



**WORKFORCE INNOVATION AND OPPORTUNITY ACT
(WIOA)
PROGRAM POLICY NOTICE NO. 29 Rev.3**

EFFECTIVE DATE: September 15,2025

SUBJECT: Adult and Dislocated Worker Eligibility

REFERENCE(S)

- **Workforce Innovation and Opportunity Act (WIOA) of 2014**, Public Law 113-128, codified at **29 U.S.C. §3101 et seq.**
- **WIOA Final Rule**, Federal Register, **August 19, 2016**, implementing **20 CFR Parts 676, 677, 678, 680, 681, and 683.**
- Specifically, **20 CFR §§680.120, 680.130, and 680.210–680.220** govern the provision of training services and eligibility requirements.
- **USDOL Training and Employment Guidance Letters (TEGLs):**
- **TEGL 19-16** – *Guidance on Services Provided through the Adult and Dislocated Worker Programs under WIOA and Wagner-Peyser, and Guidance for the Transition to WIOA.*
- **TEGL 19-01, Change 1** – *Instructions for the Application of Lower Living Standard Income Level (LLSIL) and Poverty Guidelines in Determining WIOA Eligibility.*
- **TEGL 23-19** – *Guidance on the Use of WIOA Adult, Dislocated Worker, and Youth Funds for Response to the Coronavirus (COVID-19) National Emergency.*
- **TEGL 02-14** – *Eligibility of Participants and Co-Enrollment Guidance under WIOA Transition.*
- **TEGL 11-11, Change 2** – *Revised Guidelines for Identifying and Serving Dislocated Workers under WIOA.*
- **TEGL 07-20** – *Guidance on Implementing the Priority of Service Provisions for Veterans and Eligible Spouses under WIOA and the Jobs for Veterans Act (JVA).*
- **New Mexico Department of Workforce Solutions (NMDWS) Guidance Letter 20-002** – *Guidance on Implementation of WIOA Eligibility and Documentation Requirements.*
- **NALWDB Policy 9 (Rev. 1)** – *Electronic File Management Policy.*
- **NALWDB Policy 8 (Rev. 1)** – *Priority of Service Policy.*
- **NALWDB Policy No. 28** – *Priority of Service and Service Delivery Standards.*



PURPOSE

To provide clarification and direction to Northern Area Local Workforce Development Board (NALWDB) WIOA Title I subrecipients regarding the implementation of NMDWS Guidance Letter 20-002, as it pertains to eligibility determination for Adult and Dislocated Worker participants. This policy also establishes the requirements for the evaluation and documentation of participant eligibility and service provision under the NALWDB.

In the event of a conflict between this policy and NMDWS Guidance Letter 20-002, the NMDWS guidance shall prevail as the governing authority, in accordance with **20 CFR §683.120** and **WIOA Section 106(d)**.

BACKGROUND

The NALWDB must establish a local policy for making eligibility determinations for the WIOA Adult/Dislocated Worker funding stream.

Eligibility determination must be made prior to enrollment in WIOA and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who can benefit from, and need, such opportunities to obtain or retain employment. WIOA is not an entitlement program, and eligibility alone does not entitle an individual to receive services

In addition, eligibility criteria vary according to each type of career or training service, in accordance with sections 20 CFR 680.120, 680.130, and 680.200-220.

1. To be eligible to receive career services as an adult, in the adult and dislocated worker programs, an individual must be 18 years of age or older, and meet the criteria of section 20 CFR 680.210
2. To be eligible for any dislocated worker program services, an eligible adult must meet the criteria of section 20 CFR 680.130.
3. Eligibility criteria for training services are found in sections 20 CFR 680.210.

ADULT ELIGIBILITY CRITERIA

Documentation verifying the eligibility of participants in WIOA is required by the NALWDB. Each of the following eligibility elements must be documented for each participant prior to the receipt of individualized/career services. The sub grant Recipient must obtain required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable form of eligibility documentation contained in this attachment. Copies of all documentation must be kept according to NALWDB Policy 9 rev. 2 electronic File.

- A. Citizenship/Alien Status/Right to Work-Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General, to work in the United States as required in the WIOA section 188 9a) (5). (Exception: Per TEG 09-12, The Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIOA funded services to victims of severe forms of human trafficking based on their immigration status.) Additional types of documentation that can be used to demonstrate Citizenship/Alien Status/Right to Work are listed in Attachment B.



- B. Selective Service/Military Status — All participants must follow the Selective Service Act requirements, as required by WIOA section 189(h). See the Selective Service section of this Policy
- C. Age at application must be 18 or older.
- D. Training and Employment Guidance Letter **(TEGL) No. 02-14**, *Eligibility of Deferred Action for Childhood Arrivals (DACA) Participants for Workforce Investment Act (WIA) and Wagner-Peyser Act Programs*, issued February 18, 2014, clarifies that WIA/WIOA programs may serve DACA participants only if they possess valid Employment Authorization Documents (EADs) issued by the U.S. Citizenship and Immigration Services (USCIS). These individuals are considered “authorized to work in the United States” consistent with WIOA Section 188 and 20 CFR 680.120(a)(3). Appropriate documentation of employment authorization must include the official Employment Authorization Document (Form I-766) or equivalent USCIS verification; self-attestation alone does not meet eligibility verification requirements.
- E. Unemployed or employed and in need of services, to obtain or retain employment.

Eligibility of Employed Workers

- A. An employed worker is an individual currently working who has been determined to need services to obtain or retain employment that leads to self-sufficiency, in accordance with the State of New Mexico and Northern Area Local Workforce Development Board (NALWDB) definition of self-sufficiency.
- B. Staff are required to complete a WIOA application utilizing the State Management Information System (MIS) and verify that the worker meets all program eligibility criteria, including right-to-work authorization, Selective Service registration (if applicable), and age verification. Eligibility documentation must be supported by the Document Review Form to ensure completeness and accuracy.
- C. Employed workers must complete the Income Eligibility Form when income verification is required for eligibility purposes. Individuals receiving Supplemental Nutrition Assistance Program (SNAP) benefits may be deemed income-eligible under WIOA §3(36)(A)(ii), provided documentation of current SNAP participation is maintained in the participant’s electronic case file.
- D. Exceptions to state income verification requirements apply when the employed worker is determined eligible under specific NMDWS provisions, including those participating in Customized Training or Incumbent Worker Training, as outlined in **WIOA §134(d)(4) and 20 CFR §§680.780–680.820**.
- E. Employed workers must be afforded the same level of customer choice and access to career, training, and supportive services as other WIOA participants, except for cases where the individual is enrolled in a Customized Training or Incumbent Worker Training program with their current employer.
- F. Individual Training Accounts (ITAs) must be established only for programs that appear on the State of New Mexico Eligible Training Provider List (ETPL), in accordance with **WIOA §122 and NMDWS policy guidance**.



G. Services to employed workers are primarily intended to benefit the worker by promoting increased skills and wages, but such services may also benefit the employer by contributing to workforce advancement and retention.

Authority: WIOA §3(36) (definition of low-income), WIOA §134(d)(4) (incumbent & customized training), WIOA §122 (training provider requirements); 20 CFR §§680.120, 680.780–680.820 (eligibility and training rules); NMDWS Guidance Letter 20-002.

DISLOCATED WORKER ELIGIBILITY CRITERIA

Documentation verifying the eligibility of participants in WIOA is required. Eligibility determination must be made prior to enrollment in WIOA and must include an initial determination of need for services to ensure that employment and training opportunities are provided to those who can benefit from, and are in need of, such opportunities to obtain or retain employment.

Each of the following eligibility elements must be documented for each participant prior to the receipt of a staff- assisted career service with significant staff involvement or individualized customized service. The subgrant recipient must obtain required documentation for each eligibility data element, as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in this policy.

- A. Citizenship/Alien Status/Right to Work - Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States as required in WIOA section 188 (a)(5).

(Exception: Per Training and Employment Guidance Letter **(TEGL) No. 09-12, *The Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking and Other Severe Forms of Human Trafficking and for Other Populations of Vulnerable Workers*** (October 24, 2012), workforce system operators may not deny WIOA-funded services to individuals who are certified victims of severe forms of human trafficking, regardless of immigration status.

Certification of victim status must be verified through documentation issued by the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR), consistent with the requirements of the Trafficking Victims Protection Act (TVPA) of 2000, as amended).

- B. Selective Service/Military Status — All participants must follow the Selective Service Act requirements as required by WIOA section 189(h).
- C. Age - The Dislocated Worker program does not have an age requirement. An individual must meet the eligibility of WIOA section 3(15), which does not include age among its criteria.
- D. Lawful Presence- Applicants shall provide proof of lawful presence in the United States in accordance with **18.19.5.12 NMAC** and **18.19.5.14 NMAC, *Proof of Identification Number, Identity, Age, and Lawful Status for Lawful United States Residents***. Each applicant must present one of the acceptable forms of identification listed on the Documentation Checklist to establish lawful presence, identity, and eligibility for participation in the program.
- E. If an applicant does not possess one of the listed acceptable forms of identification and fails to provide



the required documentation, the **application must be denied** in accordance with WIOA Section 188 and NMDWS eligibility policy.

- F. In addition to the basic WIOA eligibility criteria, staff making eligibility determinations must verify that the applicant qualifies under one of the following categories:

Category 1

- (i) Has been terminated or laid off, or has received a notice of termination or layoff, from employment, including separation notice from active military service (under other than dishonorable conditions).
- (ii) (I) is eligible for, or has exhausted entitlement to unemployment compensation; or
(II) has been employed for a duration sufficient to demonstrate to the appropriate entity at a one stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under State unemployment compensation law; and,
- (iii) Is unlikely to return to a previous industry or occupation.

Category 2

- (i) Has been terminated or laid off, or has received notice of termination or layoff, from employment because of any permanent closure of, or any substantial layoff at a plant, facility, military installation or enterprise.
- (ii) Is employed at a facility where the employer has made a general announcement that such facility will close within 180 days: or
- (i) For purposes of eligibility to receive services other than training services, career services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, are employed at a facility at which the employer has made a general announcement that such facility will close.

Category 3

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

Category 4

Is a displaced homemaker; or

Category 5

- (i) Is the spouse of a member of the Armed Forces on active duty, and who has experienced a



loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such members; or

(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph *Serving Separating Members and Military Spouses with Dislocated Worker Funds*.

SERVING SEPERATING MEMBERS AND MILITARY SPOUSES WITH DISLOCATED WORKER FUNDS

Under 20 CFR 680.660, service members existing the Armed Forces — including those who receive or are eligible for Unemployment Compensation for Ex-Service Members (UCX) generally qualify as dislocated workers. WIOA Title, I Dislocated Worker funds may assist separating service members in entering or reentering the civilian workforce.

A separating service member must present documentation such as DD-214 (Certificate of Release or Discharge from Active Duty) or other official military separation papers indicating a current or impending separation from active service for reasons other than dishonorable discharge. These documents satisfy the requirement that the individual has received notice of termination or layoff for purposes of establishing dislocated worker eligibility under WIOA Section 3(15).

Recognizing that some service members may remain on terminal or transitional (stopgap) leave, it is appropriate to begin providing career services prior to the official separation date when separation is imminent. Career and supportive services may be offered to eligible transitioning service members provided their discharge is expected to be other than dishonorable. The Employment and Training Administration (ETA) further clarifies that a separating service member meets the dislocated worker criterion of being “unlikely to return to a previous industry or occupation”, as military occupations do not typically exist in the civilian sector.

Military Spouses

WIOA expands the definition of dislocated workers to include military spouses who meet any of the following criteria:

- Lost employment as a direct result of relocating with their spouse to a new permanent duty station.
- Are dependent spouses of active-duty service members whose family income has been significantly reduced due to deployment, call to active duty, permanent change of station, or the service-connected death or disability of the service member; or
- Are unemployed or underemployed and are having trouble in obtaining or upgrading employment.

(Authority: WIOA Sec. 3(15)(E); TEGL 19-16, Change 1, *Guidance on Services to Dislocated Workers*)

Eligibility of Employed Dislocated Workers

A. Dislocated workers who have become re-employed in “income maintenance” or “stop-gap” jobs positions with lower wages or skill levels than the employment from which they were dislocated, may continue to be served under the Dislocated Worker Program, provided their current wage does not exceed the local definition of self-sufficiency.



B. Employed workers may be enrolled in the Dislocated Worker Program for career or supportive services (not training services) up to 180 days prior to the effective layoff date, if the individual or local area can provide a valid notice of layoff or plant closure issued by the employer that identifies the date of separation or closure.

- 20 CFR 680.660 – Military service members as dislocated workers
- **WIOA Section 3(15)** – Definition of dislocated worker
- **TEGL 19-16, Change 1** – Clarifications on eligibility for separating service members and military spouses
- **20 CFR 680.130–680.150** – Dislocated Worker eligibility and documentation

PRIORITY OF SERVICE

Priority Group Monitoring

The NALWDB Program Monitor will generate and review the Priority of Service Report from the New Mexico Workforce Connection Online System (NM WCOS) to validate that the 100 percent threshold for adult program participants receiving individualized career and training services from priority populations is consistently met.

If monitoring reveals that the percentage of priority group participants falls below 100 percent, the Board will implement corrective measures to restore compliance. Special provisions related to this policy are detailed in NALWDB Policy No. 8 Rev. 1 (Priority of Service Policy).

All workforce regions are required to maintain full compliance with the 100 percent threshold, ensuring that *all* adult participants in individualized career and training services are members of at least one designated priority population.

Priority Populations and Eligibility

In accordance with **WIOA Section 134(c)(3)(E)** and **20 CFR 680.600–680.640**, priority of service for individualized career and training services under the WIOA Title I Adult Program shall be applied in the following order:

1. First Priority:

Recipients of public assistance, low-income individuals (including those at or below 100% of the Lower Living Standard Income Level [LLSIL]), or individuals who are basic skills deficient, who are also veterans or eligible spouses of veterans.

2. Second Priority:

Recipients of public assistance, low-income individuals (at or below 100% of the LLSIL), or individuals who are basic skills deficient, who are not veterans or eligible spouses.

3. Third Priority:

Veterans or eligible spouses of veterans who are not recipients of public assistance, not low-income, and not basic skills deficient.

4. Fourth Priority:

Adults who do not meet any of the above criteria but are otherwise eligible under WIOA for individualized career and training services.

Definitions of Priority Populations



- **Public Assistance Recipients:** Individuals currently receiving, or who have received, assistance within the last six months, assistance under TANF, SNAP, SSI, or other government income-based programs.
- **Low-Income Individuals:** Individuals whose family income does not exceed 100% of the Lower Living Standard Income Level (LLSIL), as published annually by the U.S. Department of Labor and adopted by the State of New Mexico.
- **Basic Skills Deficient:** Individuals unable to read, write, speak English, or perform math at a level necessary to function effectively on the job, in the family, or in society, as defined in WIOA Section 3(5) and determined by an approved standardized assessment (e.g., TABE, CASAS, or GAIN).
- **Veterans and Eligible Spouses:** Defined in 20 CFR 1010.110, including widows, widowers, or spouses of disabled or deceased service members.

Compliance and Monitoring

Priority of Service must be applied consistently across all career and training services, including Individual Training Accounts (ITAs), On-the-Job Training (OJT), and other WIOA-funded activities. Monitoring and reporting must adhere to NALWDB Policy No. 8 Rev. 1, NMDWS Guidance Letter 20-002, and TEGL 19-16, Change 1.

The NALWDB Program Monitor will document all compliance reviews and corrective actions within NM WCOS and maintain supporting records for audit purposes in accordance with 2 CFR 200.334.

Authority and References:

- Workforce Innovation and Opportunity Act (WIOA), Sec. 3(5), 3(36), 134(c)(3)(E)
- 20 CFR 680.600–680.640 and 20 CFR Part 1010
- TEGL 19-16, Change 1 – *Guidance on Services to Adults and Dislocated Workers*
- NALWDB Policy No. 8 Rev. 1 – *Priority of Service*
- NMDWS Guidance Letter 20-002 – *Adult and Dislocated Worker Eligibility*

Veteran Priority of Service

Veterans and eligible spouses covered under Public Law 107-288 (Jobs for Veterans Act), who otherwise meet eligibility requirements for enrollment and for whom WIOA services are deemed appropriate, must be given **priority over non-veterans** for the receipt of employment, training, and placement services provided under the WIOA Title I Adult and Dislocated Worker Programs.

Priority of service must be applied at all stages of program delivery — including **outreach, selection, enrollment, and funding decisions** — to ensure that qualified veterans and eligible spouses are served before non-veterans when program resources are limited.

The order of priority for veterans and eligible spouses is as follows:

1. **First Priority:**
Veterans and eligible spouses who meet WIOA program eligibility and adult priority of service requirements (public assistance recipient, low-income, or basic-skills deficient).
2. **Second Priority:**
non-veterans who meet WIOA program eligibility and adult priority of service requirements.
3. **Third Priority:**
Veterans and eligible spouses who meet WIOA program eligibility, but do not meet adult



priority of service requirements.

4. Fourth Priority:

non-veterans who meet WIOA program eligibility, but do not meet adult priority of service requirements.

A veteran or qualifying spouse is entitled to, and must be given, priority over a non-veteran when the veteran or qualifying spouse meets WIOA eligibility criteria. Priority extends through the entire continuum of services, from initial access and referral to assessment and enrollment, through service delivery and funding. This ensures equitable access and compliance with both **WIOA Section 3(63)(B)** and **20 CFR Part 1010**.

A veteran is defined as an individual who has served at least one day in active military, naval, or air service and was discharged or released under conditions other than dishonorable.

Active service includes full-time Federal service in the National Guard or a Reserve component. However, it does not include full-time duty performed strictly for training purposes (commonly referred to as "weekend" or "annual" training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authority.

A qualifying spouse (eligible spouse) is defined as the spouse of any of the following individuals:

- A veteran who died of a service-connected disability.
- A member of the Armed Forces who has been listed as missing in action, captured in line of duty, or forcibly detained by a foreign government or power for a period of at least 90 days;
- A veteran who has a total disability resulting from a service-connected disability; or
- A veteran who died while such a disability was in existence.

SELF-SUFFICIENCY

An employed individual may receive Individualized Career Services and/or Training Services if it is determined that such services are necessary to obtain or retain employment that leads to economic self-sufficiency, in accordance with **WIOA Section 134(c)(3)(A)(i)** and **20 CFR 680.210**.

Per USDOL TEGL 19-01 (Change 1) and TEGL 19-16, determination of economic self-sufficiency must be made using the State-defined self-sufficiency wage standard. The New Mexico Department of Workforce Solutions (NMDWS) annually calculates and publishes the Self-Sufficiency Wage Standard for each local workforce area.

This calculation uses a living-wage model based on geographically specific expenditure data that reflects the income needs of individuals and families, accounting for regional cost-of-living differences and sub-state economic conditions. The resulting wage standard is distributed through the NMDWS Workforce Guidance Letter: Updated State WIOA Self-Sufficiency Wage Standard, which local boards must adopt and apply when determining participant eligibility for services.

Definition:

"EMPLOYMENT THAT LEADS TO ECONOMIC SELF-SUFFICIENCY" -An individual who is employed in a full -time job (employment that provides compensation for at least 32 hours each week) at a pay rate at or above the designated self-sufficiency



wage shall be considered to have achieved employment that allows for self-sufficiency. Therefore, the individual shall be self-sufficient, and a determination shall be made that Individualized Career Services and/or Training Services are not required. If the individual's current job does not meet the definition of "Employment Leading to Economic Self-Sufficiency," Individualized Career Services and/or Training Services may be offered as determined appropriate.

Exceptions

The Northern Area Local Workforce Development Board (NALWDB) may determine the eligibility of an employed worker using the most current Lower Living Standard Income Level (LLSIL) as published annually by the U.S. Department of Labor and adopted by NMDWS. If an employed individual's current hourly wage or annual income is at or below 100% of the LLSIL, the NALWDB shall determine that the individual does not meet the definition of "Employment Leading to Economic Self-Sufficiency." Under this determination, the participant qualifies for services under Priority of Service (POS) Category 4 as an employed worker in need of training or career advancement to achieve self-sufficiency. For individuals enrolled as Dislocated Workers, self-sufficiency shall be defined as full-time employment at a rate of pay equal to or greater than the pre-layoff wage, even when the pre-layoff wage exceeds the locally established self-sufficiency standard. This ensures that reemployment services support both wage recovery and long-term stability in accordance with **WIOA Section 134(c)(3)(A)(i)** and **20 CFR 680.210–680.220**.

Requirements for Documenting Self-Sufficiency

1. Information about the customer's current hourly wage must be recorded in the "Work History" portion of the State's management information system, including each of the following elements:
 - (a) Job Title.
 - (b) Employer Name.
 - (c) Dates of Employment: From / To (Month, Year);
 - (d) Wage.
 - (e) Wage Type (Hourly, Annual, Other); and
 - (f) Hours per Week.
 2. Acceptable verification sources include:
 - (a) Copy of a recent paycheck or paystub.
 - (b) Employer letter or other document describing the customer's current wage
- SELECTIVE SERVICE**
- Males born on or after January 1, 1960, are required to register with Selective Service within 30 days of their 18th birthday (i.e., 30 days before or 30 days after their birthday.) This includes males who are:
- A. Citizens of the U.S.
 - B. Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before



- their 26th birthday; and/or
- c. Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- A. Men who are serving in the military on full-time active duty.
- B. Men attending the service academies.
- C. Disabled men who were continually confined to a residence, hospital, or institution; and/or
- D. Men who are/were 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.

For non-U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- A. Non-U.S. male who came into this country for the first time after his 26th birthday. Acceptable forms of supporting documentation include:
 - 1. Date of entry stamp in his passport.
 - 2. I-94 with date of entry stamp on it; or
 - 3. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
- A. Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
- B. Non-U.S. male on a valid non-immigrant visa.

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the registration requirements at www.sss.gov. The Selective Service System also provides a quick reference chart showing who must register located at <http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>.

Registration Requirements for Males Under 26

Before being enrolled in WIOA Title I-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 at www.sss.gov. If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIOA Title I-funded services must be suspended until he registers.

Registration Requirements for Males 26 Years and Over

Before enrolling in WIOA Title I-funded services, all males, 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement. Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed in Section 3 must obtain a Status Information Letter from Selective Service indicating whether they



were required to register. The Request for Status Information Letter form can be accessed at <http://www.sss.gov/PDFs/infoform.pdf> and the instructions can be accessed at <http://www.sss.gov/PDFs/instructions.pdf>. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, 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 services authorized or funded by Title I of WIOA. If the Status Information Letter indicates that the individual was required to register and now cannot because he is 26 or older, he is presumed to be disqualified from participation in WIOA Title I-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.

Determining Knowing and Willful Failure to Register

If the individual was required but failed to register with the Selective Service, the individual may only receive services if they establish by a preponderance of the evidence that the failure to register was not knowing and willful. The local board, subgrantee, or contractor that enrolls individuals in WIOA Title I-funded activities and is thereby authorized to approve the use of WIOA Title I grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons 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 deciding in these cases:

1. Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering may also be helpful to the subgrant recipient and the NALWDB in making determinations in cases regarding willful and knowing failure to register.

In determining whether the failure was “knowing,” the authorized organization should consider:

- 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?

In determining whether the failure was “willful”, the authorized organization should consider:



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

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. 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 denied services must be advised of available WIOA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

ELIGIBILITY DOCUMENTATION REQUIREMENTS

Physical evidence must be obtained during the verification process and maintained in participant files. Such evidence would be copies of documents, completed telephone verification/document inspection forms, and signed self-attestation forms. Eligibility documents and case notes must be stored electronically in the states Management Information System (MIS)

Documentation with Self-Attestation

Self-attestation occurs when a participant states his or her status for a particular data element and then signs and dates a form acknowledging this status.

The key elements for self-attestation are:

- The participant identifying his or her status for permitted elements; and signing and dating a form attesting to this self-identification,
- The form and signature can be on paper or in the state management information system, with an online signature.
- Self-attestation cannot be used to document the basic WIOA eligibility data elements of right to work, selective service, and age for services provided beyond staff assisted service with significant staff assistance.
- 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. When it is appropriate to use self-attestation; or consult with your local Management Information System (MIS) coordinator if the data element in question is not addressed in this guidance letter. Local Boards may create their own self-attestation form; however, it must include all elements of the self-attestation form included in this guidance letter.

Glossary

Active Duty— means full-time duty in the active military service of the United States. Such term includes full- time training duty, annual training duty, and attendance while in active military service, at a school

designated as service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

Adult - Except as otherwise specified in WIOA section 132, the term "adult" means an individual who is age 18 or older.

Applicant - An individual who applies for training and/or services provided under WIOA through a WIOA grant recipient or sub-recipient.

Basic Skills Deficient - An individual who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society. This may also include lack of computer "literacy"

Document basic skills deficient with one of the following:

- Basic skills assessment questions or test results
- School records
- Referral or records from a Title II Adult Basic Education program
- Referral or records from an English Language learner program

A youth 18 or older, who was determined basic skills deficient for the WIOA Youth Program, may be co-enrolled in the Adult Program without an eligibility redetermination, and be counted as an individual who meets adult priority of service, if the original determination was made no more than 6 months prior to the date of co-enrollment.

Local policy may further define the criteria that will be used to identify and document basic skills deficient individuals.

Note on Standardized Tests: When using formal assessment tests to determine basic skills deficient, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. In addition, if a standardized test is used to assess basic skills, the test should include reading, writing, or computing skills. Lacking soft skills or specific skills needed for a particular job may not be used to assess otherwise high-functioning individuals as basic skills deficient. As a result, tests such as Prove-It are generally not appropriate for determining basic skills deficient or computer literacy as they are focused on occupational skills rather than basic skills.



Case Notes - Electronic statements by the case manager that identifies, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the case manager who obtained the information.

Citizenship - Designation of an applicant as a citizen of the United States or a lawfully admitted permanent resident alien, lawfully admitted refugee or parolee, and other individuals authorized by the Attorney General to work in the United States. If the applicant indicates that he/she is not a citizen or an "eligible non-citizen," the applicant is ineligible for WIOA. (Per state statute, an Affidavit of Immigration Status shall be completed as part of the enrollment process for applicants 18 years or older, effective August 1, 2006).

Dependent Child - A child, related by blood, marriage, or decree of court, living in a single residence with his/her parent(s) or guardian. When determining up to what age an out-of-school youth could be considered a dependent child of a parent or guardian, use the IRS definition of dependent. (See IRS Publication 501 - Exemption for Dependent)

Note: If a college student is not claimed as dependent on anyone else's tax return, they are NOT a dependent child

Dislocated Worker- Eligible Spouse/Veteran

- A. 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 who meets the criteria described in the Displaced Homemaker Eligible Spouse definition below,
OR
- C. Dislocated members of the Armed Forces (service members who are transitioning to the civilian workforce, are within 12 months of separating or 24 months of retirement, expect to be discharged with other than a dishonorable discharge, and are unlikely to return to a previous industry or occupation) as defined in TEGL 22-04: "Serving Military Service".
Members. For this category the 00214 or separation orders may document both the layoff and UI eligible, OR



- D. Recently separated veterans who are within 48 months of discharge (other)than dishonorable) or released from active military, naval, or air service. For this category, 00214 may document both the layoff and UI eligible.

Displaced Homemaker- an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; or

(A) is unemployed or underemployed and is having trouble in obtaining or upgrading employment.

Note: *alimony is not considered replacement for lost income*

Displaced Homemaker- Eligible Spouse - 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.StatesCode,a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, UnitedStates Code) death or disability of the member.

Early/Forced Retirement - Individuals who accept early or forced retirement as part of a reduction in force may be considered to have been terminated or laid off or received notice of termination or layoff as appropriate. These individuals would be eligible for the WIOA Dislocated Worker program if they retire because of a permanent closure of, or any substantial layoff at a plant, facility or enterprise

Eligible For Unemployment Insurance (Ui) Compensation- Any individual who:

- (A) Is eligible for or has exhausted entitlement to unemployment compensation; or
- (B) Has been employed for a sufficient duration to demonstrate attachment to the workforce (has a history of working) 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.

Eligible Migrant Farmworker. -The term "eligible migrant farmworker" means:

- (A) an eligible seasonal farmworker described below whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of



residence within the same day; and

{B) a dependent of the farmworker described in (A).

Eligible Seasonal Farmworker. -The term “eligible seasonal farmworker” means-

(A) a low-income individual who-

(i) for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and

(ii) faces multiple barriers to economic self-sufficiency; and

(B) dependent on the person described in (A).

English Language Learner.-The term “English language learner” means an individual who has limited ability in reading, writing, speaking, or comprehending the English language, and-

A. Whose native language is a language other than English; or

B. Who lives in a family or community environment where a language other than English is the dominant language.

Note: Individuals who are English language learners meet the criteria for basic skills deficient.

Exhausted Ui Compensation - Has received all the unemployment compensation benefits for which an individual has been determined eligible.

Ex-Offender - Any adult or juvenile who has been subject to any stage of the criminal justice process, for whom services may be beneficial; or who requires assistance in overcoming artificial **barriers** to employment resulting from a record of arrest or conviction. An Out-of-School Youth may have been subject to either the juvenile or adult justice system.

Family of Two or more persons related by blood, marriage (common law or ceremonial), civil union, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

A. A married couple and dependent children.



- B. A parent or guardian and dependent children.
- C. married couple, meaning:
 - A husband and wife; or
 - Two individuals of the same sex, who are legally married, or in a civil union.

Family income- Family income includes total 6 months cash receipts before taxes (i.e. Gross wages) from all sources as **defined in** "Family" above, except:

- A. If the applicant reports little or no includable income, s/he shall indicate other resources relied upon for life support during the last six months on the Applicant Statement. Such resources may include such things as unpaid debts, gifts, loans, unemployment compensation.
- 8. In addition, when a Federal statute specifically provides that income or payments received under such statute shall be excluded in determining eligibility for and the level of benefits received under any other federal statute, such income or payments shall be excluded in WIOA eligibility determinations.

Income (includible):

- Money wages and salaries (gross wages) before any deductions.
- Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for Business expenses);
- Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);
- Regular Payments from Social Security, including SSDI (Social Security Disability Insurance), railroad retirement, strike benefits from union funds, worker's compensation, training stipend, and death benefits
- Alimony.
Military family allotments (including Hazardous Duty Incentive Pay) or other regular support from an absent family member or someone not living in the household; Pensions (retirements) whether private, government employee (including military retirement pay);
- Regular insurance or annuity payments.
- College or University grants, fellowships and assistantships.



- Dividends, interest, net rental income or royalties, periodic receipts from estates or trusts.
- Net gambling or lottery winnings.
- Unemployment compensation.
- Child support payments, including foster care payments;
- Old-age survivors' insurance benefits

Income Excludable:

- Welfare payments (including Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Refugee Cash Assistance (RCA). (Note: General Assistance (GA) became obsolete with welfare reform, and is not an eligible category);
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants, Federal Supplemental Education Opportunity Grants and Federal Work Study. PLUS, Stafford and Perkins loans like any other kind of loan are debt and not income.
- Needs-based scholarship assistance; state & private grant aid.
- Military payor allowances while the veteran or transitioning military member was on active military duty; and certain other veteran's benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance.
- Capital gains.
Any assets drawn down as withdrawals from a bank, sale of property, a house or a car.
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury.
- Non-cash benefits such as employers paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, USDA Food Stamps, school meals, and housing assistance.
- ALL WIOA payments exclude OJT wages.

Farm/Ranch Worker (applies to self-employed category) - A person who is self-employed or employed by another, on a farm or ranch which produces agricultural products and who receives at least 50% of their family or individual income from agricultural reproduction.

Foster Care Youth- A youth 14-18 years of age on whose behalf state or local government



payments (excluding OASI) are made. This may include youth who have been made a ward of the state by a court, including those in the following categories:

- Youth in State institutions
- Youth in Community Group Homes
- Youth in Foster Homes

WIOA also defines a foster care youth as an individual in foster care, or who has aged out of the foster care system, or who has attained 16 years of age and left foster care for kinship, guardianship or adoption; 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. This definition encompasses youth who were formerly foster care but may have returned to their families before turning 18.

For Adults: an individual who was previously in foster care or aged out of foster care.

General Economic Conditions - Conditions that cause an individual to lose a business certificate, but are not limited to:

- Failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or services; or
- Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products or services; or
- Substantial layoffs, or permanent closure(s) of one or more plants or facilities that support a significant portion of the State or local economy; or
- Depressed price(s) or market(s) for the article(s) produced by the self-employed individual.

Homeless Person - An individual who meets any of the following criteria:

(A) lacks a fixed, regular, and adequate nighttime residence; this includes a participant who:

- Sharing the housing of other people is due to loss of housing, economic hardship, or a similar reason.
- Is living in a motel, hotel, trailer park, 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.

(B) Has a primary night-time 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.

(C) Is a migratory child who in the preceding 36 months was required to move from one school district to another due to changes in the parent's or parent's spouse's seasonal employment in agriculture, dairy or fishing work:

or

is under 18 years of age and absent himself or herself from home or place of legal residence without the permission of his or her family (i.e. runaway youth)

Exclusion - The term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

A homeless individual who meets the above criteria is presumed to be considered low income for purposes of eligibility under WIOA unless demonstrated otherwise. Refer to the Stewart B. McKinney Assistance Act (Pll00-77).

Individual - (Family of one) - A person not meeting the definition of family is an individual. Youth aged 18 years and older living with parents or other family members(s) shall document individual status by completing the Applicant Statement form verifying that status.

Individual With a Barrier to Employment - An individual who is a member of 1 or more of the following populations:

- Displaced homemakers: Low-income, Indians, Alaska Natives, and Native Hawaiians (as defined in section 166); Individuals with disabilities, including youth who are individuals with disabilities.
- Older individuals, Ex- offenders, Homeless (as defined in section 41403(6) of the Violence Against Women Act of 1994(42 U.S.C. 14043e- 2(6))), or homeless children and youths (as defined in section 725(2) of the McKinley-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- Youth who are in or have aged out of the foster care system.
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- Eligible migrant and seasonal farmworkers (as defined in section 167(i).
- Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq);
- Long-term unemployed individuals: and other groups the Governor involved determine to have barriers to employment.



Individual With A Disability-The term "individual with a disability" means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), as follows:

A. Disability: The term "disability" means, with respect to an individual-

1. a physical or mental impairment that substantially limits one or more major life activities of such individual.
2. a record of such impairment; or
3. being regarded as having such an impairment {as described in paragraph (3).

8. Major life activities

1. In general: For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, breathing, learning, reading, concentrating, thinking, communicating, and working.
2. **Major bodily functions:** For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Regarded as having such an impairment:

For purposes of paragraph (I)(C):

1. An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether the impairment limits or is perceived to limit a major life activity.
2. Paragraph (I)(C) shall not apply to impairments that are transitory & minor. A transitory impairment has an actual or expected duration of 6 months or less.

Note: An Individual with Disability may be eligible based on the family of one income guideline. New Mexico Workforce Connection On-line System (NMWCOS) data entry shall still include the accurate dollar amounts for individual 6 month and (estimated) family 6 month as well as the accurate number of family members. Do not leave the family 6-month income field blank and do not enter 01 for number in family unless the Individual with a Disability meets the criteria of an "Individual" as shown above.

NMWCOS will use the fields necessary to figure the individual income for the Individual with a Disability.



Job Of Dislocation - The economic dislocation of an individual as described in the WIOA Dislocated Worker program implies the existence of a job of dislocation. The job of dislocation is the job that qualifies the individual under one of the eligibility categories. Under the categories for Plant Closing/Substantial Layoff and Layoff/VI/Unlikely to Return, the job of dislocation is the job from which the applicant has been laid off. The general guideline for classifying the job of dislocation is interim jobs are temporary. For a self-employed individual, evidence that the business has been lost verifies a job of dislocation. The general guideline is to identify the job or pattern of jobs that defines the true job of dislocation. The job of dislocation should include the job title and the name of the business (or industry). Often, the variance in wages can help to distinguish the job of dislocation from other temporary employment. For a self-employed individual, evidence that the business has closed (or is in the process of closing) or business financial records show a major decline in profits can help verify the job of dislocation.

Living in a Single Residence

- A. Temporary, voluntary residence elsewhere - an individual is included in a single residence if they are temporarily and voluntarily living outside of the residence. This may include individuals attending school or college or visiting relatives. It does not include involuntary temporary residence elsewhere (Le. incarceration or placement because of a court order).

Temporary, involuntary residence elsewhere - an individual is NOT included in a single residence if they are temporarily and involuntarily living outside of the residence. This may include individuals who are incarcerated or placed because of court order.

Note: A person not meeting the definition of family is an individual (family of one). Individuals ordinarily included in the definition of family but no longer claim to be dependent shall complete an applicant statement attesting to individual status. Such statements should be corroborated by the head of household in which the individual resides. (S)He shall also show source of his/her support. The individual shall provide over 50% of his/her support to be considered a family of one. Income tax records are also a good source of documentation to support that the youth is not claimed by the parents. Youth aged 18 years and more, see "individual" definition.

Long-Term Unemployed Individual (Bureau of Labor Statistics definition)- a person who has been unemployed for 27 or more consecutive weeks



Low-Income Individual - The term "low-income individual" means an **individual** who-

1. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP - food stamps) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381et seq.), or other federal, state or local income-based public assistance; or
2. 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 Refugee Cash Assistance, LEAP, Section 8 Housing, or CCAP (Child Care Assistance Program) payments.
3. Is in a family with total family income that does not exceed the higher of-
 - a. the poverty line; or
 - b. 100 percent of the lower living standard income level; or
4. 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))); or
5. For Adults: Was previously a foster child (or aged out of the foster care system) on behalf of whom state or local government payments were made; or
Is an individual with a disability whose own income meets the income requirement of #2, but who is a member of a family whose income does not meet this requirement; or
6. 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. 1751et seq.). For the Adult Program, this can be an individual 18-21years old and still attending secondary school or the parent of an in-school youth who is eligible for the lunch program.



(The Community/School/School District Eligibility Provision of the Act may not be utilized, only the individual eligibility provision may be used.)

NOTE Use of Item 7 for Adult Priority of Service (POS) is now approved in accordance with the U.S. Department of Labor, Employment and Training Administration (USDOL ETA) Final Participant Individual Record Layout (PIRL). This designation ensures accurate reporting and tracking of participants who qualify for priority of service under the WIOA Adult Program.

The Department has determined that the parents of youth who are eligible to receive free and reduced-price lunches are eligible to be served under the low-income priority provisions in the adult program. However, the Department has determined that the parents of a youth living in a high poverty areas are NOT eligible to be served under the Adult low-income priority.

7. Underemployed individuals who are employed full- or part-time may also be eligible for adult priority if they also meet the definition of a low-income **individual**.

A youth 18 or older, who was determined low-income for the WIOA Title I Youth Program, may be co-enrolled in the Title I Adult Program without an eligibility redetermination, and be counted as an individual who meets adult priority of service, if the original determination was made no more than 6 months prior to the date of enrollment.

Lower Living Standard Income Level - 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 of Labor in the Federal Register. (DWS issues annual memo)

Natural Disasters- Natural disasters that cause unemployment of a self-employed individual include hurricanes, tornadoes, storms, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruptions, landslides, mudslides, avalanches, drought, fire, explosions, snowstorms or another catastrophes.

Older Individual - The term "older individual" means an individual age 55 or older.

Participant - (20 CFR 677.150)- is a reportable individual who has received services other than



the services described in paragraph (a)(3) of this section, after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination.

Plant Closing - The permanent shutdown of a plant, business or facility.

Poverty Line-The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved

Previous Occupation/Industry - For the purposes of WIOA Dislocated Worker program eligibility, previous occupation or industry relates directly to the job of dislocation.

Primary Occupation- in which an individual has had most experience; and/or most training; and/or which the individual prefers; and/or one in which the individual has remained for an extended period without seeking more appropriate employment (new primary occupation).

Public Announcement-The process by which a plant, facility, or enterprise makes the public aware of its permanent closure. The announcement must include a projected closure date and be verified.

Public Assistance-The term "public assistance" means federal, state, or local government cash payments for which eligibility is determined by a needs or income test. (i.e. TANF, Refugee Cash Assistance, Supplemental Security Income, LEAP, Title 8 Housing, or CCAP - Child Care Assistance Program). Note: Supplemental Security Disability Income (SSDI) is not considered cash welfare and does not make a person automatically eligible for WIOA.

Self-Employed- Any professional, independent trades person, or other businessperson who works for him/herself. Such a person may or may not be incorporated or in a limited partnership. A family member who provides professional services in the affected business of at least 15 hours per week and



receives a salary or wage from the self-employed individual may also be a self-employed individual. Self-employed may also include employment as a farmer, rancher or fisherman.

Self-Attestation occurs when a participant states his or her status for a particular data element and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- (a) the participant identifying his or her status for permitted elements; and
- (b) signing and dating a form attesting to this self-identification.

The form and signature can be on paper or in the state management information system, with an online signature **and may only be used as last resort.**

Service Connected means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval or air service

Single Parent - a single, separated, divorced or widowed individual who has responsibility for one or more dependent children under age 18, or a single pregnant woman

Stop-Gap Employed - The WIOA dislocated worker program regulations specify that an eligible dislocated worker remains eligible if, either prior to or during participation in a training program he/she accepts temporary employment for the purpose of income maintenance and with the intention of ending the temporary employment and entering permanent employment at the completion of training. The concept of "stop-gap" employment is intended to help define and clarify this type of temporary employment, and to help prevent arbitrary decisions of eligibility/ineligibility.

First. Stop-gap employment may be applied to all dislocated workers, whatever their category of eligibility, whether plant closure/ substantial layoff, individual layoff, or other.

Second. dislocated workers may accept stop-gap employment for a variety of reasons other than the maintenance of income during training; for example, many do not know at that point that training is available. However, when learning that training is available, the applicant for WIOA dislocated worker retraining may then consider his/her employment temporary. In such cases, it is best to use the "rules of thumb" to determine if employment can be considered "stop-gap" when such an individual applies for the WIOA dislocated worker retraining: does it pay



less than 80% of the earnings at dislocation, and/or does it require a far less skill level than the job of dislocation or is it out of the "primary" occupation, and/or does it

offer less than 80% of the weekly hours of the job of dislocation (e.g., less than 32 hours compared to a previous 40 hours per week)

Individuals who are **Underemployed** can be considered as having stop-gap employment.

Third. employment should not constitute a new primary occupation for the dislocated worker. Some guidelines that may be helpful in determining this are:

1) Is there a demand in the area for the individual's previous occupation (making it likely that he/she would have returned to it if not interested in starting a new primary occupation); 2) Has the individual made verifiable efforts to seek more permanent and appropriate employment.

3) Does the individual need retraining to gain appropriate employment that is comparable to the job of dislocation in terms of skill level and earnings; and,

4) How long has the individual held the stop-gap employment (suggesting that a year or more in an occupation that is comparable in hours, skill, and pay to the job of dislocation is probably a new primary occupation, particularly if the individual has conducted no serious job search)? {See definition of Primary Occupation}

5)

Substantial Layoff: A substantial layoff is any reduction-in-force which is not the result of a plant closing and which results in an employment loss at a single site of employment for at least 25 percent of the employees (excluding employees regularly working less than 20 hours per week).

NOTE: Permission to use a copy of the State Rapid Response report should be obtained from the local Rapid Response coordinator and/or a local supervisor to ensure confidentiality of this document.

Temporary Employees: An applicant cannot be automatically disqualified for WIOA Dislocated Worker program enrollment because the job of dislocation was not considered a permanent position. An employee under a temporary contract, or placed by a temporary employment agency with an employer, may be made eligible under the same category as regular employees of the company

(substantial layoff, plant closing). Temporary employees directly under contract with



the company are considered eligible as are regular employees if their dislocation was caused by a layoff or closing. If the dislocation was not caused by a closing or substantial layoff, the applicant must be shown to be unlikely to return (UI or the temporary agency can confirm). However, temporary employees who are unemployed because the project or undertaking for which they were hired has been completed are not considered Dislocated Workers.

Contracted Employees - Employees working within a set contract (not through a temporary agency) that ends on schedule are not eligible for the WIOA Dislocated Worker program. If the job ends prior to the set contract end date and the applicant is not at fault for the separation, they are considered to have a job of dislocation.

Unlikely To Return to Previous Industry or Occupation


- Skill Oversupply- State or local supply of people with the specific skills of the applicant exceeds current demand for those skills
- Obsolete Skills- Applicants can no longer meet the minimum requirements of jobs available in their occupation (e.g., clerical worker without word processing skills, etc.).
- Documentation of limited number of employers in the state in a certain occupation
- Only Stop-Gap Available- Jobs available to applicants would be temporary or substantially below applicant's accustomed skill, hour, or wage level (see stop-gap definition)
- No Jobs Offers Received-Applicant has been available and looking for work for several weeks and has not received an offer for work; "number of weeks" might range from 6 to 12 weeks, depending upon the occupation, economy, and/or applicant's verified job search efforts.
- Documented Job Search Log (UI or other work search records such as a state's MIS, third party job bank system or self-documented log)
- Local Layoff Impact- A local plant or business closing or layoff has had a significant negative impact on the availability of jobs in the applicant's primary occupation and accustomed wage/hour/skill level
- Declining Occupation- Unemployed and their most recent job is on a declining occupation list as defined by the NALWDB. (The board defines Declining Occupation as a job that was in decline for the last 5 years or the occupation has been growing at a rate less than 7% over the last 5 years
 - o Documentation of State's LMI, occupational sites or other local/regional business and professional information indicating declining occupations or industries
 - o Documentation of limited number of employers in the state in a certain occupation
- » Physical Limitations or Disabilities- Newly acquired physical limitations or injuries occurring which limit the individual's ability to perform the job from which they were dislocated may make an individual unlikely to return to the previous occupation. Such individuals are eligible if they fit one of the categories of the WIOA Dislocated Worker program eligibility, but must have a doctor's release to work

Doctor's note stating the individual can no longer perform his/her previous occupation for medical reasons or medical records showing the individual's present or past disability or a self-attestation form in which the individual states the nature of the disability



Underemployed- is an individual who is:

- Employed less than full-time but is seeking full-time employment; or
- Employed in a position that is inadequate with respect to their skills and training; or
- Employed and meets the definition of low income; or
- Employed, but whose current job's earnings are not sufficient compared to their earnings from their job of dislocation.


Joseph Weathers (Oct 24, 2025 22:27:48 MDT)

BOARD CHAIR

10/24/25

DATE

be used for any of these required documents for this element)	_W-2Form
Age (1 is required) (NOTE: Source documentation requirements differ based on the level of service received)	_Baptismal Record _Birth Certificate _Driver's license _Federal, State or Local photo ID _DD 214-Certification of Discharge or from Active Duty _Passport _Hospital Record of Birth _Public Assistance/Social Service Record School Records or ID Card _Work Permit _Cross Match with Department of Vital Statistics _Tribal Records _Self-Attestation(Self-Service Only)
Priority of Service Low Income- Public Assistance Basic Skills Deficient	Low Income- Public Assistance _Paystubs _Employer statement: written or telephone verification _Alimony agreement _Award letter from Veteran's Administration _Bank statements _Compensation award letter _Court award letter _Pension statement _Family or business financial records _Housing authority verification _Social Security benefits statement _Public assistance records _UI documents _Quarterly estimated tax (self-employed persons) _Self-attestation Basic Skills Deficient _Basic skills assessment questions or test results _Referral/records from Title II Adult Basic Ed Program _Referral/records from English Language Learner Program
Self Sufficiency (Employed Workers Only)	_Copy of a recent paycheck or paystub _Employer letter or other document describing the customer's current wage rate

ATTACHMENT C

DISLOCATED WORKER ELIGIBILITY DOCUMENTATION

<p>Right to Work in the US (1 is required)</p> <p>Note: a Document Inspection Form may be used for any of these required documents for this eligibility element.</p> <p>Note: AU documents should be unexpired</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Social Security Card AND Real ID compliant Driver's License or other government issued picture ID containing a photograph or information such as name, date of birth, gender, height, eye color and address. (If under 18 years old and does not have a Driver's license; may use school record or doctor/hospital record with signed Social Security Card.) <input type="checkbox"/> U.S. Passport (unexpired or expired) <input type="checkbox"/> Permanent Resident Card or Alien Registration Receipt Card (Form 1-551) <input type="checkbox"/> An unexpired foreign passport with a temporary I-551 stamp <input type="checkbox"/> An unexpired Employment Authorization Document that contains a Photograph (Form 1-766) <input type="checkbox"/> An unexpired foreign passport with Form 1-94 or I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form <input type="checkbox"/> Original or certified copy of a Birth Certificate issued by a state, county, municipal authority or territory of the US bearing an official seal (Document Inspection Form is allowed.) <input type="checkbox"/> Certification of Birth Abroad (Form DS-1350) issued by the Department of <input type="checkbox"/> D0-214, Report of Transfer or Discharge (if place of birth is shown) <input type="checkbox"/> Hospital Record of Birth <input type="checkbox"/> T-visa issued to victims of human trafficking (See Attachment 9: TEGL 09-12) <input type="checkbox"/> Naturalization Certification <input type="checkbox"/> Certificate of Degree of Indian Blood <input type="checkbox"/> Unexpired US Citizen ID card (Form 1-197) <input type="checkbox"/> Native American Tribal Document <input type="checkbox"/> 1-9 complete including signature by authorized employer or designee
<p>Selective Service (1 is required for those required to register)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Screen printout of the On-line verification at www.sss.gov <input type="checkbox"/> Acknowledgement Letter from Selective Service <input type="checkbox"/> Selective Service Verification Form <input type="checkbox"/> Selective Service Registration Card <input type="checkbox"/> Selective Service Advisory Opinion Letter <input type="checkbox"/> Selective Service Registration Record (Form 3A) <input type="checkbox"/> Selective Service Waiver Document (for veterans) <input type="checkbox"/> Stamped Post Office Receipt of Registration

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Social Security Number (Not required for eligibility) : <u>Does not have to be signed.</u> _ • SSN may be required for participation in paid work experiences, internships, or wage subsidy programs	_ DD-214- Certificate of Discharge or Release from Active Duty _ IRS Form Letter 1722 _ Letter from Social Security Agency _ Pay Stub with Social Security number _ Social Security Benefits _ Social Security Card _ W-2 Form
Age (1 is required for data validation purposes) (NOTE: Source documentation requirements differ based on the level of service received)	_ Baptismal Record _ Birth Certificate _ Driver's License _ Federal, State or Local photo ID _ DD 214-Certification of Discharge or from Active Duty _ Passport _ Hospital Record of Birth Public Assistance/Social Service Record School Records or ID Card _ Work Permit _ Cross Match with Department of Vital Statistics _ Tribal Records _ Self-Attestation (Self-Service Only)
___ 1. Layoff/UI/ Unlikely to Return (Note: Honorable military discharge can count as a layoff, but the customer must also meet the other two criteria.) (Note: All three circumstances must be	Layoff/UI: _ Letter from employer or documented telephone verification with date of dislocation _ U I Notice of Decision with date of dislocation _ Layoff or closure notice with date of dislocation _ State Rapid Response Report _ Public layoff notice with UI data cross-match and paystub with date of dislocation _ Unemployment Insurance "Employment History" with date of dislocation

documented)

_DD-214 Certificate of Discharge or Release from Active Duty

Unlikely to Return:

_Skill Oversupply

_Obsolete Skills

- Documentation of limited number of employers in the state in a certain occupation

_Only Stop-Gap Available

_No Job Offers Received

- Documented Job Search Log (UI or other work search records such as a state's MIS, third party job bank system or self-documented log)

_Local Layoff Impact

_Declining Occupation

- Documentation of State's LMI, occupational sites or other local/regional business and professional information indicating declining occupations or industries

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_Physical Limitations or Disabilities

- Doctor's note stating the individual can no longer perform his/her previous occupation for medical reasons or medical records showing the individual's present or past disability or a self-attestation form in which the individual states the nature of the disability

<p>2. Plant Closure, Substantial Layoff</p> <p>(Note: Two circumstances must be documented - the fact that the business closed or a substantial layoff occurred and that the applicant worked there.)</p>	<p>Self-Employed:</p> <p>_Business License/Permit</p> <p>_Tax Records</p> <p>_Self-Employment Worksheet signed and attested</p> <p>_UI wage data</p> <p>screen Business</p> <p>Closed:</p> <p>_Business closure notice</p> <p>_Tax records</p> <p>_Bankruptcy documentation</p> <p>_Lending Institution documentation</p> <p>_Financial statements from accountant</p> <p>Economic Conditions or Natural Disaster:</p> <p>_Public notice</p> <p>_USDOL Advisory</p>
<p>4. Displaced Homemaker</p> <p>(Note: Two circumstances must be documented -1) The fact that the applicant was dependent on the income of a spouse and is no longer being supported by that income; and 2) the applicant is unemployed or underemployed.)</p>	<p>_Cross Match with Public Assistance Records</p> <p>_Copy of Spouses Layoff Notice</p> <p>_Copy of Spouse's Death Record</p> <p>_Copy of Spouse's Permanent Change of State (PCS) Orders (for a military move or assignment)</p> <p>_Copy of Divorce Records</p> <p>_Copy of Bank Records (showing financial dependence on spouse, no spate individual income support, or no employment income earned)</p> <p>_UI wage data indicating no wages</p> <p>_Self-attestation</p>
<p>Spouse of a Veteran Dislocated Worker</p> <p>(Note: Two circumstances must be documented-1) proof of marriage; and 2) that there was loss of employment or change in employment status</p>	<p>Marriage</p> <p>_Marriage Certificate</p> <p>_Affidavit</p> <p>Loss of Employment or change in employment status</p> <p>_Payroll documents</p> <p>_Copy of Spouse's Permanent Change of State (PCS) Orders (for a military move or assignment)</p> <p>___ Unemployment Insurance Records</p>








Adult and Dislocated Worker Eligibility Policy Rev.3(ruthie@nalwdb)

Final Audit Report

2025-10-25

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