TCWIB DIRECTIVE

TO: Tulare County Workforce Investment Board, Inc. (TCWIB) Service Providers and Tulare County Workforce Investment Department (TCWID) Staff

SUBJECT: Workforce Investment Act Title I-B Eligibility Technical Assistance Guide.

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

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 local area should incorporate 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 TCWID staff and TCWIB 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 Title 29 Section 2801, et seq.
- EDD Information Bulletin "Eligibility TAG Changes Released" (WIAB01-77)
- EDD Information Bulletin "Title IB Dislocated Worker Funded Services Eligibility" (WIAB01-81)
- EDD WIA Draft Directive "Eligibility TAG – Supplemental Guidance" (WIADD-35)

**TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC. (TCWIB) – IMPOSED REQUIREMENTS:**
The contents of this directive contain TCWIB-imposed requirements.

**FILING INSTRUCTIONS:**
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 WIA regulations.

**POLICY AND PROCEDURES:**
TCWID staff and TCWIB Service Providers shall review the TAG carefully and review their WIA eligibility policies, procedures, interpretations, guidance and definitions to assure that they comply with the TAG.

**ACTION:**
Bring this directive and the attached Eligibility TAG to the attention of all affected staff and all 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 David McMunn, Workforce Development Senior Analyst, Workforce Investment Department, at (559) 713-5200.

JOSEPH H. DANIEL
Administrator

JHD: DM:wb
Workforce Investment Act
Eligibility Technical Assistance Guide

Prepared By State of California
Local Eligibility Advisory Work Group and
Workforce Investment Division
July 2001
ACKNOWLEDGEMENTS

This technical assistance guide represents the work and expertise of program practitioners and workforce development professionals. The Workforce Investment Division is grateful to all those who took time to share their knowledge and ideas, to review drafts, and to help in the development of this guide.

The Division especially appreciates the work of the ad hoc eligibility advisory work group whose work has culminated in this publication:

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We are also indebted to Bob Lanter and Tim Rainey of the California Workforce Association for convening the advisory work group, and to Deborah Cusimano of the California Workforce Investment Board’s staff who supported and promoted the development of this guide.

We also acknowledge both the Local Workforce Investment Area administrators who released valuable staff to work on this guide, and Steve Malliaras and Maria Remboulis Weidmark of the Department of Labor for their technical assistance.

BILL BURKE, Chief
Workforce Investment Division
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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.

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. 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.

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.

This publication is formatted to allow local areas to key enter their eligibility policies, procedures, and definitions. Areas of local flexibility are discussed below. Background material and Items to Consider prepared by the eligibility advisory workgroup accompany each item. Following each presentation is an electronic link to the page where the local areas may key enter their policies, procedures, criteria, or definitions related to each area of flexibility. Additional areas of flexibility are discussed in Sections II, III, IV, VII, and VIII.

Procedures and Eligibility Criteria for the Three Tiers of Service

Background: In her October 4, 2001 statement to the Committee on Health, Education, Labor and Pensions United States Senate, the Assistant Secretary of Labor for Employment and Training, reported that:

Some state and local boards have not established clear procedures and eligibility criteria for the three tiers of service: staff-assisted core services, intensive services, and training services.

Emily Stover DeRocco

Local areas that comply with the requirements of this TAG have established clear procedures and eligibility criteria for the three tiers of services.
**WIA Eligibility Technical Assistance Guide**

**Items to consider:** 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.

**Local areas cannot adopt a “work first” approach in developing local procedures and eligibility criteria for the three tiers of service.** 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 Sec. 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.

**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 one-stop partners to provide seamless and comprehensive services to one-stop customers.)

Local areas and one-stop operators 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 one-stop operators from serving individuals. Both the State and the 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**

All adults and dislocated workers who receive services funded under Title I-B of WIA, other than self-service or informational activities (core services other than staff-assisted core services), must be determined eligible and registered. All youth must be determined eligible and registered in order to receive services funded under Title I-B of WIA.

**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.**
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 should be completed to enroll the individual into an activity.

The Employment Development Department (EDD) has received a number of inquiries from individuals about their UI benefits being exhausted or nearly exhausted before they begin WIA training. Individuals who need training should be moved rapidly through the tiers of service and begin training in time to take advantage of the income provided by their UI benefits. Case managers should discuss with individuals seeking training what their means of support will be during training and provide advice as necessary. Clients should also be assisted in obtaining their California Training Benefits. When clients experience difficulty contacting a UI representative, an EDD employment services specialist should be contacted immediately to help them.

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; however, there are no State mandated limits. 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 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.

The application form may be updated at any time.

Below is the 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.

**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.

Seven (7) working days from the interview signature date is the amount of time allowed to review an applicant’s information and confirm eligibility.

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

The completed enrollment/registration form represents the local area’s intention to provide staff-assisted core, training, or intensive services, or subsidized employment. Once the individual actually begins to receive such services, the
individual becomes a registered 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.”

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 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.

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

LOCAL GUIDANCE ABOUT ELIGIBILITY FOR SERVICES AND CASE FILES

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 participants case file. The receipt of intensive service and eligibility for training services should be documented on the participants Individual Service Strategy Plan (ISS).

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]

III. GENERAL TITLE I-B ELIGIBILITY CRITERIA

The general eligibility criteria apply to all Title I programs.

CITIZENSHIP/ELIGIBLE TO WORK—Participation in programs and activities financially
assisted in whole or in part under WIA is open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other individuals authorized by the Attorney General to work in the United States. [Reference: WIA Section 188(a)(5)]

Citizenship may be documented as an alternative to establishing an individual's right to work. However, it is usually easier to obtain copies of an individual's social security card and driver's license than obtaining copies of the documents normally acceptable to prove U.S. citizenship. It is not necessary to document both citizenship and the right to work. Additionally, some of the documentation accepted by U.S. Department of State to prove U.S. citizenship is no longer accepted by the Immigration and Naturalization Services (INS) to document an individual's right to work.

The documentation of an individual's employability (right-to-work) must be conducted in compliance with Title 8 CFR Section 274a.2 which states the requirements and procedures persons or entities must comply with when hiring, or when recruiting or referring for a fee, or when continuing to employ individuals in the United States. These requirements and procedures are published as the INS Form I-9, (see Attachment 8) and take precedence over any State statute and regulation governing alien status determination. (See Attachment 8)

SELECTIVE SERVICE/MILITARY STATUS—Local areas shall ensure that each applicable male participating in any local program or activity established under Title I-B of the Workforce Investment Act in their workforce investment area, or receiving any assistance or benefit under Title I-B, has not violated Section 3 of the Military Selective Service Act. All males who are at least 18 years of age and born after December 31, 1959, and 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. [Reference: WIA Section 189(h)]

Items to consider: Occasionally, males who were subject to Selective Service System registration, but did not register and are now beyond their 26th birth date, apply for assistance from the WIA program. Local areas may develop policy and procedures for determining whether an individual knowingly and willfully failed to register. Attachment 3 provides guidance in applying Section 3 of the Military Selective Service Act.

Local Policy and Procedures for Determining Whether an Individual Knowingly and Willfully Failed to Register:
Please refer to Attachment 5 (WIB Directive WIBD-01-7, Selective Service).

AGE—The following chart displays references to the Act and the regulations, the federally required age for participation, and the applicable Title I-B program.
### IV. PRIORITY TO SERVE ADULT LOW-INCOME APPLICANTS

The Secretary of Labor 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 Secretary 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* and *Welfare-to-Work* 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. States and local boards must establish criteria by which the local areas can determine the availability of funds and the process by which any priority will be applied.

*Reference: Title 20 CFR Part 652 Preamble, Subpart F—Priority and Special Populations, p. 49343*

The methodology used to determine whether or not funding is limited in a local area is not currently defined. However, the State Board is interested in standardizing the methods that are used to determine if funds are limited in a local area and may develop policy for local areas to use in making this determination in the future.

Local Boards may administer their priority for adult recipients of public assistance and other low-income adults to include intensive and training services for other individuals.

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**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 recipients of public assistance and other low-income individuals will receive priority for the receipt of intensive and training services. The determination that funds are limited in Tulare County is based upon factors such as the unemployment rate, the number of public assistance recipients and low income individuals historically served and funding levels.

To the extent that Workforce Investment Act Title IB funds are available, the provision of services to other customers will be considered. Priority for WIA funded services will be for Tulare County residents.
The determination of an individual's low-income status is discussed in Section VIII of this technical assistance guide.

V. ADDITIONAL ELIGIBILITY CRITERIA FOR DISLOCATED WORKERS

In addition to complying with Selective Service registration requirements and U.S. citizenship and eligibility to work requirements, an individual must meet any one of the six following criteria to be eligible to receive dislocated worker services under Title I-B of the Workforce Investment Act. Unless otherwise specified, local policy, guidance, procedures and definitions may be established wherever there is flexibility authorized by the Act and the regulations.

An eligible dislocated worker remains eligible for assistance after dislocation as long as the individual has not been employed in a job since dislocation that paid a wage defined by the local board as self-sufficient or leading to self-sufficiency or providing more than stopgap employment.

This guidance refers only to the employment status of dislocated workers prior to registration. 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 job that pays a wage defined by the local board as self-sufficient or leading to self-sufficiency, the participant may continue to be served in the program until he/she is formally exited from the program.

Dislocated Worker

Dislocated worker means an eligible adult whom:

1. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment and 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 compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and is unlikely to return to a previous industry or occupation; or

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: When determining unlikely to return, use one or more 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. 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;

- 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;

- 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 certified by the local EDD field office or by One-Stop staff with access to the CalJOBS 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 client’s educational achievement levels, 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 applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.);

- Natural disaster that results in lost wages;

- Mechanization;

- Loss of agricultural land;

- Any significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work dates.

- Change in family situation that requires higher income

2. 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; or

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.

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
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.

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;

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. TABLE OF DOCUMENTATION TO ESTABLISH WIA ELIGIBILITY for further acceptable documentation of general economic conditions.

5. Is a displaced homemaker [Reference: WIA Section 101(9) and (10)], or

6. 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 intention in adopting this policy was to include not only individuals who are profiled but also such individuals who have not been profiled but are UI eligible. The sample composite of acceptable documentation in the TAG only lists documentation related to UI profiling. Other individuals who have voluntarily terminated employment may be documented by obtaining verification from UI or making a copy of the stub from the individual's UI benefit check.

The Act permits funds to be used for intensive and training services for workers: (1) as soon as they have layoff notices; or (2) six months (180 days) before layoff if employed at a facility that has made a general announcement that it will close within 180 days.

Displaced Homemaker

Displaced homemaker means 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. [Reference: WIA Section 101(10)]
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.

UI PROFILING—The Governor has determined that the Unemployment Insurance (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 CFR Part 652 et al. Preamble, Subpart A—One-Stop System, p. 49316]

EMPLOYED—An employed individual is one who, during the 7 consecutive days prior to completing an application, did any work at all as a paid employee, in his or her own business, profession or farm, worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family, or is one who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job. [Reference: WIA Title I-B Standardized Record Data (WIASRD), Item 8]

UNEMPLOYED INDIVIDUAL—An unemployed individual is one who did not work during the 7 consecutive days prior to application, who made specific efforts to find a job within the past 4 weeks prior to application, and who was available for work during the 7 consecutive days prior to application. Also included as unemployed are those who did not work, and (a) were waiting to be called back to a job from which they had been laid off, or (b) were waiting to report to a new wage or salary job scheduled to start within 30 days. [Reference: WIA Section 101(47)]

UNDEREMPLOYED—Underemployed means 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. [Reference: TEGL 14-00 Change 1]

VI. ADULT AND DISLOCATED WORKER REQUIREMENTS TO RECEIVE STAFF-ASSISTED CORE, INTENSIVE OR TRAINING SERVICES

In addition to the eligibility requirements in Sections II, III, and IV, to receive services, adults and dislocated workers must also meet the eligibility requirements below.

ELIGIBILITY FOR 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). Correspondence with the Department of Labor has clarified applicant eligibility for staff-
assisted core services. As discussed in the State's TAG, 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 enrolled adult who has the right to work in the United States and, if male, has complied with Selective Service registration. For instance, a highly paid working professional seeking career counseling and advancement through job search and placement services is eligible for staff-assisted core services.

When there is significant staff involvement with a customer in terms of resources or time, individuals receiving staff-assisted core services are required to be registered. Local areas may determine what constitutes a significant use of resources and a significant use of staff time. Describe below your local area's criteria for staff involvement requiring an individual's registration for staff-assisted core 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. [20 CFR Part 652 Preamble, Description of Regulatory Provisions, p. 49297] 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 Title I-B financially assisted aid, benefits, services, or training, and has signified that interest by submitting personal information in response to a request from the WIB. [Reference: 20 CFR Sections 663.105 through 663.120]. 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—

Adults and dislocated workers who may receive intensive services:

(a) Adults and dislocated workers who are
   - Unemployed,
   - Have received at least one core service and are unable to obtain employment through core services, and
   - Are determined by a One-Stop operator to be in need of more intensive services to obtain employment; and

(b) Adults and dislocated workers who are
   - Employed,
   - Have received at least one core service, and
   - Are determined by a One-Stop operator to be in need of intensive services to obtain or retain employment that leads to self-sufficiency

(c) Individuals whose services are provided through the adult funding stream, 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)]

ELIGIBILITY FOR TRAINING SERVICES—

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

(a) 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;

(b) After an interview, evaluation, or assessment, and case management, have been determined by a One-Stop operator 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;

(c) 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;

(d) Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as Welfare-to-Work, State-funded training funds, Trade Adjustment Assistance and Federal Pell Grants established under Title IV of the Higher Education Act of 1965, or require WIA assistance in addition to other sources of grant assistance, including federal Pell Grants (provisions relating to fund coordination are found at Title 20 CFR Section 663.320 and WIA
Section 134(d)(4)(B)); and
(e) 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.
[References: WIA Sections 134(d)(4), and 134(d)(4)(E)].

Self-Sufficiency

Local Criteria for Self-Sufficiency: The local self-sufficiency criteria for low-income
adults is 70% of the Lower Living Standard (LLSIL), which can be found in
Attachment 6. The local self-sufficiency criteria for employed adults and dislocated
workers is 175% of the LLSIL, which can be found in WIBD-00-2 Revised (2Rd)
Attachment 7.

VII. ELIGIBILITY CRITERIA FOR YOUTH

Eligible Youth

An individual shall be eligible to participate in youth services if such an individual meets
the definition of eligible youth:
A. Is not less than age 14 and not more than age 21; and
B. Is a low-income individual; and
C. Is an individual who is one or more of the following:
   1) Deficient in basic literacy skills;
   2) A school dropout;
   3) Homeless, a runaway, or a foster child;
   4) Pregnant or parenting;
   5) An offender; or
   6) An individual who requires additional assistance to complete an educational
      program, or to secure and hold employment (may be defined at the State or local
      level per WIA Final Regulations Section 664.210)
[Reference: WIA Section 101(13)]

Describe your local area’s definition and eligibility documentation requirements for
deficient in basic literacy skills below:

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 (at or below
8.9 for tests that define year and month) on a generally accepted standardized or
criterion-referenced 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,
TABE, or school records recording reading and math levels are commonly accepted
forms for documentation of basic literacy skills, however, acceptable documentation may also include any of the standardized tests identified in the California Employment Development Department’s Workforce Investment Act Client Forms Handbook.

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 can not 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. When assessing basic skill levels using the survival/living skills criterion the assessment shall, at a minimum, include evaluation of skills and/or knowledge in the following areas:

- Computer skills: with minimal assistance can post a resume, conduct a job search, and possesses word processing skills sufficient to develop a resume and write a letter;
- Phone skills: uses the phone to inquire about a job, set up an interview, inquire about housing or other basic needs;
- Communication: English language skills are adequate to inquire about a job, set up an interview, interview for a job; inquire about housing or other basic needs; understands and follows verbal and/or written directions;
- Can file an income tax return;
- Managing personal finances: has a realistic budget, opened a bank account, balanced a checkbook, created a savings plan;
- Maintaining personal documents: possesses or knows how to secure and maintain personal documents including social security card, driver’s license/identification, birth certificate, work papers, and pay stubs;
- Independent living situation: established or has skills to establish an independent living situation that includes arranging housing, turning on utilities, setting up living quarters, and shopping;
- Time management skills: sets appropriate priorities to balance personal, education and/or work-related activities/schedules, including being on time for appointments and/or work;
- Transportation: has addressed transportation barriers by using public transportation, and/or has established an alternative transportation plan;

When using survival/living skills to define functional literacy levels, acceptable documentation will be case notes and the Survival/Living Skills Assessment Form documenting an individual’s skill level relative to his/her ability to perform the majority of the tasks cited above (lack of skills in at least 5 of the 8 is an acceptable indicator of basic skills deficiency).

NOTE: When claiming basic skill attainment, pre/post assessment is required and must be present in the participant file.

A low-income youth is eligible for services if he or she requires additional assistance to complete an educational program, or to secure and hold employment. Definitions and eligibility documentation requirements related to this criterion may be established at the
local level. Describe your local area's criteria, definitions, and eligibility documentation requirements below:

**An Individual Who Requires Additional Assistance to Complete an Educational Program, or to Secure and Hold Employment:**

A low-income youth is eligible for services if he or she requires additional assistance to complete an educational program, or to secure and hold employment that pays 70% of the Lower Living Standard Income Level (LLSIL) or the Poverty Guideline, whichever is higher. Youth requiring additional assistance include individuals who fall within any of the following categories:

- Have a core Grade Point Average (GPA) of 1.5, or less;
- For each year of secondary education, are at least two semester credits behind the rate required to graduate from high school; or are one year over age for current grade;
- Are deemed at risk of dropping out of school by a school official;
- Are emancipated youth;
- Have aged out of foster care;
- Are court/agency referrals mandating school attendance;
- Have been referred to or are being treated by an agency for a substance abuse related problem;
- Have never held a job;
- Have been fired from a job within the 12 months prior to application;
- Have never held a full-time job for more than 13 consecutive weeks;
- Have a physical or mental impairment (disability) that limits one or more life activities or is an impediment to employment;
- Have a limited ability to communicate in English resulting in a barrier to employment;
- Are deficient in occupational skills;
- Have a personal or family history of seasonal or chronic unemployment;
- Receives, or is a member of a family that receives cash payments under a Federal, State, or income-based public assistance program, or has been determined eligible to receive Food Stamps within the six months prior to application.

Examples of acceptable documentation verifying a youth requiring additional assistance may include school records, WIB School Referral Form, Telephone Verification, written statement from cognizant agency, Applicant Statement, case notes of "observable condition", etc. Specific documentation requirements are listed in the Table of Documentation under Is An Individual Who Requires Additional Assistance To Complete An Educational Program, Or To Secure And Hold Employment.

**SCHOOL DROPOUT**—The term school dropout means 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.  [Reference: WIA Section 101(39); Title 20 CFR Sections 664.300 and 664.310]

OFFENDER—The term offender means any adult or juvenile who:
A. Is or has been subject to any stage of the criminal justice process, for whom services under this Act may be beneficial; or
B. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
[Reference: WIA Section 101(27)].

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 basic skills deficient, unemployed, or underemployed.

DOL CLARIFICATION OF OUT-OF-SCHOOL YOUTH-Out-of-school youth include all eligible youth except those who are attending any school and have not received a secondary school diploma or its recognized equivalent and except those who are attending post-secondary school and are not basic skills deficient. [References: WIA Section 101(33) and TEGL 14-00 Change 1]

Truant Youth and Work Permits

The California Department of Education publication 2002 Work Permit: Frequently Asked Questions states that: 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 criminal fines if the minor is found working without a work permit.

Five Percent Eligibility Exceptions

Not more than 5 percent of participants served by WIA Youth programs may be individuals who do not meet the minimum income criteria. To be considered eligible youth, such individuals must be 14-21 at the time of WIA application and 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 local board.

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

**Serious Barriers to Employment:**
Serious barriers to employment include the following:
- Have a core Grade Point Average (GPA) of 1.5, or less;
- Are deemed at risk of dropping out of school by a school official;
- Have been referred to or are being treated by an agency for a substance abuse related problem;
- Have experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other professional;
- Have never held a job;
- Have been fired from a job within the 12 months prior to application;
- Have never held a full-time job for more than 13 consecutive weeks;
- Have a limited ability to communicate in English resulting in a barrier to employment;

Examples of acceptable documentation verifying serious barriers to employment may include school records, WIB School Referral Form, Telephone Verification, written statement from cognizant agency, Applicant Statement, case notes, etc. Specific documentation requirements are listed in the Table of Documentation under Other Eligible Youth Who Face Serious Barriers To Employment As Identified By The Local Board.

**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, guardian, emancipated minor, out-of-family youth, lower living standard, homeless, and individual with a disability. All of these definitions are listed below.

LOW-INCOME INDIVIDUAL—The term low-income individual means an individual, who:
(A) Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program;
(B) 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:
   1. The poverty line, for an equivalent period; or
   2. Seventy percent of the lower living standard income level, for an equivalent period;
(C) 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;
(D) Qualifies as a homeless individual;
(E) Is a foster child on behalf of whom state or local government payments are made; or
(F) 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)]

The Omnibus Appropriations Act of 1998, Section 405(d)(33)(D) amends the Older Americans Act (OOA) of 1965 by stating in part that, in the case of projects carried out jointly with WIA Title I-B programs, eligible OOA participants meet the low-income eligibility requirements of WIA. This is similar to the eligibility allowance under the Job Training Partnership Act.

PUBLIC ASSISTANCE—The term public assistance means federal, state or local government cash payments for which eligibility is determined by a needs or income test. 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)]

FAMILY—The term family means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:
   1. A husband, wife, and dependent children.
   2. A parent or guardian and dependent children.
   3. A husband and wife. [Reference: WIA Section 101(15)]

DEPENDENT CHILDREN—Dependent children shall be defined as individuals, aged 0-21, whose circumstances fall into one of the following categories:
A. Under the age of 18, who are not emancipated minors (emancipated minor is defined the following page), and are living in a single residence with their parent(s) or guardian(s).
B. Age 18-19 who are full-time students in a secondary school or equivalent, and
are living in single residence with their parent(s) or guardian(s).

C. Age 18-21, who are not full-time students in a secondary school or equivalent, and are living in a single residence with their parent(s) or guardian(s), shall have their dependency established according to locally established policy and procedures.

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 own wages, salaries, tips, etc.

It is not possible to develop policy that will cover every situation. At some point, common sense, humanity and good case records must compensate for the deficiencies of policies to anticipate every situation.

Include below local policy and procedures for determining the dependency of older youth age 18-21 who are not full-time students in a secondary school or equivalent, and are living in a single residence with their parent(s) or guardian(s).

Local Dependency Policy and Procedures:
Older 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) shall have their dependency status established as follows:

- If the individual is claimed as a dependent on his/her parent’s/guardian’s income tax, then he/she is considered a dependent family member and income is calculated based on wages, salaries, tips, etc. of all family members.
- If the individual is claiming to be no longer dependent, i.e., not claimed as a dependent on his/her parent’s/guardian’s income tax, then he/she must:
  1. Attest to his/her individual status; and
  2. Have such statement corroborated, if possible, by the head of household in which the individual resides; and
  3. Show his/her source of support (income) for the six months prior to application. Income will be based on the individual’s own wages, salaries, tips, etc.

An individual 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 unemployed for that period. 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 under Family Size/Individual Status and Family Income.

GUARDIAN—The term “guardian” includes caregiver relatives. The term applies to situations where an older or younger youth is permanently or indefinitely residing with a family member other than his or her parents or legal guardians.
EMANCIPATED MINOR—The California Family Code, Section 7002, defines emancipated minor as any person under the age of 18 years who:
A. Has entered into a valid marriage, whether or not such marriage was terminated by dissolution;
B. Is on active duty with any of the armed forces of the United States of America; or
C. Has received a declaration of emancipation pursuant to California Family Code 7122.

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 are a “family of one.”

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: Federal Register, February 16, 2001, Vol. 66, No. 33, pp. 10695-10697]

LOWER LIVING STANDARD INCOME LEVEL—The lower living standard income level means the income level (adjusted for regional, metropolitan, urban, and rural differences and family size), determined annually by the Secretary based upon the most recent lower living family budget issued by the Secretary. [Reference: Federal Register, May 9, 2001, Vol. 66, No. 90, pp. 23737-23742]

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;
2. A record of such an impairment; or
3. Being regarded as having such impairment.

[References: WIA Section 101(17); 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.

HOMELESS—The term homeless, homeless individual or homeless person includes:
1. An individual who lacks a fixed, regular, and adequate nighttime residence; and
2. An individual who has a primary nighttime residence that is -
   (a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
   (b) An institution that provides a temporary residence for individuals intended to be institutionalized; or
   (c) A public or private place not designed for, or ordinarily used as, a regular
sleeping accommodation for human beings.

References: WIA Section 101(25)(D); Section 103 of the Stewart B. McKinney Homeless Assistance Act

INCOME ELIGIBILITY DETERMINATION PROCESS—Income eligibility is a function of family resources and family size.

Income is:

- 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
- Social Security Disability Insurance payments

Income is not:

- Unemployment Insurance
- Child support payments (including foster care child payments)
- Need-based Public Assistance payments (including TANF, Supplemental Security Income Emergency Assistance, 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


WIA Eligibility Technical Assistance Guide

- Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance
- Capital gains
- Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury
- Non-cash benefits such as employer paid or union-paid portion of health insurance or other fringe benefits, food or housing received in lieu of wages
- The value of food and fuel produced and consumed on farms
- The imputed value of rent from owner occupied nonfarm or farm housing
- Medicare, Medicaid, food stamps, school meals, and housing assistance
- Allowances, earnings and payments to individuals participating in programs under this Act (except OJT wages)

[Adopted from 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 total of included income for the most recent six-month period is multiplied by two to determine the annual income. The income from each family member is included in the total family income. The annual income is located on the published poverty/lower living standard guidelines according to family size (see above for determination of family size). Below is a sample table for illustrative purposes only.

<table>
<thead>
<tr>
<th>Family Size</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Each Add'l. Add</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>70% LLSIL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual</td>
<td>$7,400</td>
<td>$12,110</td>
<td>$16,620</td>
<td>$20,530</td>
<td>$24,220</td>
<td>$28,330</td>
<td>$4,110</td>
</tr>
<tr>
<td>6 Months</td>
<td>$3,700</td>
<td>$6,055</td>
<td>$8,315</td>
<td>$10,110</td>
<td>$12,110</td>
<td>$14,165</td>
<td>$2,055</td>
</tr>
<tr>
<td>100%</td>
<td>$10,560</td>
<td>$17,300</td>
<td>$23,750</td>
<td>$29,320</td>
<td>$34,600</td>
<td>$40,470</td>
<td>$5,870</td>
</tr>
<tr>
<td><strong>Poverty Guidelines</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual</td>
<td>$8,350</td>
<td>$11,250</td>
<td>$14,150</td>
<td>$17,050</td>
<td>$19,950</td>
<td>$22,850</td>
<td>$2,900</td>
</tr>
<tr>
<td>6 Months</td>
<td>$4,175</td>
<td>$5,625</td>
<td>$7,075</td>
<td>$8,525</td>
<td>$9,975</td>
<td>$11,425</td>
<td>$1,450</td>
</tr>
</tbody>
</table>

Since 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, the State has published charts that show the six-month, as well as the annual, figures for each family size (WIA Directive WIAD99-1). An applicant's actual family income during the six-month income determination period can be compared with the six-month figures on the charts. *If multiplying the six-month income by two overstates the actual annual income, the actual annual income should be used.*

See *Attachment 2* for guidance about assessing and determining the annual income received.

**IX. ELIGIBILITY DOCUMENTATION AND VERIFICATION**

Describe your local area's eligibility documentation and verification policy and procedures below.

**Eligibility Documentation and Verification Policy and Procedures:**

The Act and the regulations do not address the issues of eligibility documentation and verification. The United States Department of Labor (DOL) has not yet provided eligibility documentation and verification guidance. The DOL allows considerable state and local flexibility in this area. Therefore, local areas are at liberty to establish their own documentation and verification policy and procedures.

The documentation and verification process 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.

WID staff, WIB Service Providers and applicants must make reasonable efforts to document eligibility for WIA-funded programs. However, the use of applicant statements is allowable to document those items that are not verifiable or are not readily available. The applicant's difficulty in obtaining documentation does not need to entail privation or suffering (undue hardship) 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.

**Section X. TABLE OF DOCUMENTATION TO ESTABLISH WIA ELIGIBILITY** is the list of acceptable documentation to use when establishing WIA eligibility for adults, dislocated workers, and youth programs.

WID staff and service providers conducting WIA eligibility are responsible for ensuring that adequate documentation is contained in their participant case files to minimize the risk of disallowed costs. The State supports the development of a balanced local documentation and verification policy that is not excessively intrusive and burdensome and is, at the same time, a good faith and reasonable effort to establish WIA eligibility.
DEFINITIONS

In the context of establishing eligibility:

Verification means to confirm an eligibility requirement through examination of official documents, e.g. birth certificates, public assistance records, or speaking with official representatives of cognizant agencies.

Documentation means to maintain physical evidence, which is obtained during the verification process, in participant files.

X. TABLE OF DOCUMENTATION TO ESTABLISH WIA ELIGIBILITY

INTRODUCTION

This attachment provides a comprehensive list of Title I-B eligibility criteria aligned with recommended documentation sources. A file copy of any one document listed per eligibility criterion is satisfactory, unless otherwise specified.

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. Please use the Tulare County Workforce Investment Department (TCWID) Telephone Verification/Documentation Inspection form WID 83 (See Attachment 4).

Applicant statements may be used when an item is unverifiable or it is unreasonably difficult for the applicant to obtain. The TCWID developed Applicant Statement form WID 84 (See Attachment 3) may be used. The applicant statement may be prudently used wherever it is listed, as acceptable documentation in the table below and other documentation may not be easily obtained.
<table>
<thead>
<tr>
<th>GENERAL ELIGIBILITY CRITERIA</th>
<th>ACCEPTABLE DOCUMENTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Verify each criterion unless specified otherwise)</td>
<td>(Only one document from this column per eligibility criterion is required)</td>
</tr>
</tbody>
</table>

**BIRTH DATE/AGE**

**Note:** Applicants must be age 18 or older at the time of registration to participate in this program.

- Baptismal or Church Record
- Birth Certificate
- DD-214 Form
- Driver's License
- Federal, State or Local Government Issued Identification Card
- Hospital Record of Birth
- Passport
- Public Assistance/Social Service Records
- School Records
- Telephone Verification
- Work Permit

**U.S. CITIZENSHIP**

The State is recommending the U.S. Department of State’s proof of U.S. citizenship documentation requirements for obtaining a U.S. passport to document citizenship for WIA. Acceptable documentation is listed on the Internet at travel.state.gov/passport_obtain.html. The primary sources of documentation are listed here. Secondary sources are displayed on the Internet at the site listed above.

- Previous U.S. Passport
- Certified birth certificate issued by the city, county or state
- Consular Report of Birth Abroad or Certification of Birth
- Naturalization Certificate
- Certificate of Citizenship

**U.S. WORK AUTHORIZATION**

**Note:** For changes to the list of acceptable identity and work authorization documents since the November 1991 revision of the INS Form I-9, see Information Bulletin WIAB01-41, INS Form I-9 (Rev. 11/21/97)—Changes. See attachment 8 for a copy of the bulletin.

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."

- Verification Document(s) that Satisfy List A of the I-9
- Verification Document(s) that Satisfy List B and C of the I-9

**SELECTIVE SERVICE REGISTRANT**

**Note:** Each male registrant 18 years of age or older born on or after January 1, 1960, must present evidence that he has complied

- Acknowledgement Letter
- Form DD-214
- Screen printout of the Selective Service Verification Internet site: http://www4.sss.gov/regver/verification1.asp
with *Section 3* of the Military Selective Service Act.
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.

<table>
<thead>
<tr>
<th><em>RESIDENCY (Tulare County)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Note:</strong> The documentation listed must show proof of current (within 60 days) residence at time of certification.</td>
</tr>
</tbody>
</table>

*Priority for WIA Title I-B Intensive and Training services is given to Tulare County residents.*

| **•** Selective Service Advisory Opinion Letter |
| **•** Selective Service Registration Card |
| **•** Selective Service Registration Record (Form 3A) |
| **•** Selective Service Verification Form |
| **•** Stamped Post Office Receipt of Registration |

| **•** 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 |
## DISLOCATED WORKERS

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<thead>
<tr>
<th>ELIGIBILITY CRITERIA</th>
<th>ACCEPTABLE DOCUMENTATION</th>
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<tbody>
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<td><strong>(Verify each criterion unless specified otherwise)</strong></td>
<td><strong>(Only one document from this column per eligibility criterion is required)</strong></td>
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### ELIGIBILITY GROUP A – Recently Dislocated

#### A.1. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; and
- 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
- Applicant Statement

#### A.2.

a. Is eligible for or has exhausted entitlement to unemployment compensation;
- Unemployment Insurance Records
- Statement by an Unemployment Insurance representative

**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
- Pay check stubs
- W-2 and/or Tax Returns
- Unemployment Insurance records
- Statement by the employer or union representative
- Statement by an Unemployment Insurance representative
- Applicant Statement

#### A.3. Is unlikely to return to a previous industry or occupation.
- Appointment Notice of referral to an Initial Assistance Workshop (IAW); or
- Screen print of IAW schedule; or
- Reemployment Plan generated from IAW; or
- Invitation Letter to Self Employment Assistance (SEA) orientation; or
- Screen print of SEA schedule.

**NOTE:** If one of the above is not available, documented telephone verification from the EDD field office will suffice.
## Eligibility Criteria

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### Eligibility Group A – Recently Dislocated, continued

A.3. (Continued) Is unlikely to return to a previous industry or occupation.

- Internet site, such as CalJOBS 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
- Marriage or birth certificates to show change in family situation.
- Applicant Statement

### Eligibility Group B – Plant Closure/Substantial Layoff

B.1. 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;

#### Closure or Substantial Layoff:

- 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
- Copy of a valid WARN notice provided by the employer or authorized representative
- Telephone Verification
- Applicant Statement

#### Notice of Layoff or Laid-off:

- Copy of a valid WARN notice provided by the employer or authorized representative
- Copy of other specific notice to employee of intent to lay-off
- Unemployment Insurance Form 501 (Separation Statement), when completed on both sides and signed by an employer representative
- Employer or union representative letter or statement
- Telephone Verification
- Applicant Statement
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### ELIGIBILITY GROUP B - Plant Closure/Substantial Layoff, continued

**B.2.** Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days;
- 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

**OR**

**B.3.** 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.
- 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

### ELIGIBILITY GROUP C - Self-employed

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

### ELIGIBILITY GROUP D - Displaced Homemaker

**D.** Is a displaced homemaker.
- Applicant Statement