



# **Workforce Innovation and Opportunity Act**

## **Eligibility and Services Technical Assistance Guide Youth Program**

Program Year 2021-2022

## ELIGIBILITY DETERMINATION AND REGISTRATION

This guide establishes the minimum eligibility determination and verification standards to be implemented for Workforce Innovation and Opportunity Act (WIOA) registrants funded by the NOVA Workforce Development Board (WDB) for services under WIOA Title I, Youth Program.

The eligibility procedure should:

- Limit the documentation burden to the minimum necessary to adequately verify such eligibility
- Ensure, to the extent practical, that the documentation requirements shall not discourage the participation of eligible individuals
- Provide a check to ensure, to the maximum extent possible, that only eligible registrants receive WIOA services.

### **Registration**

Registration is an information collection process that documents a determination of eligibility. For an individual to be registered into a WIOA program, the following must occur:

- a) The individual must complete the application/eligibility determination process;
- b) The individual must provide the documentation required to substantiate his/her eligibility; and
- c) Staff must enter the participant data into the local case management system.

Equal Employment Opportunity (EEO) data will be collected on individuals during the registration process, e.g. age, sex, race/ethnicity, and disability (when applicable).

### **Application Process**

There is no federal limit on how much time is allowed between the application date and registration date, or how much time staff has to document and verify eligibility. Nevertheless, so much time should not elapse before registration that it becomes unreasonable to assume the information about the individual is still true; otherwise, there may be disallowed costs associated with the individual's eligibility.

#### **Local policy for time limits covering the application process**

- a) Applicants and staff have 90 days from the initiation of the application process to provide necessary documentation to complete the application process;**
- b) Upon completion of the application process, staff shall have five working days to review and confirm eligibility**
- c) Documentation shall be considered valid for purposes of enrollment for up to 90 days upon completion of the application process. After 90 days, the application is considered inactive and the customer will need to re-register.**

The application form may be updated at any time as participant meets additional eligibility criteria.

### **Determination of Eligibility**

A determination of eligibility must be made in order to enroll a youth registrant into the WIOA Title I Grant. This determination is based on the eligibility verification process.

#### **Local policy and procedures for determining eligibility and maintaining participant case records**

- a) 100% up-front documentation of eligibility will be required for all WIOA applicants prior to accessing services.**
- b) Applicants will complete a WIOA Application for WIOA-funded services.**
- c) Verification of supporting eligibility documentation will be recorded in the MIS file and in case notes as needed.**
- d) Initial documentation of applicant eligibility will be based on the date of application.**
- e) Applicant/Participant records including all required WIOA forms and eligibility documentation, case notes, and supporting documentation for training activities will be maintained in the electronic case management system or MIS file as appropriate.**
- f) All case files (MIS files and electronic files) are subject to monitoring and audit.**

### **Notification of Civil Rights**

No one registering for or enrolled in the Workforce Innovation and Opportunity Act (WIOA) programs may be discriminated against because of race, color, disability, national origin, sex, age, political affiliation or beliefs.

All customers registering for the WIOA programs will receive a copy of the Civil Rights and Complaint Summary Form. Applicant's acknowledgement of this notification will be recorded on the WIOA Application. In the event of a Civil Rights Complaint, the NOVA customer will follow the approved process for filing such complaint.

### **Concurrent Participation**

Individuals for whom eligibility has been verified, and who have been determined eligible for multiple WIOA programs may participate concurrently in multiple WIOA and America's Job Center of California<sup>SM</sup> partner programs.

Eligible youth who are 18 through 24 years of age may participate in the youth and/or adult program or both, depending on the services needed.

### **Exited Participants**

Once a participant is exited from a WIOA program and is in need of additional services beyond those included in the Follow Up category, the application, documentation, and verification process must be repeated before the individual can be registered into the WIOA program again.

## **General Eligibility for WIOA Youth Program**

### **General Eligibility**

To be eligible to receive WIOA youth services, an individual must meet general WIOA eligibility criteria, as well as youth services eligibility criteria. General eligibility criteria:

1. Age (Age 14-21 for In-School and age 16-24 for Out-of School);
2. Be a citizen or noncitizen authorized to work in the US; and

**Eligible to Work**—Section 9601.5 of the California Unemployment Insurance Code requires that "each state or local government agency or community action agency, or any private organization contracting with a state or local government agency, that provides employment services, including, but not limited to, job training, retraining, or placement, shall verify an individual's legal status or authorization to work prior to providing services to that individual in accordance with procedures established under federal law."

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

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

**Local policy and procedures when legal status or work authorization documents have expired:**

**Legal status/work authorization will be verified and documented at time of Registration (application date). For eligible non-citizens, the expiration date on legal status/work authorization documents will be recorded on the WIOA Application and entered into the local case management system. Individuals with Permanent Resident Cards without an expiration date or those providing Asylee documentation without an expiration date, a date of 01/01/2030 will be entered on the WIOA Application and into the CISRS system.**

3. Meet Military Selective Service registration requirements (males only). WIOA Section 189(h) requires males to comply with Selective Service registration requirements prior to participation in WIOA funded programs. Local areas must ensure that each applicable male that participates in any local program or activity established under WIOA, or receives any assistance or benefit under WIOA, has not knowingly and willfully violated Section 3 of the Military Selective Service Act (MSSA).

Males born on or after January 1, 1960, and at least 18 years of age, who are not in the armed services on

active duty, must be registered for the Selective Service. A youth who becomes 18 years of age while participating in a WIOA program must register within 30 days of his 18th birthday. If a youth fails to register within 30 days of his 18th birthday, WIOA-funded service will discontinue.

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

**Local policy and procedures for determining whether an individual knowingly and willfully failed to register:**

**Males over the Age of 26 who did not Register and are not exempt.**

***Occasionally, males, who were subject to Selective Service System (SSS) registration, did not register and are now beyond their 26th birthday, apply for assistance from the WIOA program.***

***NOVA may either request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register, or initiate the process to determine if the potential participant's failure was knowing and willful without first requesting a Status Information Letter.***

***Before enrolling in WIOA-funded services, all males 26 and older must provide one of the following:***

***Documentation showing they were not required to register.***

***If they were required to register, documentation establishing that their failure to register was not knowing or willful.***

***If the individual believes they were not required to register, the individual may obtain a Status Information Letter from the Selective Service before the LWDA can determine if the failure to register was knowing and willful. If the Status Information Letter indicates that an individual was not required to register for Selective Service, then he is eligible to enroll in a WIOA-funded service.***

***If the Status Information Letter indicates that the individual was required to register and did not register, he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be determined that his failure to register was not knowing and willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.***

***How to Determine "Knowing and Willful" Failure to Register***

***If the individual was required but failed to register with the Selective Service, as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive services if he establishes that the failure to register was not knowing and willful. The subrecipient or contractor that enrolls individuals in WIOA-funded activities, and is thereby authorized to approve the use of WIOA grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing or willful.***

***Applicants denied services must be advised of the available grievance procedures.***

## Veterans Priority of Service

On November 7, 2002, President Bush signed the Jobs for Veterans Act (Act) in order to revise and improve employment, training, and placement services provided to veterans. Section 2(a) of the Act mandates priority of service for veterans and eligible spouses "who otherwise meet the eligibility requirements for participation" in U.S.

Department of Labor (DOL) programs.

Verification of status for veterans and eligible spouses is not required until the veteran or eligible spouse undergoes eligibility determination and is registered in a Workforce Innovation and Opportunity Act (WIOA) program. Until the point at which the participant is registered, a participant who states they meet the veterans' priority eligibility criteria must be accorded veterans priority of service on the basis of self-attestation.

### Related Definitions

The definitions listed below are for the purposes of implementing veterans' priority of service only.

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

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

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

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

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

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

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

## **Applying Veteran Priority of Service**

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

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

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

### ***Local policy and procedures for implementing the priority of service requirement for veterans and eligible spouses access NOVA Youth Programs:***

- ***Veterans and eligible spouses are identified at the time of registration***
- ***NOVA's local case management system has an identifier for all Veterans and eligible spouses to ensure case managers are aware of their priority status.***
- ***Priority access will be provided to all veterans and eligible spouses eligible for and in need of WIOA Youth Program Services.***

## **Youth Services Eligibility**

### **Out-of-School Youth (OSY) Eligibility:**

In order to receive services as an OSY, an individual must meet the following eligibility criteria:

- a) Not attending any secondary or post-secondary school (not including adult education, YouthBuild, or JobCorps)
- b) Not younger than 16 or older than 24 at the time of enrollment / participation
- c) One or more of the following barriers:
  1. A school drop-out.

2. A youth who is within the age of compulsory school attendance but has not attended school for at least the most recent complete school year calendar quarter. (School year quarter is defined by the local school district calendar).
3. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual **and** is either basic skills deficient or an English language learner.
4. An individual who is subject to the juvenile or adult justice system.
5. A homeless individual, a runaway, an individual who is in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act, or an individual who is in an out-of-home placement.
6. An individual who is pregnant or parenting.
7. An individual with a disability.
8. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

A youth participant's eligibility is determined at intake; therefore, the youth remains eligible for youth services until exited. For example, an individual who is an OSY at the time of enrollment and who is subsequently placed at an alternative school, or any school, is still considered an OSY. Additionally, an individual who is an OSY and between the ages of 16-24 at the time of enrollment, and is now beyond the age of 24, is still considered an OSY until exited.

### **In-School Youth (ISY) Eligibility:**

In order to receive services as an ISY, an individual must meet the following eligibility criteria:

- a) Must be attending school, including secondary and post-secondary schools
- b) Not younger than 14 or older than 21 at time of enrollment / participation
- c) Low-income
- d) One or more of the following barriers:
  1. Basic skills deficient.
  2. An English language learner.
  3. An offender.
  4. A homeless individual, a runaway, an individual who is in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act, or an individual who is in an out-of-home placement.
  5. Pregnant or parenting.
  6. Individual with disability.
  7. An individual who requires additional assistance to complete an educational program or secure and hold employment. (Not more than 5% of In-School Youth served may be in this category – Contact NOVA prior to using this eligibility category)

A youth participant's eligibility is determined at intake; therefore, the youth remains eligible for youth services until exited. For example, an individual who is an ISY and between the ages of 16-21 at the time of enrollment, and is now beyond the age of 21, is still considered an ISY until exited.

### **Local definition of requires additional assistance to enter or complete an educational program or secure and hold employment shall be defined as a youth who:**

- a. **is at risk of dropping out of school, as identified by a referral from a school staff person, probation officer, or other responsible person documenting chronic attendance or discipline problems, or educational underachievement, and/or other indications which have been adopted by the Local Education Agencies (LEAs); or**
- b. **is attending an alternative school / education program; or**
- c. **is below expected levels of educational achievement (defined as GPA at or below 2.0 or if in high school, is credit deficient; or**
- d. **has completed high school but did not attain a HS Diploma; or**
- e. **has unstable living conditions; or**
- f. **lacks familial support to enter or complete an educational program or secure and hold employment; or**
- g. **is an emancipated youth; or**
- h. **has aged out of foster care; or**
- i. **is a previous dropout or has been suspended two or more times or has been expelled; or**
- j. **is deemed at risk of dropping out of school by a school official; or**

- k. has been referred to or is being treated by an agency for a substance abuse related problem; or
- l. has experienced recent traumatic events, is a victim of abuse, or resides in an abusive environment as documented by a school official or other qualified professional; or
- m. has a serious emotional, medical or psychological problem as documented by a qualified professional

*The following apply to youth ages 18-24 years only:*

- n. has never held a job; or
- o. has never held a job for more than 13 consecutive weeks; or
- p. has been fired from a job within the 12 months prior to application

## **Definitions**

BASIC SKILLS DEFICIENT - An individual that is

- a) Who is a youth that has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- b) Who is a youth or adult that 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. (WIOA Section 3[5]).

ENGLISH LANGUAGE LEARNER - The term *English Language Learner* means 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; or
- b) Who lives in a family or community environment where a language other than English is the dominant language

LOW INCOME INDIVIDUAL - An individual that meets one of the following criteria specific to the Youth Program listed below:

- a) Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the supplemental nutrition assistance program (CalFresh/Food Stamps), temporary assistance for needy families program, supplemental security income program, or state or local income-based public assistance.
- b) In a family with total family income that does not exceed the higher of the following:
- c) the poverty line; or
- d) 70 percent of the Lower Living Standard Income Level.
- e) A homeless individual.
- f) An individual who 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)
- g) Is a foster child on behalf of whom State or local government payments are made.
- h) An individual with a disability, whose own income does not exceed the income requirement, but is a member of a family whose total income does (WIOA Section 3[36]).

DEPENDENT CHILDREN AGE 19-24 - Dependent children are youth still claimed as dependents for income tax purposes and subject to the IRS definition of dependent (IRS Publication 501):

- a) Age 19 - 24, a student or any age if permanently and totally disabled, and
- b) Living with parent or guardian for more than half of the year, and
- c) Did not provide than half of his or her own support for the year.

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

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

- a) A married couple (including same-sex spouses) and dependent children.
- b) A parent or guardian and dependent children.
- c) A married couple (including same-sex spouses).

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

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

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

- a) A physical or mental impairment that substantially limits one or more of the major life activities of such an individual;
- b) A record of such an impairment; or
- c) Being regarded as having such impairment.

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

**OFFENDER** – An adult or juvenile subject to any stage of the criminal justice process or an adult or juvenile who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or convictions or for whom services under WIOA may be beneficial (WIOA Section 3[38]).

**PUBLIC ASSISTANCE RECIPIENT** - An individual that receives federal, state, or local government cash payments for which eligibility is determined by a needs or income test (WIOA Section 3[50]).

## SCHOOL STATUS

**Adult Education** – academic instruction and education services below the postsecondary level that increases an individual's ability to: read, write, and speak in English, and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent; transition to postsecondary education and training; and obtain employment (WIOA Section 203).

**Alternative school** – an alternative school is a type of school designed to achieve grade-level (K-12) standards and meet student needs (EC Section 58500). Examples of alternative schools include, but are not limited to, continuation, magnet, and charter schools. If the youth participant is attending an alternative school at the time of enrollment, the participant is considered to be in-school.

**Attending School** – an individual is considered to be attending school if the individual is enrolled in secondary or postsecondary school. If a youth is between high school graduation and postsecondary education, the youth is considered an In-School (IS) youth if they are registered for postsecondary education, even if they have not yet begun postsecondary classes. However, if the youth registers for postsecondary education, but does not follow through with attending classes, the youth is considered Out-of-School (OS) youth if the eligibility determination is made after youth decided not to attend postsecondary education. Youth on summer break are considered IS youth if they are enrolled to continue school in the fall (TEGL 21-16).

**Not Attending School** – an individual who is not attending a secondary or postsecondary school. In addition, individuals enrolled in the following programs would be considered an OS youth for eligibility purposes:

- WIOA Title II Adult Education, YouthBuild, Job Corps, high school equivalency program, or dropout re-engagement programs.
  - A youth attending a high school equivalency program funded by the public K12 school system who is classified by the school system as still enrolled in school are the exception; the youth would be considered an IS youth (Title 20 CFR Section 681.230).
- Non-credit bearing postsecondary classes only (TEGL 21-16).
- A charter school program that provides instruction exclusively in partnership with WIOA, federally-funded YouthBuild programs, federal Job Corps training or instruction, California Conservation Corps, or a state certified local conservation corps (in alignment with EC Section 47612.1).

**Postsecondary School** – California community colleges, and accredited public and private universities (EC Section 66010).

**School** – any secondary or postsecondary school (Title 20 CFR Section 681.230). These include, but are not limited to, traditional K-12 public schools and private schools (e.g., continuation, magnet, charter, and home).

**School Dropout** – an individual who is no longer attending any school and has not received a secondary school diploma or its recognized equivalent (WIOA Section 3[54]). Per TEGL 8-15, this term does not include individuals who dropped out of postsecondary school.

**Secondary School** – a nonprofit institutional day or resident school, including a public secondary charter school, that provides secondary education, as determined under state law, except that the term does not include any education beyond grade 12 (Title 20 U.S.C. Section 1401[27]).

## **DETERMINING LOW-INCOME STATUS**

### **The following income sources should be included in an individual's income calculation:**

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

### **The following income sources should not be included in an individual's income calculation:**

- Need-based Public Assistance payments (including TANF, Supplemental Security Income, Emergency Assistance money payments, and non-federally-funded general assistance or general relief money payments)
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants
- Supplemental Educational Opportunity Grants and Federal Work Study
- Needs-based scholarship assistance
- Loans
- Veterans Benefits
- Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance
- Capital gains
- Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury
- Non-cash benefits such as employer paid or union-paid portion of health insurance or other fringe benefits, food or housing received in lieu of wages
- The value of food and fuel produced and consumed on farms
- The imputed value of rent from owner occupied nonfarm or farm housing
- Medicare, Medicaid, food stamps, school meals, and housing assistance
- Allowances, earnings and payments to individuals participating in programs under this Act (except OJT wages)

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

**Military Pay and Income Determination (20 CFR 683.230)**

When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits (e.g., Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs; proposed 20 CFR 680.650) must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination.

**The Lower Living Standard Income Level and Poverty Guidelines**

The LLSIL and poverty guidelines are used to establish low-income status for WIOA Title I programs and to determine eligibility for priority of service on the WIOA Adult program. The LLSIL and poverty guidelines are published each year in an EDD Workforce Services Directive.

Low Income status is determined by comparing the applicant’s actual family income during the six-month income determination period using the higher of either the LLSIL or the poverty guideline for the appropriate family size.

Only the income received during the six-month period immediately prior to the individual's application for WIOA funded services is used for income determination. Depending on an individual’s situation, their income for eligibility purposes may include only their income or their total family income. The total family income includes the income from each family member.

Income Guidelines for 2021 were published in Workforce Services Directive WSD21-01 on August 16, 2021.

**WIOA INCOME GUIDELINES**

<b>Number in Family</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>For Each Additional Add:</b>
6 months:	\$6,639	\$10,879	\$14,931	\$18,432	\$21,752	\$25,440	\$3,688

**Calculating Income**

Individuals normally receive income as salary, varying, or intermittent payments. An individual's income may be calculated using the following methods.

**(1) Salary (S)**

**6-Month Income Prior to Determination:**

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

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

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

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

**(2) Varying (V)**

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

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

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

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

Multiply:  $\$495.50 \times 26 = \$12,883$ , **the 6-months gross income**

(3) **Intermittent (I)**

Earnings are varied and include periods of unemployment. With as much data as possible, determine the 6-months gross income by adding the reported earnings.

## Acceptable Documentation for Eligibility

There must be reasonable efforts made to document eligibility for WIOA-funded programs. However, the use of self-attestation is allowable to document those items that are not verifiable or are readily available. The applicant's difficulty in obtaining documentation does not need to entail undue hardship to justify using an applicant's self-attestation. If a self-attestation is used, the Registration Worker must note attempts made to collect information which were exhausted prior to the need for a self-attestation.

In taking an applicant's self-attestation, it is NOT necessary to obtain corroboration unless there is reason not to believe the applicant.

### Definitions

CASE NOTES – Paper or electronic statements by the case manager that identifies, at a minimum, (1) a participant's status for a specific data element, (2) the date on which the information was obtained, and (3) the case manager who obtained the information. If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of information verified. The case manager does not need to keep a hard copy of the information verified in the participant's case file.

SELF ATTESTATION – When a participant states his or her status for a particular data element, such as low income or homeless status, and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- a) the participant identifying his or her status for permitted elements; and
- b) signing and dating a form attesting to this self-identification. The completed self-attestation form with signature remains part of the eligibility verification and must be filed in the participant's MIS file.

Note that, self-attestation is not to be used as the primary method of gathering documentation to verify data elements. ***Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third-party corroboration are not available***

## GENERAL ELIGIBILITY

### ELIGIBILITY CRITERIA

(Verify each criterion unless specified otherwise)

### ACCEPTABLE DOCUMENTATION

(Only one document from this column per eligibility criterion is required)

#### BIRTH DATE/AGE

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

***This eligibility item is typically covered by US Work Authorizations documents – see next item***

- Baptismal or Church Record
- Birth Certificate
- DD-214 Form/Report of Transfer or Discharge
- Driver's License
- Federal, State or Local Government Issued Identification Card
- Hospital Record of Birth
- Passport/Passport Card
- Public Assistance/Social Service Records
- School Records/ID Card
- Work Permit
- Tribal Records
- Cross Match with Vital Statistics

#### U.S. WORK AUTHORIZATION

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

#### SELECTIVE SERVICE REGISTRANT

**Note:** Each male registrant 18 years of age or older born on or after January 1, 1960, must present evidence that he has complied with Section 3 of the Military Selective Service Act.

Males entering the US after age 26 are exempt from this requirement.

Each male who turns 18 years of age **during WIOA participation** must also submit evidence that he has complied with the requirements of the Military Selective Service Act

- Acknowledgement Letter
- Form DD-214
- Screen printout of the Selective Service Verification Internet site: [www.sss.gov/regver/verification1.asp](http://www.sss.gov/regver/verification1.asp)
- Selective Service Status Information Letter
- Selective Service Registration Card/Record
- Selective Service Verification Form
- Stamped Post Office Receipt of Registration
- Selective Service Determination Review Form

## YOUTH ELIGIBILITY

### ELIGIBILITY CRITERIA

(Verify each criterion unless specified otherwise)

### ACCEPTABLE DOCUMENTATION

(Only one document from this column per eligibility criterion is required)

#### LOW INCOME / PUBLIC ASSISTANCE RECIPIENT

##### FAMILY INCOME

**Note:** Documentation should be provided for **each** applicable *inclusive* income source received by the applicant and each family member for the six-month income period immediately preceding the determination date.

**It is necessary to verify family size when utilizing family income eligibility.**

An applicant who claims little or no income must submit a statement that little or no income was received during the past six months, and that he/she was **not employed** for that period.

- Income Calendar w/Pay Stubs
- Alimony Agreement
- Award Letter from Veterans Administration
- Bank Statements (Direct Deposit)
- Compensation Award Letter
- Court Award Letter
- Employer Statement
- Farm or Business Financial Records
- Housing Authority Verification
- Pension Statement
- Public Assistance Records
- Applicant Statement
- Quarterly Estimated Tax for Self-employed Persons (Schedule C)
- Social Security Benefits Records
- Telephone Verification with Employer
- Unemployment Insurance Documents and/or Printout

##### FAMILY SIZE / INDIVIDUAL STATUS

**Note:** In addition to documentation of family size, additional documentation may require to establish that the family is living in a single residence.

Persons ordinarily included in the definition of family, but claiming to be no longer dependent, must attest to their individual status. The head of household in which that person resides, if possible, should corroborate such statement. Individual must also show source of support.

- Lease
- Telephone Verification
- Birth/Baptismal Certificates or Church/Hospital Records of Birth
- Decree of Court
- Divorce Decree
- Social Security Cards
- Alien Registration Cards
- Landlord Statement
- Marriage Certificate
- Medical Card
- Public Assistance/Social Service Agency Records
- Written Statement from a 24 Hour Care Facility or Institution (e.g. Mental, Prison)
- Most Recent Tax Return Supported by IRS Documents (e.g. Form Letter 1722)
- Applicant Statement

##### CASH PUBLIC ASSISTANCE

**Note:** The applicant receives or is a member of a family that receives cash payments under a federal, state, or local income-based public assistance program.

- Authorization to Receive Cash Public Assistance
- Public Assistance Check
- Public Assistance Identification Card Showing Cash Grant Status
- Public Assistance Records/Printout
- Refugee Assistance Records/Printout
- Signed Statement from Health & Welfare
- Telephone Verification

##### FOOD STAMPS

**Note:** The documentation listed must show that the applicant is a member of a household that receives (or has been determined within the 6-

- Authorization to Obtain Food Stamps
- Food Stamp Card with Date Within Last 6 Months
- Food Stamp Receipt
- Postmarked Food Stamp Mailer with Applicable Name and

<p>month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).</p>	<p>Address</p> <ul style="list-style-type: none"> <li>• Statement from County Welfare Office</li> <li>• Public Assistance Records/Printout</li> <li>• Telephone Verification with County Welfare Office</li> </ul>
<p><b>FREE / REDUCE PRICED LUNCH</b> Receives or is eligible to receive a free or reduced price lunch</p>	<ul style="list-style-type: none"> <li>• Letter from School District</li> <li>• Telephone Verification from School District</li> </ul>
<p><b>FOSTER CHILD</b> For whom State or local government payments are made.</p>	<ul style="list-style-type: none"> <li>• Records or Statement from Social Service Agency</li> <li>• Court Records/Documentation</li> <li>• Telephone Verification</li> </ul>
<p><b>HOMELESS / RUNAWAY</b></p>	<ul style="list-style-type: none"> <li>• Applicant Statement</li> <li>• Statement from a Social Service Agency</li> <li>• Statement from an Individual Providing Temporary Residence</li> <li>• Statement from Shelter</li> <li>• Telephone Verification</li> </ul>
<p><b>INDIVIDUALS WITH DISABILITIES</b> <b>Note:</b> Disability status as well as income must be verified. An individual with a disability shall be considered a family of one for eligibility purposes.</p>	<ul style="list-style-type: none"> <li>• Letter from Drug or Alcohol Rehabilitation Agency</li> <li>• Medical Records</li> <li>• Observable Condition</li> <li>• Physician's Statement</li> <li>• Psychiatrist or Psychologist Diagnosis/Statement</li> <li>• Rehabilitation Evaluation</li> <li>• School Official Statement</li> <li>• Sheltered Workshop Certification</li> <li>• Social Security Administration Disability Records</li> <li>• Social Service Records/Referral</li> <li>• Veterans Administration Letter/Records</li> <li>• Vocational Rehabilitation Letter/Statement</li> <li>• Workers Compensation Records/Statement</li> <li>• Telephone Verification</li> <li>• Applicant Statement</li> </ul>
<p><b>ENGLISH LANGUAGE LEARNER</b></p>	
<p>An individual who has limited ability in reading, writing, speaking, or comprehending the English Language and: Whose native language is a language other than English; or Who lives in a family or community environment where a language other than English is the dominant language.</p>	<ul style="list-style-type: none"> <li>• School Records</li> <li>• Staff Observation</li> <li>• Other (must list on Youth Eligibility Verification Record)</li> </ul>

<b>BASIC SKILLS DEFICIENT</b>	
<p>An individual who</p> <p>a) Is a youth that has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or</p> <p>b) Is a youth or adult that 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. (WIOA Section 3[5]).</p>	<ul style="list-style-type: none"> <li>• School Records or verification from school</li> <li>• Results of assessment</li> <li>• Self attestation</li> </ul>
<b>SCHOOL DROPOUT</b>	
<p>A school dropout or a youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter</p>	<ul style="list-style-type: none"> <li>• School documentation/statement/records</li> <li>• Drop out letter</li> <li>• WIOA application</li> <li>• Self-attestation</li> </ul>
<b>PREGNANT OR PARENTING</b>	
<p>An individual (male or female) who is pregnant or parenting, including noncustodial parents, such as fathers. DOL recognizes the role all parents, custodial and noncustodial play in the lives of their children and plans to provide future technical assistance on this subpopulation. (Sec. 681.210 and Sec. 681.220)</p>	<ul style="list-style-type: none"> <li>• Copy of Child's Birth Certificate</li> <li>• Statement from Physician</li> <li>• Hospital Record of Birth</li> <li>• Observation of pregnancy status</li> <li>• Self-attestation</li> </ul>
<b>OFFENDER</b>	
<p>An offender or an individual subject to the juvenile or adult justice system</p>	<ul style="list-style-type: none"> <li>• Newspaper</li> <li>• Documentation from Criminal Justice System</li> <li>• Telephone Verification with Court/Probation Representative</li> <li>• Self-Attestation</li> </ul>
<b>AN INDIVIDUAL WHO REQUIRES ADDITIONAL ASSISTANCE TO ENTER OR COMPLETE AN EDUCATIONAL PROGRAM, OR TO SECURE AND HOLD EMPLOYMENT</b>	
<p>See local policy</p>	<ul style="list-style-type: none"> <li>• School Records/Transcripts</li> <li>• Statement/Records from Social Services Agency</li> <li>• Drug / Alcohol Rehab Agency Letter</li> <li>• Medical Records / Physician's Statement</li> <li>• Employer Verification</li> <li>• Telephone Verification</li> <li>• Self-Attestation</li> </ul>
<b>VETERANS' PRIORITY OF SERVICE</b>	
<p>A veteran/covered person, as defined in Section 4215 of the Jobs for Veterans Act, is entitled to priority of service under WIOA Title I programs.</p>	<ul style="list-style-type: none"> <li>• DD 214</li> <li>• Veterans Administration Letter or Records</li> </ul>

\*Up to five percent of WIOA youth participants may be individuals who do not meet the low- income criteria if such individuals are within one or more of the following categories:

**(The calculation is based on five percent of all youth served in the local area in a given program year.)**

- Basic skills deficient
- English language learner
- Homeless or a runaway or a foster child, an individual who has aged out of the foster care system, a child eligible for assistance under section 477 of the *Social Security Act*, or an individual who isn an out-of home placement.
- An offender or an individual subject to the juvenile or adult justice system
- Individual with a disability
- An individual who requires additional assistance to complete an educational program, or to secure and hold employment

## WIOA Youth Services

The WIOA Youth Program includes 14 program elements, including the original WIA 10 elements condensed into 9, and 5 new program elements that must be included in WIOA Youth program design. While these program elements must be made available to all eligible youth participants between the ages of 14-24, not all elements must be funded with WIOA youth funds. Local programs may leverage partner resources to provide program elements as long as the activity is closely connected and coordinated with the WIOA youth program to ensure the activity is of high quality and beneficial to the youth participant. These elements consist of:

1. Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to the completion of a secondary school diploma or its recognized equivalent or for a recognized post-secondary credential. This includes a recognized certificate of attendance or similar document for individuals with disabilities.
2. Alternative secondary school services or dropout recovery services, as appropriate.
3. Paid and unpaid work experience that include academic and occupational education as a component of the work experience. Types of work experience include the following:
  1. Summer employment opportunities and other employment opportunities available throughout the school year
  2. Pre-apprenticeship programs
  3. Internships and job-shadowing
  4. On-the-job training opportunities
4. Occupational skill training, which includes priority consideration for training programs that align with industry sectors or occupations in the local area involved, if the Local Workforce Development Board determines that the programs meet the quality criteria described in WIOA sec. 123.
5. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.
6. Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors.
7. Supportive Service.
8. Adult mentoring for a duration of a least 12 months that may occur both during and after program participation.
9. Follow-up services for not less than 12 months after the completion of participation as appropriate.
10. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, as well as referral to counseling, as appropriate to the needs of the participant.
11. Financial literacy education.
12. Entrepreneurial skills training.
13. Services that provide labor market and employment information about in-demand industry sector or occupations available in the local area, such as career awareness, career counseling and career exploration services.
14. Activities that help youth prepare for transition to post-secondary education and training.

The WIOA youth program design framework consists of an:

1. An objective assessment of the academic levels, skill levels and service needs of each participant. The assessment must include a review of the following:
  1. Basic Skills
  2. Occupational Skills
  3. Prior Work Experience
  4. Employability
  5. Interests and aptitudes
  6. Supportive service and developmental needs
2. An individual service strategy (ISS) that is directly linked to one or more of the performance indicators and identifies career pathways that include education and employment, and also includes appropriate achievement objectives and services based on the assessment. The ISS should also include:
  1. Activities leading to the attainment of a secondary diploma or equivalent or a recognized post-secondary credential.
  2. Preparation for post-secondary educational and training opportunities.
  3. Strong linkages between academic instruction and occupational education that lead to the attainment of recognized post-secondary credentials.
  4. Preparation for unsubsidized employment opportunities if appropriate, and
  5. Effective connections to employers, including small employers, that are in in-demand industry sectors and occupations of local and regional labor markets.
3. Case Management  
The case management component is conducted throughout the entirety of the youth's participation. From pre-application through follow-up, case management is essential to the success of WIOA service delivery. Case management activities consist of the following, but are not limited to:
  - Direct customer service- Orientation, pre-application, application, eligibility determination, objective assessment, ISS development, career planning, coordination of supportive services, referrals, job and work experience placement, outreach, and follow- up.
  - Monitoring and documenting eligibility, services, and outcomes- Accurate and timely data entry into the MIS. Ensuring eligibility and documentation requirements are met according to the latest EDD Technical Assistance Guide (TAG) or DOL standards. Determining the appropriate time to exit a youth from program participation and monitoring program exits and performance outcomes.
  - Follow-Up - All youth participants must receive follow-up services for a minimum duration of 12 months after exit. The types of services provided must be determined based on the needs of the individual and therefore, the type of intensity of follow-up services may differ for each participant. Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.