


<b>Workforce Connections Programs, Services and Activities Eligibility for WIOA Title I Services</b>	<b>ADW-030-01</b>
	<b>Revision No. 10 – Effective 08-17-22</b>
<b>Policy Approved By: WC Executive Director Policy Adopted on: August 01, 2013</b>	

**Purpose**

To establish policy and guidelines with respect to eligibility requirements for participation in programs funded in whole or in part under Title I of the Workforce Innovation and Opportunity Act (WIOA).

**Background**

WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.

WIOA supports a more integrated, effective, job-driven workforce investment system that builds on proven practices such as sector strategies, career pathways, regional economic approaches, and work-based training. WIOA provides for a workforce system that is universally accessible, customer centered, and training that is job-driven.

**Policy**

Eligibility criteria identify basic conditions that each and every individual must meet in a WIOA Title I Adult and Dislocated Worker funded program. Any individual applying to receive WIOA Title I services must first be registered and determined eligible. Participation will only occur after the collection of information to support eligibility determination is met and the registration process is complete. Providers of WIOA Title I services must have a written policy that aligns with the requirements of this policy.

Equal employment opportunity data must be collected on every individual applying for WIOA Title I financially assisted service.

For the rationale of registration process, information must be collected by implementing the following methods:

- a) Electronic data recorded in Workforce Connections (WC) MIS platform;
- b) Personal interview; and
- c) Individual written application.

**References**

38 U.S.C. § 4215; Public Law (P.L.) 113–128 WIOA Secs. 3, 122, 134, 189, 194, 503; 2 CFR Part 200; 20 CFR Part 1010; 20 CFR Parts 677 and 678; 20 CFR Part 680; 20 CFR Part 683; TEGL 10-09; TEGL 11-11 Change No. 2; TEGL 22-04; TEGL 39-11; TEGL 19-16; TEGL 37-14; TEGL 7-20; TEN 15-10, TEGL 07-20; TEGL 12-19; TEGL 12-19 Change 1; State Compliance Policy (SCP) No. 1.6, and 1.7.

<b>Workforce Connections Policy ADW-030-01</b>	<b>ADW Programs, Services and Activities</b>
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**I. WIOA Title I Adults**

To be eligible to receive career services as an **adult** in the adult and dislocated worker programs, an individual must be:

- A. 18 years of age or older; and
- B. A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States; and
- C. In compliance with the Military Selective Service Act. This requirement applies to males 18 years of age or older who were born on or after January 1, 1960.
- D. A Nevada resident.

**II. Priority of Service for the Adult Program**

- A. Sec. 134 (c) (3) (E) of WIOA establishes priority requirements with respect to funds allocated to a local area for adult employment and training activities. Under WIOA priority shall be given to: recipients of public assistance; other low income individuals; and individuals who are basic skills deficient in the provision of individualized career services.
- B. Priority of service must be established at the time of eligibility determination and will not change during the participation period. It is not necessary to determine that an adult is eligible consistent with the priority of service requirements if the adult is only seeking basic career services.
- C. WIOA priority of service provisions for adult funding does not negate the priority of service provided to veterans and eligible spouses. Veterans and eligible spouses will continue to receive priority of service among all eligible individuals, however, they must meet WIOA Title I program eligibility criteria. For example, in determining the priority of individuals, the order of priority will be as follows:
  - 1. 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, are low-income individuals, or are basic skills deficient, would receive first priority of services provided with WIOA adult formula funds;
  - 2. Non-covered persons (individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds;
  - 3. Veterans and eligible spouses who are not included in WIOA's priority groups; and
  - 4. Priority populations established by the Governor and/or Workforce Connections
- D. The following matrix describes the order and rationale for prioritization based on the requirements of WIOA Sec. 134 (c) (3) (E), 20 CFR §680.600, 20 CFR §680.640, TEGL 10-09, State TAG 15-3. For the purposes of this section, the term "covered person(s)" refers to veterans and eligible spouses per priority of service for veterans.

Priority	Statutory Priority Group	Explanation	Priority Enrollments
First	Covered persons (veterans and eligible spouses) who are: <ul style="list-style-type: none"> <li>▪ Low-income; or</li> <li>▪ Recipients of public assistance; or</li> <li>▪ Basic skills deficient.</li> </ul>	Covered person who meets statutory criteria. <i>Individuals who meet both the veteran definition and additional priorities in this group are the highest priority for receipt of adult career and training services.</i>	At least 75% of program enrollments
Second	Individuals (non-covered persons) who are: <ul style="list-style-type: none"> <li>▪ Low-income; or</li> <li>▪ Recipients of public assistance; or</li> <li>▪ Basic skills deficient.</li> </ul>	The statutory priority criteria (low-income/public assistance/basic skills deficient) have preference over covered persons (veterans and eligible spouses) who do not meet the statutory priority criteria. <i>Individuals who are NOT veterans but meet the additional priorities in this group are the second highest priority for receipt of adult career and training services.</i>	
Third	Covered persons (veterans and eligible spouses) who are not included in the first priority group.	Covered person in the third category (individuals who are not low-income/public assistance recipients/ basic skills deficient). <i>Individuals who meet the criteria for an eligible veteran remain eligible for priority of services, in the third tier for receipt of adult career and training services.</i>	
Fourth	Priority populations established by the Governor and/or Workforce Connections.  This section outlines how adults may receive career and training services if they do not otherwise meet the priority group criteria above. Pursuant to Sec. 134 of WIOA, the Southern Nevada Workforce Development Area (SNWDA) has developed local priorities and identified how	Limitation on the number of adults enrolled in WIOA programs who <u>are not</u> low-income individuals, public assistance recipients, or basic skills deficient.	May not exceed 20% of program enrollments.
		WC has established local priorities to identify non-covered persons that are likely to still have barriers to employment.	

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Second	Individuals (non-covered persons) who are: <ul style="list-style-type: none"> <li>▪ Low-income; or</li> <li>▪ Recipients of public assistance; or</li> <li>▪ Basic skills deficient.</li> </ul>	The statutory priority criteria (low-income/public assistance/basic skills deficient) have preference over covered persons (veterans and eligible spouses) who do not meet the statutory priority criteria. <i>Individuals who are NOT veterans but meet the additional priorities in this group are the second highest priority for receipt of adult career and training services.</i>	
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		WC has established local priorities to identify non-covered persons that are likely to still have barriers to employment.	

	<p>adults who may not meet the priorities may be served.</p>	<p>Barriers include the following:</p> <ul style="list-style-type: none"> <li>• Individuals with Disabilities</li> <li>• Ex-offenders</li> <li>• Individuals that are 55 years of age or older</li> <li>• Single parents (including single pregnant women)</li> <li>• Individuals who have aged out of the Foster System</li> <li>• An individual whose earnings are below the State or local identified livable wages;</li> <li>• An individual who lacks basic and employability skills (without WIOA services participant is unlikely to secure employment)</li> <li>• Individuals who are English language learners, who have low levels of literacy, and individuals facing substantial cultural barriers</li> <li>• Long-term unemployed individuals unemployed (at least 27 weeks prior to WIOA participation)</li> <li>• Eligible migrant and seasonal farmworkers</li> </ul>	
<p>Last</p>	<p>Non-covered persons outside the groups given priority under WIOA.</p>	<p>Finally, WC has established that other Southern Nevada job seekers who are non-covered persons not meeting a WIOA priority or local priority may also be served in this group. Those enrollments shall not exceed more than 10% of total adult enrollments.</p>	<p>Shall not exceed more than 5% of total program enrollments.</p>

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<p>Last</p>	<p>Non-covered persons outside the groups given priority under WIOA.</p>	<p>Finally, WC has established that other Southern Nevada job seekers who are non-covered persons not meeting a WIOA priority or local priority may also be served in this group. Those enrollments shall not exceed more than 10% of total adult enrollments.</p>	<p>Shall not exceed more than 5% of total program enrollments.</p>



### III. WIOA Title I Dislocated Worker

To be eligible to receive career services as a **dislocated worker** in the adult and dislocated worker programs, an individual must be:

- A. 18 years of age or older;
- B. A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States;
- C. In compliance with the Military Selective Service Act. This requirement applies to males 18 years of age or older who were born on or after January 1, 1960; and meet the following definition: Dislocated Worker [WIOA PL 113-128 Sec. 3 (15)].
- D. The term “Dislocated Worker” means an individual who meets one of the following:
  1. Has been terminated or laid off, or who has received a notice of termination of layoff, from employment;  
Is eligible for or has exhausted entitlement to unemployment compensation; or  
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, and is unlikely to return to a previous industry or occupation;
  2. 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;  
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) of WIOA, career services described in section 134(c)(2)(A)(xii) of WIOA, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
  3. Was self-employed (including employment as a farmer, a rancher, or fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;
  4. Is a displaced homemaker (see item E for definition); or  
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 is the spouse of the Armed Force on active duty and who meets the criteria described in Sec. 3 (16) (b) of WIOA.

**State Requirement:** The Qualifying Dislocation Date (QDD) must be within 60 months of the WIOA enrollment date with or without stop-gap employment. Support documentation must be collected to validate recorded information in MIS.

#### E. Displaced Homemaker

The term “Displaced Homemaker” means an individual who has been providing unpaid services to family members in the home and who also meets one of the following:

1. Has been dependent on the income of another family member but is no longer supported by that income;
2. Is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order

to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member;

3. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

#### **IV. Priority of Service for Veterans**

- A. The Jobs for Veterans Act (JVA), P.L. 107-288, signed into law on November 7, 2002, requires that there be priority of service for veterans and eligible spouses in any workforce preparation, development, or delivery program of service directly funded in whole or in part by the U.S. Department of Labor, 38 U.S.C. 4215. The Priority of Service regulations, codified at 20 CFR 1010, were issued December 19, 2008 and require qualified job training programs to implement priority of service for veterans and eligible spouses, effective January 19, 2009. For additional guidance you may refer to TEGL 10-09, or VPL No. 07-09.
- B. What it means to provide priority of service: Priority of service means that veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training, and placement services provided under qualified job-training programs. Priority means that veterans and eligible spouses are entitled to precedence over non-covered persons for services. This means that a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resources are limited, then veteran or eligible spouse receives access to the service instead of or before the non-covered person.
- C. Providers of WIOA Title I services must have policies and procedures in place to identify veterans and eligible spouses who are entitled to priority of service.

#### **V. Selective Service Registration requirement for DOL-ETA funded programs**

- A. Selective Service registration requirements, TEGL No. 11-11 Change 1 and 2.  
Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their birthday (i.e., 30 days before or 30 days after their 18<sup>th</sup> birthday), this includes males who are:
  1. Citizens of the U.S.;
  2. Non-citizens, including undocumented immigrants, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26<sup>th</sup> birthday; and/or
  3. Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For more information about the registration requirements visit [www.sss.gov](http://www.sss.gov). The Selective Service System also provides a quick reference chart showing who must register located at <https://www.sss.gov/Registration-Info/Who-Registration>.

- B. Ensuring Selective Service compliance in the public workforce system:  
In order to participate in a program established by or receiving assistance under Title I of WIOA, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirements.



**C. Determining “knowing and willful failure to register”**

If an individual was required to register with Selective Service but failed to do so, the individual may only receive WIOA Title I funded services if they can provide evidence to establish that failure to register with Selective Service was not knowing and willful.

Providers of WIOA Title I services are responsible for making a proper assessment of the evidence provided by the individual and making a determination of whether the failure to register was knowing and willful failure. The individual must provide as much evidence as possible to support his case.

**VI. Definitions**

**For the purpose of this policy**

**A. Attachment to the workforce**

Can be demonstrated by full time employment (30 hours per week or more) in the same or similar occupation, for at least one (1) year of three (3) years (36 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 Unemployment Insurance (UI) or the applicant was not eligible for UI due to insufficient earnings.

**B. Basic Skills Deficient, PL 113-128 WIOA Sec. 3 (5)**

WIOA defines “Basic Skills Deficient” as an individual:

1. Who is a youth, that the individual has English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test; or
2. Who is a youth or adult, which the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

When the priority of service determination is based on the “Basic Skills Deficient” criteria the program participant file must contain academic tests (including participant’s name, date the test was administered, and test results).

**C. Determining Family Size and Income**

Family means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A husband, wife, and dependent child;
- A parent or guardian and dependent children;
- A husband and wife;
- Domestic partners registered with the State of Nevada.

Any individual not meeting the above definition of family is considered to be a family of one.

**1. Family Size**

The number of dependent children plus the number of parents or guardians who reside together. Use definition in “family” to arrive at the correct number.

**2. Family Income**

All income received by all members of the family during the six-month period prior to application/registration, annualized by multiplying the six-month income by two (6 month income x 2). This amount should be compared to the 70% LLSIL.

The composition of a family is determined as of the date of the application/registration. Therefore, the income of prior family members who may have comprised part of the family during the past six months, but are no longer

members of the household (e.g., a divorce, separated or deceased spouse, or other family member) would not be counted for income determination purposes. Only the income of members of the current family should be counted and applied against the current family size.

3. For an individual with a disability, income level for eligibility purposes is based on the individual's own income rather than that of his or her family. Under Sec. 3 (36) (A) (vi) of WIOA, an individual with a disability whose own income meets the low-income definition in clause (ii) (income that does not exceed the higher of the poverty living standard line or 70 percent of the lower living standard income level), but who is a member of a family whose income exceeds this income requirement, is eligible for WIOA Title I services.
4. Inclusion for Family Income
  - a) Gross wages and salaries before deductions: Total money earnings received from work performed as an employee. If a family's only source of income was from wages and salary payments, family income would be equal to gross wages and salary received.
  - b) Income from non-farm self-employment: Net income (gross income minus operating expenses) from a business or other non-farm enterprise in which a person is engaged on his/her own account. If the business or enterprise has suffered a loss, this loss will be allowed to offset wage earnings.
  - c) Income from farm self-employment: Net income from farm self-employment (income from a farm which operates as an owner, renter, or sharecropper, after deductions for farm operating expenses).
  - d) Social Security Disability Insurance (SSDI): pays benefits to individuals that have worked in the past, paid Social Security taxes, and are currently unable to work for a year or more because of disability. SSDI is considered income replacement. SSDI is different from Supplemental Security Income (SSI).
  - e) Military family allotments or other regular support from an absent family member or someone not living in the household.
  - f) Money received from such sources:
    - 1) Governmental and non-governmental pensions, including military retirement pay;
    - 2) Regular payments from railroad retirement benefits, strike benefits from union funds, worker's compensation, and training stipends;
    - 3) Alimony;
    - 4) Merit based scholarships, fellowships, and assistantships;
    - 5) Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings;
    - 6) Terminal leave pay, severance pay, or a cash-out of accrued vacation leave;
    - 7) Disaster relief employment wages;
    - 8) On-the-job training wages;
    - 9) Unemployment Insurance compensation;
    - 10) Child support payments; and
    - 11) Old age and survivors' insurance benefits received under Sec. 202 of the Social Security Act. (42 U.S.C. 402).
5. Exclusion for Family Income
  - a) Federal non-cash benefits such as: Medicare, Medicaid, Food Stamps, School Lunch Program and Housing Assistance;

- b) Assets drawn down as withdrawals from a bank;
- c) Public Assistance Payments: Payments received under Temporary Assistance to Needy Families (TANF), SSI, General Assistance (GA), Refugee Cash Assistance (RCA);
- d) One-time cash payments, which include: tax refunds; loans (which are debt and not income); one-time insurance payments or compensation for injury; gifts and lump sum inheritances;
- e) Job Corps payments;
- f) Cash value of employer-paid or union-paid portion of health insurance or other employee fringe benefit;
- g) Cash value of food or housing received in lieu of wages;
- h) Payments received under the Trade Readjustment Act of 1994;
- i) Needs-based scholarship assistance;
- j) Financial assistance under Title IV of the Higher Education Act: e.g., Pell Grants; BEOG Grants; Federal Supplemental Educational Opportunity Grants and Federal Work Study; PLUS; Stafford; and Perkins loans (like any other kind of loan are debt and not income);
- k) Stipends received in the following programs: Vista, Peace Corps, Foster Grandparents Program, Retired Senior Volunteer Program, Youth Works/AmeriCorps program;
- l) Foster child care payments;
- m) All WIOA payments except OJT; and
- n) Payments received from programs funded under Title V of the Older Americans Act of 1985 [42 U.S.C. §3056(f)] e.g., Senior Aides, Senior Community Service Employment Program (SCSEP).
- o) Income earned while a veteran was in active military duty, and certain other Veteran's Benefits: e.g., compensation for service-connected disability and service-connected death; vocational rehabilitation; education assistance.

When a Federal statute specifically provides that income or payments received under such statute shall be excluded in determining eligibility for the level of benefits received under any other Federal statute, such income or payments shall be excluded in WIOA eligibility determination.

**D. English Language Learner, P.L. WIOA 113-128 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 either:

1. Whose native language is a language other than English; or
2. Who lives in a family or community environment where a language other than English is the dominant language.

**E. Homeless**

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)), 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: 1) 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; 2) 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.

**F. Individual with a Barrier to Employment, P.L. 113-128 WIOA Sec. 3(24)**

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

1. Displaced homemakers;
2. Low-income individuals;
3. Indians, Alaska Natives, And Native Hawaiians, as such terms are defined in Sec. 166 of WIOA;
4. Individuals with disabilities, including youth who are individuals with disabilities;
5. Older individuals;
6. Ex-offenders;
7. 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));
8. Youth who are in or have aged out of the foster care system;
9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
10. Eligible migrant and seasonal farmworkers, as defined in Sec. 167 (i) of WIOA;
11. Individuals within two (2) years of exhausting lifetime eligibility under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.);
12. Single parents (including single pregnant women);
13. Long-term unemployed individuals.

**G. Individual with Disabilities.**

The Americans with Disabilities Act (ADA) defines an individual with disabilities as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

**H. Low-Income Individual, P.L. WIOA 113-128 Sec. 3 (36)**

WIOA defines a “low-income individual” as an individual who:

1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the supplemental nutrition assistance program 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 (TANF) program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the Supplemental Security Income (SSI) 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<sup>1</sup>;
2. Is in a family with total family income that does not exceed the higher of:
  - a) the poverty line; or

<sup>1</sup> Public Assistance. The term “public assistance” means Federal, State, or local government cash payments for which eligibility is determined by a need or income test (e.g., TANF, Refugee Cash Assistance (RCA), etc.).

- b) seventy percent of the lower living standard income level<sup>2</sup>;
- 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))) and item VI (D) of this policy;
- 4. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- 5. Is a foster child on behalf of whom State or local government payments are made; or is an individual with a disability whose own income meets the income requirement of clause (2), but who is a member of a family whose income does not meet this requirement.

**I. Other Low-income Individuals**

Established local criteria for providing priority of services to other individuals or specific groups within the SNWDA, 20 CFR § 680.600.

An individual under this criterion may be one of the following:

- 1. Individuals with disabilities (must meet criteria set at P.L. 113-128 WIOA Sec. 134 (c) (3) (E));
- 2. Ex-
- 3. Offenders (must meet criteria set at P.L. 113-128 WIOA Sec. 134 (c) (3) (E));
- 4. Older Individuals (55+) (must meet criteria set at P.L. 113-128 WIOA Sec. 134 (c) (3) (E));
- 5. An individual whose earnings are below the State or local identified livable wages;
- 6. An individual who lacks basic and employability skills (without WIOA services participant is unlikely to secure employment):
  - a) Substance abuse and/or mental health;
  - b) An individual with a disabled child;
  - c) An individual with disabled parents;
  - d) An individual with limited education;
  - e) An individual who lacks work history (no less than two (2) years).

**J. Ex-Offender, P.L. 113-128 WIOA Sec. 3 (38)**

WIOA defines an “ex-offender” as an adult or juvenile:

- 1. Who is or has been subject to any stage of the criminal justice process, and for whom services under WIOA Title I may be beneficial; or
- 2. Who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

**K. Older Individual, P.L. 113-128 WIOA Sec. 3 (39)**

WIOA defines “older individual” as an individual age 55 or older.

**L. Poverty Guidelines**

Poverty guidelines are a version of the Federal poverty measure issued annually by the Department of Health and Human Services (DHHS) in the Federal Register. The

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<sup>2</sup> Lower Living Standard Income Level (LLSIL). 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, P.L. WIOA 113-128 Sec. 3 (36) (B).



guidelines are used for administrative purposes such as determining financial eligibility for certain Federal funded programs.

**M. 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 disasters. 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 Federal and State requirements (tax returns, quarterly reports, etc.) because the business seldom or never made a profit.

**N. Significantly Reduced**

As it relates to “displaced homemakers” If the household income is above the Federal poverty level, then a drop-in income, to 150% or below the Federal poverty level, is considered a significant reduction. If the household income is currently at or below 150% of the Federal poverty level, then any drop-in household income is considered significant (please refer to the Lower Level Income Standard Level (LLISL)).

**O. Stop-gap Employment (State definition)**

The State has defined stop-gap/income maintenance employment as a job:

1. Paying significantly less than the lay-off wage;
2. Paying significantly less than the LLISL self-sufficiency standard;
3. Paying a percentage that is significantly less than the negotiated performance goal; or
4. A job classified and documented as temporary in duration.

Qualifying stop-gap employment is that which falls within the 36 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.

**P. Substantial Layoff**

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.

**Q. Veteran**

The term “veteran” means an individual who served in the active military service, and who was discharged or released from such service under conditions other than dishonorable.

**RECENTLY SEPARATED VETERAN**

The term “recently separated veteran” means any veteran who applies for participation under this title within 48 months after the discharge or release from active military service.

Returning military service members (non-retiree) and military spouses may also be eligible for **adult and dislocated worker** services. If they are established as eligible for WIOA Title I services and they meet the definition of veteran or military spouse, they



**must** receive a **priority of service**, according to the Jobs for Veterans Act (PL 107-288 Title 38 Sec. 4215), over non-veterans.

**R. Underemployed (State definition)**

Individuals who are underemployed may include the following:

1. Individuals employed less than full time employment;
2. Individuals who are employed in a position that is inadequate with respect to their skills and training;
3. Individuals who are employed who meet the definition of a low-income individual (item VI (G)); and
4. Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment.
5. Individuals who are underemployed and meet the definition of "low-income" or the definition of an individual with barrier to employment (item VI (E)) may receive individualized career services and training services under the adult program on a priority basis.

**S. Unlikely to Return to Previous Industry or Occupation (State definition)**

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:

1. The individual worked in a declining industry or occupation, as documented on State or locally developed labor market statistic list of such industries or occupations;
2. The individual worked in an industry or occupation for which there are limited job orders at the time of eligibility determination;
3. The individual is insufficiently educated and/or does not have the necessary skills for reentry into the former industry or occupation, as documented through an intake orientation process or assessment of the client's educational achievement levels, or other suitable means;
4. The individual has had a lack of job offers as documented by the assigned career coach, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry or occupation;
5. The individual cannot return to their prior industry or occupation because a physical or other limitation, which would prevent reentry into the former industry or occupation, as documented by a physician or other applicable professional (e.g., psychiatrist, psychiatrist social worker, chiropractor, etc.). In circumstances where support documentation is not available, an applicant self-attestation may be utilized to demonstrate unlikely to return to previous industry or occupation. Individuals who 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:
  - a) Change in family situation that requires higher income;
  - b) Disability that precludes returning to the same industry or occupation;
  - c) Natural disaster that results in lost wages;
  - d) Loss of agricultural land;
  - e) Mechanization;
  - f) Any significant variance to normal seasonal employment patterns resulting in uncertain return-to-work dates.
6. Individuals laid off on a temporary basis with a specific return date and/or determined by UI to be attached to an employer do not meet the criteria of unlikely to return to work in a previous industry or occupation.

**VII. Handling and Protecting Personally Identifiable Information (PII)**

OMB defines PII as information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information is linked or linkable to a specific individual.<sup>3</sup>

Federal law, OMB guidance, and DOL/ETA policies required that PII and other sensitive information be protected.

Providers of WIOA Title I services are required to take proper measures to mitigate the risks associated with the collection, storage, and dissemination of sensitive data, including PII. The provider of WIOA Title I services shall ensure that any PII used during the performance of their sub-award has been obtained in conformity with applicable Federal and State laws governing the confidentiality of information.

Providers of WIOA Title I services must secure transmission of PII and sensitive data developed, obtained, or otherwise associated with DOL/ETA funds.

**VIII. Data Element Criteria and Source Support Documentation Requirements**

For performance accountability and reporting purposes, support documentation verifying the eligibility of a WIOA Title I funded program participants is required. Eligibility determination must be made at all times prior to enrollment in WIOA Title I funded programs and receipt of any service.

Copies of all required records made by photocopying, or similar methods, may be substituted for the original records if they are preserved with integrity and are considered admissible as evidence.

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<sup>3</sup> OMB Memorandum M-07-16, safeguarding against and responding to the breach of Personally Identifiable Information (05-22-2007), available at <http://www.whitehouse.gov/OMB/memoranda/fy2007/m07-16.pdf>

Support Documentation Requirements	
Adult and Dislocated Worker	
Data Element Criteria <i>(Verify each criterion unless specified otherwise)</i>	Acceptable Support Documentation <i>(Only one document per eligibility criterion is required)</i>
<p><b>Birth Date/Age</b>            Applicants must be 18 years or older at the time of registration to participate in this program.</p>	<ul style="list-style-type: none"> <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 record</li> <li>▪ School record</li> <li>▪ Work permit</li> </ul>
<p><b>U.S. Work Authorization</b>            Note: For changes to the list of acceptable identity and work authorization documents, go to:  <a href="http://www.uscis.gov">www.uscis.gov</a> or <a href="http://www.uscis.gov/i-9Central">www.uscis.gov/i-9Central</a></p>	<ul style="list-style-type: none"> <li>▪ Verification document(s) that satisfy list A of the I-9 form 07/17/17 N OMB No. 1615-0047 Expires 08-31-2019</li> <li>▪ Verification document(s) that satisfy list B <u>and</u> C of the I-9 form 07/17/17 N OMB No. 1615-0047 Expires 08-31-2019</li> </ul>
<p><b>Selective Service Registrant</b>            Note: Each male registrant 18 years of age or older born on or after January 1, 1960, must present evidence that he has complied with Sec. 3 of the Military Selective Service Act. Each male who turns 18 years of age during WIOA program participation must also submit evidence that he has complied with the requirements of the Military Selective Service Act.</p>	<ul style="list-style-type: none"> <li>▪ Selective Service acknowledgement letter</li> <li>▪ Form DD-214 “report of separation”</li> <li>▪ Selective Service registration verification form, can be found at: <a href="http://www.sss.gov">www.sss.gov</a></li> <li>▪ Selective Service status information letter</li> <li>▪ Selective Service Advisory Opinion letter</li> <li>▪ Selective Service registration card</li> <li>▪ Selective Service registration record (form 3A)</li> <li>▪ Selective Service verification form</li> <li>▪ Stamped post office receipt of registration</li> <li>▪ Self-attestation–TEGL 11-11 Change 1 and 2. <i>(Must accompany the status information letter (not a knowing and willful failure))</i></li> </ul>

<p>Proof of residence within the Southern Nevada Workforce Development Area (SNWDA)</p>	<ul style="list-style-type: none"> <li>▪ Copy of State of Nevada valid ID</li> <li>▪ Copy of valid Nevada driver's license</li> <li>▪ Copy of utility bill indicating program participant full name and address</li> <li>▪ Copy of lease agreement indicating program participant full name and address</li> <li>▪ Copy of any public assistance record indicating program participant full name and address</li> <li>▪ Copy of written statement from individual providing residence</li> <li>▪ Copy of letter from shelter</li> <li>▪ Copy of letter from social service agency</li> </ul>
<p>Social Security Number</p>	<ul style="list-style-type: none"> <li>▪ Copy of Social Security Card</li> <li>▪ Letter from the Social Security Administration office indicating program participant's name and Social Security number</li> <li>▪ Copy of DD-214 form</li> <li>▪ Copy of W-2 form</li> <li>▪ Letter from applicant indicating refusal to provide SSN</li> </ul>
<p><b>Adult Only</b></p>	
<p style="text-align: center;"><b>Data Element Criteria</b> <i>(Verify each criterion unless specified otherwise)</i></p>	<p style="text-align: center;"><b>Acceptable Support Documentation</b> <i>(Only one document per eligibility criterion is required)</i></p>
<p>Recipient of Public Assistance</p>	<ul style="list-style-type: none"> <li>▪ Copy of public assistance record (e.g., Food Stamps, TANF, SSDI, DHHS, etc.) dated within six (6) months of registration (must include program participant name, etc.)</li> <li>▪ Copy of public assistance check</li> <li>▪ Copy of Refugee Cash Assistance, (RCA) or refugee assistance records</li> <li>▪ Bank statements with direct deposit</li> </ul>
<p>Basic Skills Deficient</p>	<ul style="list-style-type: none"> <li>▪ School transcripts</li> <li>▪ Results of academic tests (e.g., CASAS, TABE, ESL test)</li> <li>▪ English Language Learners (ELL) – staff observations</li> </ul>



<p>Low Income</p>	<ul style="list-style-type: none"> <li>▪ WC income calculation worksheet</li> <li>▪ Alimony agreement</li> <li>▪ Award letter from the veteran's administration</li> <li>▪ Compensation award letter</li> <li>▪ Court award letter</li> <li>▪ Cross match with public assistance database</li> <li>▪ Employer statement/contact</li> <li>▪ Pension statements</li> <li>▪ Family financial records</li> <li>▪ HUD verifications</li> <li>▪ School records for free or reduced-price lunch</li> <li>▪ Pay stubs</li> <li>▪ Bank statements</li> <li>▪ Public assistance records</li> <li>▪ Refugee assistance records</li> <li>▪ Social security benefits</li> <li>▪ SSDI</li> <li>▪ UI records</li> </ul>
<b>Dislocated Worker</b>	
<p>Data Element Criteria <i>(Verify each criterion unless specified otherwise)</i></p>	<p>Acceptable Support Documentation <i>(Only one document per eligibility criterion is required)</i></p>
<b>Group A</b>	
Terminated/Laid Off (including U.S. veterans and military spouses)	
<p>Has been terminated or laid off, or has received a notice of termination or layoff, from employment</p>	<ul style="list-style-type: none"> <li>▪ Documentation from dislocating employer</li> <li>▪ Unemployment Insurance (UI) records</li> </ul>
<i>(Left blank intentionally)</i>	

<p><b>VETERANS ONLY</b> Has been terminated or laid off (voluntary or involuntary honorable discharge falls within the scope of this Category); or When a military spouse loses employment because of the service members permanent change in station or discharge</p>	<ul style="list-style-type: none"> <li>▪ DD 214</li> <li>▪ NGB22 – National Guard Separation Report</li> <li>▪ Military orders</li> <li>▪ VA letter or records</li> </ul>
<p>Is eligible for or has exhausted entitlement to unemployment compensation; or  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>▪ UI records (award letter for exhaustee, or denial based on insufficient earnings)</li> <li>▪ Profiled client referral form (DETR ESD letter – look for notes in the Management Information System (MIS))</li> <li>▪ Pay stubs, employer letter, W2 records or tax returns to show recent attachment to workforce</li> </ul>
<p>Is unlikely to return to a previous industry or occupation</p>	<ul style="list-style-type: none"> <li>▪ Documenting exhaustion of UI benefits</li> <li>▪ DD 214 for separating military members</li> <li>▪ Labor market information – supply and demand report showing lack of availability</li> <li>▪ Unlikely to Return Affidavit</li> </ul>
<p><b>Group B</b> Plant Closure/Substantial Layoff</p>	
<p>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</p>	<ul style="list-style-type: none"> <li>▪ Employer notice/letter from company</li> <li>▪ Newspaper article</li> <li>▪ Employment Security division records, including WARN notice</li> </ul>
<p>Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days</p>	
<p><i>(Left blank intentionally)</i></p>	



Group C Self Employed	
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	<ul style="list-style-type: none"> <li>▪ Records of business closure</li> <li>▪ Tax returns (recent)</li> <li>▪ Quarterly estimated tax</li> <li>▪ Business license (surrender)</li> <li>▪ News article on the state of the business, local economy or natural disaster</li> </ul>
Group D Displaced Homemaker	
Is a displaced homemaker	<ul style="list-style-type: none"> <li>▪ Tax returns</li> <li>▪ Social Security documents</li> <li>▪ Death notice</li> <li>▪ Legal separation</li> <li>▪ Divorce decree</li> <li>▪ Public assistance records</li> <li>▪ Layoff notice for wage earner</li> <li>▪ Wage earners UI award letter/record</li> </ul>
Date of Dislocation – Required for all categories except Displaced Homemaker	
Date of actual dislocation (last day of employment at the dislocating employer)	<ul style="list-style-type: none"> <li>▪ Employer verification</li> <li>▪ Notice of layoff</li> <li>▪ Rapid Response list or WARN notice</li> <li>▪ Self-attestation on the Unlikely to Return Affidavit</li> <li>▪ DD-214</li> <li>▪ NGB22 – National Guard Separation Report</li> <li>▪ Military orders</li> </ul>