



**Workforce  
Development  
Council**

## **Benton-Franklin Workforce Development Council Workforce Innovation and Opportunity Act (WIOA)**

**Subject: Eligibility Policy**  
**Policy No: 2015-01**  
**Effective Date: 11/24/2015**  
**Revision: 02/01/2016, 3/14/2017**

### **1. Purpose:**

To communicate integrated eligibility guidelines and documentation requirements for Wagner-Peyser and Workforce Innovation and Opportunity Act (WIOA) Title I Youth, Adult, and Dislocated Worker programs.

### **2. Background:**

This integrated WIOA eligibility policy includes the eligibility and documentation details specific to WIOA Title I Youth, Adult, and Dislocated Worker program eligibility criteria and incorporates supplemental guidance specific to WIOA Title I programs.

This policy identifies acceptable documentation of various eligibility criteria that align with WIOA data element validation (DEV) requirements as of the issuance of [TEGL 06-14](#). This will be updated and revised accordingly when WIOA DEV requirements are issued by the U.S. Department of Labor Employment and Training Administration (DOL/ETA).

<b>Introduction</b> .....	4
<b>Definitions</b> .....	5
<b>References</b> .....	11
<b>1. Alignment of Wagner-Peyser and WIOA Title I Services</b> .....	12
<b>1.1 Purpose</b> .....	12
<b>1.2 Career Services</b> .....	12
<b>1.3 Training Services</b> .....	13
<b>2. Youth Program</b> .....	14
<b>2.1 Youth Program Requirements</b> .....	14
<b>2.1.1 In-School Youth</b> .....	14
<b>2.1.2 Out-of-School Youth</b> .....	15
<b>2.2 Additional Definitions of Low Income</b> .....	17
<b>2.3 Exceptions to Youth Eligibility Requirements</b> .....	17
<b>2.4 Local Definitions of Low Income</b> .....	18
<b>3. Adult Program</b> .....	18
<b>3.1 Adult Program Requirements</b> .....	18
<b>3.2 Priority for Services under the Adult Program</b> .....	19
<b>4. Dislocated Worker Program</b> .....	20
<b>4.1 Dislocated Worker Program Requirements</b> .....	20
<b>4.2 Serving Military Service Members and their Spouses</b> .....	22
<b>4.2.1 Non-Retiree Military Service Members (Dislocated Worker-Category 5)</b> .....	22
<b>4.2.2 Spouses of Military Service Members (Dislocated Worker - Category 6)</b> .....	22
<b>4.3 Eligibility for Employed Individuals</b> .....	23
<b>4.4 Stop-Gap Employment</b> .....	23
<b>5. Additional Program Guidance</b> .....	24
<b>5.1 U.S. Citizenship or Legal Right to Work in the U.S.</b> .....	24
<b>5.2 Selective Service Requirements</b> .....	24
<b>5.3 Priority of Service for Veterans and Eligible Spouses</b> .....	26
<b>5.4 Assisting Victims of Human Trafficking</b> .....	26
<b>5.5 WIA001 Report and Disallowed Use of UI GUIDE Screen Prints</b> .....	27
<b>5.6 Income Verification and Family Size for the Low-Income Criteria</b> .....	27

<b>5.6.1 Income Verification</b>	<b>27</b>
<b>5.6.2 Determining Family Size</b>	<b>28</b>
<b>5.6.3 Defining Dependent</b>	<b>28</b>
<b>5.7 Washington’s Marriage Equality Act</b>	<b>29</b>
<b>6. Eligibility Documentation Requirements</b>	<b>29</b>
<b>7. Self-Attestation Forms</b>	<b>36</b>
<b>8. Samples of Includable and Excludable Income</b>	<b>38</b>

## Introduction

The content of this operational procedure is equivalent to [WorkSource System Policy 1019, Revision 1](#). This operational procedure serves as the vehicle for implementing and managing eligibility policy changes.

This operational procedure provides guidance to staff and partners concerning eligibility requirements for the youth, adult and dislocated worker programs under WIOA Title I and Wagner-Peyser Act under WIOA Title III.

Sections 2, 3 and 4 cover program eligibility requirements for the WIOA Title 1 youth, adult and dislocated worker programs. Specific parameters and guidance are provided in the subsequent sections under each program. Section 5 covers additional guidance that applies to multiple (though not necessarily all) programs.

The [Eligibility Matrix](#) in Section 6 serves as a tool to review eligibility requirements for each program, including the corresponding documentation requirements.

NOTE: This Eligibility Operational Procedure is being issued at this time in order to provide staff and partners the information needed to make eligibility determinations. The information is based on the best information available at this time per WIOA law and proposed rules, as well as limited DOL/ETA guidance. The handbook will be revised and reissued after the WIOA final rules are issued and as relevant DOL/ETA guidance is received.

## Definitions

**Attachment to Workforce** – Employment lasting six months or longer.

**Basic Skills Deficient** – An individual who:

1. Is a youth, that the individual has English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test; or
2. Who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

**Career Services-** The three categories of career services, basic, individualized, and follow-up are defined below:

**Basic Career Services** must be made available and, at a minimum, must include the following services:

1. Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
2. Outreach, intake (including worker profiling), and orientation to information and other
3. services available through the local workforce system;
4. Initial assessment of skills levels, including literacy, numeracy, and English language
5. proficiency, as well as aptitudes, abilities (including skills gaps), and support service needs;
6. Labor exchange services, including: job search and placement assistance, and, when needed by an individual, career counseling, including the provision of information on nontraditional employment and in demand industry sectors and occupations; and appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services not traditionally offered through the local workforce system;
7. Provision of referrals to and coordination of activities with other programs and services, including programs and services within the local workforce system and, when appropriate, other workforce development programs;
8. Provision of workforce and labor market employment statistics information, including information relating to local, regional, and national labor market areas;
9. Provision of performance information and program cost information on eligible providers of training services by program and provider type;
10. Provision of information, in usable and understandable formats and languages, about how the Board is performing on local performance accountability measures, as well as any additional performance information relating to the local workforce system;
11. Provision of information, in usable and understandable formats and languages, relating to the availability of support services or assistance, and appropriate referrals to those services and assistance;
12. Provision of information and assistance regarding filing claims for unemployment compensation, by which the Board must provide assistance to individuals seeking such assistance.

13. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

**Individualized Career Services** must be available in all one-stop centers. One-stop center staff may use recent previous assessments by partner programs to determine if individualized career services would be appropriate. These services include:

1. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include, diagnostic testing and use of other assessment tools; and In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
2. Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers;
3. Group and/or individual counseling and mentoring;
4. Career planning (e.g. case management);
5. Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term pre-vocational services;
6. Internships and work experiences that are linked to careers;
7. Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment;
8. Financial literacy services;
9. Out-of-area job search assistance and relocation assistance; and
10. English language acquisition and integrated education and training programs.

**Follow-up Services** - adult and dislocated workers must be provided as appropriate for participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Counseling about the work place is an appropriate type of follow-up service. Follow-up services do not extend the date of exit in performance reporting.

**Follow-up Services** - All youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies. Furthermore, follow-up services must be provided to all participants for a minimum of 12 months unless the participant declines to receive follow-up services or the participant cannot be located or contacted. The types of services provided and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant. Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome. Follow-up services for youth also may include the following program elements:

1. Supportive services;

2. Adult mentoring;
3. Financial literacy education;
4. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
5. Activities that help youth prepare for and transition to postsecondary education and training.

**Case Notes** – For the purpose of Data Element Validation (DEV), case notes refer to either paper or electronic statements by staff that identify, at a minimum, the following: a participant’s status for a specific data element, the date on which the information was obtained, and the staff who obtained the information ([TEGL 06-14 – Attachment A](#)).

**Covered Person (for Priority of Service)** – A veteran or their eligible spouse.

**Cross- Match** – For the purpose of Data Element Validation, a cross-match requires validating staff to find detailed supporting evidence for the data element in a database ([TEGL 06-14, Attachment A](#)).

**Data Element Validation (DEV)** – The federally mandated process by which the state annually assesses the accuracy of reported participant data (refer to [WorkSource System Policy 1003, Revision 1](#) and [TEGL 06-14 – Attachment A](#)).

**Dropout** - A “school dropout” is defined in WIOA Section 3(54) as an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. As discussed in TEGL 08-15, an individual who has dropped out of postsecondary education is not a “school dropout” for purposes of youth program eligibility. A youth’s eligibility status is determined at the time of enrollment; therefore, if a youth has not received a high school diploma, or a recognized equivalent, AND is not attending any school, he/she is considered a dropout and is an OSY. A dropout only includes an individual who is currently a secondary school dropout and does not include a youth who previously dropped out of secondary school but subsequently returned. For example, a youth who dropped out of high school in 2015 and returned to high school in 2016 prior to enrollment in WIOA is not considered a dropout.

**Eligible Spouse (of a Veteran)** – The spouse of any of the following (JVA Section 2(a)):

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:
  - (i) missing in action;
  - (ii) captured in line of duty by a hostile force; or
  - (iii) forcibly detained or interned in the line of duty by a foreign government or power;
3. Any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs; or
4. Any veteran who died while a disability, as indicated in paragraph (3) of

this section, was in existence.

**English Language Learner** – An individual who has limited ability in reading, writing, speaking, or comprehending the English language, and (A) whose native language is a language other than English; (B) who lives in a family or community environment where a language other than English is the dominant language.

**High Poverty Area** – A Census tract; a set of contiguous Census tracts; Indian Reservation, tribal land, or Native Alaskan Village; or a county that has a poverty rate of at least 30% as set every 5 years using American Community Survey 5-Year data.

**Homeless and foster care youth** - An individual who is homeless is eligible under the same barrier category as an individual in the foster care system or one who has aged out of the foster care system. In order to make the regulation easier to understand, DOL separated foster care youth and homeless and runaway youth into two separate eligibility barrier categories in the Final Rule. In addition, the Final Rule also includes “an individual who has attained 16 years of age and left foster care for kinship guardianship or adoption” in the foster care eligibility barrier in 20 CFR §§ 681.210 and 681.220 to encompass youth who were formerly in foster care, but may have returned to their families before turning 18.

**Offender** - The WIOA statute uses slightly different wording to describe the criteria for ISY and OSY who are eligible because they have been subject to any stage of the criminal justice process. For OSY, one eligibility barrier under WIOA Section 129(a)(1)(B)(iii)(IV) is that the youth is “[a]n individual who is subject to the juvenile or adult justice system.” For ISY, Section 129(a)(1)(C)(iv)(III) uses the term “offender” as the relevant criteria. The term “offender” is defined in WIOA Section 3(38) as “an adult or juvenile (A) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or (B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.” The Department concluded that the intent of the OSY eligibility criterion is not to treat youth who were subject to the juvenile or adult system differently, but rather to call attention to the fact that both the juvenile and adult justice systems may include OSY. Therefore, to be clear that the same eligibility criteria apply to both OSY and ISY, both 20 CFR § 681.210, which provides the eligibility criteria for OSY, and 20 CFR § 681.220, which provides the eligibility criteria for ISY, use the term “offender.”

**Pregnant or parenting** - An individual who is parenting can be a mother or father, custodial or non-custodial. As long as the youth is within the WIOA youth age eligibility, the age when the youth became a parent does not factor in to the definition of parenting. A pregnant individual can only be the expectant mother.

**Self-Attestation** – Self-attestation (also referred to as a participant or applicant statement) occurs when a participant (applicant) 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) a participant (applicant) identifying his or her status for a permitted data element and (b) signing and dating a form attesting to this self-identification (with a disclaimer concerning the self-



identification). Documentation requirements listed on the matrix in Sec. 6, excluding self-attestation, must be used as the first priority for eligibility documentation. If those documents are not available and self-attestation is listed as an acceptable form of documentation, the participant may complete one of the Self-Attestation Forms in Sec. 7.

**Self-Sufficiency** –The BFWDC has adopted the Self-Sufficiency Standard for Washington as the local criteria to determine whether employment leads to economic self-sufficiency. A family of a given composition - ranging from a one person household to a large family - in a given community, shall be considered “self-sufficient” when its earned income is adequate to meet its basic needs without public or private assistance or has earned income greater than the Lower Living Standard Income Level as defined in WIOA Sec.101 (24). Self-sufficiency for a dislocated worker is further defined as employment which provides the worker a wage that is equal to or greater than 80% of his or her wage at the time of dislocation.

**Substantial Layoff** – Notice of termination or layoff of 25%, or fifty (50) of a company’s workforce which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30-day period.

**Supportive Service** – Means services such as transportation, child care, dependent care, housing, that are necessary to enable an individual to participate in WIOA activities. Supportive services may not be used for entertainment, providers cannot purchase movie tickets.

**State MIS** – For the purpose of DEV, State MIS refers to specific, detailed information that is stored in the state’s information system that supports a data element ([TEGL 06-14 - Attachment A](#)).

**Training and Employment Guidance Letter (TEGL)** – Formal guidance issued by the Department of Labor for funded programs on specific regulations. They often become policy and should be referenced often.

**Underemployed Individual-** Individuals who are underemployed may include:

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

**Unemployed as a Result of General Economic Conditions** – Individuals who are now unemployed, including from self-employment, due to economic conditions in the community in which the individual resides or because of natural disasters. General economic conditions can include the failure, closure or substantial layoffs in one or more businesses in the area that had a direct effect on the individual’s unemployment.

**Unemployed Individual** – An individual who is without a job and who wants and is available to work. The determination of whether an individual is without a job, for purposes of this paragraph, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

**Unlikely to Return to Previous Industry or Occupation** – A status of an unemployed worker as having limited opportunities for employment or reemployment in the same or similar occupation in the area in which the individual resides as confirmed by labor market information and/or labor analysis by the Employment Security Department; open job orders; comparison of current job listing wages to previous wages; local demand occupation list or recent labor market events. Examples include but are not limited to:

1. The industry and/or occupation is in decline or the job has become obsolete.
2. The individual is not able to work in another capacity in the occupational area from which s/he was dislocated because of physical or mental limitations. An individual may have started out in an industry performing physically or mentally demanding jobs but is no longer capable of performing the essential requirements of the job.
3. The individual is not able to relocate to an area that has jobs in demand for which s/he is qualified.

**Veteran** – For the purpose of providing Priority of Service (using the broad definition) and Dislocated Worker eligibility, veteran means 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). Active service also includes full-time duty in the National Guard or a Reserve component, other than full time duty for training purposes.

## References:

- [Workforce Innovation and Opportunity Act of 2014](#)
- [WIOA Notice of Final Rule Making: Joint Rulemaking on Unified and Combined Plan, Performance and Accountability, and One-Stop Delivery Center](#)
- [WIOA Notice of Final Rule Making: Notice of Final Rule making on Title I and Title III programs](#)
- [Jobs for Veterans Act \(JVA\)](#)
- [Training and Employment Guidance Letter \(TEGL\) 22-04](#)
- [Training and Employment Guidance Letter \(TEGL\) 22-04, Change 1](#)
- [Training and Employment Guidance Letter \(TEGL\) 17-05](#)
- [Training and Employment Guidance Letter \(TEGL\) 10-09](#)
- [Training and Employment Guidance Letter \(TEGL\) 11-11 Change 2](#)
- [Training and Employment Guidance Letter \(TEGL\) 9-12](#)
- [Training and Employment Guidance Letter \(TEGL\) 11-12](#)
- [Training and Employment Guidance Letter \(TEGL\) 06-14](#)
- [Training and Employment Guidance Letter \(TEGL\) 23-14](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-16](#)
- [Training and Employment Guidance Letter \(TEGL\) 21-16](#)
- [Training and Employment Guidance Letter \(TEGL\) 08-15](#)
- [WorkSource System Policy 1003 Revision 1 - Data Element Validation](#)
- [WorkSource System Policy 1009 Revision 1 - Priority of Service for Veterans and Eligible Spouses](#)
- [WorkSource System Policy 1019, Revision 2-Eligibility Guidelines and Documentation Requirements](#)
- [WIOA Title I Policy 5404 Revision 1 - Records Retention and Public Access](#)
- [WorkSource Information Notice \(WIN\) 0027 Change 2 - WIA001 Report and Discontinued Use of UI Guide Screens](#)
- [WorkSource Information Notice \(WIN\) 0041 - Address Confidentiality Program](#)

# 1. Alignment of Wagner-Peyser and WIOA Title I Services

## 1.1. Purpose

The underlying notion for the One-Stop system is the coordination of fully integrated programs, services and governance structures so that a job seeker has access to a seamless system of workforce investment services. This intent is accomplished by establishing career services that are consistent across federally funded workforce development programs. In addition, DOL/ETA has furthered its integration efforts by establishing common performance metrics ([TEGL 17-05](#)) and developing an integrated performance reporting system (WISPR).

States and local areas are encouraged to utilize common intake, case management, and job development systems in order to take full advantage of the One-Stop potential for efficiency and effectiveness. WIOA Title I programs and Wagner-Peyser are mandated to provide the same set of career services found at WIOA Section 134(c)(2)(A). There is a natural alignment of service delivery under Wagner-Peyser since all individuals are eligible for these services.

NOTE: Personal records of WIOA registrants will be private and confidential, and will not be disclosed to the public. Refer to WIOA Title I Policy 5403 and [RCW 50.13](#) for additional guidance on data privacy and security.

## 1.2. Career Services

There are three types of career services: basic, individualized, and follow-up (see Definitions section on Page 5) There is no sequence requirement for these services. They can be provided in any order to provide flexibility in targeting services to the needs of the customer. Section 4 in TEGL 19-16 identifies the services that fall under the basic, individualized, and follow-up categories.

Per 20 CFR 680.120 and 680.130 and TEGL 19-16, individuals 18 years of age or older who are registered, meet the eligibility criteria for, and are enrolled in either the WIOA adult or dislocated worker programs are eligible to receive career services.

Staff-assisted Wagner-Peyser labor exchange services fall under the category of Basic Career Services and must be provided in coordination with other one-stop center partners. Wagner-Peyser staff can also provide Individualized Career Services in coordination with other one-stop center partners. Although Labor Exchange services are available to all individuals, only those who are legally entitled to work in the U.S. can obtain employment. To ensure that individuals who apply or are referred are legally entitled to work in the U.S., SKIES and SSMS (or their successors) registration require customer attestation to legal entitlement to work in the U.S.

In addition to universal access under Labor Exchange, basic career services can be provided universally with WIOA Title I funding. Individuals must be registered, determined eligible and enrolled to receive WIOA Title I funded, staff-assisted career services beyond self-service or informational activities. These services are offered under WIOA Title I (in

addition to Wagner-Peyser) to ensure seamless service delivery in the One-Stop Center to minimize referrals and to ensure leveraging of resources between programs.

Per 20 CFR 680.110, self-service and informational activities are services made available and accessible to the general public that are designed to inform and educate individuals about the labor market and the range of services appropriate to their situation, and that do not require significant staff involvement with the individual in terms of resources or time. Both can be provided before registration and neither constitutes enrollment as neither is formally recognized as a staff-assisted WIOA service. [TEGL 17-05](#) clarifies that “significant staff involvement” includes staff’s assessment of a participant’s skills, education or career objectives to assist the participant in making a decision or accessing information as opposed to staff providing a participant with readily-available information that does not require an assessment.

NOTE: This policy covers basic eligibility requirements for Wagner-Peyser, including priority of service requirements for Covered Persons (using the broad definition of veteran – see Section 4.2). For verification of veteran status, the Wagner-Peyser program has specific requirements. For a complete overview of services for veterans (using the standard definition) under Wagner-Peyser, including verification of eligibility for these services, please refer to [Services for Veterans – 4030](#).

All Wagner-Peyser funded services must be provided by state merit staff as per 20 CFR 652.215 and [TEGL 11-12](#).

### **1.3 Training Services**

Training services are funded and provided to jobseekers under the WIOA Title I programs. Individuals provided training services funded by WIOA Title I must be registered, determined eligible and in need of additional service beyond career services to obtain or retain employment per 20 CFR 680.210.

As part of the aforementioned eligibility process, individuals must receive, *at a minimum*, an interview, evaluation or assessment and career planning or other means by which eligibility for WIOA-funded training services can be determined (20 CFR 680.220 and TEGL 19-16).

Per WIOA Section 134(c)(3)(A)(iii), 20 CFR 680.220, and TEGL 19-16, there is no requirement that career services first be provided as a condition of receiving training services. However, if career services are not provided before training, the participant file must document the participant’s eligibility for training services and explain how this determination was made by interview, evaluation or assessment, career planning, or other career service, such as an individual employment plan.

DOL/ETA encourages the referral of Wagner-Peyser recipients to WIOA Title I programs for training services when appropriate ([TEGL 11-12](#)).

## 2. Youth Program

### 2.1. Youth Program Requirements

Youth program requirements are distinguished by In-School youth and Out-of-School youth, which have different eligibility requirements.

#### 2.1.1. In-School Youth

Individuals must meet the following eligibility guidelines to be In-School youth:

- U.S. citizen or otherwise legally entitled to work in the U.S.; and
- Attending school as defined by state law; and
- Age 14 through 21; and
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see Section 5.2 for guidance on Selective Service registration); and
- Low income individual (see [Section 2.3](#) for guidance on exceptions); and
- One or more of the following:

Category 1	Basic skills deficient
Category 2	An English language learner
Category 3	An offender
Category 4	A homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of foster care system, a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677), or in an out of home placement.
Category 5	Pregnant or parenting
Category 6	A youth who is an individual with a disability

Category 7	<p>An individual who requires additional assistance to complete an educational program or to secure or hold employment:</p> <ul style="list-style-type: none"> <li>• At risk of dropping out of school</li> <li>• Immigrant or refugee</li> <li>• Migrant family or migrant/seasonal farm worker status</li> <li>• Gang involved/affiliated/affected</li> <li>• Substance abuse (Personal/Family)</li> <li>• Victim of domestic violence/sexual or child abuse</li> <li>• Lacking stable/affordable housing</li> <li>• Lacking a significant or positive work history</li> <li>• Residing in an area with high rates of poverty or crime</li> <li>• Family history of chronic unemployment</li> <li>• Deficient in occupation skills</li> </ul>
------------	---

NOTE: Refer to [Section 6](#) for an overview of eligibility criteria and documentation requirements.

### 2.1.2. Out-of-School Youth

Individuals must meet the following eligibility guidelines to be an Out-of-School Youth:

- U.S. citizen or otherwise legally entitled to work in the U.S.; and
- Not attending school as defined by state law<sup>1</sup>; and
- Age 16 through 24; and
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see Section 5.2 for guidance on Selective Service registration); and
- One or more of the following:

Category 1	A school dropout <sup>2</sup>
Category 2	A youth who is within the age of compulsory school attendance <sup>3</sup> , but has not attended school for at least the most recent complete school year calendar quarter
Category 3	A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual <u>and</u> is basic skills deficient <u>or</u> an English language learner
Category 4	An individual who is subject to the juvenile or adult justice system

Category 5	A homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of foster care system, a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677), or in an out of home placement
Category 6	Pregnant or parenting
Category 7	A youth who is an individual with a disability
Category 8	<p>A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment and meets one or more of the following categories:</p> <ul style="list-style-type: none"> <li>• Immigrant or refugee</li> <li>• Migrant family or migrant/seasonal farm worker status</li> <li>• Gang involved/affiliated/affected</li> <li>• Substance abuse (Personal/Family)</li> <li>• Victim of domestic violence/Sexual or child abuse</li> <li>• Lacking stable/affordable housing</li> <li>• Lacking a significant or positive work history</li> <li>• Residing in an area with high rates of poverty or crime</li> <li>• Family history of chronic unemployment</li> <li>• Deficient in occupation skills</li> </ul>

<sup>1</sup> The state’s dropout reengagement program authorized under [RCW 28A.175.100](#) provides educational opportunities and access to services to older youth ages 16 to 21 who have dropped out of high school or are not accumulating sufficient credits to reasonably complete a high school diploma in a public school before the age of 21 and are *unlikely to re-engage in education by re-enrolling in a traditional or even alternative high school*. While related [RCW 28A.175.110](#) states that youth in this program are regularly enrolled students of the school district in which they are enrolled, the State finds that the intent of enrollment was to allow schools with dropout reengagement programs authorized under RCW 28A.175.100 to use basic education funds to serve dropouts and that youth in this program are not attending school as defined under state law for the purposes of WIOA eligibility determinations.

<sup>2</sup> Per WAC 392-185-010, a common school dropout is defined as a person who (a) has not completed high school; (b) does not show proficiency beyond the high school level in a test approved by the Superintendent of Public Instruction that has been given as a part of the initial diagnostic procedure; and (c) has dropped out of a common school for at



least one month and written verification is received from a school official of the common school last attended that such person is no longer in attendance at such school unless (i) the board of directors or its designee submit a written request that such person be admitted or (ii) the person has been expelled or suspended pursuant to chapter [180-40 WAC](#). The fact that any person may be subject to the compulsory attendance law (RCW [28A.225](#)) shall not affect his or her qualifications as an eligible common school dropout under this chapter.

<sup>3</sup> Per RCW 28A.225.010, the age of compulsory school attendance in Washington is eight (8) years of age to under 18 years of age. For the purpose of WIOA out of school youth, that encompasses 16-17 year olds.

NOTE: Refer to [Section 6](#) for an overview of eligibility criteria and documentation requirements.

## **2.2. Additional Definitions of Low Income**

WIOA Section 129(a)(2) states that low-income additionally includes youth living in high-poverty areas with 20 CFR 681.260 defining a high-poverty area as a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 30 percent as set every 5 years using American Community Survey 5-year data. Go to the American Fact Finder homepage at [www.FactFinder.Census.Gov](http://www.FactFinder.Census.Gov) to determine whether youth live in a high-poverty area.

20 CFR 681.250 and 681.270 allow that low-income further includes youth who receive (or are eligible to receive) free or reduced price lunches under the Richard B. Russell National School Lunch Act. TEGL 21-16 further explains that while the free/reduced lunch low-income category primarily applies to ISY, there is one exception where it could apply to an OSY. If an OSY is a parent living in the same household as a child who receives or is eligible to receive free or reduced price lunch based on their income level, then such an OSY would meet the low-income criteria based on his/her child's qualifications.

WIOA Section 3(36)(A)(vi) and 20 CFR 681.280 allow that the income eligibility level for youth with disabilities is based on the disabled youths' own income rather than their family income.

## **2.3. Exceptions to Youth Eligibility Requirements**

Exemption from low-income requirement. In any single program year, no more than 5 percent of Benton/Franklin County's total youth participants can be those who have a low income eligibility requirement (out-of-school youth in Category 3 or 8), but are not low income. [WIOA Section 129(a)(3)(A)(ii) and 20 CFR 681.250]. TEGL 21-16 further clarifies that a program must calculate the five percent based on the percent of newly enrolled youth in the local area's WIOA youth program in a given program year who would ordinarily be required to meet the low-income criteria. It is not based on all youth since many of the OSY categories do not require low-income status. In fact, as discussed above, only two categories of OSY require low-income status. Because not all OSY are required to be low-income, the 5 percent low-income exception under WIOA is calculated

based on the 5 percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria.

Limitation on in-school youth requiring additional assistance. In any single program year, no more than 5 percent of a Benton/Franklin County's total in-school youth participants can be those who require additional assistance to complete an educational program or to secure or hold employment (Category 7). [WIOA Section 129(a)(3)(B)]

## **2.4 Local Definition of Low Income**

### Low Income

To be eligible for WIOA Title 1 services a participant must be low-income, which is defined in WIOA section 3(36) as an individual who:

- i. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C 1381 et seq.) or State or local income-based public assistance;
- ii. Is in a family with total family income that does not exceed the higher of-  
(I)The poverty line; or  
(II)70 percent of the lower living standard income level;
- iii. Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2 (6)), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C 11434a(2))
- iv. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- v. Is a foster child on behalf of whom State or local government payments are made; or
- vi. Is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

## **3. Adult Program**

### **3.1. Adult Program Requirements**

Individuals must meet the following eligibility criteria for the adult program:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Age 18 or older; and
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see Section 5.2 for guidance on Selective Service registration).

For an overview of eligibility criteria and documentation requirements refer to [Section 6](#).

### 3.2. Priority for Services under the Adult Program

The matrix below describes the order and rationale for prioritization based on the requirements in WIOA Section 134(c)(3)(E), 20 CFR 680.600, 20 CFR 680.640, and [TEGL 10-09](#). For purposes of this section, the term “covered person(s)” refers to veterans and eligible spouses per priority of service for veterans.

Priority requirements for the WIOA Title I adult program are as follows:

Priority	Mandatory Priority Group	Explanation
First	Covered persons (veterans and eligible spouses) who are low income (may include unemployed individuals), recipients of public assistance, or basic skills deficient.	Guidelines for serving covered persons ( <a href="#">WorkSource System Policy 1009 Revision 2 – Priority of Service</a> ) apply within the mandatory priority criteria of low-income / public assistance recipient.
Second	Individuals (non-covered persons) who are low-income (may include unemployed individuals), recipients of public assistance, or basic skills deficient.	The mandatory priority criteria (low-income / public assistance recipients / basic skills deficient) have preference over covered persons (veterans and eligible spouses) who do not meet the mandatory priority criteria.
Third	Covered persons (veterans and eligible spouses) who <u>are not</u> low- income and <u>not</u> basic skills deficient.	Guidelines for serving covered persons ( <a href="#">WorkSource System Policy 1009 Rev. 2 – Priority of Service</a> ) apply in the third category (individuals who are not low-income / public assistance recipients / basic skills deficient).
Fourth	Individuals (non-covered persons) who <u>are not</u> low-income (may include unemployed individuals) <u>are not</u> recipients of public assistance, or <u>not</u> basic skills deficient.	Non covered persons who are not low income, are not recipients of public assistance, or not basic skills deficient may be served after first serving eligible individuals who meet the established priority selection criteria.

NOTE: An adult with a disability can be considered a family of one for low-income determinations (refer to Section 5.6.2).

According to 20 CFR 680.120, 680.130, and 680.210, the above priority requirements do not necessarily mean that only the recipients of public assistance and other low-income individuals can receive WIOA adult funded career and training services. The BFWDC may serve other eligible individuals who are not recipients of public assistance, other low-income, or basic skills deficient after first serving eligible individuals who meet the established priority selection criteria. Unemployed individuals may be considered low-income individuals (refer to Section 5.6.1).

## **Priority Selection for Career Services and Training Services Funded with WIOA Statewide (10%) Discretionary Grants/Contracts**

For purposes of WIOA statewide (10%) discretionary funds, the Governor has determined that these funds will be prioritized as follows:

1. Eligible veterans and spouses;
2. Unemployed individuals;
3. Low-income individuals;
4. Other Washington job seekers.

As indicated by the first priority, recipients of WIOA 10% discretionary grants and contracts will continue to provide priority selection of veterans for career and training services as required under P.L. 107- 288 “Jobs for Veterans Act” and in alignment with [WorkSource System Policy 1009 Revision 2](#). In applying this policy to 10% funded projects, veterans who are unemployed and/or low-income, have priority over all other individuals served under these projects.

### **4. Dislocated Worker Program**

#### **4.1 Dislocated Worker Program Requirements**

Individuals must meet the following eligibility guidelines for the Dislocated Worker Program:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see Sec. 5.2 for guidance on Selective Service registration); and
- One of the Dislocated Worker categories (see [table](#) below).

NOTE: For an overview of eligibility criteria and documentation requirements refer to [Section 6](#).

The matrix on the following page is meant to provide clarity on the requirements within each Dislocated Worker category. Military Service Members (Category 5) and Spouses of Dislocated Military Service Members (Category 6) have been included as individual categories to allow for specificity, though it is commonly understood that these categories fall under the General Dislocation category (1). Refer to Section 5.7 for guidance related to the impact of Washington’s Marriage Equality Act.

## Dislocated Worker Eligibility Criteria

Category	Criteria	
<b>1. General Dislocation</b>	<input type="checkbox"/>	<b>1.1</b> An individual who was terminated, laid off, or received a notice of termination or layoff. <b>AND</b>
	<input type="checkbox"/>	<b>1.2</b> Is determined unlikely to return to previous industry or occupation (defined by BFWDC); <b>AND</b>
	<input type="checkbox"/>	<b>1.3.1</b> Is eligible for or has exhausted entitlement to unemployment compensation; <b>OR</b>
	<input type="checkbox"/>	<b>1.3.2</b> Is not eligible for unemployment compensation but can show attachment to the workforce of sufficient duration.
<b>2. Dislocation from Facility Closure / Substantial Layoff</b>	<input type="checkbox"/>	<b>2.1</b> An individual who was terminated, laid off, or received a notice of layoff from employment at a plant, facility, or enterprise as a result of: Permanent closure; or Substantial layoff; <b>OR</b>
	<input type="checkbox"/>	<b>2.2</b> An individual employed at a facility at which the employer has made a general announcement that the facility will close within 180 days.
<b>3. Self-employed Dislocation</b>	<input type="checkbox"/>	Was self-employed (including employment as a farmer, 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.
<b>4. Displaced Homemaker *</b>	<input type="checkbox"/>	<b>4.1</b> An individual who was dependent on the income of another family member and is no longer supported by the income of that family member; <b>OR</b> Is the dependent spouse of a member of the armed forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, or a service connected death or disability of the member <b>AND</b>
	<input type="checkbox"/>	<b>4.2</b> Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
<b>5. Dislocated/ Separating Military Service Members</b>	<input type="checkbox"/>	<b>5.1</b> A non-retiree military service member who was discharged or released from service under <u>other than dishonorable</u> , or has received a notice of military separation (defined by Local WDC (see Section 4.2.1). Per 20 CFR 680.660, separating military service members automatically qualify as unlikely to return to a previous industry or occupation and as eligible for or exhausted entitlement to Unemployment Insurance. <b>Note:</b> Dislocated military service members, veterans and other covered persons are eligible for Priority of Service (POS) as described in POS Policy 1009, Revision 1.
<b>6. Spouses of Military Service Members</b>	<input type="checkbox"/>	<b>6.1</b> The spouse of a member of the armed forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; <b>OR</b>
	<input type="checkbox"/>	<b>6.2</b> The spouse of a member of the armed forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. <b>Note:</b> a military spouse may also qualify as a displaced homemaker (Category 4).

\* Per TEGL 26-13, individuals cannot cite long-term partners to whom they were not married as family members. Individuals can cite adult children upon whom they were financially dependent as family members so long as it is appropriately documented.

## 4.2 Serving Non-Retiree Military Service Members and their Spouses

### 4.2.1 Non-Retiree Military Service Members (Dislocated Worker – Category 5)

Refer to Section 6 for a breakdown of eligibility criteria and documentation requirements. A military service member who is separated from military service under conditions other than dishonorable, or who receives a notice of future separation, may be eligible under the WIOA Dislocated Worker program based on the “termination” criteria. This may include National Guard or Reserve members who have been discharged from active duty service, but not necessarily from other reserve commitments, such as training. Note: Retirement orders do not qualify as “terminated” or “laid off.”

Veterans and other covered persons determined eligible for the Dislocated Worker program are given priority for services according to the Jobs for Veterans Act and WorkSource (see [WorkSource System Policy 1009 Revision 2 – Priority of Service](#)).

The following serves as an outline of Dislocated Worker eligibility criteria as it applies to discharged and separating military service members:

- Section (3)(15)(A)(i): Has been terminated or laid off or received notice of termination or layoff.

[TEGL 22-04](#) states that a discharge from the military under honorable circumstances meets the “termination” criterion. A DD-214 form is the most common documentation used to determine discharge status.

Washington has determined that still-active, transitioning military service members may also qualify for Dislocated Worker services. While these individuals may be *eligible* to receive WIOA Dislocated Worker services and funds, they would not be considered ‘veterans’ for the purposes of DOL reporting.

For the purposes of serving still-active transitioning service members under the “notice of termination or layoff” eligibility criterion, documentation must align with the DEV requirement for “Date of Actual Qualifying Dislocation” (refer to Operational Procedure Section 6). Length of service to qualify an individual for such discharges or separations under WIOA guidance may be as few as one day of service. Qualified individuals can receive dislocated worker services up to twelve months prior to discharge.

### 4.2.2 Spouses of Military Service Members (Dislocated Worker - Category 6)

Refer to Section 6 for an overview of eligibility criteria and documentation requirements. [TEGL 22-04 Change 1](#) provides clarification and flexibility to serve spouses of military service members (military spouses) under the dislocated worker program. DOL affords local areas significant flexibility to serve military spouses. [TEGL 22-04](#) clarifies that the term “military spouse” includes individuals who are married to active duty service members (including National Guard or Reserve personnel on active duty) and surviving spouses of active duty service members who lost their lives while on active duty service in combat-related areas (e.g., Afghanistan or Iraq). Refer to Section 5.7 for guidance related to

Washington's Marriage Equality Act.

When the spouse is unable to continue an employment relationship due to the service member's permanent change of military station, or the military spouse loses employment as a result of the spouse's discharge from the military, then the separation from employment meets the termination component of the WIOA definition of Dislocated Worker. Eligibility determinations must align with UI policy regarding "good cause" for voluntary quits. Below are two common scenarios that would qualify:

- The spouse of a military service member voluntarily quits because he/she is relocating with the service member to a new duty location.
- The spouse of a military service member is no longer eligible to work on the base as a result of the (military service member's) discharge.

NOTE: Good cause is **not** found when claimants quit work to relocate someplace other than their military spouse's or domestic partner's new duty location, including relocation to the home of record or elsewhere.

As provided in [TEGL 22-04](#) and [TEGL 22-04 Change 1](#), "termination" of military spouses based on the circumstances described above can be considered to determine "unlikely to return to a previous industry or occupation" to qualify as a dislocated worker.

Determination is a matter of judgment based on relevant circumstances, but in most cases, military spouses impacted by a service member's duty reassignment or discharge will meet the "unlikely to return to a previous industry or occupation" criterion under WIOA and could be served as dislocated workers.

Military spouses can also be served as dislocated workers if they meet the definitional requirements for displaced homemakers at WIOA Section 3(15)(A)(ii).

### **4.3 Eligibility for Employed Individuals**

The BFWDC defines, incumbent workers need to be employed, meet Fair Labor Standards Act requirements for an employer-employee relationship, and have established employment histories with the employer for 6 months or more. Employed adults are eligible for career services if they are 18 years of age or older and additionally eligible for training services if they are determined to be in need of such services to obtain or retain self-sufficient employment (WIOA Section 134(c)(3)(I)). Washington will use the term "stop-gap employment" when referring to employment that will not lead to self-sufficiency.

### **4.4 Stop Gap Employment**

Stop-gap employment is temporary work an individual accepts only because they have been laid off from the customary work for which their training, experience or work history qualifies them. Stop-gap employment must be temporary in nature with the intent to end employment upon completion of training, obtaining self-sufficient employment or as specified in the individual employment plan (IEP).

Typically, stop-gap employment will pay less than the individual's wage of self-sufficiency (see definition of self-sufficiency) however, there may be specific circumstances (determined locally based on local criteria) where stop-gap employment does provide a sufficient wage temporarily but is not considered permanent employment that leads to self-sufficiency. This stop-gap employment would not change the individual's dislocated worker status. Stop-gap employment may not last longer than 1 year. After that time, it will be considered full time employment and the worker will no longer be considered a dislocated worker.

An otherwise eligible dislocated worker remains eligible if either prior to or during DW program participation, stop-gap employment is obtained for the purpose of income maintenance. If dislocation from a stop-gap position occurs, the job of dislocation remains the original job that established the self-sufficient income. If, at any time, an individual obtains employment that meets the BFWDC's definition of self-sufficiency, including a scenario where the employment period exceeds the BFWDC's established criteria for temporary employment, then that position would be considered the self-sufficient job of dislocation in the event of a future dislocation.

### Temporary or Seasonal Workers

Temporary or Seasonal Workers are individuals laid off or terminated because of the cyclical intermittent or seasonal nature of their employment and may be provided training and employment services under dislocated worker services. However, such training should be available only to those individuals interested in developing skills in non-seasonal occupations rather than in continuing as temporary or seasonal workers.

Workers employed on a temporary or seasonal basis, including those employed by a temporary agency, and workers who can provide the beginning and ending dates of their terms of employment, may be eligible for dislocated worker services when they complete their temporary assignments if they meet the definition of Dislocated Worker at WIOA Sec. 3(15).

For example, a worker employed by a temporary agency who loses work because of a layoff by the worksite employer may be eligible for dislocated worker services. The worksite employer or the employer of record must provide a layoff notice.

## **5. Additional Program Guidance**

### **5.1 U.S. Citizenship or Legal Right to Work in the U.S.**

As outlined in sections 2.1, 3.1 and 4.1, WIOA requires verification of U.S. citizenship or legal right to work for all WIOA Title 1 programs. The BFWDC requires commonly used [I-9 Documentation](#), such as: driver's license / ID card along with Social Security cards.

### **5.2 Selective Service Requirements**

To be eligible to receive WIOA Title I-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirements or exceptions, or local areas must determine that the failure to



register was not knowing and willful. Complete Selective Service registration requirements and exceptions are found in [TEGL 11-11, Change 2](#), including acceptable documentation to determine registration status and procedures for determining whether or not failure to register was knowing and willful.

Additionally, the [Selective Service System Website](#) provides additional information about registration requirements, including the [Who Must Register Quick Reference Chart](#).

### Males 25 Years and Under

Before being enrolled in WIOA Title I services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the [Selective Service website](#) or provide documentation indicating they are covered by an exception (i.e., serving in the military on full-time active duty or a non-U.S. male on a valid non-immigrant visa). Males turning 18 while participating in WIOA Title I services must complete their Selective Service registration no later than 30 days after turning 18 to continue to receive WIOA Title I services. Males between 18 and 25 years of age who refuse to register with the Selective Service must be suspended from WIOA Title I services until registered.

If a youth fails to provide verification of Selective Service registration within 30 days of his 18th birthday, services must be suspended (i.e. on the 31st day after his 18th birthday). The Service Provider must stop providing services to participants who have not met Selective Service registration requirements until the requirements are met.

### Males 26 Years and Over

Before enrolling in WIOA Title I services, all males 26 years of age or older must provide (1) documentation of compliance with Selective Service registration requirements; (2) documentation showing they were not required to register; or (3), if they were required to register but did not, documentation establishing that their failure to register was not knowing and willful.

### Determining Knowing and Willful Failure to Register

[TEGL 11-11, Change 2](#) provides local areas with detailed information about requesting a Status Information Letter and the process for determining knowing and willful failure to register. The intent of the TEGL is to provide a framework for local areas to make determinations through a local process where determinations are based on the individual circumstances (e.g., questions, considerations, statements, status information letter) and relevant documentation (i.e., documentation that supports the reason for not registering or further supports the belief that it was not knowing or willful). Because circumstances will vary and need to be considered, there is not an established and definitive list of acceptable documentation.

### 5.3 Priority of Service for Veterans and Eligible Spouses

All WIOA programs and service delivery must align with federal law, regulations, and guidance on Priority of Service. Priority of service entitles eligible veterans or spouses to enrollment and services before eligible non-covered persons. Refer to [WorkSource System Policy 1009 – Priority of Service for Veterans and Eligible Spouses](#) and [TEGL 3-15](#) for additional guidance on Priority of Service. Refer to Section 3.2 for specific guidance on priority for service when funding is limited under the Adult program.

### 5.4 Assisting Victims of Human Trafficking

*This guidance is appropriate for one-stop center staff, especially intake workers and frontline staff who may encounter individuals they believe may be victims of human trafficking. If individuals are under immediate threat and/or state that they are in danger, staff should call 911.*

On October 24, 2012, the U.S. Department of Labor (DOL), Employment and Training Administration (ETA) released [TEGL 9-12](#) which provides additional information and updates earlier guidance on the importance of providing workforce training and referral services to victims of human trafficking. Below are instructions and guidelines for staff.

#### Recognizing the Characteristics of Victims and Referring Individuals to Proper Authorities and Resources

Many victims of trafficking do not self-identify. A role for staff is to recognize the characteristics of potential victims of trafficking and refer them to proper authorities and resources. See [TEGL 9-12](#) Attachments A and B for information on how to identify potential victims of trafficking and a current list of hotlines that one-stop staff can call to get help for potential victims.

#### Employment and Training Services for Victims of Human Trafficking:

U.S. citizens or lawful residents who are victims of trafficking can receive the same services provided to the general public under WIOA. In addition, under the Traffic Victims Protection Act, certain foreign nationals are also eligible for WIOA Title I services. This includes victims of both a severe form of trafficking in persons and individuals granted a nonimmigrant “T” (trafficking) visa.

To be eligible for WIOA Title I services as a victim of a severe form of trafficking:

- Individuals 18 years of age or older must have been subjected to an act or practice described in the definition of “severe forms of trafficking in persons” and have received a letter of certification issued by the U.S. Department of Health and Human Services (HHS).
- Children under 18 years old who have been subjected to a severe form of trafficking need not be certified by HHS to be eligible for services; instead, HHS issues Letters of Eligibility to minor victims of trafficking. As with any participant, they must meet all

applicable program eligibility requirements to receive WIOA Title I services.

Individuals who are granted “T” visas by the U.S. Department of Homeland Security (DHS) are also eligible for WIOA Title I services. The “T” nonimmigrant status (T visa) is available to individuals who are or have been victims of human trafficking and protects these individuals by allowing them to remain in the United States to assist in an investigation or prosecution of human trafficking.

Employment and training services should be provided to victims of trafficking to the same extent as and following the same procedures and case management processes for other one-stop customers. However, services to victims of trafficking may need to be tailored and adapted to meet the particular needs of this population. For instance, victims of trafficking may have Limited English Proficiency (LEP), criminal records (including from being forced into prostitution), or limited resumes.

### Offering Information and Referrals to Other Wrap-Around Services and/or Law Enforcement

In most cases, victims of trafficking will approach one-stop centers toward the end of their rehabilitation process and will have already been working with other federal, state, local or non-profit organizations and agencies. In the event that the victim has not yet received services, it is important for staff to be aware of and utilize local resources and service providers, particularly non-profit organizations that provide services to trafficking victims. Service providers for trafficking victims can also refer or accompany their clients to the nearest one-stop center when they are ready for employment and training services.

A description of available services for victims of trafficking offered either directly by federal agencies or provided by local service providers with funding from the federal government can be found in the document, [Services Available to Victims of Human Trafficking: A Resource Guide for Social Service Providers.](#)

## **5.5 WIA001 Report and Disallowed Use of UI GUIDE Screen Prints**

[WIN 0027 Change 1](#) provides information on the use of the *WIA001 – For WIA Eligibility and Claims Data* report and to further clarify that, effective July 15, 2011, unemployment insurance claim screens (UI GUIDE screen prints) should no longer be used to determine program eligibility. Note: This information will be available in Unemployment Tax and Benefit (UTAB) system, which is being developed as the successor to GUIDE. Staff can use printouts of unemployment insurance information provided by UI claimants who have Secure Access Washington (SAW) accounts that allow them to access and view their UI claim information on-line.

## **5.6 Income Verification and Family Size for the Low-Income Criteria**

### **5.6.1 Income Verification**

Unemployed individuals do not automatically meet local parameters regarding low-income. The intent is to prioritize services to individuals based on family income (low-income).

Utilizing the definition of low-income at WIOA Section 3(36), the BFWDC has established income verification and defined what is included or excluded as income in the tables in the [Section 8](#) “Forms of Includable and Excludable Income.” While the BFWDC has defined these included and excluded income lists, it is not all-inclusive and may be added to as necessary. For items not on the list, contact the BFWDC for guidance on any additional income sources. Additionally, the BFWDC maintains an updated Income Guidelines Policy to evaluate low-income status as compared to the Federal Poverty Guidelines and/or the 70% of Lower Living Standard Income Levels. These tools, as well as determining family size and dependent status (defined below), are all used to help determine eligibility based on income verification. The definition of “low-income” may include individuals who are unemployed. However, unemployed individuals will not automatically meet the local parameters regarding low-income. The intent is to prioritize services to individuals based on family income (low-income), not to exclude unemployed individuals (who meet the low-income criteria) from receiving services.

### 5.6.2 Determining Family Size

For these purposes, “family” under WIOA means two or more individuals related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A married couple, and dependent children;
- A parent or legal guardian and dependent children; or
- A married couple.

Refer to Section 5.7 for guidance related to the impact of Washington’s Marriage Equality Act.

NOTE: Based on 20 CFR 681.280, even if the family of a disabled individual does not meet the income eligibility criteria, the disabled individual may be considered a low-income individual if their income meets the income criteria of WIOA section 3(36)(A) or 3(36)(B). Disabled individuals would be considered a family of one and only their income considered in determining low-income.

### 5.6.3 Defining Dependent

WIOA does not define dependent. To avoid uncertainty in making eligibility decisions regarding family size and income, the State has identified three circumstances where youth must be considered dependents of parents or legal guardians for the purpose of determining family size for WIOA Title I youth and adult program eligibility:

1	Youth not yet 18, who are not emancipated youth nor runaway youth, living “at home” with their parents or legal guardians, including individuals in the temporary care of another individual or household (but not claimed as a dependent by that household)
2	Youth age 18-19 who are full-time students in a secondary school or equivalent and are living “at home” with their parents or legal guardians.

3	Youth age 18-24 who are not full-time students and are living “at home” with their parents or legal guardians and who are primarily supported by their parents.
---	---

A legal guardian is a blood relative (e.g., grandparent, aunt or uncle) or other legally recognized relative (e.g., by decree of the court) who claims the youth as a dependent. The key factors are:

- Relationship by blood or decree of court;
- Living in a single residence; and
- The youth is claimed as a dependent.

The BFWDC has developed additional criteria that is consistent with state and federal guidance to help staff determine family size for the purpose of determining WIOA Title 1 Youth and Adult Program eligibility.

1. An individual 18 years or older who resides in the family and who, within the last six months, has had any income totaling more than 30 percent of the OMB Poverty Income Level guidelines for a family of one for 12 months may be considered a family of one.
2. Married or living with a dependent:

If a married individual’s family (spouse and/or dependent) reside with the individual and are living within the household of other family members, they are determined to be a family living within a family and the individuals married family is used to establish family size. Example – An individual and their spouse and child are living with the individual’s parents would be a family size of 3 for determining eligibility.

### **5.7 Washington’s Marriage Equality Act**

Washington’s Marriage Equality Act ([RCW 26.60](#)) expands the definition of a “married couple” beyond that of a male and female. Furthermore, in June 2013, the U.S. Supreme Court ruled unconstitutional Section 3 of the federal Defense of Marriage Act. Accordingly, with respect to this policy, the State’s definition of a married couple extends beyond that of a male and female.

This expanded definition applies to all WIOA policy guidance and specifically impacts: family size, eligible spouses (Priority of Service), military spouses (Dislocated Worker eligibility), and displaced homemakers (Dislocated Worker eligibility).

## **6. Eligibility Documentation Requirements**

The matrix below provides a comprehensive overview of program eligibility criteria and documentation requirements. The requirements in this matrix outline eligibility criteria and utilize Data Element Validation (DEV) requirements for alignment purposes. There are, however, additional DEV requirements beyond the eligibility documentation requirements described in this matrix, including different DEV requirements for career services. Refer to

[WorkSource System Policy 1003 Revision 1](#) and [TEGL 06-14](#) for comprehensive information on the Data Reporting and Validation System (DRVS) and Data Element Validation (DEV) requirements.

## **Instructions for the eligibility and documentation matrix:**

### **Criteria**

This column represents all eligibility components for WIOA Title I Youth, Adult, and Dislocated Worker (DW) categories are listed under criteria, in addition to the components that apply to multiple programs.

### **Eligibility Requirement**

This column includes each program with an indicator in each row if the eligibility criteria applies to the specific program as outlined in Sections 2, 3 and 4 of this operational procedure.

### **Documentation Requirement**

The corresponding eligibility documentation requirements to the right align with DEV documentation requirements for each eligibility criteria/category. The DRVS number (if the criteria is included under DEV) or other source (if not included under DEV) is listed above each list of documentation. Note: DRVS numbers reflected are subject to change based on issuance of DOL/ETA guidelines for DEV applicable to WIOA.

One document in this column is required for each relevant eligibility criteria/category. Each criteria is connected to one or more potential DRVS lists, but only one document (from the relevant list) is necessary (i.e., low-income and youth category 3 include multiple “options” but only one option is necessary).

### **Self-attestation**

The self-attestation column indicates whether or not the corresponding documentation list allows self-attestation. Documentation requirements listed on the matrix in Sec. 6, excluding self-attestation, must be used as the first priority for eligibility documentation. If those documents are not available and self-attestation is listed as an acceptable form of documentation, the participant may complete one of the Self-Attestation Forms in Sec. 7. WDC further requires that staff document the reason for using self-attestation in case notes.

Improperly documented self-attestation or self-attestation on eligibility elements not permitted under federal law or guidance or this policy may result in disallowed costs. Properly documented self-attestation serves as documentary evidence of eligibility determination and does not, by itself, warrant disallowed cost findings. At the same time, properly documented self-attestation does not, by itself, preclude disallowed cost findings if it is determined during monitoring, reviews, or audits that the attestation was false.

Criteria	Eligibility Requirement For:					Documentation Requirement	Self-Attestation
	W-P	ISY	OSY	Adult	DW		
<b>Citizen / Legally Entitled to Work in the U.S.</b>	N/A	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Accepted <a href="#">I-9 Documentation</a>, such as: driver's license / ID card along with Social Security card.</li> </ul> <p>Note: for more information on employment eligibility guidance and alignment with I-9 documentation please see <a href="#">M-274, Instructions for Completing Form I-9</a></p>	No
<b>Age</b>	N/A	✓	✓	✓	N/A	<p><u>DRVS 3 - Date of Birth:</u></p> <ul style="list-style-type: none"> <li>Driver's license;</li> <li>Baptismal record; Birth certificate; DD-214;</li> <li>Report of Transfer or Discharge paper;</li> <li>Federal, state or local ID card;</li> <li>Passport;</li> <li>Hospital record of birth;</li> <li>Public assistance/social service records;</li> <li>School records or ID cards;</li> <li>Work permit;</li> <li>Cross match with Department of Vital Statistics (Department of Health's Center for Health Statistics);</li> <li>Tribal records; or</li> <li>Hard or electronic case notes (noting that staff saw proof of age document) for basic career services only.</li> </ul>	No
<b>Selective Service Registration <sup>1</sup></b>	N/A	x✓	✓	✓	✓	<p><u>TEGL 11-11 Change 2:</u></p> <ul style="list-style-type: none"> <li>Selective Service acknowledgement letter;</li> <li>Form DD-214 "Report of Separation"; Screen printout of the <a href="#">Selective Service Verification site</a>;</li> <li>Selective Service Registration Card; Selective Service Verification (Form 3A); or</li> <li>Stamped Post Office Receipt of Registration.</li> </ul>	No

<p><b>Low Income</b> <sup>3</sup></p>	<p>N/A</p>	<p>✓</p>	<p>✓</p>	<p>N/A</p>	<p>N/A</p>	<p>DRVS 20, 21, or 22 for Adult.</p> <p><u>DRVS 20 - Low Income:</u></p> <ul style="list-style-type: none"> <li>• Alimony Agreement;</li> <li>• Award letter from veteran's administration;</li> <li>• Bank statements;</li> <li>• Compensation award letter;</li> <li>• Court award letter;</li> <li>• Pension statement;</li> <li>• Employer statement/contact;</li> <li>• Family or business financial records;</li> <li>• Housing authority verification;</li> <li>• Pay stubs;</li> <li>• Public assistance records;</li> <li>• Quarterly estimated tax for self-employed persons;</li> <li>• Social Security benefits, or</li> <li>• UI documents (WIA001 Report)</li> </ul> <p><u>DRVS 21 - TANF:</u></p> <ul style="list-style-type: none"> <li>• Cross- match with TANF public assistance records</li> </ul> <p><u>DRVS 22 - Other Public Assistance Recipient:</u></p> <ul style="list-style-type: none"> <li>• Copy of authorization to receive cash public assistance</li> <li>• Copy of public assistance check;</li> <li>• Medical card showing cash grant status;</li> <li>• Public assistance records;</li> <li>• Refugee assistance records; or</li> <li>• Cross- match with public assistance database</li> </ul>	<p>No</p>
<p><b>Youth Program – Out-of-School</b></p>	<p>Category 1</p>					<p><u>DRVS 35 - School Status at Participation:</u></p> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Applicable records from education institution (GED certificate, diploma, attendance record, transcripts, drop out letter, school documentation);</li> <li>• WIOA Eligibility Application; or</li> <li>• State MIS</li> </ul>	<p>Yes</p>







<b>Dislocated Worker Program</b>	Category 1	<u>DRVS 47 - Date of Actual Qualifying Dislocation:</u> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Verification from employer;</li> <li>• Rapid Response list;</li> <li>• Notice of layoff; or</li> <li>• Public announcement with cross-match with UI (WIA001 Report)</li> </ul>	Yes
	Category 2	DRVS 47 (refer to list above)	Yes
	Category 3	DRVS 47 (refer to list above)	Yes
	Category 4	<u>DRVS 46 - Displaced Homemaker:</u> <ul style="list-style-type: none"> <li>• Self-attestation;</li> <li>• Public assistance records;</li> <li>• Court records;</li> <li>• Divorce Papers;</li> <li>• Bank records;</li> <li>• Spouse's layoff notice; or</li> <li>• Spouse's death record</li> </ul>	Yes
	Category 5	DRVS 47 <sup>4</sup> (refer to list above) or a DD-214	Yes
	Category 6	DRVS 47 (refer to list above)	Yes

<sup>1</sup> Refer to Section 5.2 and [TEGL 11-11 Change 2](#) for additional guidance on determining whether or not failure to register was knowing / willful.

<sup>2</sup> Selective Service Registration applies to youth who are 18 years of age or older, either at the time of enrollment or during participation (Refer to Section 5.2).

<sup>3</sup> Income as an eligibility requirement for the Adult program is determined by the BFWDC in alignment with Section ii.b of this attachment. Income as an eligibility requirement for youth does not apply to youth enrolled in the 5% window.

<sup>4</sup> Per Section 4.2, transitioning service members may qualify under the Dislocated Worker program even if a DD-214 has not yet been obtained. While these individuals may be *eligible* to receive WIOA Dislocated Worker services and funds, they would not be considered 'veterans' for the purposes of DOL reporting.

## 7. Self-Attestation Forms

You can download the Adult & DW Self-Attestation form [here](#).

WIOA Title 1-B Adult & Dislocated Worker Self-Attestation Form			
<b>Applicant Information:</b>			
<b>Last Name:</b>	<b>First Name:</b>	<b>Middle Initial:</b>	
<b>Address:</b>	<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Individuals entering WIA services may self-attest to the information below:</b>			
1. Are you low-income? (please explain below)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
2. Are you self-attesting to (1) unlikely to return to your previous industry, (2) eligible or exhausted UI, or (3) or attachment to the workforce? If so, please explain below.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Explanation:			
3. Have you been terminated, laid off or received a notice of termination or layoff?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4. Are you a military service member who was discharged or released from service (under conditions <u>other than dishonorable</u> ) or has received a notice of military separation?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5. Were you unable to continue employment due to your spouse's permanent change of military station, or did you lose employment as a result of your spouse's discharge from the military?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
6. Were you self-employed, but are unemployed as a result of general economic conditions in the community in which you reside?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
7. Are you a displaced homemaker?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
	Dislocation Information	Current Employment Information	
<b>Date</b>	Separation Date:	Start Date:	
<b>Job Title</b>			
<b>Business Name</b>			
<b>Address</b>			
<b>City, State, Zip</b>			
<b>Self-Attestation Statement:</b>			
I certify that the information provided on this document is true and accurate to the best of my knowledge and belief. I understand that such information is subject to verification and further understand that the above information, if misrepresented or incomplete, may be grounds for immediate termination from any WIA program and/or penalties as specified by law.			
<b>SIGNATURE OF PARTICIPANT</b>	<b>DATE</b>		
X			
<b>Staff Verification Statement:</b>			
<i>I certify that the individual whose signature appears above provided the information recorded on this form.</i>			
<b>SIGNATURE OF STAFF</b>	<b>DATE</b>		
X			

You can download this Youth Self-Attestation form [here](#).

<b>WIOA Title I Youth Self-Attestation Form</b>			
<b>Applicant Information:</b>			
<b>Last Name:</b>	<b>First Name:</b>	<b>Middle Initial:</b>	
<b>Address:</b>	<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Individuals entering WIOA services may self-attest to the information below:</b>			
1. Are you low-income? (please explain below)			Yes <input type="checkbox"/> No <input type="checkbox"/>
Explanation:			
2. Are you legally entitled to employment within the U.S. and territories?			Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Have you dropped out of school?			Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Are you homeless or did you run away from home?			Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Are you pregnant or currently parenting a child?			Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Are you an offender?			Yes <input type="checkbox"/> No <input type="checkbox"/>
7. Locally established criteria for "Requires Additional Assistance" may allow for self-attestation (includes individuals with disabilities).			Yes <input type="checkbox"/> No <input type="checkbox"/>
9. Are you one or more grade levels below the appropriate grade level for your age? (Only applies to the 5% not meeting the low income criteria)			Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Self-Attestation Statement:</b>			
<i>I certify that the information provided on this document is true and accurate to the best of my knowledge and belief. I understand that such information is subject to verification and further understand that the above information, if misrepresented or incomplete, may be grounds for immediate termination from any WIOA program and/or penalties as specified by law.</i>			
<b>SIGNATURE OF PARTICIPANT</b>			<b>DATE</b>
X			
<b>Staff Verification Statement:</b>			
<i>I certify that the individual whose signature appears above provided the information recorded on this form.</i>			
<b>SIGNATURE OF STAFF</b>			<b>DATE</b>
X			

## 8. Samples of Includable and Excludable Income

**Includable Income** – If the payment cannot meet one of the excludable criteria, then the payment will be includable income. If payment is a one-time lump sum, it is generally excludable. If it is in monthly installments, then it is includable.

Includable Income	
1.	Alimony.
2.	Child support payments.
3.	College or university grants, fellowships, and assistantships (other than needs-based scholarships). The key is whether or not the money is a loan to be paid back. If it is to be paid back, then it is a loan, and excludable income, if not, then it is includable.
4.	Dividends and interest, net rental income, or net royalties, periodic receipts from estates and trusts and net gambling or lottery winnings.
5.	Military family allotments or regular support (other than child support) from an absent family member or someone not living in the household.
6.	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).
7.	Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expenses).
8.	Payments from pension and retirement systems including private, government, railroad, and military retirement pay.
9.	Regular insurance or annuity payments received by the individual or family member.
10.	Regular payments from Old-Age, Survivors and Disability Insurance (OASI) benefits received under Section 202 of the Social Security Act.
11.	Regular payments from railroad retirement benefits, strike benefits from union funds, worker's compensation, and training stipends.
12.	Regular payments from Social Security Disability Insurance (SSDI). SSDI pays benefits to individuals that have worked in the past, paid Social Security taxes and are currently unable to work for a year or more because of a disability. SSDI is considered income replacement.
13.	Unemployment compensation.
14.	Wages and salaries before any deductions, including wages earned while in OJT, on reserve duty in the Armed Forces and severance pay. Total money earnings received from work performed as an employee.

## Excludable Income

1.	Any assets drawn down as withdrawals from a bank and IRA withdrawals.
2.	Capital gains and losses.
3.	Cash welfare payments under a federal, state, or local income-based public assistance program (e.g., Temporary Assistance for Needy Families (TANF), Emergency assistance money payments, Refugee Cash Assistance (PL 97-212)).
4.	Certain one-time cash payments including: tax refunds; one-time gifts; loans, which are debt and not income; assets from the sale of a home, property or car; one-time insurance settlements; lump-sum inheritances; one-time compensation for injury; etc.
5.	Foster child care payments.
6.	Job Corps payments.
7.	Needs-Based scholarship assistance, and financial assistance under Title IV of the Higher Education Act , i.e. Pell Grants, Federal Supplemental Educational Opportunity Grants and Federal Work Study (Stafford and Perkins loans like any other kind of loans, are debt and not income).
8.	Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, Food Stamps, school meals, fuel or other housing assistance.
9.	<p>Pay and allowances received under U.S.C. Titles 37 and 38, pay and allowances received while serving on active military duty, compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, education assistance, and active duty pay for reservists called to active military duty.</p> <p><b>NOTE:</b> This should be ex-service personnel who did not receive veteran 1 status, i.e., discharged other than honorable status. Section 4213 goes on to tell us to disregard benefits received by ex-service personnel who have veteran status. These benefits can only be received if the person has not been discharged under honorable, general, unsuitable, etc. The six specific benefits are:</p> <p>CH 11 - Compensation for Service connected Disability or death            CH 13 - Dependency and indemnity compensation for service-connected death            CH 31 - Vocational rehabilitation            CH 34 - Veteran's education assistance            CH 35 - War orphans and widows education assistance            CH 36 - Administration of Educational</p>
10.	Stipends received in the following programs: VISTA, Peace Corps, Forster Grandparent Program, YouthWorks/AmeriCorps Programs and Retired Senior Volunteer Program.
11.	Supplemental Security Income (SSI) Title XVI of the Social Security Act, for the Aged, blind, and Disabled. SSI is an income supplement program funded by the general tax revenues and pays benefits based on financial need (not Social Security taxes). SSI is designed to help aged, blind and disabled people who have little or no income and provide cash to meet basic needs for food, clothing and shelter.
12.	Trade Readjustment Allowances.
13.	U.S. Housing and Urban Development (HUD) rental assistance subsidies.
14.	Wages earned by WIA participants while in WIA programs (except OJT participants).