

Eligibility Policy Handbook- Attachment A

Revision 3

**Eastern Washington Partnership
Workforce Development Council**

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Introduction

The content of this procedural handbook is equal to the state WorkSource System Policy 1019. This handbook will serve as the mechanism to implement and manage policy changes.

This handbook provides guidance to staff and partners concerning eligibility requirements for the Youth, Adult and Dislocated Worker Programs (WIA Title 1-B) and Wagner-Peyser (WIA Title III).

Sections 2, 3 and 4 cover program eligibility requirements for WIA Title 1-B Youth, Adults and Dislocated Workers. Specific parameters and guidance are provided in the subsequent sections under each program. Section 5 covers additional guidance that applies to multiple (not necessarily all) programs.

Definitions

- **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 22-15 – Attachment A](#)).
- **Covered Person (for Priority of Service)** – A veteran or his or her eligible spouse.
- **Cross-Match** – For the purpose of DEV, a cross-match requires validating staff to find detailed supporting evidence for the data element in a database ([TEGL 22-15 - Attachment A](#)).
- **Data Element Validation (DEV)** – The federally mandated process by which the state annually assesses the accuracy of reported participant data (refer to [WorkSource System Policy 1003, Revision 1](#) and [TEGL 22-15 – Attachment A](#)).
- **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.
- **Self-Attestation** – Self-attestation 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). For more

information, see [Self-attestation](#) on page 26 of this handbook.

- **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 22-15 - Attachment A](#)).
- **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.

Local Definitions

- **Basic Skills Deficient**

- (1) A youth with English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- (2) A youth or adult who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

- **Displaced Homemaker** - An individual who has been providing unpaid services to family members in the home and who:

- (1) Has been dependent on the income of another family member but is no longer supported by that income; OR
- (2) Is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101 (d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United states Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; AND
- (3) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

- **Employment that leads to Self-Sufficiency** - Employment lasting more than 6 consecutive months which provides the Dislocated Worker a wage that is equal to or greater than 90% of their wage at the time of dislocation.

- **Family size**

(1) **Family** – Two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories;

- i. A married couple (including same-sex married couples) and dependent children
- ii. A parent or guardian and dependent children
- iii. A married couple (including same-sex married couples)

(2) **Individual with a Disability** - For the purpose of income eligibility determination, be considered to be an unrelated individual.

(3) **Dependent** - A person 18 years or older who is entirely supported by parents or legal guardian, who resides with the family. A dependent has not, within the last 6 months, had income totaling more than 30 percent of the OMB Poverty Income level guidelines for a family of one. Three additional examples of youth who are to be considered as a dependent are:

- i. Example 1: Youth not yet 18, who are not emancipated youth or runaway youth living “at home” with their parents or guardians, including individuals in the temporary care of another individual or household (but not claimed as a dependent by that household).
- ii. Example 2: Youth 18-19 who are full-time students in a secondary school or

equivalent are living “at home” with their parents or guardians.

- iii. Example 3: Youth age 18-21 who are not full-time students, are living “at home” with their parents or guardians, and who are primarily supported by their parents.

(4) Living in a single residence with other family members - Includes temporary, voluntary residence elsewhere (e.g. attending school or college, or visiting relatives). It does not include involuntary temporary residence elsewhere (e.g. incarceration, or placement as a result of a court order).

(5) Legal guardian - A blood relative (e.g., grandparent, aunt or uncle) or another legally recognized relative (e.g., decree of court) who claims the youth as a dependent.

The key factors are:

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

- **General announcement of plant closing** - Plant closing as confirmed by written notice from employer or layoff or termination notice; Worker Adjustment and Retraining (WARN) notice; newspaper article; documentation that disaster necessitated business closure or layoff; foreclosure notice; or self-certification in absence of other documentation (must include reason why other documentation is unavailable).

- **Homeless Individual** - As defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C 14043e-2(60)), means an individual who lacks a fixed, regular and adequate nighttime residence, and includes:

1. An individual who is
 - i. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - ii. Living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;
 - iii. Living in an emergency or transitional shelter
 - iv. Abandoned in a hospital;
 - v. Waiting foster care placement; or
2. An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

- **Homeless youth** - As defined in Section 725(20) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), means

(1) Individuals who lack a fixed regular and adequate night time residence, and includes:

- i. Youth who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- ii. Youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and
- iii. Youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar things.

- **Individual with a Barrier to Employment** - A member of one or more of the following populations:

- (1)** Displaced homemakers
- (2)** Low-income individuals
- (3)** Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166
- (4)** Individuals with disabilities, including youth who are individuals with disabilities

- (5) Older individuals
- (6) Ex-offenders
- (7) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)))
- (8) Youth who are in or have aged out of the foster care system
- (9) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers
- (10) Eligible migrant and seasonal farmworkers, as defined in WIOA section 167(i)
- (11) Individuals within 2 years of exhausting lifetime Temporary Assistance for Needy Families (TANF) eligibility under Title IV, Part A of the Social Security Act (42 U.S.C. 601 et seq.)
- (12) Single parents (including single pregnant women)
- (13) Long-term unemployed individuals
- **Long Term Unemployed** – Has been unemployed for 15 or more weeks in the 26 weeks prior to application
- **Low Income** - An individual who can verify meeting one of the following criteria:
 - (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 Program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (Food Stamp Program), the program of block grants to States for temporary assistance for needy families program under Title IV, Part A of the Social Security Act (42 U.S.C. 601 et seq.) (SSI), 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;
 - iii. Is a Homeless Individual or Homeless Youth, as defined above;
 - iv. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
 - v. Is a foster child on behalf of whom State or local government payments are made; or
 - vi. Is an individual with a disability whose own income exceeds the low income requirement, but who is a member of a family whose income does not meet this requirement.
- **Lower Living Standard Income Level (LLSIL)** - Income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.
- **Offender**
An adult or juvenile who:
 - (1) Is or has been subject to any stage of the criminal justice process, and for whom services under WIOA may be beneficial; or
 - (2) Requires assistance in overcoming barriers to employment resulting from a record of arrest or conviction.
- **Older individual** – An individual age 55 or older.
- **Requires Additional Assistance (Youth)** – An individual who:
 - (1) Has one or more disabilities, including learning disabilities;
 - (2) Has a personal or family substance abuse history;
 - (3) Is gang involved, affiliated, or affected;
 - (4) Lacks affordable housing;
 - (5) Is a victim of domestic violence, sexual abuse, or child abuse;

- (6) Lacks a significant or positive work history; or
- (7) Is “At risk of dropping out of school,” defined as:
 - i. One or more grade levels below the age-appropriate grade;
 - ii. Academically deficient and/or is not making substantial progress in mastering basic skills that are appropriate for students of the same age;
 - iii. Has at any time, been a school dropout or is not attending school consistently; or
 - iv. Determined to be at risk by school staff based on assessment that health, social, or family problems are impairing the student’s ability to succeed in school.
- **Self-Sufficiency** – Defined in the Self-Sufficiency Standard for Washington State
- **Service Provider** – An organization or its employees who deliver WDC – funded services.
- **Stop-Gap Employment** – Temporary work an individual accepts only because they have been laid off from the customary work for which their training, experience, or work history qualifies them. Stop-gap employment must be temporary in nature with the intent to end employment upon completion of training, obtaining self-sufficient employment or as specified in the individual employment plan (IEP).
- **Substantial Layoff (Dislocated Worker)** - A reduction (excluding a plant closing) that results in employment loss at a single site of employment for at least 30 full-time employees during a 6-month period, or any reduction in force of at least 25% of a company’s workforce at a single site during a 6-month period.
- **Unlikely to return to a 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 as confirmed by labor market and/or labor analysis by the Employment Security Department, or recent local labor market events.

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 \(TEGL\) 17-05](#)
- [Training and Employment Guidance Letter \(TEGL\) 10-09](#)
- [Training and Employment Guidance Letter \(TEGL\) 11-11, Change 2](#)
- [Training and Employment Guidance Letter \(TEGL\) 09-12](#)
- [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 \(TEGL\) 22-15](#)
- [Training and Employment Guidance Letter \(TEGL\) 10-16](#)
- [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](#)
- [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 1 - Data Element Validation](#)
- [WorkSource System Policy 1009, Revision 2 - Priority of Service for Veterans and Eligible Spouses](#)
- [WIOA Title I Policy 1019, Revision 3 – Eligibility Guidelines and Documentation Requirements](#)
- [WIOA Title I Policy 5403 - Records Retention and Public Access](#)
- [WIOA Title I Policy 5607, Revision 3 – Employer Criteria and Cost Sharing for Training Provided to Incumbent Workers](#)
- [WorkSource Information Notice \(WIN\) 0027, Change 3 - 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](#)

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.

Service providers 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 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 are private and confidential and not disclosable 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. There is no sequence requirement for these services. They can be provided in any order to provide flexibility in targeting services to the needs of the customer. Section 4 of [TEGL 19-16](#) identifies the services that fall under the basic, individualized, and follow-up categories.

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

Staff-assisted Wagner-Peyser employment services fall under the category of basic career services and must be provided in coordination with other one-stop center partners. Wagner-Peyser staff can also provide individualized career services in coordination with other one-stop center partners. Although 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 are legally entitled to work in the U.S., the 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 service. [TEGL 17-05](#) clarifies that “significant staff involvement” includes staff’s assessment of a participant’s skills, education or career objectives to assist the participant in making a decision or accessing information as opposed to staff providing a participant with readily-available information that does not require an assessment.

NOTE: This policy covers basic eligibility requirements for Wagner-Peyser, including priority of service requirements for Covered Persons (using the broad definition of veteran – see [Section 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](#).

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

1.3 Training Services

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

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

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

2. Youth Program

2.1 Youth Program Requirements

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

2.1.1 In-School Youth

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

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Attending school as defined by state law¹;
- 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 2.4](#) 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 ²
Category 4	A homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of foster care system, a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677), or in an out of home placement
Category 5	Pregnant or parenting ³
Category 6	A youth who is an individual with a disability
Category 7	An individual who requires additional assistance to complete an educational program or to secure or hold employment ⁴

¹ Section 4 of TEGL 21-16 conditions the designation of home-schooled individuals as 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.

² 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.

³ 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.

⁴ Per 20 CFR 681.300 the WDC defines “requires additional assistance to complete an educational program or to secure or hold employment” as an individual who:
The WDC Youth Council defines “an individual who requires additional assistance” as a person who has one or more of these barriers:

- an approved Individual Education Plan
- personal or family substance abuse issues
- gang involvement/affiliation/affected
- enrolled in alternative education program or at risk of dropping out of school
- lacks affordable housing
- victim of domestic violence or sexual/child abuse
- an identified social adjustment or mental health issue
- lacking a significant or positive work history
- member of migrant family
- not at grade parity and one or more grade levels below grade level to her/his age
- lacking work maturity
- other barrier as determined significant by the Youth Council
- A youth with a disability meets the “requires additional assistance” requirement and can be considered a family of one for low-income determinations (refer to Sec. 5.6.2). For an overview of eligibility criteria and documentation requirements refer to Sec. 6 of this handbook.
- In addition, up to 5% of total youth enrollments may be non-economically disadvantaged if they have one or more of the following barriers:
 - school dropout
 - basic literacy skills deficiency
 - one or more grade levels below the grade level appropriate to the individual’s age
 - pregnant or parenting
 - one or more disabilities, including learning disability
 - homeless or runaway
 - offender
 - face serious barriers to employment (see barriers for individuals requiring additional assistance)

2.1.2 Out-of-School Youth

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

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Not attending school as defined by state law¹;
- Age 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 ²
Category 2	A youth who is within the age of compulsory school attendance ³ , but has not attended school for at least the most recent complete school year calendar quarter

Category 3	A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual <u>and</u> is basic skills deficient <u>or</u> an English language learner
Category 4	An individual who is subject to the juvenile or adult justice system ⁴
Category 5	A homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of foster care system, a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677), or in an out of home placement
Category 6	Pregnant or parenting ⁵
Category 7	A youth who is an individual with a disability
Category 8	A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment ⁶

¹ 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, local areas must thoroughly document OSY designation when youth participants in dropout re-engagement programs are enrolled in school.

² 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.

³ 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.

⁴ 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.

⁵ 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.

⁶ Per 20 CFR 681.300, the WCD defines “requires additional assistance to complete an educational program or to secure and hold employment” criterion and documentation requirements (WorkSource System Policy 1019, Revision 3 - Section 3.d - Local Responsibilities). Refer to [Section 6](#) for eligibility criteria and documentation requirements.

2.2 Additional Definitions of Low Income

Utilizing the definition of low-income at WIOA Section 3(36), the WDC made local determinations regarding income verification and what is included or excluded as income (WorkSource System Policy 1019, Revision 3 - Section 3.d - Local Responsibilities).

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 25 percent as set every five years using [American Community Survey](#) data.

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 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) and 20 CFR 681.250, in any single program year, no more than five percent of a local area’s total youth participants can be those who are not low-income despite the low income eligibility requirement (In-School Youth or Out-of-School Youth in Category 3 or 8).

Limitation on In-School Youth requiring additional assistance. Per WIOA Section 129(a)(3)(B), in any single program year, no more than five percent of a local area’s total In-School Youth participants can be those who require additional assistance to complete an educational program or to secure or hold employment (Category 7).

2.4 Local Definition of Low Income

Using the definition of low-income at WIOA Section 3(36), a low-income individual may also be defined as an individual who receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the Supplemental Nutrition Assistance Program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (Food Stamp Program), the program of block grants to States for temporary assistance for needy families program under Title IV, Part A of the Social Security Act (42 U.S.C. 601 et seq.) (SSI), or State or local income-based public assistance;

3. Adult Program

3.1 Adult Program Requirements

Individuals must meet the following eligibility criteria for the Adult Program:

- U.S. citizen or otherwise legally entitled to work in the United States;
- 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 for 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.

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](#). 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 2 – Priority of Service) apply within the mandatory priority criteria of low-income / public assistance/basic skills deficient recipient.
Second	Individuals (non-covered persons) who are low-income (may include unemployed individuals), recipients of public assistance, or basic skills deficient.	The mandatory priority criteria (low-income / public assistance recipients / basic skills deficient) have preference over covered persons (veterans and eligible spouses) who do not meet the mandatory priority criteria.
Third	Covered persons (veterans and eligible spouses) who <u>are not</u> low-income and <u>not</u> basic skills deficient.	Guidelines for serving covered persons (WorkSource System Policy 1009 Revision 2 – Priority of Service) apply in the third category (individuals who are not low-income / public assistance recipients / basic skills deficient).
Fourth (optional)	An individual (non-covered person) who <u>is not</u> low-income and <u>is not</u> a recipient of public assistance.	175% of poverty

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 aforementioned priority requirements do not necessarily mean that only recipients of public assistance and other low-income individuals can receive WIOA Title I adult funded career and training services. T h e W D C 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](#)).

Priority Selection for Career Services and Training Services Funded with WIOA Statewide (15%)

Discretionary Grants/Contracts

For purposes of WIOA Title I statewide (15%) discretionary funds, the Governor has determined that these funds will be prioritized as follows:

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

As indicated by the first priority, recipients of WIOA 15% discretionary 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 2](#). In applying this policy to 15% funded projects, veterans who are unemployed and/or low-income have priority over all other individuals served under these projects.

4. Dislocated Worker Program

4.1 Dislocated Worker Program Requirements

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

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

Refer to [Section 6](#) for eligibility and documentation requirements.

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

Dislocated Worker Eligibility Criteria

Category	Criteria
1. General Dislocation	<input type="checkbox"/> 1.1 An individual who was terminated, laid off, or received a notice of termination or layoff. AND
	<input type="checkbox"/> 1.2 Is determined unlikely to return to previous industry or occupation (defined by below); AND
	<input type="checkbox"/> 1.3.1 Is eligible for or has exhausted entitlement to unemployment compensation; OR <input type="checkbox"/> 1.3.2 Is not eligible for unemployment compensation but can show attachment to the workforce of sufficient duration.
2. Dislocation from Facility Closure / Substantial Layoff	<input type="checkbox"/> 2.1 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; OR
	<input type="checkbox"/> 2.2 An individual employed at a facility at which the employer has made a general announcement that the facility will close within 180 days.
3. Self-employed Dislocation	<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.
4. Displaced Homemaker *	<input type="checkbox"/> 4.1 An individual who was dependent on the income of another family member and is no longer supported by the income of that family member; OR 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; AND
	<input type="checkbox"/> 4.2 Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
5. Dislocated/ Separating Military Service Members	<input type="checkbox"/> 5.1 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. Note: Dislocated military service members, veterans and other covered persons are eligible for Priority of Service (POS) as described in POS Policy
6. Spouses of Military Service Members	<input type="checkbox"/> 6.1 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; OR
	<input type="checkbox"/> 6.2 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. Note: 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 2 – 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 214 (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 of the Handbook](#)).

Per ESD WorkSource System Policy 1019 (Rev. 3), the WDC designated a timeframe of up to 18 months prior to a qualified service member’s planned separation or discharge during which they are eligible to receive Dislocated Worker Services.

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, 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 the customary work for which their training, experience or work history qualifies them. Stop-gap employment must be temporary in nature with the intent to end employment upon completion of training, obtaining self-sufficient employment or as specified in the individual employment plan (IEP).

Typically, stop-gap employment will pay less than the individual’s self-sufficiency wage, however, there may be specific circumstances where stop-gap employment does provide a sufficient wage temporarily, but is not considered permanent employment that leads to self-sufficiency.

An otherwise eligible dislocated workers remains eligible if either prior to or during Title I Dislocated Worker program participation, their 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 self-sufficiency, including a scenario where the employment period exceeds the criteria for stop-gap employment, then that position would be considered the self-sufficient job of dislocation in the event of a future dislocation.

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, service providers are required to verify U.S. citizenship or legal right to work for all WIOA Title I programs. Self-attestation is the minimum documentation requirement, but service providers may choose to require commonly used [I-9 Documentation](#) such as driver's license or ID cards along with Social Security cards. Other documentation may only be used to supplement self-attestation or accepted I-9 documentation.

5.2 Selective Service Requirements

To be eligible to receive WIOA Title I-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirements or exceptions, or local areas must determine that the failure to register was not knowing and willful. Complete Selective Service registration requirements and exceptions are found in [TEGL 11-11, Change 2](#), including acceptable documentation to determine registration status and procedures for determining whether or not failure to register was knowing and willful.

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

Males 25 Years and Under

Before being enrolled in WIOA Title I services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the [Selective Service 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 18th birthday, services must be suspended (i.e. on the 31st day after his 18th birthday). Service providers must stop providing services to participants who have not met Selective Service registration requirements until the requirements are met.

Males 26 Years and Over

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

Determining Knowing and Willful Failure to Register

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

5.3 Priority of Service for Veterans and Eligible Spouses

All WIOA programs and service delivery must align with federal law, regulations, and guidance on Priority of Service. Priority of service entitles eligible veterans or spouses to enrollment and services before eligible non-covered persons. Refer to [WorkSource System Policy 1009 – Priority of Service for Veterans and Eligible Spouses](#) and [TEGL 10-09](#) for additional guidance on Priority of Service. Refer to [Section 3.2](#) for specific guidance on priority for service when funding is limited under the Adult program.

5.4 Assisting Victims of Human Trafficking

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

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

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

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

Employment and Training Services for Victims of Human Trafficking:

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

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

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

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

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

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

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

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

5.5 Use of Unemployment Insurance Self Service Web Site

[WorkSource Information Notice \(WIN\) 0027, Change 3](#) 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).

Utilizing the definition of low-income at WIOA Sec. 3(36), the WDC has developed a list for income verification as well as what is included or excluded as income. Determinations regarding income verification and what is included or excluded as income (State Policy 1019 Sec. 3.d - Local Responsibilities). [Sec. 8](#) of this handbook provides a list of excludable and includable income. To determine whether an individual is low-income under the definition at WIA Sec. 101(25), it is also necessary to consider family size and family income.

The local definition of “low-income” may include individuals who are unemployed, however, unemployed individuals will not automatically meet the local parameters regarding low-income (i.e., to qualify for the Adult program). The intent is to prioritize services to individuals based on family income (low-income), not to exclude unemployed individuals (who meet the low-income criteria) from receiving services.

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.

DOL has provided the following guidance 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.

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 Title I 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 Disabled Veterans' Outreach Program (DVOP) 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, to include 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 (Preseparation 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.

5.10 Incumbent Workers

WIOA Section 134(d)(4) and 20 CFR 680.780 directs states and local areas to establish policies and definitions to determine which workers, or groups of workers, are eligible for incumbent worker training services. 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 6 months or more.

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.

6. Eligibility Documentation Requirements

The matrix below provides a comprehensive overview of program eligibility criteria and documentation requirements. The requirements in this matrix outline eligibility criteria and utilize Data Element Validation (DEV) requirements for alignment purposes. There are, however, additional DEV requirements beyond the eligibility documentation requirements described in this matrix, including different DEV requirements for career services. Refer to [WorkSource System Policy 1003, Revision 1](#) and [TEGL 22-15](#) for comprehensive information on the Data Reporting and Validation System (DRVS) and Data Element Validation (DEV) requirements.

Instructions for the eligibility and documentation matrix:

Criteria

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

Eligibility Requirement

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

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 criteria is connected to one or more potential DRVS lists, but only one document (from the relevant list) is necessary (i.e., low-income and youth category 3 include multiple “options” but only one option is necessary).

Self-attestation

The self-attestation column indicates whether or not the corresponding documentation list allows self-attestation. To ensure properly documented customer self-attestation, the WDC strongly encourages service providers to use the self-attestation forms provided in [Section 7](#) of this Handbook or local versions that are substantially similar. DOL further recommends 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.

Note: Under [WorkSource System Policy 1023, Revision 1](#), local areas formally implementing Integrated Service Delivery with co-enrollment can utilize self-attestation to document that participants are 18 years of age or older, are legally entitled to work in the U.S., and have registered for Selective Service (as applicable) for the purposes

of eligibility determinations for the WIOA Title I adult and dislocated worker programs so long as those individuals are provided basic career services only. If those participants subsequently pursue individualized career services or training services, full eligibility documentation is required.

Criteria	Eligibility Requirement For:					Documentation Requirement	Self-Attestation
	W-P	ISY	OSY	Adult	DW		
Legally Entitled to Work in the U.S.	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> Self-attestation Accepted I-9 Documentation, such as: driver's license / ID card along with Social Security card. <p>Note: for more information on employment eligibility guidance and alignment with I-9 documentation please see M-274, Instructions for Completing Form I-9</p>	Yes
Age	N/A	✓	✓	✓	N/A	<p><u>EDRVS 8 - Date of Birth:</u></p> <ul style="list-style-type: none"> Driver's license Baptismal record Birth certificate DD-214 Report of Transfer or Discharge paper Federal, state or local ID card Passport Hospital record of birth Public assistance/social service records School records or ID cards Work permit Cross match with Department of Vital Statistics (Department of Health's Center for Health Statistics) Tribal records Hard or electronic case notes (noting that staff saw proof of age document) for basic career services only. 	Yes (self-service and basic career services only)
Selective Service Registration ^{1/2}	N/A	✓	✓	✓	✓	<p><u>TEGL 11-11 Change 2:</u></p> <ul style="list-style-type: none"> Selective Service acknowledgement letter Form DD-214 "Report of Separation" Screen printout of the Selective Service Verification site Selective Service Registration Card; Selective Service Verification (Form 3A) Stamped Post Office Receipt of Registration. 	Yes (basic career services only)

<p>Low Income ³</p>	<p>N/A</p>	<p>✓</p>	<p>✓</p>	<p>N/A</p>	<p>N/A</p>	<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"> • Alimony Agreement • Applicant statement • Award letter from veteran’s administration • Bank statements • Compensation award letter • Court award letter; • Pension statement • Employer statement/contact • Family or business financial records • Housing authority verification • Pay stubs • Public assistance records • Quarterly estimated tax for self-employed persons • Social Security benefits • UI documents • State MIS (WorkSourceWA/ETO) • Self-attestation for basic career services only • Hard or electronic case notes (noting that staff saw proof of public assistance document) for basic career services only. <p><u>EDRVS 38 - TANF:</u></p> <ul style="list-style-type: none"> • Cross- match with TANF public assistance records • Self-attestation for basic career services only • Hard or electronic case notes (noting that staff saw proof of TANF document) for basic career services only. <p><u>EDRVS 40 - Other Public Assistance (State/Local General Assistance, Refugee Cash Assistance, or Food Stamp Assistance) Recipient:</u></p> <ul style="list-style-type: none"> • Copy of authorization to receive cash public assistance • Copy of public assistance check • Medical card showing cash grant status; 	<p>Yes (basic career services only)</p>
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						<ul style="list-style-type: none"> • Public assistance records • Refugee assistance records • Cross-match with public assistance database • State MIS (WorkSourceWA/ETO) for basic career services only • Self-attestation for basic career services only • Hard or electronic case notes (noting that staff saw proof of public assistance document) for basic career services only. 	
Youth Program – Out-of-School	Category 1					<u>EDRVS 35 - School Status at Participation:</u> <ul style="list-style-type: none"> • Self-attestation • Applicable records from education institution (HED certificate, diploma, attendance record, transcripts, drop out letter, school documentation) • WIOA intake or registration form • State MIS (WorkSourceWA/ETO) 	Yes
	Category 2					EDRVS 35 (refer to list above)	Yes
	Category 3					<u>EDRVS 50 - Basic literacy skills deficiency:</u> <ul style="list-style-type: none"> • Standardized assessment test(s) • School records • Case notes 	No
	Category 4					<u>EDRVS 42 - Offender:</u> <ul style="list-style-type: none"> • Self-attestation • Documentation from juvenile or adult criminal justice system • Documented phone call with court or probation representatives • WIOA intake or registration form 	Yes

	Category 5	<p><u>EDRVS 41 (homeless / runaway youth) or EDRVS 51 (foster care)</u></p> <p><u>EDRVS 41 - Homeless individual and/or runaway youth:</u></p> <ul style="list-style-type: none"> • Self-attestation • Written statement from an individual providing residence, shelter or social service agency • WIOA intake or registration form <p><u>EDRVS 51 - Foster Care Youth:</u></p> <ul style="list-style-type: none"> • Written confirmation from social services agency • Case notes 	Yes (only 41)
	Category 6	<p><u>EDRVS 48 – Pregnant or Parenting Youth:</u></p> <ul style="list-style-type: none"> • Self-attestation • Copy of child’s birth certificate • Baptismal record • Observation of pregnancy status • Doctor’s note confirming pregnancy 	Yes
	Category 7	<p><u>EDRVS 49 - Youth who needs additional assistance:</u></p> <ul style="list-style-type: none"> • Self-attestation • Individual service strategy • Case notes • WIOA intake or registration form • State MIS (WorkSourceWA/ETO) 	Yes
	Category 8	DRVS 49 (refer to list above)	Yes
Youth Program – In-School	Category 1	<p><u>EDRVS 50 - Basic literacy skills deficiency:</u></p> <ul style="list-style-type: none"> • Standardized assessment test • School records • Case notes 	No
	Category 2	EDRVS 50 (refer to list above)	No
	Category 3	<p><u>EDRVS 42 - Offender:</u></p> <ul style="list-style-type: none"> • Self-attestation • Documentation from juvenile or adult criminal justice system • Documented phone call with court or probation representatives 	Yes

		<ul style="list-style-type: none"> WIOA intake or registration form. 	
	Category 4	<p><u>EDRVS 41 (homeless / runaway youth) or EDRVS 51 (foster care)</u></p> <p><u>EDRVS 41 - Homeless individual and/or runaway youth:</u></p> <ul style="list-style-type: none"> Self-attestation Written statement from an individual providing residence, shelter or social service agency WIOA intake or registration form <p><u>EDRVS 51 - Foster Care Youth:</u></p> <ul style="list-style-type: none"> Written confirmation from social services agency Case notes 	Yes (only 41)
	Category 5	<p><u>EDRVS 48 – Pregnant or Parenting Youth:</u></p> <ul style="list-style-type: none"> Self-attestation Copy of child's birth certificate Baptismal record Observation of pregnancy status Doctor's note confirming pregnancy 	Yes
	Category 6	<p><u>EDRVS 49 - Youth who needs additional assistance:</u></p> <ul style="list-style-type: none"> Self-attestation Individual service strategy Case notes WIOA intake or registration form State MIS (WorkSourceWA/ETO) 	Yes
	Category 7	EDRVS 49 (refer to list above)	Yes
Dislocated Worker Program	Category 1	<p><u>EDRVS 47 - Date of Actual Qualifying Dislocation:</u></p> <ul style="list-style-type: none"> Self-attestation Verification from employer Rapid Response list Notice of layoff Public announcement with cross-match with UI 	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"> • Self-attestation • Public assistance records • Court records • Divorce Papers • Bank records • Spouse's layoff notice • Spouse's death record 	Yes
	Category 5	EDRVS 47 ⁴ (refer to list above) or a DD-214	Yes
	Category 6	EDRVS 47 (refer to list above)	Yes

¹ 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.

² 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](#)).

³ 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.

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

7. Self-Attestation Forms

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

WIOA Title I Adult & DW Self-Attestation Form

Applicant Information:

Last Name:	First Name:	Middle Initial:	
Address:	City:	State:	Zip:

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

Date	Separation Date (if known):	Start Date:
Job Title		
Business Name		
Address		
City, State, Zip		

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

WIOA Title I Youth Self-Attestation Form

Applicant Information:

Last Name:	First Name:	Middle Initial:	
Address:	City:	State:	Zip:

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. Requires Additional Assistance (the WDC allows for self-attestation for this qualifying factor (includes individuals with disabilities) 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. Includable and Excludable Income for Calculating Low-income Status

Includable Income

- **NOTE: “Bureau of Indian Affairs policy regarding Per Capita payments to Indians made pursuant to P.L.98.64 that under \$2,000.00 are exempt from consideration as a resource of income when determining eligibility for all federally assisted programs.”**

Gross wages and salaries before deductions. Total money earnings received from work performed as an employee. If a family's only source of income was from wages and salary payments, family income would be equal to gross wages and salary received.

Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expenses). If the business or enterprise has suffered a loss, this loss will be allowed to off-set wage earnings.

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). If the farm has suffered a loss, this loss will be allowed to off-set wage earnings.

Regular payments from railroad retirement benefits, strike benefits from union funds, worker's compensation, and training stipends.

Alimony.

Military family allotments or other regular support from an absent family member or someone not living in the household, except child support payments and military payments indicated below which are excluded from family income calculations.

Pensions whether private or government employee (including military retirement pay).

Regular insurance or annuity payments received by the individual or family member.

College or university grants or scholarships based on merit, fellowships, and assistantships.

Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

Net gambling or lottery winnings.

On-the-Job Training wages.

Strike benefits from union funds

If the payment can not meet one of the excludable criteria, then the payment will be includable income.

Excludable Income

State and federal unemployment insurance compensation.

Regular payments from Old-Age, Survivors, and Disability Insurance (OASI) benefits received under Section 202 of the Social Security Act.

Supplemental Security Income Insurance (SSI), Title XVI of the Social Security Act, for the Aged, Blind, and Disabled. SSI is an income supplement program funded by 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 provides cash to meet basic needs for food, clothing, and shelter.

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, PLUS (Stafford and Perkins loans, like any other kind of loans, are debt and not income).

Child support payments.

Non-cash benefits such as employer-paid or union-paid portion of health insurance or other employee fringe benefits, Medicare, Medicaid, food stamps, school meals, food or housing received in lieu of wages, and housing assistance.

Allowance, earnings, and payments made to individuals participating in WIA programs or any other workforce development program for which eligibility is based upon a needs and/or income test.

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.

Capital gains and losses.

Assets drawn down as withdrawals from a bank and IRA withdrawals.

Income earned while a veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, family compensation for service-connected death, vocational rehabilitation, and education assistance.

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)).

Cash payments received under Title V of the Older American's Act.

Payments received under the Trade Readjustment Act of 1974.

Job Corps payments.

U. S. Housing and Urban Development (HUD) rental assistance subsidies.

Stipends received in the following programs: VISTA, Peace Corps, Foster Grandparent Program, YouthWorks/AmeriCorps Programs, and Retired Senior Volunteer Program.

Subsidies for child care made on behalf of a family participating in the child care voucher program administered by the county Step Ahead Council.

Tax refunds, gifts, loans, and other one-time unearned income such as, but not limited to:

- i) payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans;
- ii) one-time or fixed-term scholarship and fellowship grants;
- iii) accident, health, and casualty insurance proceeds;
- iv) disability and death payments, including fixed term (but not lifetime) life insurance annuities and death benefits;
- v) one-time awards and gifts;
- vi) inheritance, including fixed term annuities; and
- vii) fixed-term workers compensation awards.

Foster child care payments.

Social Security Disability (SSDI) Insurance payments (Title II of the Social Security Act, Federal Old-Age, Survivors and Disability Insurance). 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.