# WORKFORCE INNOVATION AND OPPORTUNITY ACT ADULT ELIGIBILITY CRITERIA, GLOSSARY, AND DOCUMENTATION CHECKLIST

# All WIOA and Other New or Revised Items are Yellow Highlighted ALL JUNE 2016 REVISIONS ARE HIGHLIGHTED IN GREEN

Documentation verifying the eligibility of participants of the Workforce Innovation and Opportunity Act (WIOA) is mandatory. Eligibility determination shall be made prior to enrollment in WIOA and receipt of any framework or program element services. Each program shall provide employment and training opportunities to those who may benefit from these career services and to those who are most in need of such opportunities. This determination is required as WIOA is not an entitlement program.

Veterans and eligible spouses covered by Public Law 107-288 (Jobs for Veterans Act), who otherwise meet the eligibility requirements for enrollment, are to be given priority over non- veterans for the receipt of employment, training, and placement services provided under the WIOA program. Additionally, citizenship or legal immigration status must be determined prior to provision of program services to individuals 18 years of age or older per Colorado HB1023.

In accordance with PGL 15-09-WIOA Eligibility for Title I Programs, ADW! has established the Adult Priority of Service Policy to provide priority for "individualized" career services and training services to individuals with barriers to employment that include recipients of public assistance, other low-income individuals, individuals who are basic skills deficient, and those who are underemployed and low income. (A separate guideline will outline additional categories that Arapahoe/Douglas Works! will include in the Adult Priority of Service.) The local priority of service policy for the WIOA Adult Program, along with Veterans priority of service for enrollment, will be implemented in the following order for the four priority categories defined in the law:

- 1. Veterans or eligible spouses who are eligible for the program and meet Adult priority of service requirements
- 2. Non-veterans (<u>not</u> veterans or eligible spouses) who are eligible for the program and meet Adult priority of service requirements
- 3. Veterans or eligible spouses who are eligible for the program, but do NOT meet Adult priority of service requirements
- 4. Non-veterans (<u>not</u> veterans or eligible spouses) who are eligible for the program, but do NOT meet Adult priority of service requirements

#### **ADULT DISCRETIONARY GRANTS:**

Basic WIOA eligibility applies to all Adult discretionary grants, including citizenship/immigration status, selective service, age, and veterans priority of service (see <u>Attachment 1</u>). Note: Additional eligibility criteria may be established as part of a discretionary grant application.

#### **ELIGIBILITY CRITERIA**

Each of the following eligibility elements must be documented for each applicant. Please refer to the comprehensive checklist of allowable forms of eligibility documentation contained in this policy. Photocopies of documentation kept on file must be legible.

 Citizenship/Eligible 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. Exception: Per TEGL 09-12 (see <u>Attachment 9</u>), operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status.

**Note:** If a Social Security number is being used to document citizenship in conjunction with a driver's license, or if the participant is being entered into a paid work experience activity, the original SSN card needs to be presented along with a picture ID. Both documents should be copied so that

any signatures and Social Security numbers are legible. If the Social Security number is simply being used as the unique identifier in Connecting Colorado, the number does not need to be verified. If the client prefers not to provide a Social Security number, a pseudo number can be created for use in Connecting Colorado. A picture ID is not required as long as other appropriate documents are available to document eligibility. WIOA can pay for a picture ID as a supportive service if the client is enrolled in the program. (Additional types of documentation that can be used to demonstrate citizenship are listed in the Documentation Checklist.)

- 2. **Selective Service/Military Status:** All participants shall be in compliance with the Selective Service Act requirements. All males who are at least 18 years old and born after December 31, 1959 and who are not in the armed services on active duty shall be registered.
- 3. Age at enrollment must be 18 or older; AND
- 4. Lawful Presence: Applicants shall also prove lawful presence in the United States in accordance with the Colorado Revised Statutes 24-76.5. They shall possess one of the acceptable forms of identification (ID) listed in the Documentation Checklist below, and complete the Affidavit of Immigration Status form, for all applicants 18 years and older. If the applicant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied.

**Note:** Deferred Action for Childhood Arrivals (DACA) participants may not possess a lawful presence document, and also may have been issued a driver's license or ID not valid for public benefits. USDOL TEGL 02-14 requires that we serve these individuals even though they will not be able to demonstrate lawful presence. As a result, an Affidavit of Immigration is not required for eligibility.

#### **GLOSSARY**

**APPLICANT (AN INDIVIDUAL)**: An individual who applies to a WIOA Grant recipient or sub-recipient for employment, training and/or services provided under WIOA.

BASIC SKILLS DEFICIENT: for Adults, is an individual— Who is a young adult or adult, 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.

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 not appropriate for determining basic skills deficient or computer literacy as they are focused on occupational skills rather than basic skills.

**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).

**FAMILY**: Two or more persons related by blood, marriage (common law or ceremonial), or 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 husband, wife, and dependent children
- B. A parent or guardian and dependent children
- C. A husband and wife
- D. Two individuals of the same sex, who are legally married, or in a civil union
- E. Two individuals of the same sex, who are legally married, or in a civil union, and their dependent

#### children

**DEPENDENT CHILD**: A child, related by blood, marriage, or decree of court, living in a single residence with his/her parent(s) or guardian.

**GUARDIAN**: An individual related by blood, marriage, or decree of court, living in a single residence, where the parents are not present in the residence.

#### 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 (i.e. incarceration or placement as a result of a court order).

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

B. 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 as a result of a court order.

**Note:** A person not meeting the definition of family is considered to be an individual (family of one). Individuals ordinarily included in the definition of family, but no longer claiming 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.

**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:

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, etc.

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** (Includable):

- i. Money wages and salaries (gross wages) before any deductions;
- ii. Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expense);
- iii. 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);
- iv. <u>Regular payments</u> from Social Security, including SSDI (Social Security Disability Insurance this is a change from the 50% inclusion under JTPA), railroad retirement, strike benefits from union funds, worker's compensation, training stipend, and death benefits
- v. Alimony;
- vi. Military family allotments (including Hazardous Duty Incentive Pay) or other regular support from an absent family member or someone not living in the household;
- vii. Pensions (retirements) whether private, government employee (including military retirement pay);
- viii. Regular insurance or annuity payments;
- ix. College or university grants, fellowships and assistantships;
- x. Dividends, interest, net rental income or royalties, periodic receipts from estates or trusts;

xi. Net gambling or lottery winnings.

#### INCOME (Excludable):

- i. Unemployment compensation;
- ii. Child support payments, including foster care child payments;
- iii. 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, therefore is not an eligible category);
- iv. 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;
- v. Needs-based scholarship assistance; state & private grant aid;
- vi. Income earned while the veteran 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;
- vii. Capital gains;
- viii. Any assets drawn down as withdrawals from a bank, sale of property, a house or a car;
- ix. Tax refunds, gifts, loans, lump-sum inheritances, <u>one-time</u> insurance payments, or compensation for injury;
- x. Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, USDA Food Stamps, school meals, and housing assistance;
- xi. ALL <u>WIOA</u> payments, <u>excluding</u> OJT wages.

**INDIVIDUAL (Family of one)**: A person not meeting the definition of family is considered to be an individual. Youth aged 18 years and older living with parents or other family member(s) shall document individual status by completing the Applicant Statement form verifying that status.

**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:

- (1) **Disability**: The term "disability" means, with respect to an individual—
  - (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
  - (B) a record of such an impairment; or
  - (C) being regarded as having such an impairment (as described in paragraph (3)).
- (2) Major life activities
  - (A) **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, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
  - (B) **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.
- (3) **Regarded as having such an impairment**: For purposes of paragraph (1)(C):
  - (A) 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 or not the impairment limits or is perceived to limit a major life activity.
  - (B) Paragraph (1)(C) shall not apply to impairments that are transitory & minor. A transitory impairment has an actual or expected duration of 6 months or less.

An Individual with a Disability may be eligible based on the family of one income guideline. Connecting Colorado 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. Connecting Colorado will use the fields necessary to figure the individual income for the Individual with a Disability.

#### LOW-INCOME INDIVIDUAL:

A. 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 established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income based public assistance; 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 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. 70 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. Is a foster child on behalf of whom State or local government payments are made; or
- 6. 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

**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. (The latest was issued in Federal Register Volume 80, Number 59 (Friday, March 27, 2015, pages 16450-16456), and a correction was issued in July 2015.

**PARTICIPANT**: An individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services) under a program authorized by this Act. Participation shall be deemed to commence on the day the participant receives his/her first participation service as defined in **PGL Data Integrity and the Customer Participation Cycle**. Customers receiving self-service or informational activities are not considered to be participants in the WIOA programs.

**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.

**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.

**SELECTIVE SERVICE**: Only those males who are subject to, and have complied with, the registration requirements of Military Selective Service Act (MSSA) are eligible for participation in WIOA funded programs and services. Every male citizen and every other male residing in the United States shall register with the Selective Service System (SSS) between their 18<sup>th</sup> and 26<sup>th</sup> birth dates.

A person may not be denied a right, privilege or benefit under Federal law by reason of failure to present himself for and submit to registration under section 3 [50 U.S.C/ App. 453] if:

- a. The requirement for the person to so register has terminated or become inapplicable to the person; and.
- b. The person shows by a preponderance of the evidence that the failure of the person to register was **not** a knowing and willful failure to register.

This provision was added "in order not to penalize an individual with an obvious disqualifying handicap, such as total paralysis of the limbs, or an individual who has been honorably discharged from the armed services."

For complete guidance regarding the Selective Service requirements for participation in WIOA programs and grants, review <a href="Attachment 8">Attachment 8</a>: TEGL 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Programs.

In addition to guidance provided in the above TEGL 11-11, Change 2, the following documentation may be used for persons eligible to register, but who neglected to register and are now over 26 years old:

- a. Incarcerated, hospitalized, or institutionalized A copy of a statement from the Department of Corrections, or other institution, indicating the duration of the stay can be used to demonstrate that the individual was not available to register with Selective Service during his period of Selective Service eligibility.
- b. **Veteran** A copy of a DD214 showing other than a dishonorable discharge can be used in lieu of a Selective Service registration. In addition, the veteran can provide a Selective Service waiver document (obtainable by the Selective Service System).
- c. **Homeless** A letter from a homeless shelter or a statement signed by the applicant can be utilized to attest to the applicant's inability to register for Selective Service while he was still eligible.
- d. **Non-citizen** An alien registration card or other immigration document showing the date of entry into the United States, and demonstrating that this date was beyond the date of his 26<sup>th</sup> birthday.

#### DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION

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. However, the basic WIOA eligibility data elements of <u>age and immigration status cannot be self-attested</u>. Please review the most current or relevant Data Validation PGL to assist in determining when it is appropriate to use self-attestation; or consult with a member of the WIOA Leadership Team if the data element in question is not addressed by the PGL.

An acceptable self-attestation statement should be a signed document (such as a signed WIOA application), attesting to the truthfulness and accuracy of all answers, that includes information clearly addressing the eligibility criteria you are trying to capture. A copy of this document should be retained in the customer's case file (hard copy or electronic file.)

To view/access ADW!'s Applicant Statement Attestation Form, please see next page.



### APPLICANT STATEMENT ATTESTATION

hereby certify, under penalty of perjury that I,	, attest to the fact that:
	rate, and I understand that the above information, if or immediate termination and/or penalties as specified by law.
• • • • • • • • • • • • • • • • • • • •	·
Applicant's Name ( <b>please print</b> )	Corroborating Witness (please print)
	Corroborating Witness Signature
Applicant s signature	Colloborating withess signature
Date	Date
Applicant's Address	Witness' Relationship to Applicant
	Office Use Only
	for documentation of the following eligibility criteria:
Arapahoe/Douglas Works! Representative	Date Program

### WIOA ELIGIBILITY DOCUMENTATION CHECKLIST - ADULT PROGRAM

Eligibility	Required Documentation	Comment
Citizenship/Alien Status/Eligible to Work (at least 1 is required)  (See Attachment 12 of corresponding PGL for sample Star licenses and IDs)	Required Documentation  REAL-ID Compliant Driver's License or State ID with a Star in upper right corner (no Social Security Card required) (See Attach 12: Samples of New Drivers Licenses)  Soc. Security Card AND non-Star DL/ID Card  U.S. Passport  Birth Certificate  Baptismal Certificate (if place of birth is shown)  Consular Report of Birth Abroad issued by the U.S. Dept. of State (Form DS-1350, or FS-545)  DD-214, Report of Transfer or Discharge (if place of birth is shown)  Foreign Passport stamped "Eligible to Work" (not expired) or accompanied by I-94, stamped, with class code indicating authorization to work  Hospital Record of Birth  Alien Registration Card (I-551) (not expired)  INS Form I-94 or I-94A, stamped, with class code indicating authorization to work (not expired)  INS Form I-179, I-197, or I-766 (not expired)  T-visa issued to victims of human trafficking (See Attachment 9: TEGL 09-12)  Naturalization Certification	Comment  CO license or ID card must not say: "not valid for federal identification, voting, or public benefits purposes."
	<ul> <li>Native American Tribal Document</li> <li>Certificate of Degree of Indian Blood</li> <li>SAVE Verification Printout AND non-Star Driver's License or State ID. No SSN card required.</li> <li>Self-Attestation as a last resort if DACA eligible (See Attachment 10: TEGL 02-14)</li> </ul>	
Selective Service (1 is required for those required to register)	<ul> <li>On-line verification at www.sss.gov</li> <li>Acknowledgement Letter from Selective Service</li> <li>Selective Service Verification Form</li> <li>Selective Service Registration Card</li> <li>Selective Service Advisory Opinion Letter</li> <li>Selective Service Registration Record (Form 3A)</li> <li>Selective Service Waiver Document (for veterans)</li> <li>Stamped Post Office Receipt of Registration</li> <li>DD-214</li> <li>Cross match with Veterans data</li> </ul>	
Social Security Number (Not required for eligibility - create pseudo SSN instead).  • Does not have to be signed.  • SSN may be required for participation in paid work experiences,	DD-214, Report of Transfer or Discharge IRS Form Letter 1722 Letter from Social Security Agency Pay Stub Social Security Benefits Social Security Card W-2 Form	

internships, or wage subsidy programs programs		
Affidavit of Immigration Status (Signed affidavit required in conjunction with one of the listed forms of ID for age 18 & older)	Colorado Driver's License or ID Card (except if the license or ID clearly states "not valid for federal identification, voting, or public benefit purposes"), not expired  U.S. Military Card Military Dependent ID Card  U.S. Coast Guard Merchant Mariner Card  Native American Tribal Document  U.S Passport  Copy of birth certificate filed with a state office of vital statistics or equivalent agency in applicant's state of birth  Consular Report of Birth Abroad issued by the U.S.  Dept. of State (Form DS-1350, or FS-545)  Certificate of Naturalization issued by DHS (Form N-550 or N-570)  Certificate of Citizenship issued by DHS (Form N-560 or N-561)  Valid immigration document demonstrating lawful presence and verified through the SAVE system,  Other valid State's driver's license/State ID card, from a "lawful presence" state  Note: All states are considered to be "lawful presence" states including the District of Columbia with the exception of Hawaii, Illinois, Maryland, Nebraska, New Mexico, Utah, and Washington. If the face of the license of ID card states that it is an Enhanced Driver's License of ID Card, then it can be accepted as a lawful presence document.  Note: Deferred Action for Childhood Arrivals (DACA) participants may not have a lawful presence document listed above and also may have been issued a driver's license or ID not valid for public benefits. Federal policy requires that we serve these individuals even though they will not be able to demonstrate lawful presence. As a result, an Affidavit of Immigration is not required for eligibility.	CO license or ID card must not say: "not valid for federal identification, voting, or public benefits purposes."
AGE (1 is required)	Baptismal Record Birth Certificate Driver's License Federal, State, or Local photo ID DD-214 Passport Hospital record of birth Public assistance/social service record School records or ID card Work permit	

	Cross match with Dept. of Vital Statistics
	Tribal records
	mbarrecords
PRIORITY OF SERVICE: Low Income Public assistance recipient Under-employed and Low income Other - as defined by local policy	Pay stubs for all family members Employer statement: written or case note Alimony agreement Award letter from Veteran's Administration Bank statements Compensation award letter Court award letter/document (for alimony) Pension statement Family or business financial records Housing authority verification Social Security benefits statement Social services ID card or public assistance records (CDHS Quest card not allowed) Ul documents Quarterly estimated tax (self-employed persons) Other
Family Size for Low Income	SSN Cards for all family membersTax RecordsMarriage license, divorce decree, or other court recordsOther
Basic Skills Deficient	Basic skills assessment questions or test results Basic skills observation and case notes Referral/records from Title II Adult Basic Ed Program Referral/records from English Language Learner Program Other