

## **Subject: Eligibility Policy**

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**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.

**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 state and local Data Element Validation (DEV) requirements as of the issuance of [TEGL 23-19](#). 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).

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## Introduction

The content of this policy is equivalent to [WorkSource System Policy 1019, Revision 6 Eligibility Policy and Handbook](#), and serves as the vehicle for implementing and managing eligibility policy changes.

This policy provides guidance to staff and partners concerning eligibility requirements for the youth, adult, and dislocated worker programs under WIOA Title I and the Wagner-Peyser Act under WIOA Title III. Specific components of this handbook provide guidance and minimum requirements for local parameters and definitions to be established by Local Workforce Development Boards (LWDBs) as outlined in Section 3.d (Local Responsibilities) of [WorkSource System Policy 1019, Revision 6 Eligibility Policy and Handbook](#).

Sections 2, 3, and 4 cover program eligibility requirements for the WIOA Title I 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.

This policy is based on the best information available at this time per WIOA law and rules, Department of Labor (DOL) guidance, and state policies and guidance. The policy will be revised as relevant DOL, and State guidance is issued.

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

## 1.1 Purpose

According to [Training and Employment Guidance Letter \(TEGL\) 04-15](#), the overarching vision for the One-Stop system is the coordination of fully integrated programs, services, and governance structures, so job seekers have 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, the U.S. Department of Labor (DOL) has furthered its integration efforts by establishing common performance metrics ([TEGL 10-16, Change 1](#)) and developing an integrated performance reporting system (Participant Individual Record Layout or PIRL) for DOL-funded workforce programs.

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 described and found at WIOA Section 134(c)(2)(A). There is a natural alignment of service delivery under Wagner-Peyser since all individuals legally entitled to work in the U.S 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 37). There is no sequence requirement for basic and individualized career services, which can be provided in any order to provide flexibility in targeting services to the needs of the customer. Follow-up services, however, can only be provided after exit. 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 the WIOA adult program are eligible to receive career services. Per [20 CFR 680.130](#), individuals who meet WIOA dislocated worker program criteria are also eligible to receive career services.

Staff-assisted Wagner-Peyser employment services fall under the category of basic career services and shall 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 Wagner-Peyser employment 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 to are legally entitled to work in the U.S., [WorkSourceWA.com](#) registration requires customer attestation to legal entitlement to work in the U.S.

In addition to universal access under Wagner-Peyser, basic career services can be provided 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 Title I-B or WIOA Title III service.

**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 5.3). For verification of veteran status, the Wagner-Peyser program has specific requirements. For an overview of services for veterans (using the standard definition) under Wagner-Peyser, please refer to [Wagner-Peyser Employment Service Policy 4030 - Services for Veterans](#).

### 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 shall 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 shall 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.

### 1.4 Supportive Services

Per [TEGL 19-16](#), [WIOA Title I 5602, Revision 3](#) and [WIOA Title I 5620, Revision 1](#), supportive services can be provided to WIOA Title I adults and dislocated workers during participation subject to having also received a career or training service and during follow-up to program-completed participants (i.e., supportive services cannot be the only service in a participants record). The supportive service shall be recorded on the date the career or training service was provided and should include a case note explaining how the supportive service connects to a career or training service.

Per [TEGL 21-16](#) and [WIN 0084 Change1](#), supportive services for WIOA Title I youth can be provided either during participation or after exit as Program Elements 7 and 9, respectively.

Per [TEGL 10-16, change 1](#) and [TEGL 19-16, Attachment II](#), individuals in Incumbent Worker Training (IWT) are not eligible to receive supportive services unless they meet eligibility for and are co-enrolled in either the WIOA Title I adult or dislocated worker programs and receive a qualifying career service or training. In other words, supportive services cannot be provided to individuals who are in IWT only. See also Section 10.5 – Incumbent Worker Training.

**NOTE:** Food and groceries are prohibited as supportive services as DOL has determined that they are beyond the scope of WIOA (see supportive services definition in [WIOA Title I 5602, Revision 3](#)).

## 2. WIOA Title I 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.;
- Attending school as defined by state law<sup>1</sup>;
- Age 14 through 21;
- 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);
- 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 <sup>2</sup>
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
Category 5	An individual in foster care or has aged out of foster care system or who has attained the age of 16 years of age and left foster care for kinship guardianship or adoption; 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	An individual who is pregnant or parenting <sup>3</sup>
Category 7	A youth who is an individual with a disability
Category 8	<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 the risk of dropping out of school</li> <li>• Immigrant or refugee</li> <li>• Migrant family or migrant/seasonal farmworker 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> Section 4 of [TEGL 21-16](#) conditions the designation of homeschooled individuals as either In-School Youth (ISY) or Out-of-School Youth (OSY) based on state and/or local education agency policies. In Washington, state statutes for the Office of Superintendent of Public Instruction (RCW 28A.200, 28A.225.010 (4)) articulate the requirements for being recognized as home-schooled individuals. Individuals whose home-schooling activity meets those requirements can seek eligibility as ISY; if not, they need to meet OSY eligibility criteria.

<sup>2</sup> Section 4 of [TEGL 21-16](#) addresses eligibility related to “offender” status for ISY and OSY. Youth who have been charged with an offense, but subsequently directed to community-based diversion programs rather than the formal court system, meet the definition of having been “subject to any stage of the criminal justice process” due to having been *charged* with an offense, even though they have not been remanded to the court system.

<sup>3</sup> Section 4 of [TEGL 21-16](#) clarifies that an individual who is parenting can be a mother or father, custodial or non-custodial and that the age the youth becomes a parent does not factor into this definition as long as the youth is within the WIOA youth age eligibility. One important distinction is that the father does not attain parenting status under WIOA until the child is born; that status does not convey to the father during pregnancy. To be clear, only the expectant mother can be a pregnant individual.

Refer to Section 6 for 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.;
- Not attending school as defined by state law<sup>1</sup>;
- Ages 16 through 24;
- 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 <b>and</b> is basic skills deficient <b>or</b> an English language learner
Category 4	An individual who is subject to the juvenile or adult justice system <sup>4</sup>
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
Category 6	An individual in foster care or has aged out of foster care system or who has attained the age of 16 years of age and left foster care for kinship guardianship or adoption; 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 7	An individual who is pregnant or parenting <sup>5</sup>
Category 8	A youth who is an individual with a disability
Category 9	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: <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>• Victim of hate crime</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*. [RCW 28A.175.110](#) states that youth in this program are regularly enrolled students of the school district in which they are enrolled. Section 4 of [TEGL 21-16](#) on high school equivalency programs and dropout re-engagement programs states that “Youth attending high school equivalency (HSE) programs, including those considered to be dropout re-engagement programs, funded by the public K–12 school system that are classified by the school system as still enrolled in school are considered ISY.” Because Washington’s Open Doors program, which is cited in state RCW and WAC, recognizes a range of models or approaches with varying degrees of school or school district engagement, DOL acknowledges that Washington’s In-School Youth (ISY) and Out-of-School Youth (OSY) determination is situational and depends on the degree to which schools and school districts are service providers and funders in dropout re-engagement programs. If schools or school districts, despite having enrolled the youth into school, largely cede service provision to other entities (e.g., WIOA Title I youth providers, community-based organizations, non-profits), have minimal financial investment, and require little or no district-based accountability of participants, youth in those programs can be designated OSY. Conversely, if schools or school districts are substantially directive, invested, and accountable (e.g., WIOA



Title I Youth program only provides supportive services to participants), those youth should be designated ISY. This also applies to dropout re-engagement programs not connected to Open Doors. Based on these guidelines, OSY designation must be thoroughly documented when youth participants in dropout re-engagement programs are enrolled in school.

<sup>2</sup> Per WIOA Section 3(54), 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.

<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 Title I Out-of-School Youth, that encompasses 16-17 year olds.

<sup>4</sup> Section 4 of [TEGL 21-16](#) addresses eligibility related to “offender” status for ISY and OSY. Youth who have been charged with an offense, but subsequently directed to community-based diversion programs rather than the formal court system, meet the definition of having been “subject to any stage of the criminal justice process” due to having been *charged* with an offense, even though they have not been remanded to the court system.

<sup>5</sup> Section 4 of [TEGL 21-16](#) clarifies that an individual who is parenting can be a mother or father, custodial or non-custodial, and that the age the youth becomes a parent does not factor into this definition as long as the youth is within the WIOA youth age eligibility. One important distinction is that the father does not attain parenting status under WIOA until the child is born; that status does not convey to the father during pregnancy. To be clear, only the expectant mother can be a pregnant individual.

Refer to Section 6 for 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](#) data.

[TEGL 21-16, Change 1](#), includes specific, updated instructions from the U.S. Bureau of the Census for accessing its American Community Survey data and using the data to document high poverty areas for the purpose of determining low-income status for WIOA Title I youth program eligibility. The instructions can be accessed through this [link](#). Note that you will need the youth’s residential address to make this determination.

[20 CFR 681.250](#) and [681.270](#) allow that low-income for ISY further includes youth who receive (or are eligible to receive) free or reduced price lunches under the Richard B. Russell National School Lunch Act. Per Section 4 of [TEGL 21-16](#), however, if schools offer all students with free or reduced price lunches; this criterion cannot be used to determine individual low-income eligibility for ISY. Also, with that same qualifier, OSY who are parents of children living in the same household who receive (or are eligible to receive) free or reduced price lunches meet the low-income criteria based on their children’s qualification.

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. Per WIOA Section 129(a)(3)(B), [20 CFR 681.250](#) and [TEGL 21-16](#), in any single program year, no more than 5 percent of Benton/Franklin

County's total youth participants can be those who are not low-income despite the low income eligibility requirement (Out-of-School Youth in Category 3 or 9).

Limitation on In-School Youth requiring additional assistance. Per WIOA Section 129(a)(3)(B), 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 8).

**NOTE:** All exceptions to Youth Eligibility Requirements shall be tracked and reported quarterly to the BFWDC for record keeping purposes.

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

### Low Income

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

1. 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 (SNAP) 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;
2. 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;
3. 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))
4. 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.);
5. Is a foster child on behalf of whom State or local government payments are made; or
6. Is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

## **3. WIOA Title I 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).

Refer to Section 6 for eligibility criteria and documentation requirements.

### 3.2 Priority for Services under the Adult Program

Priority selection is established and local areas must target certain populations in accordance with WIOA Section 134(c)(3)(E), 20 CFR 680.600, and 20 CFR 680.640. These targeted populations must first meet the eligibility requirements for the Adult Program. Note: priority selection does not apply to individuals receiving only basic career services.

The table 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](#) and [TEGL 07-20](#). 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, recipients of public assistance, or basic skills deficient.	Guidelines for serving covered persons (WorkSource System Policy 1009 Revision 3 – Priority of Service) apply within the mandatory priority criteria of low-income/public assistance recipient/basic skills deficient.
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. 3 – 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 Title I Adult funded individualized 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 provided they meet local parameters regarding low-income (refer to Section 5.6.1).

Per TEGL 7-20, at least 50.1 percent of all Title I-B Adult participants that receive individualized career services and training services in each program year must be from at least one Adult priority of service population.

### **Priority Selection for Career Services and Training Services Funded with WIOA Statewide Activities Funds**

For purposes of WIOA Title I statewide activities 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 statewide activities funds must continue to provide priority selection of veterans for career and training services as required under Public Law 107- 288 “Jobs for Veterans Act” and in alignment with [WorkSource System Policy 1009 Revision 3](#). In applying this policy to such projects, veterans who are unemployed and/or low-income, have priority over all other individuals served under these projects.

## **4. WIOA Title I 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) or the individual is less than 18 years of age; and
- One of the Dislocated Worker categories (see [table](#) below).

Refer to Section 6 for eligibility and documentation requirements.

The matrix below 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; <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> <small>* 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.</small>	<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 discharge</u> or has received a notice of military separation (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 <a href="#">Policy 1009, Revision 3</a> .
<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).

## 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 3 – Priority of Service](#)).

The following serves as an outline of Dislocated Worker eligibility criteria as they apply 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 Department of Defense Form (DD-214) 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 are not ‘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 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 services up to eighteen (18) months prior to discharge.

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

Refer to Section 6 for 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, Iraq or Syria). 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**

#### **4.3.1 Under-Employed Workers**

Per Section 11 of [TEGL 19-16](#), the State allows under-employed workers to qualify for the WIOA Title I Dislocated Worker program if they have been dislocated from full-time employment and meet one of the following eligibility criteria:

1. Employed less than full-time but actively seeking full-time employment
2. Employed in a position that is inadequate with respect to documented skills and training
3. Employed but meet the definition of "low-income" in WIOA Section 3(36)
4. Employed but current earnings are insufficient compared to earnings from previous employment.

Note: Underemployed workers also qualify for the WIOA Title I Adult Program, while those who meet the "low income" definition also receive priority of service.

#### 4.4 Stop Gap Employment

Stop-gap employment is temporary work an individual accepts only because they have been laid off or terminated from their customary work for which their training, experience or work history qualifies them. In order for a position to be considered a stop gap employment, the following criteria must be met:

- 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); or
- May not pay more than 80% of the wage and benefits the participant was earning at his/her job as part of the qualifying dislocation; and
- Stop-gap employment was not the predominant occupation or field of expertise for the participant; or
- Stop-gap employment was not in the same occupational field as the position that was part of the dislocation event.

Typically, stop-gap employment will pay less than the individual's self-sufficiency wage, 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 an individual's dislocated worker status. Additionally, the special needs of individuals with disabilities or other barriers to employment (such as displaced homemakers) may be taken into account when determining if employment leads to self-sufficiency. These circumstances should be looked at on a case-by-case basis and documented clearly in the participant's file.

However, stop-gap employment may constitute a new primary occupation/industry in circumstances where the individual has not made any verifiable efforts to seek more permanent and appropriate employment and has been employed in stop-gap occupation or industry for an extended amount of time. The previous occupation or industry should be established by the individual's work history provided in their application and supported with any other applicable documentation to satisfy the data validation requirements.

An otherwise eligible dislocated worker remains eligible if either prior to or during Dislocated Worker 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.

#### 4.5 UI Good Cause Voluntary Quits

Individuals can qualify under Category 1 (General Dislocation) if they file and are approved for Unemployment Insurance (UI) benefits after having been determined by the Employment Security Department (ESD) as having voluntarily left employment due to no fault of their own for one of the following good cause reasons ([RCW 50.20.050](#); [WAC 192-150](#), et al):

- Illness or disability of the claimant or death, illness, or disability of an immediate family member.



- Relocate to follow spouse's or registered domestic partner's employment.
- Need to protect the claimant or immediate family member from domestic violence or stalking.
- Usual hours, compensation, or benefits are reduced by 25 percent or more.
- Involuntary change in work site or location (no minimum distance or mile threshold).
- Work site safety has deteriorated.
- Illegal activities at work site.
- Usual work changed to work that violates religious or moral beliefs.
- Left part-time work to accept full-time job that was eliminated without prior knowledge.

Under these circumstances, claimants have satisfied criteria 1.1. because the BFWDC recognizes them as terminated even though they, rather than their employers, are the moving party. Such individuals must also be determined unlikely to return to the industry or occupation they left for a UI good cause voluntarily quit reason (criteria 1.2). Finally, they must satisfy criteria 1.3.1 (1.3.2 is not an option) by documenting their status as having been determined eligible for or exhausted UI benefits as good cause voluntary quits are inseparably tied to UI and documented through separation determination letters provided by ESD or, if that is not available, other documentation in the form of UI correspondence from ESD.

## **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 or ID cards 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 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 26<sup>th</sup> birthday must register through the [Selective Service System 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 18<sup>th</sup> birthday, services must be suspended (i.e. on the 31<sup>st</sup> day after his 18<sup>th</sup> birthday). The WIOA Contracted Staff 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.

The BFWDC requires that males 26 years and over, who failed to comply with the Selective Service registration requirement, request a Status Information Letter (SIL) before making a determination that the failure to register was knowing and willful. This letter will indicate whether the individual was required to register and did not or is exempt from registering.

### Individuals exempt from Selective Service registration

- Males on current non-immigrant visas as long as they remain on valid visas up until they turn 26. The list of supporting documentation can be found [here](#).
- Male nationals or citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau who reside in the U.S. for less than one year (non-habitual) under any status or are in the U.S. as employees of the government of their homeland or as students who entered the U.S. for the purpose of full-time studies as long as they maintain that status.
- Males who were neither citizens nor residents of the United States from 30 days before they turned 18 through the age of 25.
- Hospitalized or incarcerated males who can prove they were continuously institutionalized or confined from 30 days before they turned 18 through the age of 25.
- Males serving in the military on full-time active duty if they served continuously from age 18 to through age 25.
- Males attending U.S. military service academies.
- Individuals who are born female and have changed their gender to male.

The [Status Information Letter](#) process and form noted in TEGL 11-11, Change 2, cites documentation requirements for several registration exemption categories, as does the table found at this [link](#).

### Determining Knowing and Willful Failure to Register

[TEGL 11-11, Change 2](#) provides detailed information about the Selective Service System

(SSS) process to refer applicants to request Status Information Letters (SIL) that address whether or not their failure to register was knowing and willful. SIL, if they favor applicants, are the most definitive documents proving the failure to register was not knowing and willful.

The intent of the TEGL is to provide a framework to make determinations through a local process consistent with SSS requirements to determine whether or not an applicant's failure to register was knowing and willful through a recommended set of questions, individual statements and relevant evidentiary documentation (i.e., documentation that establishes through a preponderance of evidence that the reason for not registering was not knowing and willful).

Because circumstances will vary and need to be considered on a case-by-case basis, there is not an exhaustive list of acceptable evidence, but the SSS provides guidance in TEGL 11-11 Change 2, through the Status Information Letter process and form described on the SSS website, and through a table that can be found at this link. Individuals should be encouraged to offer as much evidence and in as much detail as possible to support their case.

If it is determined that an individual's failure to register was not knowing and willful and the individual is otherwise eligible, services may be provided. If it is determined that the evidence shows an individual's failure to register was knowing and willful, services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. LWDBs must keep documentation related to evidence presented in determinations related to Selective Service.

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

All federally-funded programs, including WIOA core and required programs and service delivery, must align with federal law, regulations, and guidance on Priority of service for veterans and eligible spouses. Priority of service entitles eligible veterans or spouses to enrollment and services before eligible non-covered persons. Refer to [38 U.S. Code 4215](#), [20 CFR Part 1010](#), [TEGL 10-09](#), [VPL 07-09](#), and [WorkSource System Policy 1009, Revision 3 - Priority of Service for Veterans and Eligible Spouses](#) for additional guidance on Priority of Service. Refer to Section 3.2 for specific guidance on priority for service for the Title I Adult program.

### **5.4 Assisting Victims and Survivors of Human Trafficking**

This guidance is appropriate for one-stop center (comprehensive, affiliate or specialized) 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.

#### 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. The U.S. Department of Homeland Security (DHS) has information on how to

identify potential victims of trafficking and current hotlines that one-stop staff can call to get help for potential victims. See the DHS web page at <https://www.dhs.gov/blue-campaign/partnerships>.

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

U.S. citizens or lawful residents who are survivors 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 survivors 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 survivors 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 survivor of trafficking who are minors. 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 survivors of trafficking to the same extent as and following the same procedures and case management processes for other one-stop customers. However, services to survivors of trafficking may need to be tailored and adapted to meet the particular needs of this population. For instance, survivors 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, survivors 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 survivors have not yet received services, it is important for staff to be aware of and utilize local resources and WIOA contracted staff, particularly non-profit organizations that provide services to survivors of trafficking. Service Providers for survivors of trafficking can also refer or accompany their clients to the nearest one-stop center when they are ready for employment and training services.

## **5.5 Use of Unemployment Insurance Self-Service (eServices) Web Site**

[WorkSource Information Notice \(WIN\) 0027, Change 4](#) provides information on the use of

data accessible to Unemployment Insurance (UI) claimants through the Unemployment Insurance Self Service web site to secure information that can assist in determining Dislocated Worker program eligibility. Staff can use printouts of UI information provided by UI claimants who have Secure Access Washington (SAW) accounts that allow them to access and view and print their on-line UI claim information.

## **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 or on public assistance).

Utilizing the definition of low-income at WIOA Section 3(36), the BFWDC has established income 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.

To determine whether an individual is low-income under the definition at WIOA Section 3(36), it is also necessary to consider family size and family income.

The following guidance is provided for use in determining low-income status:

- Unemployment insurance, child support payments and old-age survivors’ insurance are includable income for adults and dislocated workers ([TEGL 19-16](#)).
- Military pay or allowances paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not includable income ([TEGL 19-16](#); [20 CFR 683.230](#)).
- Unemployment insurance and child support payments are includable income for youth ([TEGL 21-16](#)).

### **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).

### **5.8 Jobs for Veterans State Grant (JVSG) Eligibility**

Eligibility for the Disabled Veterans’ Outreach Program (DVOP) under the Jobs for Veterans State Grant (JVSG) is separate and distinct from consideration of either veterans’ and eligible spouses’ priority of service under the WIOA Title I Adult program (refer to Section 3.2) or Dislocated Worker program eligibility for transitioning military service members and eligible spouses (refer to Section 4.2).

Individuals eligible for case-managed DVOP employment and training services include the following:

1. Special disabled veterans and other disabled veterans as defined by [38 U.S.C. 4211](#), with an emphasis on those who are economically or educationally disadvantaged.
2. Veterans discharged under other than dishonorable conditions who do not meet the criteria in (1), but attest to meeting at least one of the following criteria representing Significant Barriers to Employment (SBE):
  - Being homeless or in danger of becoming homeless includes those fleeing or attempting to flee a hostile home environment.
  - Receiving/pending U.S. Department of Veterans Affairs compensation for a disability.
  - Currently or has previously been incarcerated.
  - Receiving or eligible for public assistance.
  - Being discharged in the past three years and unemployed for 27 weeks or longer in the past 12 months.
  - Lacking a high school diploma or high school equivalency degree.
  - Being between the ages of 18 and 24 inclusive.
  - Being a Wounded Warriors or caregiver for Wounded Warriors.
  - Separated from the military under other than dishonorable conditions and being discharged due to forced downsizing.
  - Having a Department of Defense (DD) Form 2648 (Pre-separation Counseling Checklist) on which they have been deemed “not career status ready”.

### **5.9 Trade Adjustment Assistance (TAA) Eligibility**

Eligibility for Trade Adjustment Assistance (TAA) is based on an affirmative decision by the DOL’s Office of Trade Adjustment Assistance (OTAA) to certify a TAA petition that covers a defined worker group. To that end, OTAA issues to the worker group a decision titled,

"Certification Regarding Eligibility to Apply for Worker Adjustment Assistance" that covers all members of the worker group who are separated or threatened with separations during the period beginning one year before the petition was filed and ending two years after the date of the certification. Each certification describes the worker group and specifies the beginning and ending dates.

Certified TAA petitions in Washington, including the "Certification Regarding Eligibility to Apply for Worker Adjustment Assistance," can be found [on-line](#) on the DOL's searchable web page for listings of petitions and determinations or by contacting ESD's State TAA Program Operator.

Note: TAA participants, excluding those who are incumbent workers, are required to be co-enrolled into the WIOA Title I-B Dislocated Worker program if they are eligible, unless they decline, per [20 CFR 618.325](#) and [WIOA Title I Policy 5617, Revision 1](#).

### **5.10 Incumbent Workers**

Per [20 CFR 680.780](#), to qualify, 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 six months or more by the time the Incumbent Worker Training (IWT) contract is fully executed. However, if the training is provided to a cohort or group of employees, only a mathematical majority must meet the six month or more employment history requirement.

Because IWT is a business service (per [TEGL 10-16, Change 1](#) and [19-16](#), individuals in IWT are not participants), WIOA contracted staff must document that employers meet the eligibility requirements in [WIOA Title I Policy 5607 Revision 5](#) and ensure that employers document that their IWT employees meet incumbent worker eligibility requirements in [WIOA Title I Policy 5607 Revision 5](#) as conditions for approving IWT for employers.

Per [20 CFR 680.780](#) and Section 13 of TEGL 19-16, incumbent workers need not meet the WIOA Title I eligibility requirements for adults or dislocated workers to receive career and training services unless they are also co-enrolled as participants in the WIOA Title I Adult or Dislocated Worker programs. Per [20 CFR 682.320](#), [330](#), [340](#) and TEGL 19-16, IWT funded by first-year statewide Rapid Response funds must be associated with and documented as part of a layoff aversion strategy designed to prevent layoffs or minimize durations of unemployment resulting from layoffs.

Per [TEGL 10-16, Change 1](#) and [TEGL 19-16, Attachment II](#), IWT does not trigger participation and individuals in IWT are not program participants. Accordingly, individuals in IWT are not eligible to receive supportive services unless they meet eligibility for and are co-enrolled in either the WIOA Title I adult or dislocated worker programs and receive a qualifying career service or training service (presumably the former as they are already engaged in IWT). In other words, individuals in IWT only are not eligible to receive supportive services. Also see section 1.4- Supportive Services.

## **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 local 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 2](#) and [TEGL 23-19](#) for comprehensive information on the Data Reporting and Validation System (DRVS) and 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, in addition to 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 program as outlined in Sections 2, 3 and 4 of this policy.

#### **Documentation Requirement**

The corresponding eligibility documentation requirements to the right align with DEV documentation requirements for each eligibility criteria/category. The Enterprise Data Reporting and Validation System (EDRVS) number (if the criteria is included under DEV) or other source (if not included under DEV) is listed above each list of documentation. Note: EDRVS 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 criterion is connected to one or more potential EDRVS 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 Section 7, 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 Section 7. Self-attestation can also be a signed and dated WIOA eligibility application that is either in paper format or one of two forms of electronic documentation (a scanned and uploaded copy of the paper document or an application in the state’s case management system with the participant’s date-stamped electronic signature). **BFWDC 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>Legally Entitled to Work in the U.S.</b>	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Self-attestation</li> <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>	Yes
<b>Age</b>	N/A	✓	✓	✓	N/A	<p><u>EDRVS 8 - Date of Birth:</u></p> <ul style="list-style-type: none"> <li>Driver's license</li> <li>Baptismal record</li> <li>Birth certificate</li> <li>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</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</b> <sup>1/2</sup>	N/A	✓	✓	✓	✓	<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"</li> <li>Screen printout of the</li> </ul>	No

						<a href="#">Selective Service Verification site</a> <ul style="list-style-type: none"> <li>• Selective Service Registration Card; Selective Service Verification (Form 3A)</li> <li>• Stamped Post Office Receipt of Registration.</li> </ul>	
<b>Low Income</b> <sup>3</sup>	N/A	✓	✓	N/A	N/A	<p><u>EDRVS 43, 38, or 40 for Adult</u></p> <p><u>EDRVS 43 - Low Income:</u></p> <ul style="list-style-type: none"> <li>• Alimony Agreement</li> <li>• Applicant statement</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</li> <li>• UI documents</li> <li>• State MIS (Signed WIOA Eligibility Application in ETO/WAWIN and at least one uploaded document from the EDRVS 43-Low Income list)</li> <li>• Self-attestation for basic career services only</li> <li>• Hard or electronic case notes (noting that staff saw proof of public assistance document) for basic career services only.</li> </ul> <p><u>EDRVS 38 - TANF:</u></p> <ul style="list-style-type: none"> <li>• Cross- match with TANF public assistance records</li> <li>• Self-attestation for basic career services only</li> <li>• Hard or electronic case notes (noting that staff saw proof of TANF document) for basic career services only.</li> </ul>	No

						<u>EDRVS 40 - Other Public Assistance (State/Local General Assistance, Refugee Cash Assistance, or Food Stamp Assistance) Recipient:</u> <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</li> <li>• Cross-match with public assistance database</li> <li>• State MIS (WorkSourceWA/ETO) for basic career services only</li> <li>• Self-attestation for basic career services only</li> <li>• Hard or electronic case notes (noting that staff saw proof of public assistance document) for basic career services only.</li> </ul>	
<b>Youth Program – In-School</b>	Category 1					<u>EDRVS 50 - Basic literacy skills deficiency:</u> <ul style="list-style-type: none"> <li>• Standardized assessment test</li> <li>• School records</li> <li>• Case notes</li> </ul>	No
	Category 2					EDRVS 50 (refer to list above)	No
	Category 3					<u>EDRVS 42 - Offender:</u> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Documentation from juvenile or adult criminal justice system</li> <li>• Documented phone call with court or probation representatives</li> <li>• WIOA intake or registration form.</li> </ul>	Yes

	Category 4	<u>EDRVS 41 (homeless / runaway youth) or EDRVS 51 (foster care)</u>  <u>EDRVS 41 - Homeless individual and/or runaway youth:</u> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Written statement from an individual providing residence, shelter or social service agency</li> <li>• WIOA intake or registration form</li> </ul>	Yes (only 41)
	Category 5	<u>EDRVS 51 - Foster Care Youth:</u> <ul style="list-style-type: none"> <li>• Written confirmation from social services agency</li> </ul> Case notes	
	Category 6	<u>EDRVS 48 – Pregnant or Parenting Youth:</u> <ul style="list-style-type: none"> <li>• Self- attestation</li> <li>• Copy of child's birth certificate</li> <li>• Baptismal record</li> <li>• Observation of pregnancy status</li> <li>• Doctor's note confirming pregnancy</li> </ul>	Yes
	Category 7	<u>EDRVS 49</u> (refer to list below)	Yes
	Category 8	<u>EDRVS 49 - Youth who needs additional assistance:</u> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Individual service strategy</li> <li>• Case notes</li> <li>• WIOA intake or registration form</li> <li>• State MIS (WorkSourceWA/ETO)</li> </ul>	Yes
<b>Youth Program – Out-of-School</b>	Category 1	<u>EDRVS 35 - School Status at Participation:</u> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Applicable records from education institution (HED certificate, diploma, attendance record, transcripts, drop out letter, school documentation)</li> <li>• WIOA intake or registration form</li> <li>• State MIS (WorkSourceWA/ETO)</li> </ul>	Yes

Category 2	<u>EDRVS 35</u> (refer to list above)	Yes
Category 3	<u>EDRVS 50 - Basic literacy skills deficiency:</u> <ul style="list-style-type: none"> <li>Standardized assessment test(s)</li> <li>School records</li> <li>Case notes</li> </ul>	No
Category 4	<u>EDRVS 42 - Offender:</u> <ul style="list-style-type: none"> <li>Self-attestation</li> <li>Documentation from juvenile or adult criminal justice system</li> <li>Documented phone call with court or probation representatives</li> <li>WIOA intake or registration form</li> </ul>	Yes
Category 5	<u>EDRVS 41 (homeless / runaway youth) or EDRVS 51 (foster care)</u>  <u>EDRVS 41 - Homeless individual and/or runaway youth:</u> <ul style="list-style-type: none"> <li>Self-attestation</li> <li>Written statement from an individual providing residence, shelter or social service agency</li> <li>WIOA intake or registration form</li> </ul>	Yes (only 41)
Category 6	<u>EDRVS 51 - Foster Care Youth:</u> <ul style="list-style-type: none"> <li>Written confirmation from social services agency</li> </ul> Case notes	
Category 7	<u>EDRVS 48 – Pregnant or Parenting Youth:</u> <ul style="list-style-type: none"> <li>Self-attestation</li> <li>Copy of child's birth certificate</li> <li>Baptismal record</li> <li>Observation of pregnancy status</li> <li>Doctor's note confirming pregnancy</li> </ul>	Yes
Category 8	<u>EDRVS 49</u> (refer to list below)	Yes
Category 9	<u>EDRVS 49 - Youth who needs additional assistance:</u> <ul style="list-style-type: none"> <li>Self-attestation</li> </ul>	Yes

		<ul style="list-style-type: none"> <li>Individual service strategy</li> <li>Case notes</li> <li>WIOA intake or registration form</li> <li>State MIS (WorkSourceWA/ETO)</li> </ul>	
<b>Dislocated Worker Program</b>	Category 1	<u>EDRVS 47 - Date of Actual Qualifying Dislocation:</u> <ul style="list-style-type: none"> <li>Self-attestation (to include signed WIOA eligibility application)</li> <li>Verification from employer</li> <li>Rapid Response list</li> <li>Notice of layoff</li> <li>Public announcement with cross-match with UI</li> </ul>	Yes
	Category 2	EDRVS 47 (refer to list above)	Yes
	Category 3	EDRVS 47 (refer to list above)	Yes
	Category 4	<u>EDRVS 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</li> <li>Spouse's death record</li> </ul>	Yes
	Category 5	EDRVS 47 <sup>4</sup> (refer to list above) or a DD-214	Yes
	Category 6	EDRVS 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 LWDB 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 in [ESD's DEV Policy](#)

## Adult & DW Self-Attestation Form

### Applicant Information:

<b>Last Name:</b>	<b>First Name:</b>	<b>Middle Initial:</b>	
<b>Address:</b>	<b>City:</b>	<b>State:</b>	<b>Zip:</b>

### Individuals entering WIOA services may self-attest to the information below:

1. Are you low-income? (please explain below) Yes  No

Explanation:

2. Are you legally entitled to employment within the U.S. and territories? (Adult and DW) Yes  No

3. Have you been terminated, laid off, or received a notice of termination or layoff? (DW Categories 1 and 2) Yes  No

4. Are you a military service member who was discharged or released from service (under conditions other than dishonorable) or has received a notice of military separation? (DW Category 5) Yes  No

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? (DW Category 6) Yes  No

6. Were you self-employed, but are unemployed as a result of general economic conditions in the community in which you reside? (DW Category 3) Yes  No

7. Are you a displaced homemaker? (DW Category 4)  
 Note: A displaced homemaker is an individual who was dependent on the income of another family member and is no longer supported by the income of another family member. Yes  No

	Dislocation Information	Current Employment Information
<b>Date</b>	Separation Date (if known):	Start Date:
<b>Job Title</b>		
<b>Business Name</b>		
<b>Address</b>		
<b>City, State, Zip</b>		

### Self-Attestation Statement:



*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.*

**SIGNATURE OF PARTICIPANT**

**DATE**

X

**Staff Verification Statement:**

*I certify that the individual whose signature appears above provided the information recorded on this form.*

**SIGNATURE OF STAFF**

**DATE**

X

You can Youth Self-Attestation form in [ESD's DEV Policy](#) .

### Youth Self-Attestation Form

**Applicant Information:**

<b>Last Name:</b>	<b>First Name:</b>	<b>Middle Initial:</b>	
<b>Address:</b>	<b>City:</b>	<b>State:</b>	<b>Zip:</b>

**Individuals entering WIOA services may self-attest to the information below:**

1. Are you low-income? (please explain below) Yes  No

Explanation:

2. Are you legally entitled to employment within the U.S. and territories? Yes  No

3. Have you dropped out of school? Yes  No

4. Are you homeless or did you run away from home? Yes  No

5. Are you pregnant or currently parenting a child? Yes  No

6. Are you an offender? Yes  No

7. Do you require additional assistance (Category 8) Yes  No

8. 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  No

**Self-Attestation Statement:**

*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.*

**SIGNATURE OF PARTICIPANT**

**DATE**

X

**Staff Verification Statement:**

*I certify that the individual whose signature appears above provided the information recorded on this form.*

**SIGNATURE OF STAFF**

**DATE**

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 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> <ul style="list-style-type: none"> <li>CH 11 - Compensation for Service connected Disability or death</li> <li>CH 13 - Dependency and indemnity compensation for service-connected death</li> <li>CH 31 - Vocational rehabilitation</li> <li>CH 34 - Veteran's education assistance</li> <li>CH 35 - War orphans and widows education assistance</li> <li>CH 36 - Administration of Educational</li> </ul>
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 WIOA participants, including OJT wages.

## 9. Definitions

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

**Basic Skills Deficient (BSD)** – 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.

**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 23-19 – 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 23-19 – 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 2](#)) and ([TEGL 23-19 – 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 (Jobs for Veterans Act 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.

**General Announcement of Plant Closing** – Under WIOA Section 101(9)(B)(ii) or (iii) an announcement of an upcoming plant or division closure as demonstrated by one of the following: (a) plant status as confirmed by written notice from employer of layoff or termination, (b) WARN notice, (c) newspaper article, (d) documentation that disaster necessitated business closure or layoff, (e) foreclosure notice, (f) self-certification in absence of other documents (self-certification must include reason why other documentation is unavailable).

**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.

**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 into 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 Section 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 annual Lower Living Standard Income Level as defined in WIOA Section 3 (36) (A) (ii) (II). 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, such as movie tickets.

**State Management Information System (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 23-19 – 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.

**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 having limited opportunities for employment or reemployment in the same or similar occupation in the area in which the individual resides. In order to be considered unlikely to return to a previous industry or occupation, an individual must meet at least one of the following criteria:

1. The individual worked in a declining industry or occupation.
  - Documented by state or local labor market information, Benton-Franklin Qualifying Occupations List or other supporting documentation.

2. The individual has been actively seeking employment for a period of 4 weeks or more but has had a lack of job offers.
  - Documented by rejection letters from employers in the area, job search review logs, or other documentation of unsuccessful efforts to obtain employment.
3. The individual is unable to return to their previous industry or occupation due to physical or other limitations.
  - Documented by a physician, vocational counselor or other applicable professional.
4. The individual is insufficiently educated and/or does not have the necessary skills/certification required by most employers to obtain employment.
  - Documented through an assessment of the individual's educational achievement levels, active job postings showing the required education, skills, and/or certification needed or other supporting documentation.
5. The individual has a poor work history (terminated from 1 or more jobs, within the last 6 months), or has had a history of sporadic employment and is no longer employed.
  - Documented through individuals employment history or other supporting documentation.

**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.

## 10. References

- [Public Law 113-128, Workforce Innovation and Opportunity Act \(WIOA\) of 2014](#)
- [WIOA Final Rule; 20 CFR Parts 676, 677, and 678; Federal Register, Vol. 81, No. 161, August 19, 2016](#)
- [WIOA Final Rule; 20 CFR Parts 603, 651,652, et al; Federal Register, Vol. 81, No. 161, August 19, 2016](#)
- [Public Law 107-288, Jobs for Veterans Act \(JVA\) of 2002](#)
- [Training and Employment Guidance Letter \(TEGL\) 22-04](#)
- [Training and Employment Guidance Letter \(TEGL\) 22-04, Change 1](#)
- [Training and Employment Guidance Letter \(TEGL\) 10-09](#)
- [Training and Employment Guidance Letter \(TEGL\) 11-11, Change 2](#)
- [Training and Employment Guidance Letter \(TEGL\) 11-12](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-13](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-13, Change 1](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-13, Change 2](#)
- [Training and Employment Guidance Letter \(TEGL\) 23-14](#)
- [Training and Employment Guidance Letter \(TEGL\) 08-15](#)



- [Training and Employment Guidance Letter \(TEGL\) 10-16, Change 1](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-16](#)
- [Training and Employment Guidance Letter \(TEGL\) 21-16, Change 1](#)
- [Training and Employment Guidance Letter \(TEGL\) 23-19](#)
- [Training and Employment Guidance Letter \(TEGL\) 07-20](#)
- [Veterans Program Letter \(VPL\) 07-09](#)
- [Veterans Program Letter \(VPL\) 03-14](#)
- [Veterans Program Letter \(VPL\) 03-14, Change 1](#)
- [Veterans Program Letter \(VPL\) 03-14, Change 2](#)
- [Veterans Program Letter \(VPL\) 04-14](#)
- [WorkSource System Policy 1003, Revision 2 Data Element Validation](#)
- [WorkSource System Policy, 1009 Revision 3 - Priority of Service for Veterans and Eligible Spouses](#)
- [WIOA Title I Policy, 1019 Revision 6 - Eligibility Policy and Handbook](#)
- [WIOA Title I Policy 5403 - Records Retention and Public Access](#)
- [WIOA Title I Policy 5602, Revision 3 - Supportive Services and Needs-Related Payments](#)
- [WIOA Title I Policy 5607, Revision 3 – Employer Criteria and Cost Sharing for Training Provided to Incumbent Workers](#)
- [WIOA Title I Policy 5617, Revision 1 – Co-enrollment of Trade Adjustment Assistance participants into the WIOA Title I-B Dislocated Worker program](#)
- [WorkSource Information Notice \(WIN\) 0027, Change 4 - Use of UI Claimant Web Site in Place of WIA001 Report](#)
- [WorkSource Information Notice \(WIN\) 0041 - Address Confidentiality Program](#)
- [WorkSource Information Notice \(WIN\) 0084, Change 1 – Supplemental State Guidance for the WIOA Title I Youth Program](#)
- [WIOA Title I Policy 5620, Revision 1- Follow-Up Services for Adults and Dislocated Workers](#)