

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act of 2014
State Compliance Policy (SCP)**

Policy Number: 1.6

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Eligibility for Adult and Dislocated Worker Career and Training Activities

Approved: April 21, 2016, by the Governors Workforce Development Board (GWDB)

Purpose:

To provide program participant eligibility requirements for Adult and Dislocated Worker WIOA programs.

State Imposed Requirements:

This directive contains some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References:

Workforce Innovation and Opportunity Act (P.L. Sec. 113-134), NPRM 20 CFR Part 681, Source Documentation Requirements Data Element Validation, TAG 3-15, TEGL 39-11.

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB Board members and any other concerned parties. Any local boards' policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

WIOA became law on July 22, 2014 and supersedes titles I and II of the Workforce Investment Act (WIA). The Department of Labor (DOL) and Education published a set of proposed regulations implementing WIOA. These are known as the Notice of Proposed Rulemaking (NPRMs).

The following (SCP) communicates the unaffected requirements, the proposed changes and state requirements in program and service eligibility. The policy includes procedure, content definition and minimal file content requirements to address two of the three DOL requirements of Eligibility and Reporting. The final piece, Performance will be addressed in other SCP/TAGs.

Policy and Procedure:

General Eligibility Requirements

Birth date/Age:

To receive services in the Adult (AD) and Dislocated Worker (DW) programs an individual must be at least eighteen (18) years of age, be registered and determined eligible for the specific program or service.

Employment Authorization:

A participant must be authorized to work in the United States to receive WIOA services.

Selective Service Registration:

Male applicants born on or after January 1, 1960 must be registered with the U.S. Selective Service within 30 days of their 18th birthday. Those who have not yet registered should be referred for registration prior to WIOA enrollment. Reference TEGL 11-11. ***Local Boards must have written policy addressing Selective Service compliance.***

Provide Documentation on Social Security Number: While the state cannot require the collection of social security numbers per TEGL 5-08, it is highly encouraged to do so in order to use quarterly wage records information in program performance reports to DOL.

Priority for Adult Funds: (WIOA Sec. 134(c)(3)(E), TEGL 3-15)

Priority shall be given to recipients of public assistance, veterans and eligible spouses, other low-income individuals, and individuals who are basic skills deficient for receipt of career services and training services.

- First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds.
- Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.
- Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
- Last, to non-covered persons outside the groups given priority under WIOA.

Veterans and eligible spouses, including widows and widowers as defined in the statute and regulations, are eligible for priority of service and as such, must be identified at any point of entry and made aware of: 1) their entitlement to priority of services 2) the full array of employment, training, and placement services available under priority of services 3) any applicable eligibility requirements for those programs and/or services. As clarified in TEGL 10-09 it is important to note that veterans and eligible spouse must first meet any and all of the statutory eligibility criteria in order to be enrolled in WIOA Formula Programs. Reference SCP 1.7 and 1.18.

Note: WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training. TEGL 22-04.

Eligibility for Career Services: (WIOA Sec. 134(c)(2), CFR 680.120, 680.130)

To be eligible to receive career services as an adult in the adult and dislocated worker programs, an individual must be 18 years of age or older.

To be eligible to receive career services as a dislocated worker in the adult and dislocated worker programs, an individual must meet the definition of “dislocated worker” per WIOA Sec. 3(15).

Eligibility for Training Services: (WIOA Sec. 134(c)(3)(A)(i), CFR 680.210)

Prior to delivery of Training Services, at a minimum the participant must receive either an interview, evaluation, or assessment, and career planning or any other method through which the one-stop operator or partner can obtain enough information to make an eligibility determination for training services.

The participant case file must contain a determination of the need for training as determined through the interview, evaluation or assessment and career planning informed by local labor market information and training provider performance information, or through any other career service received.

Dislocated Worker Eligibility Requirements: (WIOA Sec. 3(15), 3(16), CFR 680.120, 680.130)

To be eligible for dislocated worker career and training services, an individual must, in addition to meeting the eligibility requirements for career and/or training services, meet one of the following criteria (in addition to the State criteria):

(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

(ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; or

(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in Sed. 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

(iii) is unlikely to return to a previous industry or occupation;

(B)(i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;

(ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

(iii) for purposes of eligibility to receive services other than training services described in Sec. 134(c)(3), career services described in Sec. 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

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

(D) is a displaced homemaker; or

(E)(i) is the spouse of a member of the Armed Forces on active duty (as defined in Sec. 101(d)(1) of title 10, United States Code), 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

(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in 3(16)(B).

Note: Applicants who are seasonal or temporary layoffs do not qualify as a dislocated worker. Those who quit or were fired from a job will not qualify as a dislocated worker unless the State Unemployment Insurance Unit rules in favor of the applicant and allows benefits.

State Criteria: The Qualifying Dislocation Date (QDD) must be within 60 months of the WIOA enrollment date with or without stop-gap employment. Documentation must be collected per SCP and placed in client file as well as match that recorded in NJCOS. Local Boards must have written policy and procedures to guide staff on this item of eligibility.

Displaced Homemaker: (WIOA Sec. 3(16))

An individual who has been providing unpaid services to family members in the home and who- (A)(i) has been dependent on the income of another family member but is no longer supported by that income;

Or (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in Sec. 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in Sec. 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 Sec. 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in Sec. 101(16) of title 38, United States Code) death or disability of the member; and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Note: Individuals who are underemployed and meet the definition of a low-income individual may receive career and training services under the Adult program on a priority basis per Sec. 8 of TEGL 3-15. Individuals who meet the definition of an individual with a barrier to employment (see WIOA Sec. 3(24)) who are underemployed may also be served in the Adult program.

Individuals who are determined eligible for the Dislocated Worker program and are determined by policy to be underemployed, may still be considered eligible for career and training services under this program. (TEGL 3-15). Local Boards must develop written policy approved by their Board for determining underemployment for both the adult and dislocated workers.

Eligibility Requirements for Supportive Services and Needs-Related Payments: (WIOA Sec. 134(d)(2)(3), CFR 680.900- 680.970, TEGL 3-15) Can only be made available to those participating in Career and Training activities. (Note: Follow-Up Services are listed as a Career Service (134(c)(2)). Reference SCP 1.15 which contains detail to eligibility of, requirements for supportive services for adults and dislocated workers are defined at WIOA Sec. 3(59) and Sec. 134(d)(2) and (3). They include services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under WIOA Sec. 134(c)(2) and (3). Local Boards, in consultation with the one-stop partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination in the local area. The policy should address procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources. The provision of accurate information about the availability of supportive services in the local area, as well as referral to such activities, is one of the career services that must be available to adults and dislocated workers through the one-stop delivery system. (WIOA Sec. 134(c)(2)(A)(ix) and CFR 678.430) Local Boards must ensure that needs-related payments are made in a manner consistent with CFR 680.930, 680.940, 680.950, 680.960, and 680.970. Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training and are a supportive service authorized by WIOA Sec. 134(d)(3). Unlike other supportive services, in order to qualify for needs related payments a participant must be enrolled in training.

Note: Self-attestation Forms, Telephone Verification Forms and or Participant Applications must be completed in their entirety, dated and signed by the appropriate parties and participant and contain all relevant information the form is intended to provide. In addition, the use of self-attestation forms, where applicable, should be used as the last resort and only when all other avenues of proof have been exhausted.

Grantees must take the steps necessary to ensure the privacy of all Personally Identifiable Information (PII) obtained from participants and/or other individuals and to protect such information from unauthorized disclosure. Ref. TEGL 39-11.

Definitions

Attachment to the workforce:

Can be demonstrated by full time employment (30 hours a week or more) in the same or similar occupation, for at least one year of five years (60 months) immediately preceding the WIOA application. Verification of workforce attachment is only necessary when an applicant worked for an employer who was not covered under UI or the applicant was not eligible for unemployment insurance due to insufficient earnings.

Barriers to Employment: (WIOA Sec. 3(24))

The term “individual with a barrier to employment” means a member of 1 or more of the following populations:

- Displaced homemakers.
- Low-income individuals.
- Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in Sec. 166.

- Individuals with disabilities, including youth who are individuals with disabilities.
- Older individuals.
- Ex-offenders.
- Homeless individuals (as defined in Sec. 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 Sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).
- Youth who are in or have aged out of the foster care system.
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- Eligible migrant and seasonal farmworkers, as defined in Sec. 167(i).
- Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
- Single parents (including single pregnant women).
- Long-term unemployed individuals.
- Such other groups as the Governor involved determines to have barriers to employment.

Basic Skills Deficient:

WIOA Sec. 3(5) defines “basic skills deficient” as an individual: who has English reading, writing, or computing skills at or below the 8th grade (8.9 or lower) level. It is expected that basic skills deficient will be determined using an objective, valid and reliable assessment, such as the Test for Adult Basic Education (TABE) or Comprehensive Adult Student Assessment System (CASAS).

Career Services: WIOA Sec. (134 (c)(2)) Reference SCP 1.8

Case Notes:

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

Concurrent Enrollment:

Eligible individuals who are 18 through 24 years old [at registration] may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth and adult/dislocated worker eligibility criteria applicable to the services received. Local program operators should determine the appropriate use of co-enrollment for individuals in this age group. This determination should be driven by program design and services provided. Local program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult/dislocated worker programs concurrently, and ensure that services are not duplicated.

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 06-14, Attachment A

Data Collection Requirements/Recordkeeping: (CFR 683.220) Reference SCP 5.4

All information required by federal, state, and local reporting requirements must be collected for each participant, including documentation of each eligibility piece, including employment authorization, those required by DOL's Data Element Validation (DEV), forms identifying participation/costs toward the individual's training, support services or incentive payments and as required for the types of service the individual has received. Each item data point must be clearly defined in case notes.

The local boards are required to establish written policy for data collection and handling to ensure the quality and integrity of data over time. This includes standards for data verification, data validation and data security. The purpose is to ensure resulting electronic databases, participant files and reports are certifiably accurate up to and including participant exit and through all storage requirements.

Data Element Validation (DEV):

The federally mandated process by which the state annually assesses the accuracy of reported participant data. Reference TAG 15-1, NJCOS Data & Performance Desk Reference, TEGL 06-14, Attachment A

Determining Knowing and Willful Failure to Register For Selective Service:

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.

English Language Learner: (WIOA Sec. 203(7))

The term "English language learner" when used with respect to an eligible individual, means an eligible 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.

General Announcement; Of Closure:

Is a verifiable form of communication from the employer or authorized representative informing the public of the employees of a business closure. A general announcement should include a planned closure date.

Homeless:

A homeless individual (as defined in Sec. 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 Sec. 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 the foster care system, a child eligible for assistance under Sec. 477 of the Social Security Act

(42 U.S.C. 677), or in an out-of-home placement. Lacks a fixed, regular, and adequate nighttime residence; this includes an individual who: is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, or campground due to a lack of alternative adequate accommodations; is living in an emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster care placement; 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, such as a car, park, abandoned building, bus or train station, airport, or camping ground.

Low Income Individual: (WIOA Sec. 3(36)) (A)

In General, The term “low-income individual” means an individual who-

- (i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- (ii) is in a family with total family income that does not exceed the higher of
 - (I) the poverty line; or
 - (II) 70 percent of the lower living standard income level;
- (iii) is a homeless individual (as defined in Sec. 41403(6) of the Violence Against Women Act of 1994 Returning Veterans; Military earnings, amounts 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 to be considered as income (38 U.S.C. 4213, 20 CFR 683.230). Therefore, separating service members who qualify otherwise for the AD program, can qualify under the priority for low-income. (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under Sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- (iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- (v) is a foster child on behalf of whom State or local government payments are made; or
- (vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

Lower Living Standard Income Level: (WIOA Sec. 336(B))

The term “lower living standard income level” means that 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. This is issued from the state each year in memo form. It must be disseminated to Service providers upon issuance.

Military Spouse:

An individual who is married to an active duty service member including National Guard or Reserve personnel on active duty. The surviving spouse of an active duty service member who lost his/her life while on active duty service in Afghanistan, Iraq, or other combat-related areas is

considered to be a military spouse. A military spouse who leaves his/her job to follow his/her spouse, who is unable to continue an employment relationship because of 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, the military spouse can be served, assuming he/she meets the other eligibility criteria for dislocated worker. **TEGL 22-04**; An eligible military spouse who leaves his/her job to follow his/her spouse can be served with dislocated worker formula grant funds when the spouse is unable to continue an employment relationship because 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 cessation of employment can be considered to meet the termination component of the WIOA definition of dislocated worker. The military spouse must also satisfy all other criteria for dislocated worker eligibility, including the requirement that the spouse is unlikely to return to a previous industry or occupation. Additionally, a military spouse may also qualify to be served as a dislocated worker if he/she meets the definition requirements for a displaced homemaker.

Surviving spouses of veterans and military service members may also be served with WIOA dislocated worker or displaced homemaker funding after having met the criteria. If a surviving spouse does not meet the requirements, he/she could be served under the WIOA Adult Formula Program. In either program, a surviving spouse of a veteran may receive priority of service if he/she qualifies for such priority under the Jobs for Veterans Act (P.L. 107-228(38 USC 4215 (a) (1) (B)).

Nondiscrimination: (WIOA Sec. 188)

Provides that no individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Participation in programs and activities must also be available to citizens and nations of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization may access any WIOA services for which they otherwise would qualify.

Offender: (WIOA Sec. 3(38))

The term "offender" means an adult or juvenile—

- (A) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or
- (B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Participation/Enroll: (CFR 680.110)

The point at which the individual has been determined eligible for program services and has received or is receiving WIOA services other than self-service or informational service.

Priority of Service: (WIOA Sec.134(c)(3)(E))

WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, staff responsible for these funds must give priority to recipients of public assistance, other low-income individuals, and individuals

who are basic skills deficient in the provision of individualized career services, and training services per TEGL 15-03. Reference State Compliance Policy (SCP) 1.7 which details Priority of Service.

Priority for Veterans:

Pursuant to Sec. 2(a) of the Jobs for Veterans Act (38 U.S.C. 4215(a)), veterans and eligible spouses of veterans who otherwise meet the eligibility requirements for adult worker programs (AD,DW) must receive the highest priority for receipt of services. Reference SCP 1.18 which details this priority.

Registration: (CFR 680.110)

The process for collecting information to support a determination of eligibility. Adult and Dislocated Workers seeking more than minimal assistance from staff in taking the next steps toward self-sufficiency employment must be registered and eligible. Registration can be done electronically, through an interview, or through an individual's application.

Selective Service Registration Requirements: Reference TEGL 11-11.

Local Boards must have written policy addressing Selective Service compliance.

Self-Attestation:

Self-attestation (also referred to as a participant or applicant statement) occurs when a participant (applicant) states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) a participant (applicant) identifying his or her status for a permitted data element and (b) signing and dating a form attesting to this self-identification (with a disclaimer concerning the self-identification).

Self Employed:

An applicant who was self-employed (includes farmers, ranchers, and fishermen) but is now unemployed due to general economic conditions in the community in which the individual resides or because of natural disasters. Business failure due to economic conditions can be demonstrated by the forced sale of a business, bankruptcy or foreclosure. State policy allows contributing family members to be served in this group. In order to qualify for the self-employed group, applicants must be able to demonstrate a successful self-employment connection followed by an involuntary separation due to economic conditions or natural disaster. Consequently, an applicant who voluntarily sells a business or leaves self-employment for personal reasons does not meet the criteria. Neither does an applicant who states his/her business did not comply with state and federal requirements (tax returns, quarterly reports, etc.) because the business seldom or never made a profit.

Significantly Reduced: (as it relates to displaced homemaker)

If the household income is above 150% of the Federal Poverty Level, then a drop in income, to 150% or below of the Federal Poverty Level, is considered a significant reduction. If the household income is currently at or below 150% of the Federal Poverty Level, than any drop in household income is considered significant. (Refer to LLISL memo)

State MIS:

For the purpose of DEV, State MIS refers to specific, detailed information that is stored in the state's information system that supports a data element. TEGL 06-14, Attachment A.

Stop-gap Employment:

The State has defined Stop-gap/income maintenance employment as a job paying significantly less than the lay-off wage, paying significantly less than the Lower Living Standard Income Level (LLISL) self-sufficiency standard, paying a percentage that is significantly less than the negotiated performance goal or a job classified and documented as temporary in duration. Qualifying Stop-gap employment is that which falls within the 60 month period prior to enrollment. This employment, documented in the participant's work history, must be deemed eligible within one of the above parameters and documented clearly in case notes.

Substantial lay off:

Is defined as a reduction in force of at least 500 employees OR at least 50 employees if they make up at least 33% of the workforce. This definition means a single site during a 30 day period and excludes employees working less than 20 hours per week.

Termination or layoff:

Refers to involuntary separation. An applicant will qualify as having been laid off, or terminated if the State's Unemployment Insurance Unit determines in his/her favor and allows unemployment insurance benefits.

Training Services:

WIOA Sec. (134(c)(3)(D) include; (i) occupational skills training, including training for nontraditional employment; (ii) on-the-job training; (iii) incumbent worker training in accordance with subsection (d)(4); (iv) programs that combine workplace training with related instruction, which may include cooperative education programs; (v) training programs operated by the private sector; (vi) skill upgrading and retraining; (vii) entrepreneurial training; (viii) transitional jobs in accordance with subsection (d)(5); (ix) job readiness training provided in combination with services described in any of clauses (i) through (viii); (x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and (xi) customized training conducted with a commitment by an employer or group of employers to employ.

Transitional Jobs: (TEGL 3-15)

Transitional jobs are a new type of work-based training that is allowed under WIOA. Transitional jobs are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, and are combined with comprehensive career and supportive services. The goal of transitional jobs is to establish a work history for the individual that demonstrates success in the workplace, and develops the skills that lead to entry into and retention in unsubsidized employment. Unlike OJT, there is no assumption that the individual will be retained in their transitional job after the experience is over, though that would be a successful experience and outcome. Under Sec. 134(d)(5) of WIOA, local boards may use

up to 10 percent of their adult and dislocated worker funds to provide transitional jobs to individuals.

If local areas choose to use transitional jobs as part of their service delivery strategy, they should adopt policies and identify employers (public, private or nonprofit) that can provide quality experiences for individuals to eventually obtain unsubsidized employment. Additionally, these policies should include plans on the amount reimbursements would be for the jobs, what supportive services should be included, and any limits on the duration of the transitional job.

Underemployed:

Individuals who are underemployed may include: Individuals employed less than full-time who are seeking full-time employment; those who are employed in a position that is inadequate with respect to their skills and training; those who are employed who meet the definition of a low-income individual in WIOA Sec. 3(36); and those who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment. Individuals who are underemployed and meet the definition of low-income or the definition of an individual with a barrier to employment (WIOA Sec. 3(24) may receive career and training services under the Adult program on a priority basis per Sec. 8 of TEGL 3-15. ***Each local area must have a policy defining "sufficient earnings", and after Local Board approval, submit to the State for approval.***

Unemployed Individual: WIOA Sec. (3(61))

An individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for these purposes, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of DOL.

Unlikely to Return to Previous Industry or Occupation: *The State has defined as follows:*

In order to be considered as unlikely to return to a previous industry or occupation, an individual must meet at least one of the following criteria documented appropriately in case notes in the MIS and or hard file:

- *Individual worked in a declining industry or occupation, as documented on state or locally developed labor market statistic lists of such industries or occupations.*
- *Individual worked in an industry or occupation for which there are limited job orders at the time of eligibility determination.*
- *Individual is insufficiently educated and/or does not have the necessary skills for reentry into the former industry or occupation, as documented through an in-take orientation process or assessment of the client's educational achievement levels, testing, or other suitable means.*
- *Individual has had a lack of job offers as documented by the assigned Case Manager, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry or occupation.*
- *Individual cannot return to their previous industry or occupation because they have physical or other limitations, which would prevent reentry into the former industry or occupation, as documented by a physician or other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.). In circumstances where support documentation is not available, an applicant self-attestation may be utilized to demonstrate unlikely to return.*

• *Individuals that may have worked seasonally can be considered unlikely to work in a previous industry or occupation as a temporary or seasonal worker, for a variety of reasons such as:*

- *Change in family situation that requires higher income;*
- *Disability that precludes returning to the same industry or occupation;*
- *Natural disaster that results in lost wages;*
- *Loss of agricultural land;*
- *Mechanization; or*
- *Any significant variance to normal seasonal employment patterns resulting in uncertain return-to-work dates.*

• *Individuals laid off on a temporary basis with a specific return date and/or determined by Unemployment Insurance to be attached to an employer do not meet the criteria of unlikely to return work in a previous industry or occupation.*

Veteran:

An individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable, which may include National Guard or Reserve personnel. TEGL 22-04; the term terminated is not defined in law or regulation. It is a Department of Labor policy that being discharged (under honorable circumstances) either voluntarily or involuntarily terminates an employment relationship between an individual and the military and thus falls within the scope of the termination component of the WIOA definition of dislocated worker. The separating military personnel must also satisfy all other criteria for dislocated workers' eligibility, including the requirement that the individual is unlikely to return to a previous industry or occupation.

Required/Acceptable File Documentation

Additionally, reference Data Element Validation Source Documentation Requirements released yearly from DOL, and TAG 15-1 for MIS data entry/Reporting requirements.

Assessment and Date Administered: TBD for WIOA

Authorization to Release Information:

State/Local Board approved notice hard copy signed and dated by participant.

Barriers to Employment:

Necessary documentation collected to confirm the barrier as identified in the registration process.

Basic Literacy Skills Deficiency: Standardized assessment tests, official school records.

Basic Skills (low literacy levels) Deficient:

Hard copy Standardized assessments test results or school records and MIS case note documentation.

Credential Type: Transcript, certificates, diploma, surveys, case notes.

Credential, Certificate, Degree Date Attained:

Transcript, certificates, diploma, letter or other documentation from school system. Attainment date must match MIS month day and year.

Certificate or Degree Attainment: Transcript, certificates, diploma, letter or other documentation from school system.

Date of Birth/Age:

Hard or electronic copy of one of the following that shows proof of date/age on its surface; Baptismal record, birth certificate, DD-214, Report of Transfer or Discharge paper, Federal/State driver's license or identification card, passport, hospital record of birth, public assistance/social service records, official school records or ID card, work permit, cross match with Department of Vital Statistics or tribal records.

Date of Qualifying Dislocation:

Verification from employer, rapid response list, notice of layoff, public announcement with follow-up cross match with UI, self-attestation. Note: File documentation date must match month, day and year that is entered into MIS.

Displaced Homemaker:

Public assistance records indicating said, divorce papers, bank records, spouse layoff notice or death record, self-attestation.

Documents that establish both Identity and Employment Authorization:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST A at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Documents that establish Identity:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST B at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Documents that establish Employment Authorization:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST C at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Eligible Veteran Status:

DD214, cross match with Veteran's data, letter from Veteran's Administration.

Eligible Migrant and Seasonal Farmworker:

Data to confirm eligibility per WIOA Sec. 167(i)

Employment Authorization Documentation: Verification Documents(s) that Satisfy List A of the I-9 or Verification Document(s) that satisfy List B and C of the I-9@

<http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Employment Status at Participation:

Self Attestation form, registration/application or a case notes.

Employment after 2nd, and 4th exit quarter: Supplemental data, wage record system.

Employment match at exit, at 2nd, and 4th quarter:

Supplemental through case management, survey, verification with employer, wage record systems, case notes, follow-up.

English Learner:

Observation and as indicated in MIS record, WIOA intake or registration form, self-attestation.

Equal Opportunity (E.O.):

State/ Local Board approved form hard copy communicating equal opportunity law that participant signed and dated.

Exemption: see Other Reason for Exit.

Family size:

Acceptable identification cards for each family member, rental or lease agreement, social service records, school/reduced or free lunch program records, most recent tax return.

Follow-Up Services: Activity/sign in sheets, attendance records, vendor contact, State MIS, case notes, WIA/WIOA status forms indicating service received.

Food Stamps: see SNAP.

Free/Reduced-Price Lunch:

Written documentation from school/district showing that the individual or entire school/district is eligible.

Homeless:

Written statements from an individual providing residence, shelter or social service agency, WIOA intake or registration form, self-attestation.

Individual with disability: (for income eligibility purposes)

Letter from drug or alcohol rehabilitation agency, letter from Individual Education Plan (IEP) team stating specific disability, medical records, physician's statement, psychiatrist's/psychologist's diagnosis, rehabilitation evaluation, school record stating specific disability, social service records/referral, Social Security Administration disability records, Veterans Administration letter/records, vocational rehabilitation letter, observable condition (applicant statement needed), sheltered workshop certification, workers compensation record; including case notes indicating the case manager has viewed and verified any of the listed documents.

Low Income:

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, Social Security benefits, UI documents, appropriate documentation from local or federal entities that show receive or is eligible for a free or reduced price school lunch.

Low Levels of Literacy: Documentation that the participant is unable to read, write, and speak English; compute and solve problems at levels of proficiency necessary to function on the job, in the family of the participant, or in society.

Measurable Skills Gain:

- Education Achievement: Documentation that participant achieved at least one educational functioning level in an education program that provides instruction below a post-secondary level.
- Secondary/Post-Secondary Transcript/Report Card: Documentation from education institution for one academic year (or 24 credit hours) showing participant is achieving the state unit's policies for academic standards.
- Training Milestones: Documentation from employer/training provider participant had a satisfactory or better progress report towards established milestones. (e.g. completion of OJT, completion of one year of registered apprenticeship programs, etc.)
- Skills Progression; Documentation participant successfully completed a required exam required for a particular occupation, or progress in attaining technical or occupational skills as evident by trade –related benchmarks such as knowledge based exams.

Measurable Skills Gain, Date of Most Recent:

Record data in MIS, dates must match documentation in file.

Native American Populations: documentation collected to prove eligibility per Sec. 166(b)

Nonimmigrant Alien Authorization to Work for a Specific Employer because of his or her status:

a. Foreign passport; and

b. Form I-94 or Form I-94A that has the following:

1. The same name on the passport and
2. An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict any restrictions or limitations identified on the form.

Offender (ex):

Documentation from juvenile or adult criminal justice system, documented phone call with court or probation representatives, WIOA intake or registration form, self-attestation.

Other public assistance:

Copy of authorization to receive cash public assistance, copy of public assistance check, medical card showing cash grant status, public assistance records, refugee assistance records, cross-match with public assistance data base.

Other reason for Exit (exemption):

Information from partner services MIS systems, WIA/WIOA status/exit form, case notes, information from institution or facility.

School status at participation:

Applicable records from education institution (certificate, diploma, attendance record, transcripts, drop out letter, school documentation), State MIS, WIOA intake/registration forms, self- attestation.

School Status at Exit: Transcripts, certificate, diploma, survey, case notes.

Selective Service registration:

Acknowledgment letter from Selective Service, Report of Transfer or Discharge, DD-214, registration process, Selective Service Advisory Opinion letter, Selective Service registration record (Form 3A), Selective Service registration card, Selective Service system contact, Selective Service verification form, stamped post office receipt of registration, registration status information letter, local area determination of unknowing/not willful failure to register; including case notes indicating the case manager has viewed and verified any of the listed documents.

Substantial Cultural Barriers: Indicated in MIS and ISS.

Social Security Number: Social Security Card, Social Security Administration printout containing the applicants' name and social security number.

SNAP Benefits:

Notice of decision from Social Service Agency, public assistance records/printout, Cross-match with Social Service Agency. (copy of EBT card not acceptable)

TANF: Copy of public assistance records/print out, Cross-match with Social Service Agency.

Veteran's status:

DD-214, Cross-match with veteran's data, letter from Veteran's Administration.

Work History:

Appropriate hard form documentation indicating participant's past employment for five years or as far back as necessary to document relevant skill including start, end dates, job title and employer. Qualified Dislocation Date must match month, day, year to data entered in MIS.

Note: Self-attestation Forms, Telephone Verification Forms and or Participant Applications must be completed in their entirety, dated and signed by the appropriate parties and participant and contain all relevant information the form is intended to provide.

In addition, the use of self-attestation forms, where applicable, should be used as the last resort and only when all other avenues of proof have been exhausted.

All Grantees must take the steps necessary to ensure the privacy of all Personally Identifiable Information (PII) obtained from participants and/or other individuals and to protect such information from unauthorized disclosure. Ref. TEGL 39-11.