



## WIOA TITLE-I ELIGIBILITY

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### PURPOSE

This policy provides guidance regarding the participant eligibility requirements of the Workforce Innovation and Opportunity Act (WIOA) Programs.

This policy supersedes Local Policy Bulletin #2018-05 Policy on the Definition of Eligibility for Dislocated Workers, dated August 23, 2018. Retain this policy until further notice.

### SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

### REFERENCES

- Workforce Innovation and Opportunity Act, Public Law 113-128
- Workforce Services Directive WSD18-03, Pathway to Services, Referral, and Enrollment (August 29, 2018)
- Workforce Services Directive WSD16-18, Selective Service Registration (April 10, 2017)

### POLICY

If determined appropriate in order for an individual to obtain or retain employment, individualized career services or training services described in WIOA sec. 134(c)(2)(A)(xii) and WIOA Final Rule 20 CF Part §678.430(b) must be made available. Provision of these services will require prior determination of eligibility.

This is in line with WIOA Final Rule 20 CF Part §680.110(b) which states individuals who receive services funded under WIOA Title-I other than basic services (self-service or information-only activities) must be registered and must be a participant.

Registration is the process for collecting information to support a determination of eligibility. It is also the point at which performance accountability information begins to be collected. For an individual to be registered into a WIOA program, the following must occur:

1. The individual must complete the application/eligibility determination process;
2. The individual must provide the documentation required to substantiate his/her eligibility;
3. Sign the WIOA Enrollment Acknowledgement Form (Attachment III) and other applicable forms; and

*The Workforce Development Board of Ventura County is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

4. Appropriate activity code for the individual is entered into the CalJOBS system.

Registration occurs the first day on which the individual actually begins receiving staff-assisted service. Eligibility requirements are summarized in the tables below.

ADULT PROGRAM ELIGIBILITY
<ol style="list-style-type: none"> <li>1. 18 years or older</li> <li>2. U.S. work authorization</li> <li>3. Selective Service Registration, if male applicant</li> <li>4. Adults who are:               <ol style="list-style-type: none"> <li>a) Unemployed</li> <li>b) Determined to need individualized career services or training services to obtain employment</li> </ol> </li> <li>5. Adults who are:               <ol style="list-style-type: none"> <li>a) Employed</li> <li>b) Determined to need individualized career services or training services to obtain or retain employment that leads to self-sufficiency</li> </ol> </li> <li>6. Priority of Service Status               <ul style="list-style-type: none"> <li>▪ This is established at the time of eligibility determination for WIOA Title-I Adult registrants and does not change during the period of participation.</li> <li>▪ <i>Refer to active local policy on <b>priority of service status determination and list of career services and training services</b></i></li> <li>▪ <i>Refer to the active policy regarding 70 Percent LLSIL and Poverty Guidelines, for <b>low income determination</b></i></li> </ul> </li> </ol>
DISLOCATED WORKER PROGRAM ELIGIBILITY
<ol style="list-style-type: none"> <li>1. U.S work authorization</li> <li>2. Selective Service Registration, if male applicant</li> <li>3. Priority of Service Status determination is <u>not required</u> for DW eligibility or service</li> <li>4. Income test is <u>not required</u> for DW eligibility or service</li> <li>5. Client meets the definition of “dislocated worker” at WIOA sec. 3(15).</li> </ol> <p>The following are methods for determining eligibility for the Dislocated Worker program. An individual only needs to be determined eligible using one of the following methods.</p> <p><b>Method 1:</b>        Method 1 requires that three criteria be met: (A), (B) and (C).        For (B), condition (a) or (b) needs to be met.</p> <p>The individual:</p> <p>(A) has been terminated or laid off, or has received a notice of termination or layoff, from employment; <b>AND</b>        (B) (a) is eligible for or has exhausted entitlement to unemployment compensation; <b>OR</b>        (b) has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; <b>AND</b>        (C) is unlikely to return to a previous industry or occupation</p>

'Unlikely to return' may be documented through invitation to or participation in an Initial Assistance Workshop (IAW), Personalized Job Search Assistance (PJSA) or Self Employment Assistance (SEA) orientation. For individuals who cannot be documented through IAW, PJSA or SEA, Dislocated Worker Eligibility Section, lists sources which can be used to document 'unlikely to return'.

'Sufficient attachment to the workforce' is defined as unsubsidized employment with the same employer for 13 consecutive weeks within the last 52 weeks

**Method 2:**

The individual 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.

A 'substantial layoff' is defined as (a) one conducted by a company which has or is in the process of laying off at least one third of its local workforce or at least 50 employees, OR (b) one for which a Worker Adjustment and Retraining Notification (WARN) has been issued within the 12 months preceding the layoff.

**Method 3:**

The individual is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services described in section 134(c)(3), intensive services described in 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.

A 'general announcement' is defined as any announcement that can be documented. Specific documentation, which can be used to provide evidence of a 'general announcement,' is listed in Dislocated Worker Eligibility Section.

**Method 4:**

The individual 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.

'General economic conditions' are defined as any economic conditions that can be documented and may include, among other conditions, self-employment which has little local demand or has been declining, or the local economy is declining.

Specific documentation, which can be used to provide evidence of 'general economic conditions,' is listed in Dislocated Worker Eligibility Section.

**Method 5:**

The individual is a displaced homemaker. The term "displaced homemaker" means 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 section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; AND

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

Specific documentation, which can be used to provide evidence of 'displaced homemaker,' is listed in Dislocated Worker Eligibility Section.

**Method 6:**

The individual:

- (A) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and 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
- (B) is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment

**Method 7:**

The individual is an eligible dislocated worker (meets the general WIOA eligibility criteria and one of the six criteria listed above) who, since dislocation and prior to application, has not been employed in a job that paid a wage defined by the local board as:

- a) a self-sufficient dislocated worker wage; or,
- b) leading to self-sufficiency; or
- c) providing more than stopgap employment

The WDBVC considers someone **likely to return** to a previous industry or occupation if they have a specific recall date from the employer of the qualifying dislocation that is within 12 weeks of termination or layoff. If someone from an individual or small group layoff has a specific recall date, they should not be served as a dislocated worker during the period leading up to that date.

The determination of **unlikely to return** is based on the list of **some** factors below:

- The individual is likely to enter a new job that is different structurally or organizationally than his/her previous job.
- The individual is likely to enter a new job with lower seniority compared to his/her previous position.
- The individual has a gap in employment that decreases his/her chances of returning to the same level of occupation or type of job.
- There are limited employment opportunities in the occupation or industry within the local area.
- There is an excess number of workers with similar skill sets and experience in the local area.
- The individual has out-of-date or inadequate skills.
- The individual has adequate skills, but lacks a credential required by most employers.
- The individual has a barrier to employment such as a disability, medical condition, or legal issues that could prevent a return to employment in the same industry or occupation.
- An unsuccessful job search suggests the individual is unlikely to regain employment in his/her previous occupation or industry.

DISLOCATED WORKER ELIGIBILITY DOCUMENTATION	
Eligibility Criteria (Verify one of the seven eligibility criteria)	Acceptable Documentation (One document per eligibility criterion is required)
<p>1. (A) Has been terminated or laid off, or who has received a notice of termination or layoff, from employment;</p> <p><b>AND</b></p>	<ul style="list-style-type: none"> <li>• Worker Adjustment and Retraining Notification Act (WARN) notice</li> <li>• Photocopy of a printed media article or announcement describing the layoff. The photocopy must include the name of the medium in which published and the date of publication</li> <li>• Employer or union representative letter or statement</li> <li>• DE 8406 Personalized Job Search Assistance (PJSA) appointment notice form</li> <li>• DE 8530 Reemployment Services and Eligibility Assessment (RESEA) letter</li> <li>• DE 1106/Z Appointment notice of referral to an Initial Assistance Workshop (IAW)</li> <li>• Screen print of IAW schedule</li> <li>• Reemployment plan generated from IAW</li> <li>• Invitation letter to Self-Employment Assistance (SEA) orientation</li> <li>• Screen print of SEA schedule.</li> <li>• Self-attestation</li> </ul>
<p>(B) (a) Is eligible for or has exhausted entitlement to unemployment compensation;</p> <p><b>or</b></p> <p>(b) Has been employed for a duration sufficient to demonstrate 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;</p>	<ul style="list-style-type: none"> <li>• Statement by an Unemployment Insurance (UI) representative</li> <li>• UI records, including the DE 1180PH Claim Status and History form, DE 4581 Continued Claim Paper form, DE 8406 PJSA appointment notice form, DE 8530 RESEA letter, and Employment Development Department (EDD) Web-Cert<sup>SM</sup> printout</li> <li>• DE 1106/Z Appointment notice of referral to an IAW</li> <li>• Screen print of IAW schedule</li> <li>• Reemployment plan generated from IAW</li> <li>• Invitation letter to SEA orientation</li> <li>• Screen print of SEA schedule.</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>• Pay check stubs</li> <li>• W-2 and/or tax returns</li> <li>• UI records, including DE 429Z Notice of UI Award and DE 4581 Continued Claim paper form</li> <li>• Statement by the employer or union representative</li> <li>• Statement by a UI representative</li> <li>• Self-attestation</li> </ul>

AND	
(C) Is unlikely to return to a previous industry or occupation.	<ul style="list-style-type: none"> <li>• DE 1106/Z Appointment notice of referral to an IAW</li> <li>• Screen print of IAW schedule</li> <li>• Reemployment plan generated from IAW</li> <li>• Invitation letter to SEA orientation</li> <li>• Screen print of SEA schedule</li> <li>• DE 8406 PJSA appointment notice form</li> </ul> <p>Note: If one of the above is not available, documented telephone verification from the EDD field office will suffice.</p> <ul style="list-style-type: none"> <li>• Internet site, such as CalJOBS<sup>SM</sup> that indicates lack of industry/occupation availability</li> <li>• Screen print of Labor Market Information Division screens that indicates lack of industry/occupation availability</li> <li>• Doctor statement indicating applicant's inability to return to previous industry/occupation due to physical limitations</li> <li>• Vocational rehabilitation counselor's statement indicating applicant's inability to return to previous industry/occupation due to physical limitations</li> <li>• Employment Specialist's determination</li> <li>• Self-attestation</li> </ul>
<p>2. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of an permanent closure of, or any substantial layoff at, a plant, facility, or enterprise.</p> <p>Note: In the case of downsizing or workforce reduction when it is unclear which employees will be affected, a layoff notice is appropriate.</p>	<p><u>Closure or substantial layoff:</u></p> <ul style="list-style-type: none"> <li>• Bankruptcy documents, if declared under <i>Chapter 7</i>, Title 11 U.S.C. Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance</li> <li>• Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication</li> <li>• Statement from the employer or union representative</li> <li>• Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual</li> <li>• WARN notice</li> <li>• Telephone verification</li> <li>• Self-attestation</li> </ul>

	<p><u>Notice of Layoff or Laid off:</u></p> <ul style="list-style-type: none"> <li>• WARN notice</li> <li>• Copy of other specific notice to employee of intent to layoff</li> <li>• UI Form 501 (Separation Statement), when completed on both sides and signed by an employer representative</li> <li>• Employer or union representative letter or statement</li> <li>• Telephone verification</li> <li>• Self-attestation</li> </ul>
<p>3. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days;</p> <p><b>or,</b></p> <p>For purposes of eligibility to receive services other than training services described in section 134(c)(3), intensive services described in 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.</p>	<ul style="list-style-type: none"> <li>• Bankruptcy documents, if declared under Chapter 7, Title 11, U.S.C.</li> <li>• Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance</li> <li>• Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication</li> <li>• Statement from the employer or union representative</li> <li>• Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual</li> </ul>
<p>4. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is <b>unemployed</b> as a result of general economic conditions in the community in which the individual resides or because of natural disasters.</p>	<ul style="list-style-type: none"> <li>• Bankruptcy documents listing both the name of the business and the applicant's name</li> <li>• Business license</li> <li>• Copy of a completed federal income tax return (Schedule SE) for the most recent tax year</li> <li>• Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication</li> <li>• Copy of articles of incorporation for the business listing the applicant as a principal</li> <li>• Self-attestation</li> </ul>
<p>5. Is a displaced homemaker.</p>	<ul style="list-style-type: none"> <li>• Public assistance records</li> <li>• Court records</li> <li>• Divorce papers</li> <li>• Bank records</li> <li>• Spouse's member's layoff notice</li> <li>• Spouse's death record</li> <li>• Notice of deployment, call or order to active duty or change of station</li> <li>• Pay stubs, tax returns, other documents to verify decrease in income</li> <li>• Self-attestation</li> </ul>

<p>6. Is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and 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</p> <p>Is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment</p>	<ul style="list-style-type: none"> <li>• Marriage License or Income Tax Return; and</li> <li>• Notice of deployment, call or order to active duty or change of station; or</li> <li>• Self-attestation to substantiate loss of employment as a direct result of relocation of member of the Armed Forces; or</li> <li>• Self-attestation to substantiate unemployment or underemployment</li> </ul>
<p>7. Is an eligible dislocated worker (meets the WIOA Title I general eligibility criteria and one of the methods listed above) who, since dislocation and prior to application, has not been employed in a job that paid a wage that is:</p> <p>(a) a self-sufficient dislocated worker wage;</p> <p>(b) leading to self-sufficiency; or</p> <p>(c) providing more than stopgap employment.</p>	<ul style="list-style-type: none"> <li>• Acceptable documentation from one of the five dislocated worker eligibility criteria above</li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>• Pay Stubs</li> <li>• Bank statements (direct deposit)</li> <li>• Employer statement/contact</li> <li>• Family or business financial records</li> <li>• Tax documents</li> <li>• Self-attestation</li> </ul>

<b>YOUTH ELIGIBILITY</b> (A youth participant must meet the WIOA general eligibility criteria and the eligibility criteria below)	
<b>Eligibility Criteria</b> (Verify each eligibility criterion)	<b>Acceptable Documentation</b> (One document per eligibility criterion is required.)
<b>1. Low-income individual</b>	See the LLSIL
<b>2. An Individual who is one or more of the following:</b>	
(A) Deficient in basic literacy skills	<ul style="list-style-type: none"> <li>• Standardized assessment test</li> <li>• School records</li> <li>• Case notes</li> </ul>
(B) A school dropout or youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year quarter	<ul style="list-style-type: none"> <li>• School documentation/statement/records</li> <li>• Drop out letter</li> <li>• WIOA application</li> <li>• Local area Management Information System</li> <li>• Self-attestation (applicant statement)</li> </ul>



(C) Homeless or a runaway;  or	<ul style="list-style-type: none"> <li>• Written statement from an individual providing temporary residence</li> <li>• Written statement from social service agency</li> <li>• Written statement from a shelter</li> <li>• WIOA application</li> <li>• Self-attestation</li> </ul>
a foster child	<ul style="list-style-type: none"> <li>• Written confirmation from social service agency</li> <li>• Case notes</li> </ul>
(D) Pregnant or a parent	<ul style="list-style-type: none"> <li>• Copy of child's birth certificate</li> <li>• Baptismal record</li> <li>• Observation of pregnancy status</li> <li>• Doctor's note confirming pregnancy</li> <li>• Self-attestation</li> </ul>
(E) An offender	<ul style="list-style-type: none"> <li>• Documentation from juvenile or adult criminal justice system</li> <li>• Documented phone call with court or probation representatives</li> <li>• WIOA application</li> <li>• Self-attestation</li> </ul>
(F) An individual who requires additional assistance to complete an educational program, or to secure and hold employment	<ul style="list-style-type: none"> <li>• Locally established eligibility documentation requirements</li> <li>• Individual Service Strategy</li> <li>• Case notes</li> <li>• WIOA application</li> <li>• Local area Management Information System</li> <li>• Self-attestation</li> </ul>
<b>3. Up to five percent of WIOA youth participants may be individuals who do not meet the low income criteria (youth eligibility criterion 1 above) if such individuals are within one or more of the following categories:</b>	
(A) A school dropout or youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year quarter	See youth eligibility criterion 2(B) above
(B) Basic skills deficient	<ul style="list-style-type: none"> <li>• Standardized assessment test</li> <li>• School records</li> <li>• Case notes</li> </ul>
(C) Are one or more grade levels below the grade level appropriate to the individual's age	<ul style="list-style-type: none"> <li>• Telephone verification with the school</li> <li>• Statement from school</li> <li>• Report card</li> <li>• School records</li> </ul>
(D) Pregnant or a parent	See youth eligibility criterion 2(D) above

(E) Possess one or more disabilities, including learning disabilities	<ul style="list-style-type: none"> <li>• Medical records</li> <li>• Physician's statement</li> <li>• Psychiatrist or psychologist diagnosis/statement</li> <li>• Social Security administration disability records</li> <li>• Letter from drug or alcohol rehabilitation agency</li> <li>• School record/official statement</li> <li>• Observable condition (self-attestation with the interviewer serving as the corroborating witness)</li> <li>• Rehabilitation evaluation</li> <li>• Sheltered workshop certification</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>• Other applicable, verifiable, documentation</li> <li>• Self-attestation</li> </ul>
(F) Homeless or a runaway	See youth eligibility criterion 2(C) above
(G) An offender	See youth eligibility criterion 2(E) above
(H) Face serious barriers to employment as identified by the State or the local board	<ul style="list-style-type: none"> <li>• Locally defined</li> </ul>

<b>LOW-INCOME</b> (A low-income individual must meet one of the criteria below.)	
<b>Eligibility Criteria</b> (Verify one of the following eligibility criteria)	<b>Acceptable Documentation</b> (One document per eligibility criterion is required)
1. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received assistance through : a) the supplemental nutrition assistance program (SNAP) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); b) the program of block grants to States for temporary assistance for needy families program (TANF) under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); c) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or, d) State or local income-based public assistance;	<ul style="list-style-type: none"> <li>• Authorization to receive cash public assistance</li> <li>• Public assistance check</li> <li>• Medical card showing cash grant status</li> <li>• Public assistance records</li> <li>• Refugee assistance records</li> <li>• Cross-match with public assistance database</li> <li>• Current authorization to obtain food stamps</li> <li>• Food stamp card with current date</li> <li>• Current food stamp receipt</li> <li>• Postmarked food stamp mailer with applicable name and address</li> <li>• Statement from County Welfare Office</li> <li>• Public assistance records</li> </ul>

<p>2. Is a member of a family that received a total family income, for the six- month period prior to application for the program that, in relation to family size, does not exceed the higher of:</p> <p>a) The poverty line; or,</p> <p>b) 70 percent of the Lower Living Standard Income Level</p> <p>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.</p> <p>It is necessary to verify family size when utilizing family income eligibility.</p> <p>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.</p>	<ul style="list-style-type: none"> <li>• Alimony agreement</li> <li>• Award letter from Veterans Administration</li> <li>• Bank statements (direct deposit)</li> <li>• Compensation award letter</li> <li>• Court award letter</li> <li>• Employer statement/contact</li> <li>• Family or business financial records</li> <li>• Housing authority verification</li> <li>• Pay stubs</li> <li>• Pension statement</li> <li>• Public assistance records</li> <li>• Quarterly estimated tax for self-employed persons (Schedule C)</li> <li>• Social Security benefits records</li> <li>• UI documents and/or printout</li> <li>• Self-attestation</li> </ul>
<p>3. Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).</p>	<ul style="list-style-type: none"> <li>• Written statement from an individual providing temporary residence</li> <li>• Written statement from social service agency</li> <li>• Written statement from a shelter</li> <li>• WIOA application</li> <li>• Self-attestation</li> </ul>
<p>4. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);</p>	<ul style="list-style-type: none"> <li>• The most recent school year reduced price or free lunch eligibility status document for the individual or school</li> <li>• School Verification Letter</li> <li>• WIOA Application</li> <li>• Self-attestation</li> </ul>
<p>5. Foster child for which state or local government payments are made on his/her behalf.</p>	<ul style="list-style-type: none"> <li>• Written confirmation from social services agency</li> <li>• Case notes</li> </ul>

<p>6. An individual with a disability whose own income meets the low-income requirements of #1 and #2 listed above, but is a member of a family whose income does not meet such requirements.</p> <p>Note: 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>• Medical records</li> <li>• Physician's statement</li> <li>• Psychiatrist or psychologist diagnosis/statement</li> <li>• Social Security Administration disability records</li> <li>• Letter from drug or alcohol rehabilitation agency</li> <li>• School record/official statement</li> <li>• Observable condition (self-attestation with the interviewer serving as the corroborating witness)</li> <li>• Rehabilitation evaluation</li> <li>• Sheltered workshop certification</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>• Other applicable, verifiable, documentation</li> <li>• Self-attestation</li> </ul>
<p>7. A youth living in a high-poverty area is automatically considered to be a low-income individual.</p>	<ul style="list-style-type: none"> <li>• A high-poverty area is a Census tract or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data.</li> <li>• Local areas must use census tract to determine if an individual lives in a high poverty area.</li> <li>• Local Areas may access American Community Survey 5-Year data on the <a href="#">U.S. Census Fact Finder</a> website to determine the poverty rate by entering in the youth participant's zip code.</li> <li>• Please refer to TEGL 21-16 Attachment 2, Determining Whether Youth are Living in a High Poverty Area</li> </ul>

**When using a Self-Attestation, Attachment I must be utilized and placed in the participant's file.**

**An Income Worksheet (Attachment II) or similar worksheet showing income calculations should be completed and placed in the participant's file, if applicable.**

GENERAL ELIGIBILITY	
Eligibility Criteria (Verify each eligibility criterion)	Acceptable Documentation (One document per eligibility criterion is required. Only the documentation sources listed below may be used.)
1. Birth Date/Age	<ul style="list-style-type: none"> <li>• Baptismal record</li> <li>• Birth certificate</li> <li>• Form DD-214 "Report of Separation"</li> <li>• Driver's license</li> <li>• Federal, state or local government issued identification card</li> <li>• Hospital record of birth</li> <li>• Passport</li> <li>• Public assistance/social service records</li> <li>• School records or identification card</li> <li>• Work permit</li> <li>• Cross match with Department of Public Health vital records</li> <li>• Tribal records</li> </ul>
2. U.S. Work Authorization  Note: For the list of acceptable verification documents included in the Form I-9, go to <a href="http://www.uscis.gov">www.uscis.gov</a>	<ul style="list-style-type: none"> <li>• Verification document(s) that satisfy List A of the Form I-9</li> <li>• Verification document(s) that satisfy List B and C of the Form I-9</li> </ul>
3. Selective Service Registration	<ul style="list-style-type: none"> <li>• Selective Service acknowledgement letter</li> <li>• Form DD-214 "Report of Separation"</li> <li>• Screen printout of the Selective Service verification internet site: <a href="https://www.sss.gov/RegVer/wfVerification.aspx">https://www.sss.gov/RegVer/wfVerification.aspx</a></li> <li>• Selective Service registration card</li> <li>• Selective Service verification form (Form 3A)</li> <li>• Stamped post office receipt of registration</li> <li>• Selective Service status information letter</li> <li>• Evidence presented by an individual that his failure to register with the Selective Service was not knowing and willful (e.g., a written explanation accompanied by supporting documentation such as a third party affidavit or self-attestation)</li> </ul>

EDUCATION STATUS AT PARTICIPATION	
Eligibility Criteria	Acceptable Documentation
In-School, HS or less	<ul style="list-style-type: none"> <li>School records</li> <li>Self-attestation</li> <li>Training provider verification of enrollment</li> <li>Case notes with verification of enrollment from educational institution</li> </ul>
In-School, Alternative School	
In-School, Post-HS	
Not Attending School, HS Dropout	
Not Attending School, HS Graduate	

EMPLOYMENT STATUS AT PARTICIPATION	
Eligibility Criteria	Acceptable Documentation
Employed	<ul style="list-style-type: none"> <li>Pay stub</li> <li>Case notes showing information collected from participant</li> </ul>
Not employed	<ul style="list-style-type: none"> <li>Case notes showing information collected from participant</li> </ul>
Underemployed	<ul style="list-style-type: none"> <li>Career Planner's determination</li> <li>Telephone verification</li> <li>Self-attestation</li> </ul>

## Documentation

Subrecipients and contractors shall ensure proper documentation of participant eligibility determination which shall be kept in the participant files and available anytime for inspection and review by local, State and Federal monitors.

## Documenting Eligibility with Self-Attestation

Self-attestation cannot be used to document eligibility data elements of right-to-work, selective service, and age. Documenting eligibility with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. Please review the most current or relevant Data Validation Training Employment Guidance Letter to assist in determining when it is appropriate to use self-attestation.

## Data Management

Subrecipients and contractors shall ensure that accurate participant eligibility information is reflected in the CalJOBS system in a timely manner. Appropriate local policies on data management and reporting shall be adhered to.

## Selective Service Registration Requirements

Males born on or after January 1, 1960, are required to register with the Selective Service within 30 days of their 18th birthday and up to, but not including, their 26th birthday.

This includes the following males:

- U.S. citizens.
- Veterans discharged before their 26th birthday.
- Non-U.S. citizens, including undocumented immigrants, legal permanent residents, and refugees, who take up residency in the U.S. prior to their 26th birthday.
- Dual nationals of the U.S. and another country, regardless of whether they live in the U.S.

Selective Service registration is not required for the following male U.S. citizens:

- Males who are serving in the military on full-time active duty.
- Males attending the service academies.
- Disabled males who were continually limited to a residence, hospital, or institution.
- Males who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement. However, they must register within 30 days after being released if they have not yet reached their 26th birthday.
- Male veterans discharged after their 26th birthday.

Selective Service registration is not required for the following male non-U.S. citizens:

- Non-U.S. males who entered the U.S. for the first time after their 26th birthday. Acceptable forms of supporting documentation include the following:
  - Date of entry stamp in passport.
  - I-94 with date of entry stamp on it.
  - Letter from the U.S. Citizenship and Immigration Services indicating the date the male entered the U.S. presented in conjunction with documentation establishing the male's age.
- Non-U.S. males who entered the U.S. illegally after their 26th birthday. They must provide proof that they were not living in the U.S. from age 18 through 25.
- Non-U.S. males on a valid non-immigrant visa.

\*Note that the requirement for transsexual, transgendered, and intersex individuals to register with the Selective Service depends upon the gender recorded on their birth certificate. According to the Selective Service website, "Individuals who are born female and have a gender change are

not required to register. U.S. citizens or immigrants who are born male and have a gender change are still required to register.”

The above list of Selective Service registration requirements is not exhaustive. Additional information regarding these requirements, including a Quick Reference Chart showing who must register, can be found on the Selective Service website.

### *Acceptable Documentation*

In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirements.

Acceptable documentation to determine a person’s eligibility for WIOA Title I programs includes the following:

- Selective Service acknowledgement letter.
- Report of Separation form (Form DD-214). Should be used only if veteran was discharged after his 26th birthday.
- Screen printout of the Selective Service Verification site. For males who already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
- Selective Service registration card.
- Selective Service verification form (Form 3A).
- Stamped post office receipt of registration.

### *Registration Requirements for Males Under 26*

Before being enrolled in WIOA-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website. If a male turns 18 while participating in WIOA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA-funded services. If a male under the age of 26 refuses to register with Selective Service, WIOA-funded services must be suspended until he registers.

### *Non-Registration by Males 26 and Older*

Subrecipients or contractors who receive WIOA Title I funding must establish a policy for those potential participants who are 26 or older that failed to register with the Selective Service. This policy 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.

### *Status Information Letter*

An individual may obtain a Status Information Letter from the Selective Service if one of the following applies:

- The individual believes he was not required to register.
- The individual did register but cannot provide the appropriate documentation.

The Status Information Letter Request form and instructions can be accessed through the Selective Service website. If an individual decides to request a Status Information Letter, they will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, incarceration, or military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

If the Status Information Letter indicates that an individual was not required to register for the 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 and willful.

### *Documentation*

Evidence presented may include the individual’s written explanation and supporting documentation of his circumstances at the time of the required registration and the reason(s) for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

- Service in the Armed Forces – Evidence that a male has served honorably in the U.S. Armed Forces, such as a Form DD-214 or his Honorable Discharge Certificate. These documents serve as evidence that his failure to register was not knowing and willful.
- Third Party Affidavits – Affidavits concerning reasons for not registering from parents, teachers, employers, doctors, and others may help subrecipients or contractors in making a determination regarding willful and knowing failure to register.
- ***Self-Attestation\* – Signed statement that explains why the individual's failure to register was not knowing and willful.***

***Note \* Please note, self-attestation may serve as sufficient evidence when other options of documentation or third party corroboration are not available. Please use the [State-provided self-attestation statement template](#).***

### *Model Questions*

In order to establish consistency regarding the implementation of the requirement, subrecipients or contractors should use the following questions as a model for determining whether a failure to register is knowing and willful.

To determine whether the failure was “knowing,” authorized organizations should ask the following:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)?
- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

To determine whether the failure was “willful,” authorized organizations should ask the following:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

### *Results of Findings*

If an authorized organization determines that an individual's failure to register with the Selective Service was not knowing and willful and the individual is otherwise eligible, services may be provided. However, if the authorized organization determines that evidence shows that the

individual's failure to register was knowing and willful, WIOA services must be denied. Individuals who are denied services must be advised of available grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations on Selective Service.

### **Pathway to Services, Referral, and Enrollment**

California no longer has a state requirement to verify authorization to work. Additionally, there is no work authorization verification requirement in WIOA. However, the federal Immigration Reform and Control Act requires employers to verify a job seeker's authorization to work documents prior to employment. At the same time, federal immigration regulations authorize state employment agencies to verify authorization to work (Title 8 CFR Section 274a.6).

Generally, WIOA participants receive job referrals during their period of participation in a program. Additionally, at times Local Areas are the employer of record or coordinating services concurrently with an employer. In these instances, an individual cannot participate unless they are authorized to work to the U.S.

#### *Verification Procedures for WIOA Services*

WIOA Title staff may verify an individual's authorization to work in accordance with the requirements of the USCIS Form I-9, Employment Eligibility Verification, during the period of participation. However, staff must verify when services necessitate coordination with an employer such as on-the-job training and job referrals.

#### *"Period of Participation" Guidance*

The period of participation refers to the period of time beginning when an individual becomes a participant and ending on the participant's date of exit from the program. Exit generally occurs when a participant has not received services for a specified period of time and has no additional services scheduled. Staff must verify an individual's authorization to work documents no earlier than the start of participation. When determining the point of asking an individual for authorization to work documentation, staff may take into account the following:

- Nature of the services to be provided
- Need for services to be provided on an expedited basis
- Length of time during which services will be provided
- Co-enrollment opportunities with WIOA Title II
- The cost of providing the services/training

In order to prepare participants for employment and foster positive relationships with employers, staff should make participants aware of federal law requiring employers to verify employment authorization prior to employment, and must verify a participant's authorization to work documents prior to providing a job referral.

**For WIOA Title I** – Participation starts when an individual receives a Staff-Assisted Basic Career service, Individualized Career service, or Training service. Authorization to work verification is not required for Basic Career services that are self-service or information-only activities. For customers who receive self-service or information-only activities, only demographic information is collected and reported. When verifying authorization to work, staff must retain either hard copies or scanned copies of the individual's Form I-9 documents. However, staff are strongly encouraged to scan authorization to work documents into CalJOBS. Scanning documents into CalJOBS facilities a one-time verification process should an individual visit a different America's Job Center of California (AJCC).

The Title I service category definitions are briefly described below. For a comprehensive list of definitions and CalJOBS activity codes, see *CalJOBS Activity Codes*, WSIN17-09 and subsequent updates.

- **Self-Service Basic Career services** – An individual independently uses services at an AJCC with minimal or no staff assistance (e.g., self-service labor market research, job search, use of AJCC resource room, referral to a partner program, etc.). Self-service also includes staff establishing access to CalJOBS for an individual or looking up a password. Individuals using self-services only do not count toward performance measures.
- **Staff-Assisted Basic Career services** – An individual requires an assessment by a staff member of the individual's skills, education, or career objectives (e.g. proficiency testing, resume preparation assistance, job referrals, etc.).
- **Individualized Career services** – An individual receives WIOA-funded services that are appropriate for them to obtain or retain employment (e.g., development of an individual employment plan, English as a second language services, work experience, etc.).
- **Training services** – An individual receives services that include WIOA-funded training and/or support and coaching.

The following chart is intended to aid staff on when to ask for authorization to work documents. The flow chart takes into account which services trigger participation as well as which services impact the relationship with employers. Where a service triggers participation and necessitates that the staff coordinates the services with an employer, staff must verify the individual's work authorization documents. Staff are not required to verify work authorization documents for services that do not require coordination with an employer.

Authorization to Work Service Flow Chart		
Service	Triggers participation	Authorization to Work
Basic Career - Self-service and information-only activities, including program referrals, outreach, intake, orientation, eligibility determination	No	Cannot verify
Basic Career – Staff-Assisted, including initial assessment, job placement, career counseling	Yes	<u>May</u> verify for activities such as initial assessment and career counseling
		<u>Must</u> verify for job placement assistance
Individualized Career	Yes	<u>May</u> verify for activities such as occupational career counseling, aptitude testing, mentoring, and group counseling
		<u>Must</u> verify for employment activities such as work experiences, transitional jobs, internships, and pre-apprenticeship training
Training	Yes	<u>May</u> verify for classroom training
		<u>Must</u> verify for employment activities

### *Single Verification Process*

AJCC partners with verification requirements are encouraged to coordinate verification to increase efficiency of the process and prevent participants from having to repeatedly present Form I-9 documents. Once authorization to work is verified by one program, staff in a separate program do not need to re-verify. Further, WIOA Title I and Title III must coordinate a point of verification within each program that mirrors each other where possible.

### *Referrals to Partner Programs*

Under WIOA Title II, participation starts when adults who are basic skills deficient, lack a high school diploma or its equivalent, function below the level of a high school graduate, or are unable to speak, read, or write the English language, enroll in and attend WIOA Title II adult education, English language instruction, and/or integrated education from eligible providers (school districts, community colleges, libraries, community based organizations, or other public or private non-profit entities). There is no requirement for a WIOA Title II provider to verify

authorization to work or retain documentation. Staff are encouraged to refer individuals who are not authorized to work in the United States to WIOA Title II and other programs that do not require authorization to work documentation.

Subrecipients and contractors are encouraged to work with Title II partners and other partners without authorization to work requirements to co-enroll individuals with the goal of helping the participant obtain citizenship, authorization to work, and meaningful employment. In the case of co-enrollment between any of the WIOA core partners, both partners may count all performance outcomes achieved. For additional resources to align programs see [Funding Career Pathways and Career Pathway Bridges: A Federal Policy Toolkit for States](#). For a list of services the California Department of Social Services (CDSS) provides to immigrants, see the CDSS website [Immigration Services](#).

### *Supportive Services*

Possessing authorization to work documents is not only critical for individuals to participate in workforce and training programs, but to fully integrate into society and the local economy. Often vulnerable populations who are legally authorized to work in the United States such as the homeless, ex-offenders, and transient youth lack physical copies of authorization to work documents due to their circumstances. Subrecipients and contractors are strongly encouraged to enroll such individuals and use supportive services to help the individual obtain authorization to work documents. Supportive services such as legal aid are available to participants enrolled in Basic Career, Individualized Career, or Training services. For participants enrolled in Training services, supportive services may include needs related payments to help cover the cost of obtaining or renewing authorization to work documents.

### *Local Policy*

Subrecipients and contractors must store/access right-to-work documents in CalJOBS for customers enrolling into WIOA Title I. This ensures that the Title III partner can access the participant's work authorization documentation.

### *Public Notification*

Because individuals may receive employment services and services from other partners in an AJCC without first providing their authorization to work documents, Subrecipients and contractors should remove public notices that state employment services are available only to individuals who are U.S. citizens or legally authorized to work in the United States. Posting such signs may discourage individuals who are legally entitled to services from entering an AJCC and service delivery locations.

## Self-Sufficiency

The WDBVC has adopted a self-sufficiency model that is to be utilized in determining eligibility for WIOA Adult and Dislocated Worker customers in need of training services to obtain or retain employment that leads to self-sufficiency and allowing enrollment of employed WIOA Adult and Dislocated Workers who are not earning a self-sufficient wage.

Under WIOA regulations, training services may be made available to employed and unemployed adults and dislocated workers who, among other criteria, are:

- Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
- Are in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
- Have the skills and qualifications to participate successfully in training activities.

WIOA staff may enroll employed adults and dislocated workers when:

1. An applicant's current wage/income does not provide for self-sufficiency as defined by WDBVC and
2. WIOA program staff determines that WIOA services may assist the applicant in obtaining/progressing to a self-sufficient wage.

An employed individual who is applying for training services under the WIOA program shall be eligible for training if the conditions above are met, and the individual's employment pays less than 100% of the Lower Living Standard of Income Level (LLSIL) figure for the Ventura County region.

If the applicant's employment pays greater than or equal to the 100% LLSIL figure, he/she is considered part of a self-sufficient family, and would not be eligible for training, unless the training has the possibility of leading to a job with wages comparable to or higher than wages from previous employment and leads to self-sufficiency. This must be documented in the participant's file.

## Dependents

To determine if an individual is a dependent, service providers can use the IRS "[Whom May I Claim as a Dependent?](#)" interview. Conclusions are based on information provided in response to the questions answered. Additionally, a "dependent child" is a family member who meets the IRS "[Qualifying Child Rules](#)" that allows an individual or couple to claim a family member as a dependent for tax purposes. Case notes and eligibility documentation must clearly state how dependents were determined.

**ACTION**

Bring this policy to the attention of all affected staff.

**INQUIRIES**

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director  
Workforce Development Board of Ventura County

**ATTACHMENTS:**

- Attachment I - Self-Attestation / Applicant Statement
- Attachment II - WIOA Income Calculation Worksheet
- Attachment III - WIOA Enrollment Acknowledgement Form