Groups. For programs with existing targeting provisions, the veterans' priority must be applied by assessing a person's status in light of both the veterans' priority and the existing provision(s). The terms used for these targeting provisions (such as priority, preference, and spending requirements or limitations) may vary by program. The specific term used for these targeting provisions is not as important as the effect the provisions have on the program. It is important to distinguish the targeting provisions that are statutory and mandatory compared with those that are regulatory and/or optional. The veterans' priority is a statutory mandate, but one that is not intended to displace the core function of the program.

Cases Where The Existing Targeting Is Required By Law

For example, certain targeting provisions are derived from a statutory mandate that requires a priority or preference for a particular group of participants or requires spending a certain portion of program funds on a particular group of participants. These are mandatory priorities. For these programs, the veterans' priority is applied as follows:

- An individual meeting both the veterans' and the mandatory priorities or spending requirement or limitation would obtain the highest preference for the program.
- Non-veterans within the program's mandatory priority would receive a preference over eligible veterans outside the program-specific mandatory priority or spending requirement or limitation.
- Similarly, eligible veterans outside the program-specific mandatory priority or spending requirement or limitation would receive priority over non-veterans outside the priority or spending requirement or limitation (once the spending requirement or limitation is met).

Cases Where the Existing Targeting is Discretionary and Not Required by Law

Other targeting provisions may require the program to focus on a particular group of participants, or to make efforts to provide a certain level of service to such a group, but do not specifically mandate that the favored group be served before other eligible individuals. Whether these provisions are found in statute or regulation, these are discretionary or optional priorities. The veterans' priority is applied as follows:

- The veterans' priority would take precedence over these priorities. Within the program as a whole, grantees are required to implement the veterans' priority in advance of the opportunities and services provided to the population group covered by the optional priority.

As mentioned earlier, individual guidance for implementing the veterans' priority provisions of the Jobs for Veterans Act for each DOL program will be issued separately.

7. Impact on Workforce Investment System Processes. Assuming that workforce investment system state and local policies, operational management decisions, and related work processes do not inherently discriminate against veterans, priority of service to veterans should be provided within the context of existing policies, operational management, and related work processes.

Specific guidance will soon be issued pertaining to individual DOL programs. In the interim, this TEGP provides several broad examples to illustrate how the veterans' priority principles will be applied to a number of workforce investment system processes.

- Worker Profiling and Reemployment Services Program - States currently develop their own statistical models for profiling unemployment insurance claimants for referral to services. The veterans' priority requirement will not impose a change in state profiling models but rather in the way claimants are referred to services. Claimants with the highest probabilities of exhaustion, including veterans, will still be referred to services first. This means that non-veterans with a higher probability of exhaustion will be referred ahead of veterans with a lower probability of exhaustion. However, in cases where the statistical model produces identical probabilities for a number of claimants, veterans will receive priority in referral to service. If states have information on veteran status at the time they do their referrals, they can use this to resolve ties produced by their statistical model by giving priority to veterans over non-veterans with the identical probability of exhaustion. Alternatively, states can opt to simply refer all people in the tied group.
 - Adult/Dislocated Worker Local Resource Allocation and Individual Training Accounts (ITAs) - Consistent with the principle that veterans' priority must be applied within the existing context of the relevant Department of Labor program, the Jobs for Veterans Act does not change the requirement that participants must qualify as eligible under the Workforce Investment Act, nor does it change local area ability to budget funds among core, intensive, training and supportive services. Local programs are not required to change their allocations among services to reserve funds for veterans, but are required to ensure that eligible veteran workers are given priority over non-veterans for all available services.
 - National Programs such as the Senior Community Services Employment Program (SCSEP) or Employment and Training Programs for Native Americans - Perhaps more than any others, national programs such as these most clearly reflect situations where targeting is required by law. They will, therefore, need to follow the principles outlined earlier in section six of this guidance in order to assure that the dual intentions of Congress (i.e., to serve carefully specified populations and to provide priority service to veterans) are simultaneously accomplished.
 - Program Registration - When there is a registration requirement associated with receipt of services for an impacted program or grant, collection of the individual's veteran status will be necessary.
 - Self-Service Tools - Any informational or service delivery Web site developed with funding from an impacted program or grant will be expected to provide information on veterans' priority and how to access assistance via the nearest One-Stop Center in receiving priority service from any applicable program or grant. Specific, forthcoming policy guidance on the veterans' priority as it applies to self-service tools will provide further detail. It is important to note that self-service tool instructions on accessing veterans' priority assistance will be expected to go beyond mention of, or referral to, Local Veteran Employment Representatives and Disabled Veterans Outreach Programs.
8. WIA Planning and the Plan Modification Process. Under WIA, states are required to develop a five-year strategic plan for workforce investment. State plans include information on how a state's workforce investment system operates within the context of WIA relative to administration of Title I services to adults, dislocated workers, and youth, and the development of statewide One-Stop delivery systems. State plans are an important tool to ensure that veterans' priority is implemented relative to Title I program delivery, especially where there are cross-program-funded services in the context of the One-

Stop system. Following WIA passage, ETA issued planning guidance for the required Strategic Five Year Plan for Title I of WIA and the Wagner-Peyser Act. Language in the planning guidance currently requires states to identify how services will be delivered to veterans in a state's One-Stop service delivery system. There are specific circumstances when a state plan must be modified, including when changes in federal or state law or policy substantially change the assumptions upon which the plan is based (20 CFR 661.230).

The passage of the Jobs for Veterans Act is a federal law change that fits this definition. Because current state plans are effective through either Program Year (PY) 2003 or PY 2004, and due to the fact that WIA is due to be reauthorized in 2003, the initial focus for implementation of the veterans' priority will be to require states to modify their existing state plans under current WIA regulations and planning guidance. After reauthorization has taken place, WIA regulations and planning guidance will be updated to include specific language on the veterans' priority.

9. Grant Agreement Language. Specific grant language on the veterans' priority will be required to ensure that all grantees are fully aware of the new law's requirements and of their obligation to design service delivery strategies accordingly. This is of particular importance for demonstration, discretionary, or competitive grants such as National Emergency Grants, Youth Opportunity Grants and WIA demonstration projects. ETA will provide all grantees with the necessary grant language (consistent across all grants) in the form of a unilateral modification which elaborates upon the existing ETA grant provision that currently requires compliance with all federal laws (including newly enacted ones). The letter will also cross-reference this policy guidance and all relevant, forthcoming specific policy guidance for the particular program or grant activity. No formal grant modification will be required. All subsequent Solicitations for Grant Award will also reference the veterans' priority and the relevant policy guidance.
10. Reporting and Data Collection. The Secretary of Labor is required to develop an annual report to Congress beginning in PY 2003 on whether veterans are receiving priority of service, whether they are being fully served by impacted programs/grants and whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market. To fulfill this requirement, programs/grants will need to collect veteran status information from individuals served by their programs/grants.

To develop a more standardized approach across various workforce programs as required by implementation of common measures for job training programs, ETA is in the process of revising its data collection systems. ETA will introduce this revised data collection system through of a Federal Register notice. Following a public comment period, ETA anticipates finalizing and implementing the revised data collection system.

ETA is engaged in a number of activities for performance measurement and reporting systems, including data validation and implementation of common measures for job training programs. With regard to veterans' priority, ETA intends for this revised data collection system to include the following features:

- (1) Data elements will be consistent across programs and grants and will include items such as number of veterans served by service component (i.e., services provided, programs/funding sources used, and outcomes).
- (2) Until new reporting systems are in effect, ETA will report on requirements under the Jobs for Veterans Act through existing processes.
- (3) The existing definition of veteran varies across programs and funding streams. In conjunction with the Veterans' Employment and Training Service, ETA will standardize this definition and apply it to affected programs/grants.

11. Action Required. States shall inform all appropriate staff, subgrantees, contractors and Local Workforce Investment Boards of the contents of these instructions. Discretionary grantees should similarly familiarize themselves, their subgrantees and subcontractors with this guidance. Planning should begin in anticipation of the release of specific program guidance from ETA in the form of a Question and Answer Web site within the next month.
12. Inquiries. States should direct all inquiries to the appropriate ETA Regional Office.

RATIONALE FOR “UNLIKELY-TO-RETURN” EXPANSION TO INCLUDE ALL DISLOCATED WORKERS IN TULARE COUNTY FOR 2014

The economic downturn of 2006 through 2009 and the ongoing weak economic recovery is one of the worst in U.S. history. Job losses have totaled near 5.2 million around the nation. For the first 11 months of 2012 the national unadjusted unemployment rate stood at 8.1 percent, down slightly from the 9.0 percent unadjusted rate of 2011. Job growth across the nation has been weak and new claims for unemployment insurance applications, as of December 29, 2011 increased by 15,000 to a seasonally adjusted 381,000 according to the U.S. Labor Department. The current four-week average stands at 348,750.

Economists expect the job growth to be low and slow during 2014.

Since the recession began, the rise in unemployment has been concentrated among persons who lost jobs, as opposed to job leavers or people joining the labor force. From December 2007 to December 2012, the total number of job losers has increased to 10.1 million, and their share of total unemployment has risen from 50.0 to 67.1 percent.

The number of unemployed individuals experiencing long spells of joblessness also has risen. In February 2013, 4.8 million persons had been unemployed for 27 weeks or longer, up from 1.3 million at the start of the recession. Longer periods of unemployment for some workers and greater underemployment for others are among the impacts of this new kind of labor market. In 2011, the average period of unemployment in California reached 37 weeks, the longest average since 1948.

Layoffs have multiplied because of dysfunction in the financial system, which is prompting even healthy companies to shed workers and shut down operations out of concern they may soon lose access to credit. Uncertainty about any economic recovery has prevented many companies from hiring additional employees.

The unemployment rate in the Tulare County was 12.9 percent in December 2013, up from a revised 12.7 percent in October 2013, and below the year-ago estimate of 16 percent. This compares with an unadjusted unemployment rate of 8.3 percent for California and 6.6 percent for the nation during the same period.

Economists believe that the local unemployment rate will remain around this high number for three to four more years, as new jobs are created, discouraged workers who have dropped out of the labor market will re-enter thus keeping the labor force numbers elevated.

At that rate of job creation, it would take eight to ten years to absorb the current number of those unemployed. There is no clear indication that jobs will be created any faster for the region and a job growth rate of 1% to 2% is the most optimistic for employment growth in the next several years.

Therefore with these unemployment figures and the outlook for slow and weak job growth for the next several years, tremendous competition for jobs will exist and it is unlikely that many laid-off and discouraged workers will be able to return to their former occupation or to their former industry for employment.

In 2013, the year ends with UI Federal extensions expiring on December 28 for 222,461 UI claimants in California and of those 3,256 reside in Tulare County. The Tulare County Employment Connection Centers will experience an increase for demand for services.

DIRECTIVE

WORKFORCE SERVICES

Number: WSD13-1

Date: July 2, 2013

69:123:df:15826

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: AUTHORIZATION TO WORK VERIFICATION REQUIREMENTS

EXECUTIVE SUMMARY:**Purpose:**

This directive provides guidance in implementing the State requirement to verify an individual's authorization to work prior to providing Wagner-Peyser Act (WPA) and/or Workforce Investment Act (WIA) employment services.

Scope:

This directive applies to the Workforce Development Community, including Local Workforce Investment Areas (local area), Local Workforce Investment Boards, Community Based Organizations, and Employment Development Department (EDD) staff.

Effective Date:

This directive is effective on date of issue.

REFERENCES:

- Title 8 Code of Federal Regulations (CFR), Section 274a.2, Verification of Identity and Employment Authorization
- California Unemployment Insurance Code, Section 9601.5
- Training and Employment Guidance Letter 17-05, Subject: Common Measures Policy for the Employment and Training Administration's Performance Accountability System and Related Performance Issues (February 17, 2006)
- The U.S. Citizenship and Immigration Services (USCIS), Handbook for Employers, Instructions for Completing Form I-9, www.uscis.gov/files/form/m-274.pdf.
- The USCIS [Form I-9](#), Employment Eligibility Verification
- Workforce Services Information Notice WSIN12-32, Subject: New CalJOBSSM Service Codes (February, 27, 2013)

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STATE-IMPOSED REQUIREMENTS:

This directive contains only State-imposed requirements.

FILING INSTRUCTIONS:

This directive finalizes Workforce Services Draft Directive WSDD-76, issued for comment on September 28, 2012. The Workforce Services Division received nine comments during the draft comment period. These comments resulted in three substantive changes to the directive which can be viewed as highlighted text. The highlighted text will remain on the Internet for 30 days from the issuance date. A summary of the comments is provided as Attachment 4. Retain this directive until further notice.

BACKGROUND:

Under California law, an individual must have authorization to work in the United States to be eligible to receive WPA and/or WIA employment services. Section 9601.5 of the California Unemployment Insurance Code requires that "each state or local government agency or community action agency, or any private organization contracting with a state or local government agency, that provides employment services, including, but not limited to, job training, retraining, or placement, shall verify an individual's legal status or authorization to work prior to providing services to that individual in accordance with procedures established under federal law."

The federal procedures for verifying an individual's authorization to work are included in Title 8 CFR, Section 274a.2. This section specifies that the requirements published in the USCIS Form I-9, Employment Eligibility Verification, are to be used in verifying and documenting that an individual is authorized to work in the United States.

POLICY AND PROCEDURES:

Staff providing WPA and/or WIA employment services must verify an individual's authorization to work in accordance with the requirements of the USCIS [Form I-9](#), Employment Eligibility Verification. As specified in the Form I-9, staff must accept as evidence of employment authorization, any of the documents listed on the last page of Form I-9. Individuals may present any List A document or a combination of a List B and a List C document. To view frequently asked questions regarding acceptable Form I-9 documents, see Attachment 1, Questions and Answers – Authorization to Work Verification. To view representative images of acceptable Form I-9 documents, see Attachment 2, Samples of Acceptable Documents for Authorization to Work Verification.

The differences between the WPA and WIA programs necessitate separate guidance for each program as provided below. However, whenever possible, EDD and partner agency management are encouraged to coordinate verification between the two programs to increase efficiency of the process and prevent participants from having to repeatedly present Form I-9 documents.

Verification Requirements for WPA Services

Staff must verify an individual’s authorization to work prior to providing staff-assisted services. The three WPA service delivery modes are briefly described below. A more comprehensive list of WPA services is provided in Attachment 3, Wagner-Peyser Act Employment Service Levels.

- **Self-service:** An individual uses services in an America’s Job Center of California with minimal or no staff assistance (e.g., self-service labor market research, résumé preparation, job search, etc.). Self-service includes staff establishing access to New CalJOBSSM for an individual or looking up a password.
- **Facilitated self-help service:** An individual asks for, or indicates a need for, short term or specific program information that is provided either:
 - Individually by staff
 - In a group setting (e.g., orientation)
 - Directed and guided by staff (e.g., provision of labor market information or information on training providers)
- **Staff-assisted service:** One-on-one assistance (e.g., counseling, bonding assistance, case managed services, etc.) that may be long term or a one time in depth service, and is usually given by a program specialist.

The three WPA service delivery modes correlate with the New CalJOBSSM service code categories as provided in the table below.

WPA Service Delivery Mode	New CalJOBSSM Service Code Category
Self-service	Housekeeping Informational Core A Core A – Self Service
Facilitated self-help	Core A – Staff Assisted
Staff-assisted	Core B Intensive
<i>For definitions of the New CalJOBSSM service code categories, and a list of the New CalJOBSSM service codes, visit Workforce Services Information Notice WSIN12-32, New CalJOBSSM Service Codes.</i>	

Although authorization to work verification is not required for self-service and facilitated self-help service activities, local management may establish office policies and procedures which require authorization to work verification at an earlier point in the customer flow process. When establishing local office policies and procedures, management should ensure those polices do not require individuals to repeatedly present Form I-9 documents.

Verification Requirements for WIA Services

Staff must verify an individual's authorization to work no later than time of application for a WIA funded program. Verification is not required for self-service or informational activities; however, local areas have the discretion to establish policies and procedures requesting authorization to work documents prior to the time of application (e.g., at time of intake, or any point in the customer flow up until the time of application). Local areas must keep either hard copies or scanned copies of the individual's Form I-9 documents for State monitoring purposes.

California Workforce Services Network

The Right to Work Verification screen will display when staff assist an individual in the New CalJOBSSM if the individual's authorization to work has not been verified. This Right to Work Verification screen includes two columns of documents that satisfy the Form I-9 requirements: (1) documents that establish identity, and (2) documents that establish employment authorization. See the screen shot below.

CalJOBS - Right to Work Details

Right to Work Verification

Documentation to Right to Work must be provided to assist this individual. Please complete the following information.

Individual: JOE EXAMPLE

Current Citizenship: Citizen of U.S. or U.S. Territory

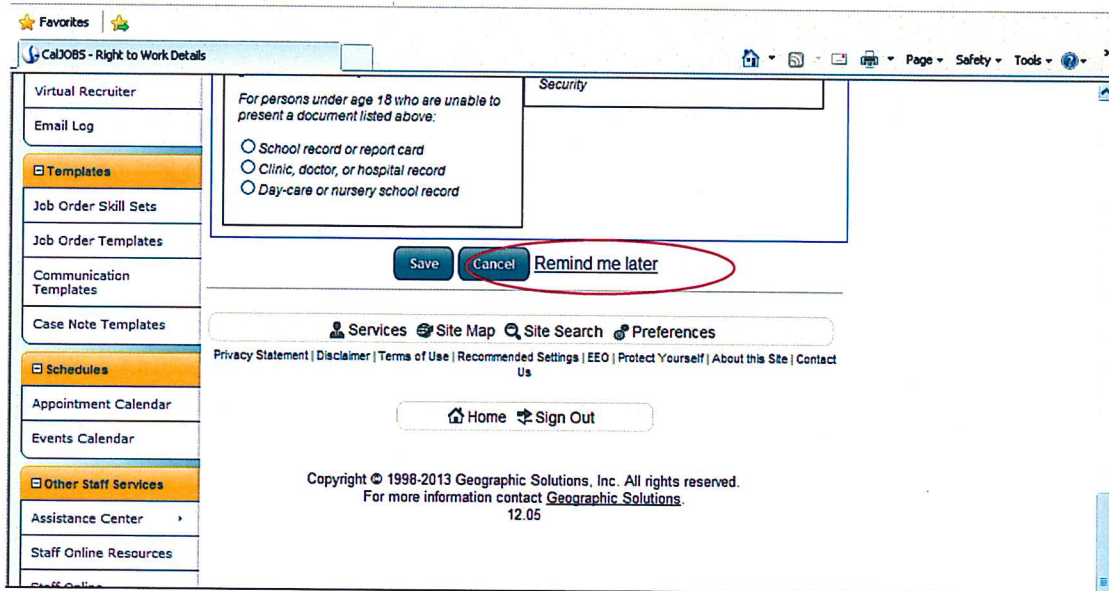
Alien Registration Number: []

Alien Registration Expiration Date: [] Today

Select one from each column. All documents must be unexpired.

Documents that Establish Identity	Documents that Establish Employment Authorization
<input type="radio"/> U.S. Passport or U.S. Passport Card	<input type="radio"/> U.S. Passport or U.S. Passport Card
<input type="radio"/> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)	<input type="radio"/> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
<input type="radio"/> Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa	<input type="radio"/> Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa
<input type="radio"/> Employment Authorization Document that contains a photograph (Form I-766)	<input type="radio"/> Employment Authorization Document that contains a photograph (Form I-766)
<input type="radio"/> In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same	<input type="radio"/> In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same

The Right to Work Verification screen allows staff to record which authorization to work documents the individual provided. Staff are required to complete this screen for an individual prior to providing WPA staff-assisted services or enrollment in a WIA funded program; however, local offices may establish policies and procedures which require staff to complete this screen earlier in the process (e.g., at time of intake). Therefore, when not required to verify authorization to work, staff may select the "Remind me later" option at the bottom of the screen. See the screen shot below.



ACTION:

Please bring this directive to the attention of all relevant parties.

INQUIRIES:

If you have any questions, please contact your [Regional Advisor](#) at (916) 654-7799.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Workforce Services Division

Attachments are available on the Internet:

1. [Questions and Answers – Authorization to Work Verification](#) (PDF)
2. [Samples of Acceptable Documents for Authorization to Work Verification](#) (PDF)
3. [Wagner-Peyser Act Employment Service Levels](#) (PDF)
4. [Summary of Comments](#) (PDF)

QUESTIONS AND ANSWERS AUTHORIZATION TO WORK VERIFICATION

1. **Q. Can a local policy specify which documents staff will accept for verification?**
A. No. An individual may choose which document(s) he or she wants to present from the Lists of Acceptable Documents on the last page of Form I-9. Staff must accept any document (from List A) or combination of documents (one from List B and one from List C) listed on Form I-9 that reasonably appear on their face to be genuine and to relate to the person presenting them.

2. **Q. May staff accept a photocopy of a document presented by an individual?**
A. No. Individuals must present original documents. The only exception is that an individual may present a certified copy of a birth certificate.

3. **Q. May staff accept an expired document?**
A. No. Expired documents are no longer acceptable for Form I-9. However, staff may accept Employment Authorization Documents (Forms I-766) and Permanent Resident Cards (Forms I-551) that appear to be expired on their face, but have been extended by U.S. Citizenship and Immigration Services.

For example, Temporary Protected Status beneficiaries whose Employment Authorization Documents (Forms I-766) appear to be expired may be automatically extended in a Federal Register notice. These individuals may continue to work based on their expired Employment Authorization Documents (Forms I-766) during the automatic extension period specified in the Federal Register notice. When the automatic extension of the Employment Authorization Document (Form I-766) expires, staff must reverify the individual's employment authorization.

Note: Some documents, such as birth certificates and Social Security cards, do not contain an expiration date and should be treated as unexpired.

4. **Q. Why can't individuals present an expired document?**
A. The U.S. Department of Homeland Security wants to ensure that documents presented are valid and reliably establish both identity and employment authorization. Expired documents may not portray a valid status. They are also prone to tampering and fraudulent use. This policy takes into account the limits placed on these documents by their issuing authorities.
5. **Q. Can staff accept documents that used to be on the Form I-9 but aren't now?**
A. No. Staff may only accept documents included on the List of Acceptable Documents on the most current Form I-9. When an individual must be reverified because his or her employment authorization has expired, staff should ensure that they use the most current Form I-9.

6. **Q. When can individuals present receipts for documents in lieu of actual documents from the Lists of Acceptable Documents?**

- A. The "receipt rule" is designed to cover situations in which an individual is authorized to work at the time of verification, but he or she is not in possession of a document listed on the Lists of Acceptable Documents accompanying Form I-9. Receipts showing that a person has applied for an initial grant of employment authorization or for renewal of employment authorization are not acceptable.

There are three different documents that qualify as receipts under the rule:

1. A receipt for a replacement document when the document has been lost, stolen, or damaged. The receipt is valid for 90 days, after which the individual must present the replacement document.

Note: This rule does not apply to individuals who present receipts for new documents following the expiration of their previously held document.

2. A Form I-94/I-94A containing a temporary I-551 stamp and a photograph of the individual, which is considered a receipt for the Permanent Resident Card (Form I-551). The individual must present Form I-551 by the expiration date of the temporary I-551 stamp or within one year from the date of issuance of Form I-94/I-94A if the I-551 stamp does not contain an expiration date.
3. A Form I-94/I-94A containing an unexpired refugee admission stamp. This is considered a receipt for either an Employment Authorization Document (Form I-766) or a combination of an unrestricted Social Security card and List B document. The employee must present an Employment Authorization Document (Form I-766) or an unrestricted Social Security card in combination with a List B document to complete Form I-9 within 90 days after the date of hire or, in the case of reverification, the date employment authorization expires.

7. **Q. An individual has applied for a new Employment Authorization Document (Form I-766). Is the receipt notice acceptable for Form I-9 purposes?**

- A. In this case, the receipt notice is not an acceptable receipt for Form I-9 purposes. An individual with temporary employment authorization and holding an Employment Authorization Document (Form I-766) should apply for a new card at least 90 days before the expiration of his or her current document. If an individual applied for a new card at least 90 days before his or her current card expired but is nearing the end of the 90-day processing period without a decision from the U.S. Citizenship and Immigration Services (USCIS), instruct the individual to call the National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) about the status of his or her application. The USCIS strongly encourages that individuals first call the National Customer Service Center before visiting a USCIS office to prevent possible delays. If an individual prefers to check on the status of his or her application at a USCIS office, he or she may schedule an InfoPass appointment at www.infopass.uscis.gov. When an individual's current Employment Authorization Document (Form I-766) expires, he or she must be able to present a List A document, a List C document, or an acceptable receipt under the receipt rule to satisfy Form I-9 reverification requirements.

8. **Q. May staff continue to use earlier versions of Form I-9?**
A. No, staff must use the current version of Form I-9. A revision date with an “N” next to it indicates that all previous versions with earlier revision dates, in English or Spanish, are no longer valid. Staff may also use subsequent versions that have a “Y” next to the revision date. If in doubt, go to www.uscis.gov/i-9 to view or download the most current form.
9. **Q. What is the staff’s responsibility concerning the authenticity of document(s) presented?**
A. Staff must examine the document(s), and if they reasonably appear on their face to be genuine and to relate to the person presenting them, they must accept them. To do otherwise could be an unfair immigration-related employment practice. If the document(s) do not reasonably appear on their face to be genuine or to relate to the person presenting them, staff must reject the document(s) and ask for other documents that satisfy the requirements of Form I-9.
10. **Q. What is a U.S. passport card?**
A. A passport card is a wallet-size document issued by the U.S. Department of State. While its permissible uses for international travel are more limited than the U.S. passport book, the passport card is a fully valid passport that attests to the U.S. citizenship and identity of the bearer. As such, the passport card is considered a “passport” for purposes of Form I-9 and has been included on List A of the Lists of Acceptable Documents on Form I-9.
11. **Q. How do staff know whether a Native American tribal document presented by an individual is acceptable for Form I-9 purposes?**
A. In order to be acceptable, a Native American tribal document should be issued by a tribe recognized by the U.S. federal government. Because federal recognition of tribes can change over time, to determine if the tribe is federally recognized, staff should check the Bureau of Indian Affairs website at www.bia.gov.
12. **Q. The Native American tribal document is listed on both List B and List C of Form I-9. Does this mean that an individual may present this document to prove both identity and employment authorization?**
A. Yes. If an individual presents a Native American tribal document, it establishes both identity and employment authorization on Form I-9, so staff do not need any other documents from the individual.
13. **Q. If an individual presents a Social Security card that is unsigned, may staff accept such a card as evidence of employment authorization?**
A. Yes. Unsigned Social Security cards are acceptable as evidence of employment authorization unless the card states on the back “not valid unless it has been signed.” Staff may accept an unsigned Social Security card as long as the card reasonably appears to be genuine and to relate to the person presenting it.
14. **Q. If an individual presents a Social Security card that is laminated, may staff accept such a card as evidence of employment authorization?**
A. It depends. Staff may not accept a laminated Social Security card as evidence of employment authorization if the card states on the back “not valid if

laminated.” Lamination of such cards renders them invalid. Metal or plastic reproductions of Social Security cards are not acceptable.

15. **Q. Some individuals have presented Social Security Administration printouts with their name, Social Security number, date of birth, and their parents' names as proof of employment authorization. May staff accept such printouts in place of a Social Security card as evidence of employment authorization?**
 - A. No. Only a person's official Social Security card or a receipt for a replacement card issued by the Social Security Administration is acceptable.
16. **Q. Is a military ID card ever acceptable as List A evidence of both identity and employment authorization?**
 - A. Yes, but only if the employer is the U.S. military and the Form I-9 is completed in the context of military enlistment. In the case of an individual lawfully enlisted in the U.S. Armed Forces, a valid, unexpired military ID card may be accepted as a List A document by the Armed Forces only. No other employer may accept a military ID card as a List A document.
17. **Q. An individual presented two documents from the Lists of Acceptable Documentation on the last page of the Form I-9, each containing a different last name. The individual explained that she had just gotten married and changed her last name, but had not yet changed the name on the other document. Can staff accept the document with the different name?**
 - A. Staff may accept two documents containing different last names provided that they resolve the question of whether the document reasonably relates to the individual. Staff also may wish to attach a brief memo to the documentation stating the reason for the name discrepancy, along with any supporting documentation the individual provides. An individual may provide documentation to support his or her name change, but is not required to do so. If, however, staff determine that the document with a different name does not reasonably appear to be genuine and to relate to her, they may ask her to provide other documents from the Lists of Acceptable Documents on Form I-9.
18. **Q. An individual presented Form I-9 documents issued by the Immigration and Naturalization Service (INS) rather than the U.S. Department of Homeland Security (DHS). Can staff accept these documents?**
 - A. Yes, staff can accept a document issued by INS if the document is unexpired and reasonably appears to be genuine and to relate to the individual presenting it. Effective March 1, 2003, the functions of the former INS were transferred to three agencies within the new DHS: U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement. Most immigration documents acceptable for Form I-9 use are issued by USCIS. Some documents issued by the former INS before March 1, 2003, such as Permanent Resident Cards or Forms I-94 noting asylee status, may still be within their period of validity. If otherwise acceptable, a document should not be rejected because it was issued by INS rather than DHS. It should also be noted that INS documents may bear dates of issuance after March 1, 2003, as it took some time in 2003 to modify document forms to reflect the new USCIS identity.

SAMPLES OF ACCEPTABLE DOCUMENTS FOR AUTHORIZATION TO WORK VERIFICATION

Below are representative images of some of the documents that are acceptable for establishing an individual's authorization to work. They are provided to assist staff in reviewing Form I-9 documents presented to them. Note: These images are not comprehensive. In some cases, many variations of a particular document exist and new versions may be published subsequent to the publication of this directive.

U.S. Passport

The U.S. Department of State issues the U.S. passport to U.S. citizens and noncitizen nationals. There are a small number of versions still in circulation that may differ from the main versions shown below.

Current U.S. Passport cover and open



Older U.S. Passport cover and open

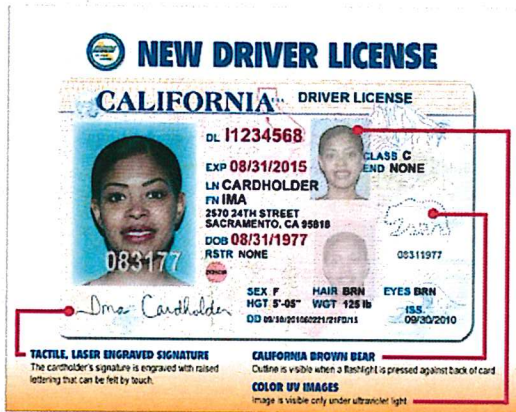


State-issued Driver's License

A driver's license can be issued by any state or territory of the United States (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) or by a Canadian government authority, and is acceptable if it contains a photograph or other identifying information such as name, date of birth, gender, height, eye color, and address.

Some states may place notations on their drivers' licenses that state the card does not confirm employment authorization. For Form I-9 purposes, these drivers' licenses, along with every other state's, establish the identity of an employee. When presenting any driver's license, the individual must also present a List C document that establishes employment authorization.

Driver's License from California

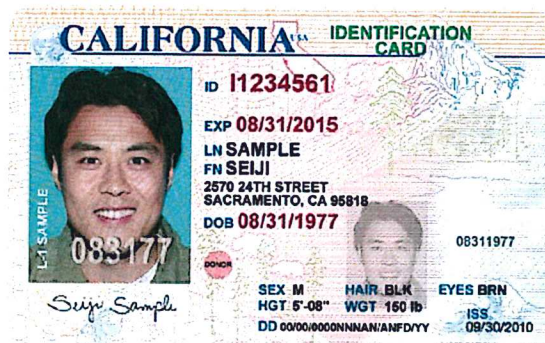


State-issued ID Card

An ID card can be issued by any state (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) or by a local government, and is acceptable if it contains a photograph or other identifying information such as name, date of birth, gender, height, eye color, and address.

Some states may place notations on their ID cards that state the card does not confirm employment authorization. For Form I-9 purposes, these cards, along with every other state's, establish the identity of an employee. When presenting any state-issued ID card, the employee must also present a List C document that establishes employment authorization.

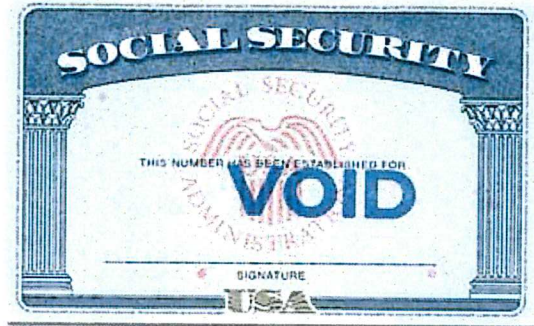
Identification card from California



U.S. Social Security Account Number Card

The U.S. Social Security account number card is issued by the Social Security Administration (older versions were issued by the U.S. Department of Health and Human Services), and can be presented as a List C document unless the card specifies that it does not authorize employment in the United States. Metal or plastic reproductions are not acceptable.

U.S. Social Security Card



Certifications of Birth Issued by the U.S. Department of State

These documents may vary in color and paper used. All will include a raised seal of the office that issued the document, and may contain a watermark and raised printing.

Certification of Birth Abroad Issued by the U.S. Department of State (FS-545)



DEPARTMENT OF STATE
TWIN SERVICE OF THE UNITED STATES OF AMERICA
Certification of Birth Abroad
of a Citizen of the United States of America

This is to certify that according to records on file in this Office

Sex MALE was born at US NAVAL HOSPITAL, OKINAWA, JAPAN
on AUGUST 15, 1950 Report of Birth received on SEPTEMBER 14, 1950

In Witness Whereof, I have hereunto subscribed my name and official title in the Consular Office of the United States of America at NAKA, JAPAN
on 14th day of SEPTEMBER, 1950

[Signature]
CONSUL of the United States of America

WARNING: This certificate is not valid if it has been altered in any way whatsoever or if it does not bear the raised seal of the office of issuance.

Certification of Report of Birth Issued by the U.S. Department of State (DS-1350)



UNITED STATES OF AMERICA
DEPARTMENT OF STATE
Certification of Report of Birth
of a United States Citizen

This is to certify that the birth of INA SAMPLE sex FEMALE
born at DESOLATION MONGOLIA
on APRIL 1, 1938 was registered with the Consular Service of the United States and a
Consular Report of Birth was issued at BISHKEK, KYRGYZSTAN
on SEPTEMBER 10, 1938

Father: DAEDY SAMPLE Date of Birth: APRIL 1, 1920
Mother: MORNY SAMPLE Date of Birth: APRIL 1, 1921

CONDOLEESA RICE
Secretary of State
Washington, D.C. 20520-5000
OCTOBER 27, 2001

WARNING: This certificate is not valid if it has been altered in any way whatsoever or if it does not bear the raised seal of the office of issuance.

Birth Certificate

Only an original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States that bears an official seal is acceptable. Versions will vary by state and year of birth.

Birth Certificate

VOID

CERTIFICATION OF VITAL RECORDS
STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COPY OF CERTIFICATE OF BIRTH
State of Rhode Island

NAME OF CHILD	John Doe		
SEX	Male	DATE OF BIRTH	Feb. 5, 2002
HOSPITAL OR PLACE OF BIRTH	The Memorial Hospital	CITY	Providence
COUNTY	Providence	STATE	RI
DATE OF BIRTH	Feb. 5, 2002	TIME OF BIRTH	11:17
PLACE OF BIRTH	Providence	STATE	RI
DATE OF BIRTH	Feb. 5, 2002	TIME OF BIRTH	11:17
PLACE OF BIRTH	Providence	STATE	RI

I hereby certify that this is a true and exact copy of the original certificate registered and filed on file in the issuing office.

ISSUED BY: STATE OFFICE - PROVIDENCE DATE: SEP. 11, 2002

THIS COPY VALID ONLY IF ISSUED ON PAPER WITH KNOWN AND PROPER SERIAL NUMBER AND SIGNATURE OF STATE OFFICIAL REGISTER.

U.S. Citizen Identification Card (Form I-197)

Form I-197 was issued by the former Immigration and Naturalization Service to naturalized U.S. citizens. Although this card is no longer issued, it is valid indefinitely.

U.S. Citizen Identification Card (Form I-197)

Form I-197 (Rev. 8-1-61)
UNITED STATES
DEPARTMENT OF JUSTICE
IMMIGRATION AND
NATURALIZATION SERVICE

PHOTOGRAPH **SAMPLE**

U.S. CITIZEN
IDENTIFICATION CARD
№ 121415

THIS CARD MAY BE REVOKED AT ANY TIME. IT IS ISSUED FOR THE SOLE PURPOSE OF IDENTIFYING THE HOLDER TO A U.S. IMMIGRATION OFFICER AT A PORT OF ENTRY.

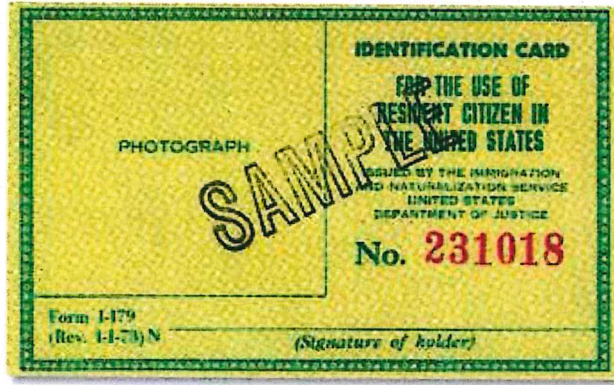
SIGNATURE OF HOLDER

15-10917-3 BPO

Identification Card for Use of Resident Citizen in the United States (Form I-179)

Form I-179 was issued by the former Immigration and Naturalization Service to U.S. citizens who are residents of the United States. Although this card is no longer issued, it is valid indefinitely.

Identification Card for Use of Resident Citizen in the United States (Form I-179)



WAGNER-PEYSER ACT EMPLOYMENT SERVICE LEVELS
(This is not an all-inclusive list)

Self-service (authorization to work documents <u>not</u> required)	Facilitated Self-help Service (authorization to work documents <u>not</u> required)	Staff-assisted Service (authorization to work documents required)
America's Job Center of California SM (AJCC) employment and workforce information service	Orientation	Initial assessment
Self-service registration	Provision of information on training providers	Workshop
Self-service information on training providers	Provision of labor market research	Job finding club
Self-service labor market research	Job fair	Referred to Workforce Investment Act (WIA) services (not training)
Self-service job search	Use of the AJCC resource room/equipment	Transitional Assistance Program Workshop
Self-service initial résumé	Initial Assistance Workshop	Job referral
Self-service résumé – update and additions		Resume preparation assistance
Self-service – informed of veteran priority of service		Job development contacts (working with employer and job seeker)
Skills self-assessment		Bonding assistance
Staff establishes access to New CalJOBS SM for an individual		Job search/placement assistance, including career counseling
Staff looks up a password for an individual		Tax credit eligibility determination (including Work Opportunity Tax Credit)
Information regarding filing for Unemployment Insurance compensation		Proficiency testing
		Testing/background check as required by employer
		Personalized Job Search Assistance
		Job Service intake profiling (including Worker Profiling and Reemployment Services)
		Unemployment Insurance Navigator
		Reemployment and Eligibility Assessment Services

Self-service (authorization to work documents <u>not</u> required)	Facilitated Self-help Service (authorization to work documents required)	Staff-assisted Service (authorization to work documents required)
		Counseling (individual or group)
		Career guidance/planning
		Objective assessment
		Interest and aptitude testing
		Development of Individual Employment Plan / Individual Service Strategy / Employability Development Plan
		Referred to registered apprenticeship program
		Referred to Job Corps
		Referred to other federal, state, or local (non-WIA) training
		Referred to educational services (non federal/state/local)
		Referred to WIA training
		Mentorship
		Adult literacy, basic skills or GED preparation
		Short term pre-vocational services
		Out-of-area job search assistance
		Internship
		Work experience
		Case management
		English as a second language
		Reading and/or math testing
		Placed in Job Corps
		Placed in federal training (including Trade Adjustment Assistance (TAA) and WIA)
		Placed in state and local training (non TAA, WIA)

Summary of Comments Draft Directive “Authorization to Work Verification Requirements”

There were nine comments to the draft version of this directive:

Comment #1: As an integrated partner with the Employment Development Department (EDD), we strive to coordinate all services between the Wagner-Peyser Act (WPA) and Workforce Investment Act (WIA) programs. Consequently, the requirement to verify authorization to work for job fairs (a WPA facilitated self-help service) will hamper our ability to serve both job seekers and businesses as follows:

- Most of the job fairs have sponsors other than our agency. These sponsors may not be in favor of a registration process they do not require. As a result, our participation in those events may be negatively affected.
- Moving a large number of people through registration quickly and efficiently would require a large number of computers and staff.
- Staff would need to turn away customers who are not interested in registration, thereby limiting the candidate pool available to businesses.
- Requiring a pre-registration for an event would lead to additional traffic in our resource area resulting from customers without computers registering.
- Requiring both authorization to work documents and registration paperwork would be nearly impossible. Job seekers come prepared with resumes, not authorization to work documents.

Resolution: The EDD revised the “Verification Requirements for WPA Services” section of the directive to not require authorization to work verification prior to customers receiving staff-assisted services.

Comment #2: Will the EDD provide training to staff regarding how to determine if Form I-9 documents are counterfeit?

Resolution: No, staff are not expected to be document experts. Staff must examine the document(s), and if they reasonably appear on their face to be genuine and to relate to the person presenting them, they must accept them. Staff may also use Attachment 2 of the directive to view examples of acceptable Form I-9 documents.

Comment #3: Are staff required to verify an individual's authorization to work at time of WIA Application or WIA Enrollment/Date of Participation? The directive states that this must be done no later than the time of application/registration. However, the EDD Client Forms Handbook contains two different forms: 1) The WIA Application (used for eligibility) and 2) The EDD WIA Enrollment/Registration form (used to document WIA enrollment/date of participation).

Resolution: Staff must verify an individual's authorization to work when completing the WIA Application. This information has been clarified in the "Verification Requirements for WIA Services" section of the directive.

Comment #4: Many One-Stop Career Centers [now referred to as the America's Job Center of CaliforniaSM (AJCC)] do not review authorization to work documents at the reception point. Generally, there is a local intake process after which customers are able to use a number of universal services, including the Resource Room. Staff assisting in the Resource Room include WPA and WIA funded staff. According to the draft directive, WPA staff participation may require that authorization to work documents are reviewed. Given the reduced staffing levels that both WIA and WPA are currently experiencing, this policy will create additional workload and negatively impact customer service.

Resolution: The EDD revised the "Verification Requirements for WPA Services" section of the directive to not require authorization to work verification prior to customers receiving staff-assisted services.

Comment #5: The first five services listed under the Facilitated self-help service column of Attachment 3, Wagner-Peyser Act Employment Service Levels, should be placed under the Self-service column. These services represent minimal staff involvement and have virtually the same services under the Self-Service column.

Resolution: The EDD revised the "Verification Requirements for WPA Services" section of the directive to not require authorization to work verification prior to customers receiving staff-assisted services.

Comment #6: For State monitoring purposes, Local Workforce Investment Areas (local areas) are required to retain copies of Form I-9 documents from individuals receiving WIA services. Are local areas required to retain copies of Form I-9 documents from individuals receiving WPA services?

Resolution: No, local areas are only required to retain copies of Form I-9 documents from individuals receiving WIA services.

In those instances in which copies of Form I-9 documents must be retained from individuals receiving WPA services (e.g., veterans, case managed individuals, etc.), EDD staff will be responsible for retaining the documentation.

Comment #7: In Attachment 1, Questions and Answers, #14, the answer states that "a receipt for a replacement card issued by the Social Security Administration" is acceptable as evidence of employment authorization. Could you please confirm this information.

Resolution: Yes, a receipt issued by the Social Security Administration for the replacement of a lost, stolen, or damaged card is acceptable as evidence of employment authorization. The receipt is valid for 90 days, after which the individual must present the replacement Social Security card. Please see Attachment 1, Questions and Answers, #6, When can individuals present receipts for documents in lieu of actual documents from the Lists of Acceptable Documents?

Comment #8: In Attachment 1, Questions and Answers, #13, the answer states that “staff may accept a Social Security card that has not been signed.” Many Social Security cards indicate that the card is not valid unless it has been signed. Could you please confirm that unsigned Social Security cards are acceptable as evidence of employment authorization?

Resolution: Yes. Unsigned Social Security cards are acceptable as evidence of employment authorization unless the card states on the back “not valid unless it has been signed.” Staff may accept an unsigned Social Security card as long as the card reasonably appears to be genuine and to relate to the person presenting it.

Comment #9: In the America’s Job Center of CaliforniaSM (AJCC) I am familiar with, there is a reception desk in the lobby where clients check-in to use services. When clients check-in for the first time, they are asked to register and provide authorization to work documents; this gives them full access to all services available at the AJCC.

When clients check-in, we get an accurate count of how many clients use our WPA services and how often they visit. If customers receiving only self-service activities are not required to check-in or provide authorization to work documents, we will have no accurate mechanism for tracking WPA customer usage. If we only track facilitated self-help and staff assisted services, it will paint a very abstract picture of the actual numbers of clients frequenting our AJCCs and our WPA numbers will plummet.

Resolution: If a local office establishes a policy requiring verification for staff-assisted services only, staff can still track self-service and facilitated self-help services provided using CalJOBSSM. In CalJOBSSM, the Right to Work Verification screen will display when staff assist an individual if the individual’s authorization to work has not been verified. If the local policy does not require staff to verify authorization to work for a particular service level, staff may select the “Remind me later” option at the bottom of the screen. This option allows staff to track services provided without checking authorization to work documents, and is allowable until staff provide a staff-assisted service. The EDD has added a new section in the directive, California Workforce Services Network, to reflect this information.

Summary of Comments
Draft Directive “WIA Title I Eligibility”

There were 33 comments to the draft version of this directive:

Comment #1: If a participant lacks a fixed, regular residence of their own but is temporarily staying in a friend’s or family member’s house, can they be considered homeless [Section VIII of the Technical Assistance Guide (TAG), page 31]?

Response: Yes, if a participant will imminently lose his or her housing (including housing he or she rents or lives in without paying rent), has no subsequent residence identified, and lacks the resources or support networks needed to obtain other permanent housing, the participant is considered homeless. The Employment Development Department (EDD) updated the definition of “homeless” in Section VIII of the TAG, page 31, to reflect this information.

Comment #2: In Section IV of the TAG, page 11, it states that for the purposes of priority of service, when an eligible spouse’s eligibility is derived from a living veteran or service member, their eligibility would be lost upon divorce from the veteran or service member. This appears to contradict the language found on page 6 of the TAG which states that, “eligibility is determined at the time of intake, and even if the individual’s situation changes (such as subsequent involvement with a partner agency) the individual remains eligible.”

Resolution: There is no contradiction between the language found on pages 6 and 11 of the TAG. The information found on page 11 pertains to priority of service for veterans. The information on page 6 pertains to eligibility for Workforce Investment Act (WIA) services.

With the exception of universal access programs, in order for an eligible spouse to receive priority of service, that individual would first have to be found eligible to receive WIA services. The eligible spouse status outlined on page 11 gives the individual priority of service once eligibility for WIA services is established. The condition that an eligible spouse can “lose eligibility” upon divorce from a veteran or service member only means that the individual would lose priority of service. The individual would not lose their eligibility for WIA services.

Comment #3: What does “highly paid working professional” mean (Section V of the TAG, page 14)? Is this referring to someone who is above the Lower Living Standard Income Level limit?

Resolution: A “highly paid working professional” is someone who is employed and earning a wage that allows for self-sufficiency. However, although they are highly paid, they may still seek career counseling and advancement through job search and placement services. Such an individual would be eligible for staff-assisted core services but would not be eligible to receive intensive and training services because they would not meet the criteria in Section V of the TAG.

Comment #4: Could the EDD please clarify how an employed individual would be eligible for intensive services (Section V of the TAG, page 15).

Resolution: In order for an employed participant to be eligible for intensive services, an America's Job Center of CaliforniaSM operator must determine that the participant is in need of intensive services to obtain or retain employment that leads to self-sufficiency. In other words, the participant would have to be working in a job that is not providing a self-sufficient wage.

Comment #5: Why would an individual who quits their job, collects Unemployment Insurance, and is unlikely to return to work, qualify as a dislocated worker without a layoff or plant closure notice? Wouldn't the fact that the individual quit indicate that they were in control of the situation and not dislocated (Section VI of the TAG, page 19, dislocated worker criterion 6)?

Resolution: In Section VI of the TAG, the subsection "Determining Dislocated Worker Status" includes seven criteria for determining eligibility as a dislocated worker. The first five criteria are included in WIA Section 101(9) and (10), and criterion 6 is State policy. Criterion 6 stated, "The individual has voluntarily terminated employment, and is receiving, or has been determined eligible to receive unemployment compensation or has subsequently exhausted entitlement to unemployment compensation since terminating employment voluntarily, and is unlikely to return to a previous industry or occupation." The U.S. Department of Labor (DOL) determined that criterion 6 was less prescriptive than federal law, and therefore was not an allowable criterion for determining dislocated worker eligibility. As a result, the EDD removed criterion 6 for determining dislocated worker status.

Comment #6: In Section VI of the TAG, page 19, criterion 7 was added for determining dislocated worker status. Could the EDD clarify how an individual would meet criterion 7? Also, because criterion 7 does not address the "unlikely to return" standard, does this mean that an individual does not have to be "unlikely to return" to work?

Resolution: [Note: The EDD removed criterion 6 for determining dislocated worker status (see comment #5 above) so criterion 7 is now criterion 6.]

In order to meet criterion 6, an individual must first meet the general WIA eligibility criteria and one of the first five dislocated worker criteria. Criterion 6 clarifies that if the individual worked since dislocation, but the job did not provide a self-sufficient wage or more than stopgap employment, the individual would still be eligible as a dislocated worker. The "unlikely to return" standard is included in criterion 1. Therefore, if the individual's eligibility for dislocated worker status was met through criterion 1, the "unlikely to return" standard would apply.

Comment #7: Section VI of the TAG, page 22, references profiled and referred Unemployment Insurance (UI) claimants. Is this referring to Initial Assistance Workshop (IAW) and Reemployment and Eligibility Assessment (REA) clients?

Resolution: UI profiled claimants include individuals who attend an IAW appointment, Personalized Job Search Assistance (PJSA) session, or Self-Employment Assistance (SEA) orientation. Individuals who attend an REA interview are not considered UI profiled.

Comments #8-10: Individuals engaged in stopgap employment have always been considered *unemployed* at the time of registration/enrollment. However, this draft directive considers individuals engaged in stopgap employment *employed*. Since many of our dislocated workers will accept stopgap employment, this could have a negative impact on our Entered Employment Rate common measure (Section VI of the TAG, page 23).

Resolution: The EDD revised the employment status of individuals engaged in stopgap employment to be consistent with the definition of “Employed at the Date of Participation” provided in the DOL Training and Employment Guidance Letter (TEGL) [17-05, Attachment B](#). As provided in Attachment B, an individual employed at the date of participation is one who “did any work at all as a paid employee on the date participation occurs. . .” The DOL understands this definition may affect common measures. As stated in TEGL 17-05, page nine, the DOL “recognizes concerns related to the exclusion of individuals who are employed at the date of participation in this measure. However, including individuals with jobs at program entry is not fully consistent with the concept of an entered employment indicator. Positive impacts of services provided to incumbent workers and underemployed individuals can be demonstrated in both the retention and earnings measures.” For further information, please refer to TEGL 17-05, pages 8 and 9.

Comment #11: The employment status of individuals engaged in stopgap employment has been changed from *unemployed* (past directive) to *employed*. How will this affect the status of currently enrolled participants (Section VI of the TAG, page 23)?

Resolution: The status of currently enrolled participants will not be affected. This policy is not retroactive and will become effective on the date the final directive is published.

Comment #12: What conditions would have to be met in order for a veteran or military spouse to be served as a dislocated worker? Section VI of the TAG does not address this issue.

Resolution: In order for a veteran to be eligible to receive services as a dislocated worker, he/she must meet the eligibility criteria for a dislocated worker included in Section VI of the TAG. Per DOL policy, if a veteran is discharged under honorable circumstances (voluntarily or involuntarily), the employment relationship between the individual and the military is terminated, and the individual meets the criteria of being “terminated” for purposes of establishing dislocated worker eligibility.

In order for a military spouse to be eligible to receive services as a dislocated worker, he/she must meet the eligibility criteria for a dislocated worker included in Section VI of the TAG. Per DOL policy, when a military spouse is unable to continue an employment relationship because of the service member's duty reassignment or discharge from the military, then the cessation of employment can be considered to meet the criteria of being "terminated" and "unlikely to return" for purposes of establishing dislocated worker eligibility.

The EDD added the subsection "Veterans and Military Spouses" to Section VI of the TAG, page 23, to clarify this information.

Comment #13: It would be beneficial to reference Workforce Services Information Notice, [WSIN13-31](#), Co-enrollment and WIA Reporting of Participants in New CalJOBSSM, in the Concurrent Participation subsection for further clarification of participant co-enrollment (Section II of the TAG, page 7).

Response: The EDD inserted a reference to WSIN13-31 in the subsection "Concurrent Participation."

Comment #14: Section IX of the TAG, page 40, states that Local Workforce Investment Areas (local areas) must retain participant case files for a minimum of three years. Could the EDD provide a citation for that requirement?

Resolution: The relevant citations requiring local areas to retain participant case files for a minimum of three years include Title 29 Code of Federal Regulations Sections 95.53 and 97.42(b), and the [WIA Data Reporting and Validation System handbook](#), pg. 98. The EDD added these citations to Section IX of the TAG, page 40.

Comment #15: Is the "Listing of Worker Adjustment and Retraining Notification (WARN) Notices by Company Name" provided on the EDD website sufficient as WARN notice documentation for dislocated worker eligibility (Section X of the TAG, pages 43-44)?

Response: When serving notice, an employer may use any reasonable method of delivery designed to ensure receipt of the notice at least 60 days before separation. This may include preprinted notices which are often included in each employee's paycheck or pay envelope as well as verbal notices. Since there is no specific form that is required when an employer serves notice to employees, then yes, the "Listing of WARN Notices by Company Name" is sufficient documentation for establishing dislocated worker eligibility.

Comment #16: To reduce the burden to the customer, could the EDD add the PJSA appointment notice form and the REA letter to criterion 1(A) and 1(B)(a) in Table 2 - Dislocated Worker Eligibility (Section X of the TAG, page 42)?

Resolution: The EDD agrees that the PJSA appointment notice form and REA letter are acceptable forms of documentation for criterion 1(A) and 1(B)(a). The EDD added both documents to Table 2 - Dislocated Worker Eligibility as requested.

Comment #17: If an individual receives an invitation to a PJSA session, would they be considered UI profiled? If so, would a PJSA appointment notice form be acceptable documentation for criterion 1(C) and 6 in Table 2 - Dislocated Worker Eligibility (Section X of the TAG, page 44)?

Resolution: Yes, an individual that receives an invitation to a PJSA session is considered UI profiled. The EDD added the PJSA appointment notice form to criterion 1(C).

[Note: The EDD removed criterion 6 for determining dislocated worker status (see comment #5 above) so criterion 7 is now criterion 6.]

Comment #18: Would an individual who was UI profiled need to provide documentation of layoff, receipt of UI, and prove unlikely to return to a previous industry or occupation as proof that they are a dislocated worker, or would an invitation to an IAW or SEA be sufficient to meet this requirement (Section X of the TAG, page 42)?

Resolution: An IAW appointment notice or SEA invitation letter is sufficient to meet the requirements of criterion 1(A), 1(B) and 1(C) in Table 2 - Dislocated Worker Eligibility. The EDD added IAW and SEA documentation to criterion 1(A) and 1(B) to reflect this.

Comment #19: To reduce the burden to the customer, could the EDD add the PJSA appointment notice form and REA letter to criterion 6 in Table 2 - Dislocated Worker Eligibility (Section X of the TAG, page 42)?

Resolution: The EDD removed criterion 6 for determining dislocated worker status (see comment #5 above).

Comment #20: Could the EDD add self-attestation as an acceptable documentation source for criterion 6 in Table 2 - Dislocated Worker Eligibility (Section X of the TAG, page 44)?

Resolution: The EDD removed criterion 6 for determining dislocated worker status (see comment #5 above).

Comment #21: Section X of the TAG, page 44, indicates that acceptable documentation for a displaced homemaker includes a “spouse’s layoff notice” or a “spouse’s death record.” However, in Section XII of the TAG, page 51, the definition for a displaced homemaker states “family member.” We believe that the term family member is the more appropriate choice and therefore request that the spouse’s layoff notice and spouse’s death record on page 44 be updated to reflect family member.

Resolution: Wherever possible, the EDD only included documentation that is also accepted by DOL for data validation. For the displaced homemaker data element, the DOL will accept a “spouse’s layoff notice” and “spouse’s death record,” but will not accept a “supporting family member’s layoff notice” or “supporting family member’s death record.” As a result, the EDD did not make any changes to the acceptable documentation for a displaced homemaker.

Comments #22-23: Criterion 7 has been added to Table 2 - Dislocated Worker Eligibility; however, the box for acceptable documentation is blank. Is this because documentation will vary widely for each individual (Section X of the TAG, page 44)?

Resolution: [Note: The EDD removed criterion 6 for determining dislocated worker status (see comment #5 above) so criterion 7 is now criterion 6.]

The acceptable documentation for criterion 6 is comprised of two parts. The first part mirrors the acceptable documentation for criteria 1-5. For example, if an individual is a displaced homemaker who is engaged in stopgap employment, the acceptable documentation for criterion 6 would be the same as for criterion 5, (i.e., public assistance records, court records, divorce papers, bank records, a spouse's layoff notice, a spouse's death record, or self-attestation). The second part consists of documentation to verify that since dislocation and prior to application, the individual has not been employed in a job that paid a wage defined as either a self-sufficient dislocated worker wage, leading to self-sufficiency, or providing more than stopgap employment. The EDD added acceptable documentation for criterion 6 to clarify this.

Comment #24: Could the EDD clarify how the "WIA application" can be used as acceptable documentation to document homelessness (Section X of the TAG, page 46 and 47).

Resolution: The WIA application asks, "Are you homeless: Yes/No." When the WIA application is printed, signed, and dated by the participant, it becomes participant self-attestation and constitutes acceptable documentation of homelessness.

Comment #25: Table 4 for low-income eligibility does not contain self-attestation for all six of the low-income eligibility criteria. Is self-attestation an acceptable form of documentation for all six criteria (Section X of the TAG, page 47)?

Resolution: Although self-attestation is not considered a primary documentation source for low-income eligibility, it may be used for criterion 2, 4, and 6, when an item is unverifiable or unreasonably difficult to obtain. Self-attestation is not acceptable documentation for criterion 1, 3, and 5.

Comment #26: Table 4 for low-income eligibility, criterion 5, does not include court documents. Since court documents are a typical method used to verify "foster child" status, we believe that this needs to be included (Section X of the TAG, page 48).

Resolution: Wherever possible, the EDD only included documentation that is also accepted by DOL for data validation. For the foster child data element, the only documentation accepted by DOL is a written confirmation from a social services agency or case notes. As a result, a local area may use court documents as documentation; however, the court documents must be used in combination with case notes to be acceptable. See page 39 of the TAG for case notes requirements.

Comment #27: Could the EDD please clarify the definition of dependent children? The definition provided in Section VIII of the TAG, page 33, does not match the definition found in Section XII of the TAG, page 51.

Resolution: The EDD revised the definition of dependent children in Section XII to match the definition found in Section VIII of the TAG.

Comment #28: Section VIII of the TAG, page 31, contains the criteria for low-income individual determination. Low-income criterion 5 indicates, “Is a foster child on behalf of whom state or local government payments are made.” For purposes of low-income determination, is a “foster child” and “foster care youth” the same thing?

Resolution: Yes, a foster child is the same thing as a foster care youth. For consistency, the EDD changed the term “foster care youth” to “foster child” on pages 30 and 53 of the TAG.

Comments #29-32: In Section VI of the TAG, page 23, an individual engaged in stopgap employment is considered employed. However, in Section XII of the TAG, page 56, the definition for “not employed” criterion 4 includes, “has been engaged in stopgap employment since dislocation.” Could the EDD clarify if an individual engaged in stopgap employment is considered employed or not employed?

Resolution: An individual engaged in stopgap employment is to be reported as employed. The EDD deleted criterion 4 under the definition of “not employed” in Section XII of the TAG.

Comment #33: Could the EDD add the definition of transitioning service member to Section XII of the TAG?

Resolution: The EDD added the definition of transitioning service member to Section XII of the TAG, page 58.

Summary of Comments
Draft Directive TUL 14-06
WIA Title I-B Eligibility Technical Assistance Guide (TAG)

There was one comment to the draft version of this directive.

Comment #1: Page 12 of 99

Question regarding the definition of Veteran which states “A person who served at least one day in active military, naval, or air service, and who was discharged or released under conditions other than dishonorable. In the past they did not consider a person a Veteran eligible unless they served 180 days or greater.

Response #1: The definition in the draft TAG is correct and a person who served at least one day in activity military, naval, or air service is considered a veteran.