

Subject:	WIOA Eligibility Requirements
Policy Number:	ADWDB-01-2023
Replaces:	ADWDB-09-2022
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Distribution:	Arapahoe/Douglas Works! Workforce Center Leadership and Employees

ALL NOVEMBER 2022 PGL REVISIONS ARE HIGHLIGHTED IN YELLOW

The Arapahoe/Douglas Workforce Development Board (ADWDB) has designated Arapahoe/Douglas Works! as the provider of Career Services for WIOA Title I: Adult, Dislocated Worker and Young Adult programs, Title III: Wagner-Peyser, and Temporary Assistance for Needy Families (TANF).

CITATIONS/REFERENCES

- Workforce Innovation and Opportunity Act, PL 113-128 – July 22, 2014
- WIOA Department of Labor-Only Final Rule (81 FR 56072, Aug. 19, 2016)
- TEGL 22-04 - Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant
- TEGL 22-04, change 1 - Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant
- TEGL 5-08, Policy for Collection and Use of Workforce System Participants' Social Security Numbers
- TEGL 11-11, Change 1 - Selective Service Registration Requirements for Employment and Training Programs
- TEGL 11-11, Change 2 – Selective Service Registration Requirements for Employment and Training Programs
- TEGL 02-14, Eligibility of Deferred Action for Childhood Arrivals Participants for WIA and Wagner-Peyser
- TEGL 19-16: Guidance on Services provided through the Adult and Dislocated Worker Programs under WIOA
- TEGL 21-16: Third WIOA Title I Youth Formula Program Guidance
- Policy Guidance Letter (PGL) #MIS-2020-03, change 2: Data Integrity and the Customer Participation Cycle
- PGL #VET-2019-01, change 1: Veterans Priority of Service
- Reasons for Separation Per the Unemployment Insurance Statute
- PGL WIOA-2022-03: WIOA Eligibility Requirements

PURPOSE

- To provide comprehensive guidelines for local workforce areas regarding the determination of eligibility for WIOA programs and discretionary grants, and to provide information on the

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use of appropriate documentation or self-attestation to support eligibility determinations;

- To update this WIOA eligibility PGL and its attachments with the latest available guidance and references regarding Selective Service and immigration guidelines, the ability to use electronic signatures, and UI favorable determination based on layoff
- To rescind PGL WIOA-2015-05 Interim DW Eligibility Guidance and incorporate its provisions in this PGL and attachments.
- To add Attachment 16 of corresponding PGL: SAVE Guidelines
- To add Attachment 17 of corresponding PGL: Reasons for Job Separation
- To add Attachment 18 of corresponding PGL: TEGL 19-01, Change 1: Victims of Human Trafficking

BACKGROUND

WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes titles I and II of the Workforce Investment Act of 1998, and amends the Wagner-Peyser Act and the Rehabilitation Act of 1973. The Act took effect on July 1, 2015, the first full program year after enactment. This PGL provides the detailed guidance necessary to ensure that all those who receive WIOA-funded services are eligible.

POLICY/ACTION

The following lists major (but not all) changes that have been made to the attachments to this PGL/local policy. However, all changes are yellow-highlighted within individual attachments to call attention to the new or revised requirements.

- **Attachments 1-4:** 1-4: Addition of information regarding Selective Service registration, immigration resources, and use of electronic signatures
- **Attachment 1: Adult Program Eligibility (revised)**
 - Statement that eligibility is determined and based on an individual's status at the date of program enrollment
 - Change from alien to non-citizen
 - Affidavit of Immigration no longer required beginning July 1, 2022
 - Latest LLSIL guidance
 - Latest Driver's License guidance
 - Q&As from previous attachment 16
 - Selective Service registration updates
 - Immigration resources
 - Use of electronic signatures
- **Attachment 2: Dislocated Worker Program Eligibility (revised)**
 - Statement that eligibility is determined and based on an individual's status at the date of program enrollment
 - Change from alien to non-citizen
 - Affidavit of Immigration no longer required beginning July 1, 2022
 - Changes to Layoff, Job of Dislocation, Natural Disaster, Stop-Gap Employment, and Unlikely to Return to Previous Industry or Occupation and Self-Attestation
 - Reasons for Separation Per the Unemployment Insurance Statute have been added to the Layoff definition in the Glossary

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- Latest Driver's License guidance
- Documentation of UI Monetarily Eligible
- Q&As from previous attachment 16
- Selective Service registration updates
- Immigration resources
- Use of electronic signatures
- **Attachment 3: Youth Program Eligibility (revised)**
 - Statement that eligibility is determined and based on an individual's status at the date of program enrollment
 - Change from alien to non-citizen
 - Affidavit of Immigration no longer required beginning July 1, 2022
 - Latest LLSIL guidance
 - Latest Driver's License guidance
 - Q&As from previous attachment 16
 - Selective Service registration updates
 - Immigration resources
 - Use of electronic signatures
- **Attachment 4: WIOA Discretionary Grant Eligibility (revised)**
 - Statement that eligibility is determined and based on an individual's status at the date of program enrollment
 - Change from alien to non-citizen
 - Affidavit of Immigration no longer required beginning July 1, 2022
 - Latest Driver's License guidance
 - Addition of guidance regarding national dislocated worker grants
- **Attachment 5: TEGL 22-04** Serving Military Service Members and Military Spouses under the Dislocated Worker Formula Grant (no change)
- **Attachment 6: TEGL 22-04, change 1** - Serving Military Service Members and Military Spouses under the Dislocated Worker Formula Grant (no change)
- **Attachment 7: TEGL 5-08**, Policy for Collection and Use of Workforce System Participants' Social Security Numbers (no change)
- **Attachment 8: TEGL 11-11, change 1**, Selective Service Registration Requirements for Employment and Training Programs (replaces TEGL 11-11, which has been inactivated)
- **Attachment 9: TEGL 11-11, Change 2** – Selective Service Registration Requirements for Employment and Training Programs (no change)
- **Attachment 10: TEGL 02-14**, Eligibility of Deferred Action for Childhood Arrivals Participants for WIA and Wagner-Peyser (no change)
- **Attachment 11: Using UI Notifications and Screens for DW Eligibility (revised)**
 - Total redo to address MyUI+ changes
 - Reasons for Separation Per the Unemployment Insurance Statute added
 - Q&As added
 - UI favorable determination based on layoff
- **Attachment 12: Samples of New Drivers' Licenses and IDs (revised)**
 - New examples of DLs and IDs

- **Attachment 13: Connecting Colorado Supply and Demand Report for DW Eligibility** (no change)
- **Attachment 14: Youth in Poverty Interactive Map** (revised)
 - New link to Map
- **Attachment 15: Example Documentation for Spouses of Active Military Members** (revised)
 - New example of dependent ID card
- **Attachment 16: SAVE Guidelines (New)** ○
 - Transferred from the rescinded Affidavit of Immigration PGL, to verify immigration status
- **Attachment 17: Reasons for Job Separation (new as an attachment)**
 - Identifies the circumstances for losing a job through no fault of the worker or through the fault of the worker, for Dislocated Worker eligibility
- **Attachment 18: TEGL 19-01, Change 1: Victims of Human Trafficking (New)**
 - Replaces cancelled TEGL 09-12: Victims of Human Trafficking

NOTE: TEGL 09-12, Services to Victims of Human Trafficking has been inactivated and eliminated as an attachment to this PGL.

Local Workforce Areas are expected to modify local policies and procedures as needed to incorporate the changes and additions to this PGL, and to submit their draft policies to their Regional Liaison within 90 days of receipt of this PGL, to include guidance on the use of self-attestation as a last resort when other documentation can't be found or accessed. Self-attestation guidance in the local policy should identify a form to be signed off when self-attestation is necessary and the circumstances under which self-attestation will be allowed.

CORRESPONDING PGL ATTACHMENTS:

1. WIOA TITLE I ADULT PROGRAM ELIGIBILITY REQUIREMENTS, REVISED
2. WIOA TITLE I DISLOCATED WORKER PROGRAM ELIGIBILITY REQUIREMENTS, REVISED
3. WIOA TITLE I YOUTH PROGRAM ELIGIBILITY REQUIREMENTS, REVISED
4. WIOA TITLE I DISCRETIONARY GRANT ELIGIBILITY REQUIREMENTS, REVISED
5. TEGL 22-04 - SERVING MILITARY SERVICE MEMBERS AND MILITARY SPOUSES UNDER THE DISLOCATED WORKER FORMULA GRANT
6. TEGL 22-04, CHANGE 1 - SERVING MILITARY SERVICE MEMBERS AND MILITARY SPOUSES UNDER THE DISLOCATED WORKER FORMULA GRANT
7. TEGL 5-08, POLICY FOR COLLECTION AND USE OF WORKFORCE SYSTEM PARTICIPANTS' SOCIAL SECURITY NUMBERS
8. TEGL 11-11, CHANGE 1 – SELECTIVE SERVICE REGISTRATION REQUIREMENTS FOR EMPLOYMENT AND TRAINING PROGRAMS
9. TEGL 11-11, CHANGE 2 – SELECTIVE SERVICE REGISTRATION REQUIREMENTS FOR EMPLOYMENT AND TRAINING PROGRAMS
10. TEGL 02-14, ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS PARTICIPANTS FOR WIA AND WAGNER-PEYSER
11. USING UI NOTIFICATIONS AND SCREENS FOR DW ELIGIBILITY, REVISED
12. SAMPLES OF NEW DRIVERS' LICENSES AND IDS, REVISED
13. CONNECTING COLORADO SUPPLY AND DEMAND REPORT FOR DW ELIGIBILITY

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14. YOUTH IN POVERTY INTERACTIVE MAP, REVISED

15. DOCUMENTATION FOR SPOUSES OF ACTIVE MILITARY MEMBERS, REVISED

16. SAVE GUIDELINES, NEW

17. REASONS FOR JOB SEPARATION, NEW AS AN ATTACHMENT

18. TEGL 19-01, CHANGE 1: VICTIMS OF HUMAN TRAFFICKING, NEW

DRAFT

Only the Arapahoe/Douglas Works! Division Manager and/or the Workforce Center Administrator(s) may grant exceptions to provisions within this policy.

Attachment #1 - WIOA ADULT ELIGIBILITY AND PRIORITY OF SERVICE CATEGORIES, GLOSSARY, DOCUMENTATION CHECKLIST, AND Q&A

ALL NOVEMBER 2022 PGL REVISIONS ARE HIGHLIGHTED IN YELLOW

General Requirements

Local areas are responsible for developing policies and procedures that ensure that federal funds are expended on individuals who are eligible for the program at the time of enrollment, and who continue to meet eligibility during participation, when either of the following circumstances occur:

- **A youth who is male at birth turns 18 years of age during participation, but fails to register for Selective Service within 30 days (see Selective Service in the Glossary for detailed guidance):** In this instance all services must be suspended until Selective Service registration has been completed, and this action must be documented in case notes. Any direct client costs incurred while Selective Service registration remains uncompleted may be questioned or disallowed.
- **A non-citizen's work authorization expires during participation:** Local areas must identify the expiration date of the work authorization before enrollment, and may work with the customer on renewal or a delay of enrollment or services, as appropriate. These efforts or decisions must be documented in case notes. If the customer is already enrolled as of the date of this PGL, and the work authorization expires while services are under- way, local areas may allow completion of those services. However, local areas must not initiate any new service involving direct client costs, such as work experiences, training, or supportive services, until the work authorization is once again active. Any direct client costs associated with any new services may be questioned or disallowed.

Other than under these two circumstances, eligibility is based on an individual's status at the date of enrollment, and any subsequent change to this status will not impact what was true or accurate at the time of program enrollment. This includes changes resulting from the Unemployment Insurance adjudication or appeals process.

It should be noted that a WIOA application has a 90-day limit before a new application must be submitted and eligibility must be re-determined. (Local areas may set a stricter policy, such as a 45 or 30-day limit, but no longer than 90 days.) Local areas are encouraged to review an application that is older than 30 days with the customer to ensure that no changes have occurred, and all information is still true and accurate at enrollment.

Documentation verifying the eligibility of participants in WIOA is mandatory, as is documentation of Adult priority of service categories. Eligibility determination and identification of Adult priority groups shall be made prior to enrollment in WIOA and receipt of any Career, Training or Supportive services, and shall include an initial assessment of need for services to ensure that the local area is providing employment and training opportunities to those who may benefit from and are most in need of such services. This is required because WIOA is not an entitlement program.

Veterans and eligible spouses covered by Public Law 107-288, 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, but lawful presence for individuals 18 years of age or older per Colorado HB1023 is no longer required using the Affidavit of Immigration as of July 1, 2022.

With regard to the priority of service for veterans and eligible spouses, priority of service for the Title I Adult program must be applied in the following order to all individuals that meet Adult program eligibility:

1. Veterans and eligible spouses who meet the **statutory** Adult priority (public assistance recipient, other low-income individuals including the underemployed, or basic skills deficient) must receive the highest level of priority for individualized career services and training services;
2. Other individuals (not veterans or eligible spouses) who meet the **statutory** Adult priority (public assistance recipient, other low-income individuals including underemployed) then receive the second level of priority;
3. All other veterans and eligible spouses who do **not** meet the **statutory** Adult priority, then receive the third level of priority;
4. Individuals who meet the **Governor's Priority or Local Priority** receive the fourth level of priority;
5. All other individuals then receive the fifth level of priority.

[PGL WIOA-2015-07](#) provides detailed guidance regarding the order of priority for veterans and non-veterans as it relates to Adult priority of service. Please refer to this PGL for comprehensive guidance regarding all aspects of state and local Adult priority of service policy requirements, including enrollment and exit goals.

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 attachment. Photocopies of documentation kept on file must be legible.

1. Citizenship/Immigration Status/Eligible to Work – Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident ~~aliens~~ non-citizens, refugees, asylees, and parolees, and other immigrants authorized to work in the United States. (Exception: [Per TEGL 19-01, Change 1 \(see Attachment 18 of corresponding PGL\)](#) operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status.)

Note: See Citizenship on pp. 4-5 of the Glossary for more detailed guidance.

Note: If a Social Security number is being used to document citizenship in conjunction with a driver's license (unexpired), or if the participant is being entered into a paid work experience activity, the original SSN card may be presented along with a picture ID, as one of the documentation options for the I-9. 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

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section of this attachment.)

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.

Note: See Selective Service on pp. 11-12 of the Glossary for additional details and exceptions regarding Selective Service registration for veterans and non-citizens.

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 (effective through June 30, 2022), 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 or~~ immigration status.

ADULT PRIORITY OF SERVICE CATEGORIES

STATUTORY PRIORITY OF SERVICE CATEGORIES

1. Recipients of public assistance;
2. Other low-income individuals (including underemployed);
3. Individuals who are basic skills deficient

GOVERNOR'S PRIORITY OF SERVICE CATEGORIES

1. Displaced Homemakers;
2. Eligible Migrant and Seasonal Farm Workers;
3. Ex-offenders;
4. Indians, Alaska Natives, and Native Hawaiians;
5. Individuals with disabilities;
6. Individuals who face substantial cultural barriers;
7. Long-term unemployed individuals (27 or more consecutive weeks);
8. Older individuals (age 55 and older)
9. Single parents (including single pregnant women)
10. New Americans

LOCAL PRIORITY OF SERVICE CATEGORIES – defined in local policy

GLOSSARY

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Local program staff making eligibility determinations or priority of service for the Adult program should make use of the following definitions:

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 youth 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

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

An adult may be assessed as basic skills deficient through case manager observations and documented in case notes. For example, the case manager may observe that the adult is not able to read or fill out an application form, or does not have basic computer literacy. A case manager may also 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.

CITIZENSHIP – Designation of an applicant as a citizen of the United States or a lawfully admitted permanent resident ~~alien~~ non-citizen, 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. Below are resources to assist with determining whether an applicant meets this WIOA eligibility requirement:

- [Attachment 16 - SAVE Guide](#)

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- **Employment Authorization Document website:** <https://www.uscis.gov/green-card/green-card-processes-and-procedures/employment-authorization-document>
- **Notes:**
 - A student visa may allow a student to work on campus but may not serve as a general work authorization.
 - A Social Security card that states "valid for work only with DHS authorization" requires a separate Department of Homeland Security work authorization.

DISPLACED HOMEMAKER – an individual who has been providing unpaid services to family members in the home and who—

- (A)(i) has been dependent on the income of another family member but is no longer supported by that income; or
- (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and

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

Note: alimony is not considered replacement for lost income

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) a dependent of 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.

EX-OFFENDER – Any adult or juvenile who has been subject to any stage of the criminal justice process, for

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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 – 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. A married couple, meaning:
 - A husband and wife; or
 - Two individuals of the same sex, who are legally married, or in a civil union;

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 a dependent on anyone else's tax return, they are NOT a dependent child.

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).

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: An individual who is pregnant is considered to be a family of 2

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 must complete an applicant statement attesting to individual status. Such statements must be corroborated by the head of the household in which the individual resides. (S)He must also show the 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 older, see "Individual" definition.

FAMILY INCOME – Family income includes total 6 months cash receipts before taxes (i.e. Gross wages) from all

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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.

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 in 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.

HOMELESS INDIVIDUAL OR HOMELESS CHILDREN AND YOUTHS (WIOA sec. 3(24)(G)) - [Revised per TEGL 19-16, attachment III](#) – is an individual who meets any of the following criteria:

- (A) Lacks a fixed regular, and adequate nighttime residence; this includes a participant who:
- a. Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b. Is living in a motel, hotel, trailer park, or campground due to a lack of alternative adequate accommodations;
 - c. Is living in an emergency or transitional shelter;
 - d. Is abandoned in a hospital;
 - e. Is awaiting foster care placement;
- (B) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, park, abandoned building, bus or train station, airport, or camping ground;
- (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
- (D) Is under 18 years of age and absents himself or herself from home or place of legal residence without the permission of his or her family (i.e. runaway youth)

NOTE: A participant imprisoned or detained under an Act of Congress or State law does not meet the definition. Additionally, a participant who may be sleeping in a temporary accommodation while away from

home should not, as a result of that alone, be recorded as homeless.)

INCOME (Includable):

- 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 expense);
- 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 child 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 pay or 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 employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, USDA Food Stamps, school meals, and housing assistance;
- ALL WIOA payments, excluding 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 CULTURAL BARRIER – the individual perceives him or herself as possessing attitudes, beliefs, customs or practices that influence a way of thinking, acting or working that may serve as a hindrance 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:

- (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.

LONG TERM UNEMPLOYED INDIVIDUAL (Bureau of Labor Statistics definition) – a person who has been unemployed for 27 or more consecutive weeks

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 (SNAP – food stamps) 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

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et seq.), or the supplemental security income (SSI) program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or 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. 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. 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
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
7. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.). For the Adult Program, this can be an individual 18-21 years 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 is now approved per the USDOL ETA Only Final PIRL (Participant Individual Record Layout)

PIRL 802 – Low Income (WIOA)

The Department has determined that the parents of youth who are eligible to receive free and reduced price lunch 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 area are NOT eligible to be served under the Adult low income priority.

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

B. Local boards may adopt a more stringent definition for “low-income” or include additional criteria (specifically for the purposes of determining Adult program priority) that may be applied to one or more of the low-income categories listed above and is consistent with local economic conditions and other criteria determined by the board.

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C. 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 co-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.

The USDOL website with LLSIL and Poverty Tables: <https://www.dol.gov/agencies/eta/llsil>) contains three LLSIL tables potentially useful to local areas in Colorado. These are West Metro, West Non-Metro, and the Denver/Boulder/Weld. The LLSIL levels are higher in the West Metro table than the Denver/Boulder/Weld table, and will allow more WIOA applicants to be enrolled and included in Adult priority of service. As a result, the following tables must be used by the local areas/sub-area listed:

- West Metro: Adams, ADW, Boulder, Broomfield, Denver, El Paso, Larimer, Mesa, Trico, Weld
- West Non-Metro: Rural Consortium (except Broomfield)

Note: the HHS Poverty table is used for Family Size 1 (Individual), and the LLSIL is used for Family Size 2 or more based on location.

OLDER INDIVIDUAL — The term “older individual” means an individual age 55 or older.

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 first participation service as defined in ~~PGL 12-06 WIA: Data Integrity and the Customer Participation Cycle~~ PGL #MIS-2020-03: Data Integrity and the Participation Cycle for WIOA and TAA Programs. 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. Supplemental Nutrition Assistance Program [SNAP], Temporary Assistance for Needy Families [TANF], Low-income Energy Assistance Program [LEAP], Refugee Cash Assistance, Supplemental Security Income, Section 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 (as determined at birth) citizen and all other males (as determined at birth) residing in the United States shall register with the Selective Service System (SSS) between their 18th and 26th birth dates.

A person may not be denied a right, privilege or benefit under Federal law by reason of failure to present

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himself for and submit to registration under section 3 [50 U.S.C/ App. 453] if:

- The requirement for the person to so register has terminated or become inapplicable to the person;
AND
- 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, regions are to review Attachment 8: TEGL 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Programs, dated May 16, 2012

In addition to guidance provided in TEGL 11-11, Change 2, the following documentation may be used to demonstrate that individuals failing to register by the time they were 26 years of age **did NOT do so knowingly or willfully**:

- **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.
- **Veterans** – A copy of a DD214, showing other than a dishonorable discharge with dates of service, can be used in lieu of a Selective Service registration **and eliminates the need to register**. In addition, the veteran can provide a Selective Service waiver document (obtainable from the Selective Service System).
- **Active Duty, National Guard or Reservist** - A current military ID eliminates the need to register for Selective Service.
- **Active Duty** - Individuals serving in the military on full-time active duty do not have to register *if serving continuously from age 18 to age 26*. Those attending the service academies do not have to register. However, if the individual joins the military after turning 18 or leaves the military before turning 26, registration is required.
- **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.
- **Non-citizen** – An ~~alien~~ non-citizen 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 26th birthday. **This means that this non-citizen does NOT have to register for Selective Service.**

Note: If the situation is not clear, CDLE recommends that the case manager ask the customer to obtain their Status Information Letter from the Selective Service. This letter will say whether or not there is a knowing or willful failure to register.

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

UNDEREMPLOYED - is an individual who is:

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- 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.

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 **age and immigration status cannot be self-attested.** Self-attestation may be used with items highlighted in **blue** within the WIOA Eligibility Documentation Checklist.

Please also review the most current or relevant Data Validation PGL to assist in determining when it is appropriate to use self-attestation; or consult with your local MIS coordinator if the data element in question is not addressed by the PGL. An acceptable self-attestation statement ~~should~~ must 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, and should adhere to local self-attestation policy guidelines. A copy of this document should be retained in the customer case file (hard copy or electronic file.)

Staff must indicate in case notes the attempts that were made to obtain regular documentation.

ELIGIBILITY (& Priority of Service) DOCUMENTATION CHECKLIST – ADULT PROGRAM

Eligibility	Required Documentation (only blue items may be self-attested)	Comment
<p>Citizenship/Alien non-Citizen Status/Eligible to Work (at least 1 document is required)</p> <p>NOTE: The Real ID Act of 2005 created a timeline for all states to require additional source identification prior to issuance of Real IDs to prove lawful status and duration for temporary statuses. A list of current Real ID compliant states can be found at: https://www.dhs.gov/real-id. Real IDs contain a “star” emblem located on the upper, right side of the identification card. Real ID Act compliant states verify lawful presence through the SAVE system prior to issuance of ID.</p> <p>(See Attachment 12 for sample Star licenses and IDs)</p>	<p>Valid State driver’s license or State ID card with Real ID star emblem (upper right corner), or license stating “Enhanced Driver License” (unexpired) with a Star in upper right corner (no Social Security Card required) (See Attach 12: Samples of New Drivers Licenses)</p> <p>___ Soc. Security card AND non-star DL/ID card (unexpired) or School ID</p> <p>___ U.S. Passport</p> <p>___ Birth Certificate</p> <p>___ Certificate of Citizenship</p> <p>___ Baptismal Certificate (if place of birth is shown)</p> <p>___ Consular Report of Birth Abroad issued by the U.S. Dept. of State (Form DS-1350, or FS-545)</p> <p>___ DD-214, Report of Transfer or Discharge (if place of birth is shown)</p> <p>___ Foreign Passport stamped “Eligible to Work” (not expired) <u>or</u> accompanied by I-94, stamped, with class code indicating authorization to work</p> <p>___ Hospital Record of Birth</p> <p>___ Alien Non-citizen Registration Permanent Resident Card (I-551) (not expired)</p> <p>INS Form I-94 or I-94A, stamped, with class code indicating authorization to work (not expired)</p> <p>INS Form I-179, I-197, or I-766 (not expired)</p> <p>___ T-visa issued to victims of human trafficking (See Attachment 9: TEGL 09-12)</p> <p>___ Naturalization Certification</p> <p>___ Native American Tribal Document</p> <p>___ Certificate of Degree of Indian Blood</p> <p>___ SAVE Verification Printout AND non-star state driver’s license or State ID (unexpired). No SSN card required.</p> <p>Self-Attestation as a last resort only if DACA eligible (See Attachment 8: TEGL 02-14)</p>	<p>CO license or ID card must <u>not</u> say: “not valid for federal identification, voting, or public benefits purposes.”</p> <p>Will blue highlighting be restored for easy ID of those things that can be documented with self-attestation?</p>
<p>Selective Service (1 is required for those required to register)</p>	<p>___ On-line verification at www.sss.gov</p> <p>___ Acknowledgement Letter from Selective Service</p> <p>___ Selective Service Verification Form</p> <p>___ Selective Service Registration Card</p> <p>___ Selective Service Advisory Opinion Letter</p> <p>___ Selective Service Registration Record (Form 3A)</p> <p>___ Selective Service Waiver Document (for veterans)</p>	

	<input type="checkbox"/> Stamped Post Office Receipt of Registration <input type="checkbox"/> DD-214 <input type="checkbox"/> Cross match with Veterans data	
Social Security Number <u>(Not required for eligibility – create pseudo SSN instead). • Does not have to be signed. •</u> SSN may be required for participation in paid work experiences, internships, or wage subsidy programs	<input type="checkbox"/> DD-214, Report of Transfer or Discharge <input type="checkbox"/> IRS Form Letter 1722 <input type="checkbox"/> Letter from Social Security Agency <input type="checkbox"/> Pay Stub <input type="checkbox"/> Social Security Benefits <input type="checkbox"/> Social Security Card <input type="checkbox"/> W-2 Form	
Eligibility	Required Documentation (no items may be self-attested)	Comment
Affidavit of Immigration Status (Signed affidavit required through June 30, 2022, and in conjunction with one of the listed forms of ID for age 18 & older)	<input type="checkbox"/> Valid State driver's license or State ID card with Real ID star emblem (upper right corner), or license stating "Enhanced Driver License" (unexpired) with a Star in upper right corner (no Social Security Card required) (See Attach 12: Samples of New Drivers Licenses) <input type="checkbox"/> 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 <input type="checkbox"/> Other valid State's driver's license/State ID card, from a "lawful presence" state; the face of the driver's license or ID card must state that it is an "Enhanced Driver's License" or ID card, and it can be accepted as a lawful presence document. (unexpired) <input type="checkbox"/> U.S. Military Card <input type="checkbox"/> Military Dependent ID Card <input type="checkbox"/> U.S. Coast Guard Merchant Mariner Card <input type="checkbox"/> Native American Tribal Document <input type="checkbox"/> U.S. Passport <input type="checkbox"/> Copy of birth certificate filed with a state office of vital statistics or equivalent agency in applicant's state of birth <input type="checkbox"/> Consular Report of Birth Abroad issued by the U.S. Dept. of State (Form DS-1350, or FS-545) <input type="checkbox"/> Certificate of Naturalization issued by DHS (Form N-550 or N-570) <input type="checkbox"/> Certificate of Citizenship issued by DHS (Form N-560 or N-561) <input type="checkbox"/> Valid immigration document demonstrating lawful presence and verified through the SAVE system. <input type="checkbox"/> Other valid State's driver's license/State ID card, from a "lawful presence" state	CO license or ID card must <u>not</u> say: "not valid for federal identification, voting, or public benefits purposes."

	<p>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.</p>	
AGE (1 is required)	<p> <input type="checkbox"/> Baptismal Record <input type="checkbox"/> Birth Certificate <input type="checkbox"/> Driver's License <input type="checkbox"/> Federal, State, or Local photo ID <input type="checkbox"/> DD-214 <input type="checkbox"/> Passport <input type="checkbox"/> Hospital record of birth <input type="checkbox"/> Public assistance/social service record <input type="checkbox"/> School records or ID card <input type="checkbox"/> Work permit <input type="checkbox"/> Cross match with Dept. of Vital Statistics <input type="checkbox"/> Tribal records </p> <p>MORE ON NEXT PAGE</p>	
Category	Documentation (only blue items may be self-attested)	Comment

STATUTORY PRIORITY OF SERVICE:	<input type="checkbox"/> Pay stubs for all family members <input type="checkbox"/> Employer statement: written or case note <input type="checkbox"/> Alimony agreement <input type="checkbox"/> Bank statements <input type="checkbox"/> Compensation award letter <input type="checkbox"/> Court award letter/document (for alimony) <input type="checkbox"/> Pension statement <input type="checkbox"/> Family or business financial records <input type="checkbox"/> Housing authority verification <input type="checkbox"/> Social Security benefits statement <input type="checkbox"/> Social services ID card, public assistance records, DHS <input type="checkbox"/> Colorado PEAK public assistance benefits confirmation (CDHS Quest card (EBT) not allowed) <input type="checkbox"/> UI documents <input type="checkbox"/> Quarterly estimated tax (self-employed persons) <input type="checkbox"/> Other _____	
Low Income (1 is required) <input type="checkbox"/> Cash Public Assist. or SNAP (Food Stamps) <input type="checkbox"/> Family Size <input type="checkbox"/> Disability (Treat as family of 1) <input type="checkbox"/> Foster Care <input type="checkbox"/> Free or Reduced Price School Lunch <input type="checkbox"/> Homeless <input type="checkbox"/> Underemployed and low income	<input type="checkbox"/> SSN Cards for all family members <input type="checkbox"/> Tax records <input type="checkbox"/> Marriage license, divorce decree, or other court records <input type="checkbox"/> Other _____ <input type="checkbox"/> Written statement from social service agency <input type="checkbox"/> Written statement from individual/agency providing residence <input type="checkbox"/> Other _____	
Family Size for Low Income	Applies to those in secondary school, at least 18 years of age and not older than 21, or the parent of an in-school youth eligible for the school lunch program <input type="checkbox"/> The most recent school year reduced rice or free lunch eligibility status document for the individual, not the community/school/school district eligibility <input type="checkbox"/> Other _____	
Foster Care (prior or aged out)	<input type="checkbox"/> Written statement from a shelter <input type="checkbox"/> Written statement from person/agency with residence <input type="checkbox"/> Other _____	
Free/Reduced Price School Lunch	<input type="checkbox"/> Work history on signed application <input type="checkbox"/> Pay stubs/bank statements/ employer letters to show pattern of underemployment (part-time work/pay cuts) <input type="checkbox"/> Other _____	
Homeless	<input type="checkbox"/> Basic skills assessment questions or test results	
Underemployed		
Basic Skills Deficient		

	<p> <input type="checkbox"/> Basic skills observation and case notes <input type="checkbox"/> Referral/records from Title II Adult Basic Ed Program <input type="checkbox"/> Referral/records from ELL Program <input type="checkbox"/> Other _____ </p>	
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Category	Documentation (only blue items may be self-attested)	Comment
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GOVERNOR'S PRIORITY OF SERVICE Displaced Homemaker	<input type="checkbox"/> Public assistance records <input type="checkbox"/> Court records <input type="checkbox"/> Divorce papers <input type="checkbox"/> Bank records <input type="checkbox"/> Spouse's layoff notice <input type="checkbox"/> Spouse's death record <input type="checkbox"/> Military ID <input type="checkbox"/> Change of duty station orders <input type="checkbox"/> Other _____
Eligible Migrant and Seasonal Farm Workers	<input type="checkbox"/> Signed application <input type="checkbox"/> Other _____
Ex-offenders	<input type="checkbox"/> Juvenile/criminal justice document <input type="checkbox"/> CM direct contact with juvenile/criminal justice rep. <input type="checkbox"/> Other _____
Indians, Alaska Natives, and Native Hawaiians	<input type="checkbox"/> Signed application <input type="checkbox"/> Other _____
Individuals with disabilities	<input type="checkbox"/> Medical records <input type="checkbox"/> Letter from drug / alcohol rehabilitation agency <input type="checkbox"/> Case notes regarding an observable condition <input type="checkbox"/> Physician's statement <input type="checkbox"/> Psychiatrist's statement <input type="checkbox"/> Psychologist's diagnosis <input type="checkbox"/> Rehabilitation evaluation <input type="checkbox"/> School records; e.g. IEP no older than one year <input type="checkbox"/> Sheltered workshop certification <input type="checkbox"/> Social Service records / referrals <input type="checkbox"/> Social Security Administration disability records
Individuals w/ substantial cultural barriers	<input type="checkbox"/> Veterans Administration letter / records <input type="checkbox"/> Vocational Rehabilitation letter <input type="checkbox"/> Worker's Compensation record <input type="checkbox"/> Other _____
Long-term unemployed (27 or more consecutive weeks)	<input type="checkbox"/> Signed application <input type="checkbox"/> Other _____
Older individuals (age 55 and older)	<input type="checkbox"/> Signed application <input type="checkbox"/> Other _____
Single parents (including single pregnant women)	<input type="checkbox"/> Signed application <input type="checkbox"/> Other _____
Within 2 yrs of exhaust- ing TANF eligibility	
New Americans	<input type="checkbox"/> Signed application <input type="checkbox"/> Other _____
	See AGE on p. 13

	<p> <input type="checkbox"/> Signed application <input type="checkbox"/> Other </p> <p>See Low Income Public Assistance Recipient on p.14</p> <p> <input type="checkbox"/> Signed application <input type="checkbox"/> Immigration document <input type="checkbox"/> Other </p>	
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WIOA Title I Eligibility Q&A from Prior Attachment 16
November 2022 Revisions Are Yellow Highlighted on p. 21

FAMILY SIZE AND LOW INCOME

1. What is the difference between the 70% LLSIL and the poverty level? How do we know when to use one or the other? Where do we find the most up-to-date chart of these levels?

CDLE Response: The law reads as follows:

"Individual is in a family with total family income that does not exceed the higher of the poverty line or 70 percent of the lower living standard"

You may use this definition, which involves looking at both standards to find the higher amount of the two, or you may set a stricter standard, such as always using the poverty line. However, you need to apply whichever standard you set in local policy on a consistent basis. (USDOL website with LLSIL and Poverty Tables:

<https://www.dol.gov/agencies/eta/llsil>)

2. What are examples of state or local income based public assistance in the Adult program? Housing, CCAP, LEAP?

CDLE Response: USDOL has determined that LEAP, Title 8 Housing assistance, and CCAP are allowable for both low income and public assistance. No other state or local programs have been added to date.

3. How will we document low income if the customer is not receiving public assistance, e.g. tax returns, pay stubs, CBMS? What about self-attestation on the application?

CDLE Response: The items listed are acceptable for documenting low income for adults or youth. A longer list of options is available in the Youth and Adult sections of the WIOA Eligibility PGL, and may include a printout from the CBMS data system that demonstrates receipt of TANF or SNAP public assistance. Self-attestation is the method of last resort for documenting low income.

4. You might want to get clarification from CDHS (Colorado Department of Human Services) about use of the Quest Card (EBT) to verify income eligibility. It can be issued to child care "providers" in order to pay them for services and not just to push benefits to them.

CDLE Response: We have conferred with knowledgeable staff and concur that the CDHS Quest Card (EBT) should not be used to document income eligibility. The PGL has been revised to reflect this.

5. What documentation can we use to prove family size?

CDLE Response: The best examples of documentation are Social Security cards, tax records, a marriage license or divorce decree, court documents, and as a last resort, self-attestation.

6. If a family member has a disability, can we count this individual as a family of one and only count their income, excluding the income of all other family members?

CDLE Response: Yes, that is true for the WIOA youth and adult programs.

7. If a client is not working but their spouse is, do we need to get the spouse's pay stubs to verify low income? If a youth in the household is working, do we have to include the youth's income?

CDLE Response: To document low income, you must get income information for all members of the family. In some cases, that income may not come from working. Please see the Adult and Youth sections of the WIOA Eligibility PGL for a full list of includable and excludable income sources.

8. If a boyfriend is living in the household, is that individual's income counted?

CDLE Response: Family is defined as individuals related by marriage, blood, or court decree. Therefore a boyfriend or girlfriend should not be counted in family size or income, unless a common law marriage has been declared by the partners.

9. Are common law marriages or civil unions the same as regular marriages for determining family size and income?

CDLE Response: Yes, in Colorado common law marriages and civil unions are legally the same, and both partners and their incomes should be counted.

BASIC SKILLS DEFICIENT

1. Can you define basic skills deficient? Is it below a 9th grade level or 8th grade level?

CDLE Response: When using a standardized test to determine basic skills deficient, the individual must test at the 8.9 grade level or lower, to qualify as basic skills deficient.

2. What standardized tests can be used to determine basic skills deficient – only the TABE? Could Prove-It be used?

CDLE Response: The TABE is not the only standardized test that can be used. However, Prove-It does not measure basic skills deficient and should not be used. Until the state receives definitive guidance from USDOL, we recommend using the standardized tests approved by USDOL for the Youth Literacy-Numeracy performance measure. These are listed in USDOL TEG 17-05 and include: TABE, CASAS, ABLE, WorkKeys, and BEST.

3. Is lack of digital literacy now part of the definition of basic skills deficient?

CDLE Response: Yes, Colorado's policy is that lack of digital literacy may be used to determine basic skills deficiency.

ADULT PRIORITY OF SERVICE

1. When adult applicants know that they do not meet low income, or any other priority of service category, must documentation occur or can self-attestation be used?

CDLE Response: Self attestation is allowed in this instance. We encourage you to obtain this information from all WIOA applicants and data enter it into Connecting Colorado so that the state can track the number of hard-to-serve individuals that we are enrolling. This is important because the performance goals set for the state by USDOL depend on this data.

2. Are local areas allowed to use residency under the first tier of adult priority of service?

CDLE Response: Residency can be used in conjunction with one of the other adult priority of service categories, such as public assistance recipient and a resident. Residency may not be used by itself as a priority of service category.

3. Can the Youth in Poverty Map be applied to adults living in a high poverty area, when determining low income for Adult Priority of Service?

CDLE Response: USDOL has determined that we may NOT use the Youth in Poverty map for adults.

MISCELLANEOUS TOPICS

1. Does the self-attestation document or applicant statement on the application need to be witnessed?

CDLE Response: As long as the self-attestation or application document is signed, it does not have to be witnessed. However, some local policies may require a witness.

2. Would it be best to utilize the Application Signature page rather than the CPR printout for file documentation so that we do not have to go back and get new signatures on all of the applications for data validation when the Eligibility Calculator is updated?

CDLE Response: The Eligibility Calculator is a cross-checking tool and should never be used for documentation purposes. Please determine eligibility using appropriate documentation and get signatures on all applications for data validation purposes.

3. If the customer does NOT have the required documents needed such as a passport or birth certificate required to obtain a state identification card, can WIOA pay for those documents leading up to and including the ID card?

CDLE Response: We have discussed this possibility here at CDLE and with various youth operators over time and believe that such purchases put the program at risk of the individual getting the document and never returning to participate. At this point we are still not willing for operators to incur direct client costs for those who have not been enrolled, unless folks can offer a viable suggestion for how to avoid or reduce this risk issue.

4. Can we use CBMS documentation to verify the SSN?

CDLE Response: CBMS is the data system for the Colorado Department of Human Services and provides verification that an individual is receiving TANF or SNAP benefits. Because Human Services verifies the SSN that appears on the CBMS record, this record may be used in lieu of an SSN card for eligibility. However, in some local areas, the SSN card may be required for the individual to participate in paid work experiences or other wage subsidy programs. Also, use of the CBMS document has no impact on Data Validation, as the SSN is not a data element that falls under Data Validation review.

5. Is it possible to help pay for an adult to get their GED before they move on to other training or a job? Does getting a GED have to be attached to an occupation or industry sector?

CDLE Response: Paying for GED (or HiSet or TASC) classes and testing may occur before training or job placement and does not have to be attached to an occupation or industry sector, unless your local policy requires it.

6. May electronic signatures be used on the WIOA application and other eligibility documents?

CDLE Response: CDLE will accept all digital or electronic signature options to meet the signature requirement, but encourages local areas to ensure that the software used meets ADA accessibility standards. CDLE will also accept the option of utilizing a "reply" email from the customer that says "they agree" (or similar) in lieu of a signature.

Attachment #2 - WIOA DISLOCATED WORKER ELIGIBILITY CRITERIA, GLOSSARY, DOCUMENTATION CHECKLIST, and Q&A

ALL NOVEMBER 2022 PGL REVISIONS ARE HIGHLIGHTED IN YELLOW

General Requirements

Local areas are responsible for developing policies and procedures that ensure that federal funds are expended on individuals who are eligible for the program at the time of enrollment, and who continue to meet eligibility during participation, when either of the following circumstances occur:

- **A youth who is male at birth turns 18 years of age during participation, but fails to register for Selective Service within 30 days (see Selective Service in the Glossary for detailed guidance):** In this instance all services must be suspended until Selective Service registration has been completed, and this action must be documented in case notes. Any direct client costs incurred while Selective Service registration remains uncompleted may be questioned or disallowed.
- **A non-citizen's work authorization expires during participation:** Local areas must identify the expiration date of the work authorization before enrollment, and may work with the customer on renewal or a delay of enrollment or services, as appropriate. These efforts or decisions must be documented in case notes. If the customer is already enrolled as of the date of this PGL, and the work authorization expires while services are under- way, local areas may allow completion of those services. However, local areas must not initiate any new service involving direct client costs, such as work experiences, training, or supportive services, until the work authorization is once again active. Any direct client costs associated with any new services may be questioned or disallowed.

Other than under these two circumstances, eligibility is based on an individual's status at the date of enrollment, and any subsequent change to this status will not impact what was true or accurate at the time of program enrollment. This includes changes resulting from the Unemployment Insurance adjudication or appeals process.

It should be noted that a WIOA application has a 90-day limit before a new application must be submitted and eligibility must be re-determined. (Local areas may set a stricter policy, such as a 45 or 30-day limit, but no longer than 90 days.) Local areas are encouraged to review an application that is older than 30 days with the customer to ensure that no changes have occurred, and all information is still true and accurate at enrollment.

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 attachment. Photocopies of documentation kept on file must be legible.

1. Citizenship/Immigration Status/Eligible to Work – Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident ~~aliens~~ non-citizens, refugees, asylees, and parolees, and other immigrants authorized to work in the United States. (Exception: Per TEGL 19-01 Change 1 (see Attachment 18 of corresponding PGL) operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status.)

Note: See Citizenship on pp. 4-5 of the Glossary for more detailed guidance.

Note: If a Social Security number is being used to document citizenship in conjunction with a driver's license (unexpired), or if the participant is being entered into a paid work experience activity, the

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original SSN card may be presented along with a picture ID, as one of the documentation options for the I-9. 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 section of this attachment.)

2. Selective Service/Military Status – All participants shall be in compliance with the Selective Service Act requirements. All males, as determined at birth, 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..

Note: See Selective Service on pp. 7-8 of the Glossary for additional details and exceptions regarding Selective Service registration for veterans and non-citizens.

3. Age at enrollment must be 18 or older;

~~**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 (effective through June 30, 2022), 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 may not be able to demonstrate ~~lawful presence or immigration status.~~

Please Note: Before utilizing the categories below, attempt to identify a job of dislocation (See definition in the GLOSSARY below.) If a job of dislocation cannot be identified, the applicant cannot be considered a Dislocated Worker ~~under categories (A), (B), or (C)~~ under all categories except category D - Displaced Homemaker.

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

- (A)(i) has been terminated or laid off, or who has received a notice of termination or layoff from employment, (including a separation notice from active military service under other than dishonorable conditions), or is subject to an early or forced retirement, **and**
- (ii)(I) is eligible for or has exhausted entitlement to unemployment compensation (**NOTE:** Eligible for UI simply means monetarily eligible - earned \$2500 or more in the base period - nothing more.); **or**
- (II) has been employed for a duration sufficient to demonstrate, to the

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appropriate entity at a one-stop center, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; **and**
(iii) is unlikely to return to a previous industry or occupation; **OR**

NOTE: CDLE recommends that staff document the layoff related to the job of dislocation. A second allowable option would be to document the layoff related to the most recent employer identified on the UI claim or the WIOA intake application. In either case, the "UI monetary eligible" and "unlikely to return" criteria must also be appropriately documented to meet the requirements under "Category A," as described above.

(B)(i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of a permanent closure of, or any substantial layoff at, a plant, facility, military installation, or enterprise; **or**
(ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; **or**
(iii) for purposes of eligibility for Basic Career Services only (not Individualized Career ~~services~~, Training, or Supportive services), is employed at a facility at which the employer has made a general announcement that such facility will close, without a specific closure date;
OR

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

(D) is a displaced homemaker; **OR**

(E) is UI profiled through ~~through Links to Reemployment or~~ Reemployment Services and Eligibility Assessment (RESEA); **OR**

(F)(i) is the spouse of a member of the Armed Forces on active duty (as defined in Section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station or discharge of such member; **or**
(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in part B of the Displaced Homemaker definition below; **OR**

(G) 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 DD214, DD2648 or separation orders may

document the layoff, UI eligible, and unlikely to return; **OR**

- (H) Recently separated veterans who are within 36 ~~48~~ months of discharge (other than dishonorable) or release from active military, naval, or air service. The DD214 may document the layoff, UI eligible, and unlikely to return to their previous industry or occupation in the military if military service is identified as the job of dislocation; **OR**

Note: TEGL 22-04 and TEGL 22-04, change 1: Serving Military Service Members and Military Spouses under the WIOA Dislocated Worker Formula Grant (March 22, 2005), explain in detail the conditions under which a military service member or a military spouse should be considered an eligible Dislocated Worker. (See Attachments #5 and #6).

- (I) Workers certified under a Petition for Trade Adjustment Assistance under the Trade Act of 1974, as amended, are, by definition, Dislocated Workers, under WIOA. Such individuals must have been issued a TAA Entitlement document by CDLE to be considered eligible under this category. If this document has not yet been issued, staff should utilize any other applicable DW category to determine eligibility if immediate services are needed and appropriate; **OR**
- (J) Early/Forced Retirement - Individuals who accept early or forced retirement as part of a reduction in a work force may be considered to have been terminated or laid off, or received notice of termination or lay off as appropriate. Military service members, who are within 24 months of retirement, expect to be discharged with other than a dishonorable discharge, and are unlikely to return to their previous occupation, are considered dislocated workers regardless of whether their retirement is voluntary or early/forced.

NOTE: Employed workers who will be impacted by a layoff may be enrolled in the Dislocated Worker Program for career, training, or supportive services as early as **180 days (6 months)** prior to their layoff date, if they can produce an official company letter that includes their name and a specific layoff date, and if they can meet one of the eligibility criteria (A-J) above.

GLOSSARY

Local program staff making eligibility determinations for the Dislocated Worker program should make use of the following definitions:

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

CITIZENSHIP – Designation of an applicant as a citizen of the United States or a lawfully admitted permanent resident ~~alien~~ non-citizen, 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~~

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~~shall be completed as part of the enrollment process for applicants 18 years or older, effective August 1, 2006 through June 30, 2022).~~ Below are resources to assist with determining whether an applicant meets this WIOA eligibility requirement:

- [Attachment 16 - SAVE Guide](#)
- **Employment Authorization Document website:** <https://www.uscis.gov/green-card/green-card-processes-and-procedures/employment-authorization-document>
- **Notes:**
 - A student visa may allow a student to work on campus but may not serve as a general work authorization.
 - A Social Security card that states "valid for work only with DHS authorization" requires a separate Department of Homeland Security work authorization.

DISPLACED HOMEMAKER – an individual who has been providing unpaid services to family members in the home and who—

(A)(i) has been dependent on the income of another family member but is no longer supported by that income; or

(ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and

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

Note: alimony is not considered replacement for lost income

EARLY/FORCED RETIREMENT AS A TYPE OF LAYOFF - Individuals who accept early or forced retirement as part of a reduction in a work force may be considered to have been terminated or laid off, or received notice of termination or lay off as appropriate. Military service members, who are within 24 months of retirement, expect to be discharged with other than a dishonorable discharge, and are unlikely to return to their previous occupation, are considered dislocated workers regardless of whether their retirement is voluntary or early/forced.

ELIGIBLE FOR UNEMPLOYMENT INSURANCE (UI) COMPENSATION - any individual who:

a. Is eligible for or has exhausted entitlement to unemployment compensation. Such individuals only need to be determined **monetarily eligible** for UI, utilizing wage data available through the UI on-line system (see definition of UI Monetarily Eligible below); or determined to have exhausted their UI claim, utilizing data available through the UI on-line system.

b. Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center, attachment to the workforce (has a history of working), but is not eligible for

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unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law (mainly used for employees of the agricultural industry). Such individuals may document wages paid by submitting pay stubs or bank statements, or providing letters from their employers or other proof of their work history. The period of time documented may match the UI monetarily eligible period of the first four of the last five calendar quarters.

EXHAUSTED ENTITLEMENT TO UI COMPENSATION - has received all of the unemployment compensation benefits for which an individual has been determined eligible, after having actually received monetary benefits following dislocation.

FARM/RANCH WORKER - a person who is self-employed as a farmer, or works for a farm or ranch employer, which produces agricultural products with annual sales of \$1,000 or more, and who receives at least 50% of their family or individual income from agricultural work.

GENERAL ECONOMIC CONDITIONS - conditions that cause an individual to lose a business include, 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.

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, which would not be true in the case of a displaced homemaker. The job of dislocation is the job that qualifies the individual under one of the DW eligibility categories. CDLE recommends that staff document the layoff related to the job of dislocation. A second allowable option would be to document the layoff related to the most recent employer identified on the UI claim or the WIOA intake application. In either case, the "UI monetarily eligible" and "unlikely to return" criteria must also be appropriately documented to meet the requirements under "Category A Layoff," as described in the Eligibility Criteria section above.

Under the categories for Plant Closing/Substantial Layoff and Layoff/UI/Unlikely to Return, the job of dislocation is the job from which the applicant has been laid off. For a self-employed individual, evidence that the business has been lost verifies a job of dislocation.

The general guideline for classifying the job of dislocation is the loss of the job within five (5) years of the application date for the Dislocated Worker program provided the interim jobs are considered to be stop-gap. If the date of dislocation is longer than five years from the date of the WIOA application, the intake worker must specifically document in case notes that the interim jobs are considered to be stop-gap and do not constitute a new primary occupation.

LAYOFF - Layoff is defined as an individual's loss of a job through no fault of their own. The Colorado Employment Security Act further identifies conditions that define the loss of a job through no fault of the

employee, and then defines loss of a job that is considered to be the employee's fault. Below is the link to a document that lists both types of conditions:

See [Attachment 17 of corresponding PGL: Reasons for Job Separation Per the Unemployment Insurance Statute](#)

NATURAL DISASTERS (applies to all Dislocated Worker categories except TAA) - Natural disasters that cause the widespread unemployment or dislocation of resident workers. This may include disasters occurring as a result of a: hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, drought, fire, explosion, snow storm, pandemic, or other catastrophe. An official declaration of emergency, or Official Declaration of the Governor, at the local, state, or national level pertaining to a natural disaster causing widespread unemployment or job dislocation of resident workers. The resultant sudden and negative economic impact on industries or occupations experienced by local areas as a result of a catastrophic event, such as a pandemic or other natural disaster; and which occurrence has caused a decline in employment opportunities with businesses or industries in the local area.

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 MIS-2020-03: Data Integrity and the Customer Participation Cycle for WIOA and TAA Programs. Customers receiving self-service or informational activities are not considered to be participants in the WIOA programs.

PLANT CLOSING - The permanent shutdown of a plant, business or facility. TAA documents cannot be used to verify a **plant closure** unless they specifically state that a plant closure occurred.

PREVIOUS OCCUPATION/INDUSTRY - For the purposes of WIOA dislocated worker program eligibility, previous occupation or industry relates directly to the job of dislocation, not the most recent job if it is considered stop-gap employment.

PUBLIC ANNOUNCEMENT – the process by which a plant, facility, or enterprise makes the general public aware of its permanent closure. The announcement shall include a projected closure date and be verifiable.

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

SELECTIVE SERVICE – Only those males (as identified at birth) 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 or non-citizen residing in the United States shall register with the Selective Service System between their 18th and 26th 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:

- The requirement for the person to so register has terminated or become inapplicable to the person;

AND

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- 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, regions are to review Attachment 8: TEGL 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Programs, dated May 16, 2012

In addition to guidance provided in TEGL 11-11, Change 2, the following documentation may be used to demonstrate that individuals failing to register by the time they were 26 years of age **did NOT do so knowingly or willfully**:

- **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.
- **Veterans** – A copy of a DD214, showing other than a dishonorable discharge with dates of service, can be used in lieu of a Selective Service registration **and eliminates the need to register**. In addition, the veteran can provide a Selective Service waiver document (obtainable from the Selective Service System).
- **Active Duty, National Guard or Reservist** - A current military ID eliminates the need to register for Selective Service.
- **Active Duty** - Individuals serving in the military on full-time active duty do not have to register *if serving continuously from age 18 to age 26*. Those attending the service academies do not have to register. However, if the individual joins the military after turning 18 or leaves the military before turning 26, registration is required.
- **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.
- **Non-citizen** – An alien non-citizen 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 26th birthday. **This means that this non-citizen does NOT have to register for Selective Service.**

Note: If the situation is not clear, CDLE recommends that the case manager ask the customer to obtain their Status Information Letter from the Selective Service. This letter will say whether or not there is a knowing or willful failure to register.

SELF-EMPLOYED - Any professional, independent trades person, independent contractor, or other business person who works for him/herself, such as a gig worker. 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 considered to be a self-employed individual. Self-employed may also include employment as a farmer, rancher or fisherman.

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, it is clear that 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 the WIOA dislocated worker ~~retraining~~ program may then consider his/her employment temporary. In such cases, it is best to use the "rule of thumb" to determine ~~if employment can be considered~~ "stop-gap" employment when ~~such~~ an individual applies for the WIOA dislocated worker ~~retraining~~ program. Compared to the individual's dislocation job and wages, does the "stop gap" position fulfill one of the following conditions:

- ~~Pay less than 80% of the earnings at dislocation, and/or does it~~
- ~~Require a far lesser skill level? than the job of dislocation or is it out of the "primary" occupation, and/or does it~~
- Provide only income maintenance rather than a self-sufficient "primary" or career path/~~Latice~~ occupation?
- ~~Offer less than full-time hours 80% of the weekly hours of the job of dislocation (e.g. less than 32 hours or less compared to a previous 40 hours per week)?~~

Individuals who are **Underemployed** can be considered as having stop-gap employment. The definition of 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 earnings are not sufficient compared to their earnings from their job of dislocation.

Third, the 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 in order 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)

SUBSTANTIAL LAYOFF - A **substantial layoff** is defined by State of Colorado as 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).

Acceptable documentation:

- Supporting documentation to identify that the person worked for the company at the time of the layoff announcement (EG. pay stub or layoff letter with the name of the individual); **AND**
- Documentation that the layoff met the substantial layoff definition above (e.g. newspaper article, internet/website notice, letter from employer, or copy of the State Rapid Response Report that shows the number of people employed and the number impacted by the layoff).

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 the 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). If the dislocation was not caused by a closing or substantial layoff, the applicant shall 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 considered dislocated only after the employee has contacted the temporary agency, and the agency has failed to find suitable work for them. 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.

- **Seasonal Employees** – May be made eligible under the same category as regular employees
- **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 - determined on a case-by-case basis:

- Skill Oversupply - state or local supply of persons with the specific skills of the applicant exceeds current demand for those skills (see attachment 13 – Connecting Colorado Supply and Demand Report); or
- Obsolete Skills - Applicants can no longer meet the minimum requirements of jobs available in their field or occupation (e.g., clerical worker without word processing skills, etc.); or
- Only Stop-Gap Available - Jobs available to applicant would be temporary or substantially below applicant's accustomed skill, hour, or wage level (see stop-gap); or
- 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; or
- No Job Offers Received - Applicant has been available and looking for work for a number of 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; or

- 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 shall have a doctor's release to work; or
- Separating Service Member – Per USDOL policy guidance, a separating service member who has received his/her separation orders or DD214 (other than dishonorable) may generally be considered as meeting the unlikely to return criterion.
- Military Spouse – A spouse's cessation of employment is due to the service member's permanent change of military station or his/her discharge from the military, can be considered to meet the "unlikely to return to a previous industry or occupation" criterion.
- Other Factors - Factors that can be recorded in the client's file from written or verbal sources, including staff judgment, indicating "unlikely to return to the previous industry or occupation." This may include demonstrating a pattern of layoff or a pattern of underemployment, such as going from full-time to part-time work or receiving pay cuts.
 - Refer to [Unlikely to Return - Additional "Other Factors" with Self-Attestation](#) when considering other factors that may apply to the customer.

UI MONETARY ELIGIBILITY – Individual earned at least \$2,500 during the first four out of the last five calendar quarters (UI base period)

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 **age and immigration status cannot be self-attested**. Self-attestation may be used with items highlighted in **blue** within the WIOA Eligibility Documentation Checklist.

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 your local MIS coordinator 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, and should adhere to local self-attestation policy guidelines. A copy of this document should be retained in the customer case file (hard copy or electronic file.)

When documenting a layoff with a self-attestation document, the individual's statement must be clearly detailed and include information that attests to why he/she should be eligible for the Dislocated Worker program. In addition, it must include the following components:

- Name of employer for job of dislocation, and dislocation date
- Reason for termination or separation
- Any other relevant information about the layoff or closure
- Work schedule (full-time/part-time, etc.)
- Wage (hourly/monthly/annual)

Staff must indicate in case notes the attempts that were made to obtain regular documentation.

WIOA ELIGIBILITY DOCUMENTATION CHECKLIST – DISLOC. WORKER PROGRAM

Eligibility	Required Documentation (only blue items may be self-attested)	Comment
<p>Citizenship/Non-Citizen Alien Status/Eligible to Work (at least 1 or more documents are required)</p> <p>NOTE: The Real ID Act of 2005 created a timeline for all states to require additional source identification prior to issuance of Real IDs to prove lawful status and duration for temporary statuses. A list of current Real ID compliant states can be found at:</p> <p>https://www.dhs.gov/real-id</p> <p>Real IDs contain a “star” emblem located on the upper, right side of the identification card. Real ID Act compliant states verify lawful presence through the SAVE system prior to issuance of ID.</p> <p>(See Attachment 12 for sample Star licenses and IDs)</p>	<p>___ Valid State driver's license or State ID card with Real ID star emblem (upper right corner), or license stating “Enhanced Driver License” (unexpired) with a Star in upper right corner (no Social Security Card required) (See Attach 12: Samples of New Drivers Licenses)</p> <p>Social Security Card AND non-Star DL/ID Card (unexpired) or School ID</p> <p>___ U.S. Passport</p> <p>___ Birth Certificate</p> <p>___ Certificate of Citizenship</p> <p>___ Baptismal Certificate (if place of birth is shown)</p> <p>___ Consular Report of Birth Abroad issued by the U.S. Dept. of State (Form DS-1350, or FS-545)</p> <p>___ DD-214, Report of Transfer or Discharge (if place of birth is shown)</p> <p>___ Foreign Passport stamped “Eligible to Work” (not expired) <u>or</u> accompanied by I-94, stamped, with class code indicating authorization to work</p> <p>___ Hospital Record of Birth</p> <p>___ Non-Citizen Permanent Resident Card (I-551) unexpired</p> <p>INS Form I-94 or I-94A, stamped, with class code indicating authorization to work (not expired)</p> <p>INS Form I-179, I-197, or I-766 (not expired)</p> <p>___ T-visa issued to victims of human trafficking (See Attachment 9: TEGL 09-12)</p> <p>___ Naturalization Certification</p> <p>___ Native American Tribal Document</p> <p>___ Certificate of Degree of Indian Blood</p>	<p>CO license or ID card must <u>not</u> say: “not valid for federal identification, voting, or public benefits purposes.”</p>

	<p>___ SAVE Verification Printout AND non-Star Driver's License or State ID (unexpired). No SSN card required.</p> <p>___ Self-Attestation as a last resort if DACA eligible (See Attachment 8: TEGL 02-14)</p>	
<p>Selective Service (1 is required for those required to register)</p>	<p>___ On-line verification at www.sss.gov</p> <p>___ Acknowledgement Letter from Selective Service</p> <p>___ Selective Service Verification Form</p> <p>___ Selective Service Registration Card</p> <p>___ Selective Service Advisory Opinion Letter</p> <p>___ Selective Service Registration Record (Form 3A)</p> <p>___ Selective Service Waiver Document (for veterans)</p> <p>___ Stamped Post Office Receipt of Registration</p> <p>___ DD-214</p>	

Social Security Number (Not required for eligibility– create pseudo SSN instead) • Signed SSN not required • SSN may be required for participation in paid work experiences, internships, or wage subsidy programs	<input type="checkbox"/> Cross match with Veterans data <input type="checkbox"/> DD-214, Report of Transfer or Discharge <input type="checkbox"/> IRS Form Letter 1722 <input type="checkbox"/> Letter from Social Security Agency <input type="checkbox"/> Pay Stub <input type="checkbox"/> Social Security Benefits <input type="checkbox"/> Social Security Card <input type="checkbox"/> W-2 Form	
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Eligibility	Required Documentation (only blue items may be self-attested)	Comment
Affidavit of Immigration Status- (Signed affidavit required through 6/30/2022 and in conjunction with one of the listed forms of ID for age 18 & older)-	<input type="checkbox"/> Valid State driver's license or State ID card with Real ID star emblem (upper right corner), or license stating "Enhanced Driver License" (unexpired) with a Star in upper right corner (no Social Security Card required) (See Attach 12: Samples of New Drivers Licenses) <input type="checkbox"/> Colorado Driver's License or ID Card (except if the license or ID clearly states "not valid for federal ID, voting, or public benefit purposes"), not expired <input type="checkbox"/> U.S. Military Card <input type="checkbox"/> Military Dependent ID Card <input type="checkbox"/> U.S. Coast Guard Merchant Mariner Card <input type="checkbox"/> Native American Tribal Document <input type="checkbox"/> U.S. Passport <input type="checkbox"/> Copy of birth certificate filed with a state office of vital statistics or equivalent agency in applicant's state of birth <input type="checkbox"/> Consular Report of Birth Abroad issued by the U.S. Dept. of State (Form DS-1350, or FS-545) <input type="checkbox"/> Certificate of Naturalization issued by DHS (Form N-550 or N-570) <input type="checkbox"/> Certificate of Citizenship issued by DHS (Form N-560 or N-561) <input type="checkbox"/> Valid immigration document demonstrating lawful presence and verified through the SAVE system. <input type="checkbox"/> Other valid State's driver's license/State ID card, from a "lawful presence" state <p>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 or ID card states that it is an Enhanced Driver's License or ID Card, then it can be accepted as a lawful presence document.</p> <p>Note: Deferred Action for Childhood Arrivals (DACA) participants may not have a lawful presence document</p>	CO license or ID card must not say: "not valid for federal identification, voting, or public benefits purposes."

	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.	
Job of Dislocation ***see Q&A below***	<input type="checkbox"/> Letter from employer verifying dislocation <input type="checkbox"/> Case note reflecting contact with employer verifying dislocation <input type="checkbox"/> Lay-off notice (from whom / where?) WARN <input type="checkbox"/> Rapid Response list <input type="checkbox"/> Most recent UI claim <input type="checkbox"/> Work history on signed application <input type="checkbox"/> Other (ex: DD214) _____	
Date of Dislocation	<input type="checkbox"/> Verification from employer <input type="checkbox"/> Rapid Response List <input type="checkbox"/> Layoff Notice <input type="checkbox"/> Public Notice with UI data cross-match (WARN) <input type="checkbox"/> Case note, if date is more than 5 years prior to application, verifying that interim jobs are not a new primary occupation <input type="checkbox"/> Other _____	
DW Eligibility Category (Required to select 1 qualifying category (A-F) ***see Q&A below*** (only blue items may be self-attested as a last resort))		
A. Layoff/UI/ Unlikely to Return (Note: Other than dishonorable military discharge can count for layoff, UI eligible, and unlikely to return) (Note: All three criteria must be documented) ***see Q&A below***	Layoff: <input type="checkbox"/> Letter from Employer (layoff or forced retirement) <input type="checkbox"/> MyUI+ Colorado Employer Screen <input type="checkbox"/> MyUI+ Non-Monetary Determination Letter <input type="checkbox"/> UI Notice of Decision (UIB-6) <input type="checkbox"/> Public layoff notice with UI data cross-match <input type="checkbox"/> DD214 or separation orders (other than dishonorable) <input type="checkbox"/> Entitlement to the Trade Adjustment Assistance (TAA) program (entitlement letter or TAA Determination code in Connecting Colorado: Applicant Information > Program Registration-View > Program: TAA > Determination - P, B, T, or I (not X) code) <input type="checkbox"/> CUBS 03, 04, or 20 screen <input type="checkbox"/> Other _____	

<p>(See Attachment 11 for complete instructions on use of UI screens and documents in MyUI+)</p>	<p>UI Monetary Eligibility:</p> <ul style="list-style-type: none"> ___ MyUI+ Monetary Summary Screen ___ MyUI+ Claimant Home Page ___ MyUI+ Non-Monetary Determination Letter ___ MyUI+ Employment and Wage Detail by Name or SSN ___ Statement of Wages & Possible Benefits (UIB-5) ___ UI Notice of Decision (UIB-6) ___ CUBS W5, W6, or 04 screen ___ Out-of-State UI benefits monetarily eligible document ___ Pay stubs/bank statements/employer letters ONLY if limited or no wages are reported to UI ___ WIOA application employment and wage history showing attachment to the workforce (ONLY if limited or no wages are reported to UI) ___ DD214 or separation orders (other than dishonorable) ___ Other 	
	<p>Unlikely to Return:</p> <ul style="list-style-type: none"> ___ Connecting Colorado Supply and Demand Report (see attachment 13 for instructions on use of the report) ___ Labor Market Info ___ Job Search Logs ___ Documentation of Disability ___ Pay stubs/bank statements/ employer letters to document pattern of layoff or underemployment (part-time work/pay cuts) ___ DD214, relocation or separation orders (other than dishonorable) ___ Other 	
<p>B. Plant Closure, Substantial Layoff (Note: Two circumstances must be documented – the fact that the business closed or a substantial layoff occurred and that the applicant worked there.) ***see Q&A below***</p>	<p>Applicant was Employed:</p> <ul style="list-style-type: none"> ___ Letter from Employer ___ Pay Stubs ___ UI wage data screen ___ Other <p>Business Closed</p> <ul style="list-style-type: none"> ___ Public notice of plant closure or substantial layoff ___ Copy of WARN notice ___ Internet/website notice/newspaper ___ Notice from DoD ___ Other 	

<p>_____ C. Self-Employed and Business Closed (Note: Both circumstances must be documented)</p> <p><u>May include:</u> Permanent Dislocation/ Economic/Natural Disaster- applies to all DW categories except TAA (see page 5 comments above)</p>	<p>Self-Employed:</p> <p>___ Business License/Permit ___ Tax records ___ UI wage data screen ___ Other _____</p> <p>Business Closed:</p> <p>___ Business closure notice ___ Tax records ___ Bankruptcy documentation ___ Lending Institution documentation ___ Financial statements from accountant ___ Other _____</p>	<p>MORE ON NEXT PAGE</p>
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DW Eligibility Category (Required to select 1 qualifying category (A-F) ***see Q&A below*** (only blue items may be self-attested as a last resort)		
<p>_____ C. Self-Employed and Business Closed (cont.) (Note: Both circumstances must be documented)</p>	<p>Permanent Dislocation/Natural Disaster:</p> <p>___ Public notice ___ USDOL Advisory ___ Other _____</p>	
<p>_____ D. Displaced Homemaker ***see Q&A below***</p>	<p>___ Public assistance records ___ Court records ___ Divorce papers ___ Bank records ___ Spouse's layoff notice ___ Spouse's death record ___ Military ID ___ Change of duty station orders ___ Other _____</p>	
<p>_____ E. U.I. Profiled ***see Q&A below***</p>	<p>___ UI Profiled letter (i.e. Link to Reemployment or Reemployment Services and Eligibility Assessment [RESEA] Orientation letter) Note: No other documentation is acceptable.</p>	
<p>_____ F. Military Spouse (See attachment 15 for example documents)</p>	<p>___ Military Dependent ID ___ Change of duty station orders ___ will accept self-attestation or military ID, military orders, letter from command, VA letter, or other military documents until required documents are available</p>	

_____ G. Transitioning Military Members	_____ DD214, DD2648 or Separation Orders, (other than dishonorable) – covers layoff, UI monetarily eligible, and unlikely to return _____ will accept self-attestation or military ID, military orders, letter from command, VA letter, or other military documents until required documents are available	
_____ H. Recently Separated Veterans	_____ DD214 (other than dishonorable) – covers layoff, UI monetarily eligible, and unlikely to return _____ will accept self-attestation or military ID, military orders, letter from command, VA letter, or other military documents until required documents are available	
_____ I. TAA Certified	_____ TAA Entitlement document _____ TAA program enrollment in Connecting Colorado with “Determination” code other than X (screen print)	

NOTE: Please see [Attachment 11: USE OF MyUI+ UI NOTIFICATIONS AND SCREENS](#) for complete guidance on the use of UI documents for Dislocated Worker eligibility.

Q & A: DW ELIGIBILITY DOCUMENTATION

1. Question: What types of documentation can be used to document the **job of dislocation** for a Dislocated Worker?

Answer: The **job of dislocation** can be documented by using the work history obtained from the applicant as part of the signed WIOA application. This work history should contain at least the following information back to the date of dislocation:

- Names of the employers
- Dates of employment
- Job titles
- Wages and number of hours worked per week

The intake worker or case manager must then identify which of the jobs listed is the job of dislocation rather than a stop-gap job. This will likely be determined in conjunction with documentation obtained to show proof of layoff or UI eligibility.

2. Question: What forms of documentation can be used to verify a **layoff** for

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Dislocated Worker eligibility? Can the ~~UI Notice of Decision~~ Non-Monetary Determination Letter be used to document a layoff, as well as UI eligibility, for the Dislocated Worker program?

Answer: One of the categories for Dislocated Worker eligibility is laid off, monetarily eligible for Unemployment Insurance, and unlikely to return to the previous occupation. Each of these conditions must be documented. The most common and acceptable forms of documentation for a **layoff** are:

- Layoff letter from the employer
- Public notice of a layoff
- Self-attestation of layoff
- DD214 or discharge orders (other than dishonorable) if military service is being used as the job of dislocation
- MyUI+ Colorado Employer Screen
- MyUI+ Non-Monetary Determination Letter (to be used when a reason for separation is other than layoff i.e. quit, fired and/or discharged)

Some workforce local areas have utilized the ~~UI Notice of Decision~~ **Non-Monetary Determination Letter** which grants UI benefits to a claimant, as proof of a layoff as well as proof of UI eligibility. In many cases these notices indicate that the claimant was fired for cause or quit a job, but is nonetheless being granted a UI benefit award. Other ~~UI Notice of Decision~~ Non-Monetary Determination Letters clearly state that the claimant lost his job through no fault of his own, or lost his job because of a layoff. **Unless the ~~UI Notice of Decision~~ Non-Monetary Determination Letter specifically states that the claimant has been laid off or lost his job through no fault of his own, OR the Decision contains the Legal Citation: Colorado Employment Security Act 8-73-108(4) to justify the benefit award, the notice cannot be used to document a layoff; it can only be used to document eligibility for Unemployment Insurance.**

In addition, **MyUI+ screens** the ~~CUBS 03, 04 and 20 screens~~ can be used, when appropriate (see [Attachment 11: Use of UI Notifications and Screens](#), for detailed instructions regarding the use of these screens).

NOTE: Please keep the number of ~~CUBS~~ MyUI+ screens printed to a minimum. For example, print no more than one ~~CUBS~~ MyUI+ screen for each of the DW eligibility elements; however, additional allowable screens may be printed for extenuating circumstances.

3. Question: What forms of documentation can be used to demonstrate monetarily **eligible for UI** for Dislocated Worker eligibility?

Answer: One of the categories for Dislocated Worker eligibility is laid off, monetarily eligible for Unemployment Insurance, and unlikely to return to the previous occupation. Each of these conditions must be documented. The most common and acceptable forms of documentation for **UI monetary eligibility** are:

- **UI Statement of Wages and Possible Benefits (UIB-5)**- with wages \$2500 or more in the base period
- ~~UI letter – Notice of Decision (UIB-6)~~
- **MyUI+ Claimant Home Page-**
- **MyUI+ Non-Monetary Determination Letter**
- **MyUI+ Monetary Summary Screen**

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- MyUI+ Employment and Wage Detail by Name or SSN
- ~~CUBS W5, W6, or 04 screen~~
- (See [Attachment 11: Use of UI Notifications and Screens](#) for detailed instructions regarding the use of these screens).
- Out-of-State UI benefits monetarily eligible documentation
- Pay stubs/bank statements/employer letters **ONLY** if limited or no wages are reported to UI
- DD214 or discharge orders (other than dishonorable) if military service is being used as the job of dislocation

Local areas should be aware that not all UI claimants receive a ~~Notice of Decision~~ Non-Monetary Determination letter. Only those claimants with a claim issue to be resolved receive a ~~Notice of Decision~~ Non-Monetary Determination. The ~~Notice of Decision~~ Non-Monetary Determination must specifically state that the person is eligible for UI benefits in order for a ~~Notice of Decision~~ Non-Monetary Determination to be allowable. Refer to [attachment 11](#) to this WIOA eligibility PGL, for more information.

NOTE: Please keep the number of CUBS screens printed to a minimum. For example, print no more than one CUBS screen for each of the DW eligibility elements; however, additional allowable screens may be printed for extenuating circumstances.

4. Question: What forms of documentation can be used to demonstrate “unlikely to return” as part of Dislocated Worker eligibility?

Answer: One of the categories for Dislocated Worker eligibility is laid off, monetarily eligible for Unemployment Insurance, and unlikely to return to the previous occupation. Each of these conditions must be documented. As indicated in the chart above, **unlikely to return** can be documented by using one or more of the following:

- Connecting Colorado Supply and Demand Report (**see attachment 13 for instructions on use of the report**)
- Labor market information showing that the applicant skills are not currently in demand (such as the Job Vacancy Survey)
- Labor market information showing that the applicant cannot meet the skills requirements for jobs currently available in their chosen occupation (such as want ads, Choices, COCIS, etc.)
- Labor market information showing no jobs or only stop-gap jobs are available that match the applicant's skills (such as a Connecting Colorado search, want ads, Job Vacancy Survey, etc.)
- Job search logs put together by the client that demonstrate no job offers received for a period of weeks prior to WIOA enrollment, or
- Documentation of acquired physical limitations or injuries that make an individual unable to perform the same work as the job of dislocation
- Pay stubs/bank statements/employer letters to document pattern of layoff or underemployment (part-time work/pay cuts)

- DD214 or discharge orders (other than dishonorable) if military service is being used as the job of dislocation.

5. Question: Does documentation of **UI Profiling** make an applicant eligible for the Dislocated Worker program?

Answer: An applicant selected through the **UI Profiling (Links to Reemployment or Reemployment Services and Eligibility Assessment [RESEA])** system is considered automatically eligible for the Dislocated Worker program. A copy of the UI Profiling letter should be kept in the client case file (electronic or paper). The personalized letter must contain the contact information, along with the date/time/ location of the orientation. This is true for any job seeker that has been invited, whether or not they attended the orientation.

However, if the job seeker has returned to work and/or established a new job of dislocation, it may not be appropriate to use the UI Profiling letter for DW eligibility documentation. As with all DW eligibility determinations, the five year work history and job of dislocation must always be taken into consideration first.

Note: UI Profiling orientation letters are acceptable for up to five years from the date of issuance.

6. Question: Can a Trade Adjustment Assistance (TAA) certification or eligibility document be used to document a **plant closure** for Dislocated Worker program eligibility?

Answer: TAA certifications generally do not contain information regarding whether a plant closure has occurred. In addition, many TAA certifications are issued when only a portion of employees are being laid off. As a result, TAA documents cannot be used to verify a **plant closure** unless they specifically state that a plant closure occurred.

7. Question: For purposes of determining **Displaced Homemaker** eligibility for the Dislocated Worker program, is alimony considered to be a replacement for the income lost as a result of a divorce? If so, would this make the applicant ineligible for the Dislocated Worker program?

Answer: Alimony should not be considered as a replacement for lost income because in most cases alimony payments are much lower than the spousal income that was lost. As a result, a person receiving alimony should still be considered eligible for the Dislocated Worker program if they meet the remaining criteria for the definition of **Displaced Homemaker**.

Q&A: MISCELLANEOUS TOPICS **November 2022 Updates on P. 21**

1. Does the self-attestation document or applicant statement on the application need to be witnessed?

CDLE Response: As long as the self-attestation or application document is signed, it does not have to

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be witnessed. However, some local policies may require a witness.

2. Would it be best to utilize the Application Signature page rather than the CPR printout for file documentation so that we do not have to go back and get new signatures on all of the applications for data validation when the Eligibility Calculator is updated?

CDLE Response: The Eligibility Calculator is a cross-checking tool and should never be used for documentation purposes. Please determine eligibility using appropriate documentation and get signatures on all applications for data validation purposes.

3. If the customer does NOT have the required documents needed such as a passport or birth certificate required to obtain a state identification card, can WIOA pay for those documents leading up to and including the ID card?

CDLE Response: We have discussed this possibility here at CDLE and with various youth operators over time and believe that such purchases put the program at risk of the individual getting the document and never returning to participate. At this point we are still not willing for operators to incur direct client costs for those who have not been enrolled, unless folks can offer a viable suggestion for how to avoid or reduce this risk issue.

4. Can we use CBMS documentation to verify the SSN?

CDLE Response: CBMS is the data system for the Colorado Department of Human Services and provides verification that an individual is receiving TANF or SNAP benefits. Because Human Services verifies the SSN that appears on the CBMS record, this record may be used in lieu of an SSN card for eligibility. However, in some local areas, the SSN card may be required for the individual to participate in paid work experiences or other wage subsidy programs. Also, use of the CBMS document has no impact on Data Validation, as the SSN is not a data element that falls under Data Validation review.

5. We're confused by the wording in the definition of Farm and Ranch employment in the Dislocated Worker eligibility guidelines. Does it apply to self-employed farmers or farm workers?

CDLE Response: We'll be changing the wording to clarify that the definition is referring to both those who are self-employed and those working for a farm or ranch business who lose their income from a closure or reduction in the farming or ranching operation.

6. Is it possible to help pay for an adult or dislocated worker to get their GED before they move on to other training or a job? Does getting a GED have to be attached to an occupation or industry sector?

CDLE Response: Paying for GED (or HiSet or TASC) classes and testing may occur before training or job placement and does not have to be attached to an occupation or industry sector, unless your local policy requires it.

7. May electronic signatures be used on the WIOA application and other eligibility documents?

CDLE Response: CDLE will accept all digital or electronic signature options to meet the signature requirement, but encourages local areas to ensure that the software used meets ADA accessibility standards. CDLE will also accept the option of utilizing a "reply" email from the customer that says "they agree" (or similar) in lieu of a signature.

Attachment #3 - WIOA YOUTH ELIGIBILITY CRITERIA, GLOSSARY, AND DOCUMENTATION CHECKLIST AND Q&A

ALL NOVEMBER 2022 PGL REVISIONS ARE HIGHLIGHTED IN YELLOW

General Requirements

Local areas are responsible for developing policies and procedures that ensure that federal funds are expended on individuals who are eligible for the program at the time of enrollment, and who continue to meet eligibility during participation, when either of the following circumstances occur:

- **A youth who is male at birth turns 18 years of age during participation, but fails to register for Selective Service within 30 days (see Selective Service in the Glossary for detailed guidance):** In this instance all services must be suspended until Selective Service registration has been completed, and this action must be documented in case notes. Any direct client costs incurred while Selective Service registration remains uncompleted may be questioned or disallowed.
- **A non-citizen's work authorization expires during participation:** Local areas must identify the expiration date of the work authorization before enrollment, and may work with the customer on renewal or a delay of enrollment or services, as appropriate. These efforts or decisions must be documented in case notes. If the customer is already enrolled as of the date of this PGL, and the work authorization expires while services are under-way, local areas may allow completion of those services. However, local areas must not initiate any new service involving direct client costs, such as work experiences, training, or supportive services, until the work authorization is once again active. Any direct client costs associated with any new services may be questioned or disallowed.

Other than under these two circumstances, eligibility is based on an individual's status at the date of enrollment, and any subsequent change to this status will not impact what was true or accurate at the time of program enrollment. This includes changes resulting from the Unemployment Insurance adjudication or appeals process.

It should be noted that a WIOA application has a 90-day limit before a new application must be submitted and eligibility must be re-determined. (Local areas may set a stricter policy, such as a 45 or 30-day limit, but no longer than 90 days.) Local areas are encouraged to review an application that is older than 30 days with the customer to ensure that no changes have occurred, and all information is still true and accurate at enrollment.

Documentation verifying the eligibility of participants in 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 and who are most in need of such opportunities. This is required because 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, and who are 18 years of age or older, 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, but lawful presence for individuals 18 years of age or older per Colorado HB1023 is no longer required using the Affidavit of Immigration as of July 1, 2022.

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 attachment. Photocopies of documentation kept on file must be legible.

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 attachment. Photocopies of documentation kept on file must be legible.

1. Citizenship/~~Alien Immigration Status~~/Eligible to Work – Participation must be open to citizens and nationals of the United States, lawfully admitted permanent resident ~~aliens~~ non-citizens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. (Exception: Per [TEGL 19-01, Change 1 \(see Attachment 18 of corresponding PGL\)](#) operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status.)

Note: See Citizenship on p.7 of the Glossary for more detailed guidance.

Note: If a Social Security number is being used to document citizenship in conjunction with a driver's license (unexpired), or if the participant is being entered into a paid work experience activity, the original SSN card may be presented along with a picture ID, as one of the documentation options for the I-9. 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 section of this attachment.)

2. Selective Service/Military Status – All participants must be in compliance with the Selective Service Act requirements. All males as determined at birth (citizens or non-citizens) living in the United States, who are at least 18 years old and born after December 31, 1959 and who are not in the armed services on active duty must be registered. Youth program services must cease for a program participant that turns 18 during participation and fails to register within 30 days, but services can be restored after Selective Service registration occurs.

Note: See Selective Service on pp. 14-15 of the Glossary for additional details and exceptions regarding Selective Service registration for veterans and non-citizens.

3. Age at enrollment must be 16-24 for out-of-school youth or 14-21 for in-school youth; AND

4. Lawful Presence (through June 30, 2022) – Applicants must also prove lawful presence in the United States in accordance with the Colorado Revised Statutes 24-76.5. They must 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

[Attachment 3 - ADWDB-01-2023 - WIOA Eligibility Requirements – Youth/Young Adult Eligibility](#)

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TEGL 02-14 requires that we serve these individuals even though they may not be able to demonstrate lawful presence or immigration status.

In addition to the criteria above, staff making eligibility determinations must verify that the applicant qualifies as either an out-of-school youth or an in-school youth, as follows:

OUT-OF-SCHOOL YOUTH – an individual is an out-of-school youth if they are:

A. Not attending any school (as defined under State law) - **must meet one of the following:**

- 1. Colorado Department of Education Secondary Out-of-School Definition:** Out-of-school means youth up through age 21, who are entitled to a free public education in the State but are not currently enrolled in a K-12 institution. This could include students who have dropped out of school, youth who are working on a high school equivalency outside of a K-12 institution, and youth who are "here-to-work" only.
- 2. USDOL Post-Secondary Out-of-School Definition:** To be considered out-of-school, a youth must **not** be registered for or attending any credit-bearing post-secondary classes, whether remedial or regular. A youth may be considered "out-of-school" if registered for or attending **ONLY** non-credit-bearing post-secondary classes. This definition applies upon registration for specific post-secondary classes, even if classes have not started.

3. Additional Out-of-School Categories:

- a. Adult Basic Education:** WIOA youth programs may consider a youth to be out-of-school youth for purposes of WIOA youth program eligibility if they are attending Adult Education provided under Title II of WIOA, YouthBuild, or Job Corps.
- b. SWAP:** Youth participating in the School to Work Alliance Program, **who are no longer enrolled in secondary school**, would be considered out-of-school. These individuals may have dropped out, aged out at 21, or obtained their diploma or certificate of completion.
- c. GED, HiSET, or TASC Classes:** Youth enrolled in GED, HiSET or TASC prep classes **outside of the K-12 system** would be considered out-of-school.
- d. Dropout Reengagement Program:** Youth enrolled in one of these programs would be considered out-of-school.
- e. Transition Program:** Youth enrolled in a WIOA Title II Adult Education transition program would be considered out-of-school.

Note Regarding School Activities During Participation: An individual who is out-of-school at the time of enrollment and subsequently placed in a school program during participation will still be considered an out-of-school youth for eligibility purposes.

B. Age: Not younger than age 16 or older than age 24 at the time of enrollment; **AND**

C. Must meet one or more of the following:

- 1. A school dropout** (an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent). There is no time limit regarding this requirement; example: a 22 year old youth who dropped out of high school several years ago, has no diploma or equivalency, and also is currently not attending any school. Dropout status is determined at enrollment and does not change with any education activities that occur during participation.
- 2. Not Attending Secondary School:** A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter (three consecutive months within a single complete school year and not split between 2 school years).

Note Regarding Colorado Compulsory School Attendance Age:

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- In General: A child who has attained the age of six years on or before August 1 of each year and is under the age of seventeen (17) years
- Home-Schooled: A child who is home-school is covered under the Compulsory School Attendance Act up to age sixteen (16).

3. **A recipient of a secondary school diploma or its recognized equivalent** who is a **low-income** individual and is—

i. basic skills deficient; or

ii. an English language learner;

4. **Offender:** An individual who is subject to the juvenile or adult justice system;

5. **Homeless/Runaway:** A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), or a runaway.

6. **Foster Care:** In foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), in an out-of-home placement, or an individual who has attained 16 years of age and left foster care for kinship guardianship or adoption

7. **Pregnant or parenting**, including those who are married and custodial or non-custodial parents, male or female parents

8. **Disabled:** A youth who is an individual with a disability;

9. A **low-income** individual who **requires additional assistance** to enter or complete an educational program or to secure or hold employment.

Note Regarding Low Income: Low income is not required for all out-of-school youth; low income is only required if category 3 or 9 above is used for eligibility.

IN-SCHOOL YOUTH – an individual is an in-school youth if they are:

A. **Attending school** (as defined by State law) – **must meet one of the following:**

1. **Colorado Department of Education Secondary In-School Definition:** Youth up through age 21, who are entitled to a free public education in the State and are currently enrolled in a K-12 institution, or meet one of the following exceptions to compulsory school attendance:

a. Home-schooled (consisting of at least 172 hours of class time per year, averaging 4 hours per day, with course transcripts developed); or

b. Completing an on-line high school curriculum (consisting of at least 90 hours of class time per semester); or

c. Attending a private secondary school

2. **USDOL Post-Secondary In-School Definition:** Under the WIOA youth program eligibility requirements the term “school” refers to both secondary and post-secondary school. Therefore, an individual registered for or attending credit-bearing classes at a post-secondary school is considered an in-school youth. Such individual would be considered out-of-school if registered for or attending **non-credit-bearing courses ONLY**. This definition applies upon registration for post-secondary classes, even if classes have not started.

3. **Attending an alternative education program:** an individual attending an alternative education program is not considered to be a dropout and therefore is **in-school**.

4. **Attending GED, HiSET, or TASC Classes offered by the K-12 system** – such individual would be considered in-school

5. **SWAP:** Youth participating in the School to Work Alliance Program, **who are still enrolled in secondary school**, up to age 21, would be considered in-school.

6. **Transition Programs:** Youth that are in transition programs ("receiving 18-21 services") associated with the K-12 system are considered in-school. They are still obtaining Free Appropriate Public Education, until the age of 21, or until their exit prior to age 21.
- B. **Age:** Not younger than age 14 or not older than age 21: **AND**
- C. **Low income** individual; **AND**
- D. **Must meet one or more of the following:**
1. **Basic skills deficient;**
 2. **An English language learner;**
 3. **An offender;**
 4. **A homeless individual** (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), or a runaway.
5. **Foster Care:** In foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), an out-of-home placement, or an individual who has attained 16 years of age and left foster care for kinship guardianship or adoption
6. **Pregnant or parenting** - includes married, and custodial or non-custodial parents
7. **Disabled:** A youth who is an individual with a disability. (For an individual with a disability, income level for eligibility purposes is based on the individual's own income rather than his or her family's income. WIOA sec. 3(36)(A)(vi) states that an individual with a disability whose own income meets the low-income definition (income that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level), but who is a member of a family whose income exceeds this income requirement is eligible for youth services.); or
8. An individual who **requires additional assistance** to complete an educational program or to secure or hold employment.

IN-SCHOOL LIMITATION: Not more than 5% of in-school youth newly enrolled each program year may be youth "who require additional assistance to complete an educational program or to secure or hold employment."

LOW INCOME EXCEPTION: WIOA allows a low-income exception where 5% of all WIOA youth participants may be participants who ordinarily would be required to be low-income for eligibility purposes and who meet all other eligibility criteria for WIOA youth except the low-income criteria. The 5% may be out-of-school youth under categories 3 or 9, in-school youth, or a combination of both, not to exceed 5% of all newly enrolled youth in these categories for each program year.

Note Regarding Co-enrollment: Individuals ages 18 through 24 may be eligible for the adult and/or dislocated worker and youth programs if they meet the respective eligibility requirements for each program, and may be co-enrolled.

Note Regarding Individuals 22 and Older Attending Postsecondary Education: Please note that In-School Youth, including those attending postsecondary education, must be between the ages of 14 through 21. A youth attending postsecondary education who is 22 at the time of eligibility determination would not be eligible for the WIOA youth program because they are in school and over the age of 21. Such an individual could be served through the WIOA adult program.

GLOSSARY

Local program staff making eligibility determinations for the Youth program should make use of the following definitions:

APPLICANT (AN INDIVIDUAL) – An individual who applies to a WIOA Grant recipient or sub-recipient for employment, training and/or services provided under WIOA and has been determined eligible for the program applied for

BASIC SKILLS DEFICIENT - is an individual—

- A. Who is a youth, who has English reading, writing, or computing skills at or below the 8th grade level (no higher than 8.9) on a generally accepted standardized test; or
- B. Who is a youth 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 generally 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, non-citizen, 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. ~~(Until June 30, 2022, per state statute, an Affidavit of Immigration Status must be completed along with every WIOA application for applicants 18 years or older, effective August 1, 2006).~~ Below are resources to assist with determining whether an applicant meets this WIOA eligibility requirement:

- [Attachment 16 - SAVE Guide](#)
- **Employment Authorization Document website:** <https://www.uscis.gov/green-card/green-card-processes-and-procedures/employment-authorization-document>
- **Notes:**
 - A student visa may allow a student to work on campus but may not serve as a general work authorization.
 - A Social Security card that states "valid for work only with DHS authorization" requires a separate Department of Homeland Security work authorization.

CONCURRENT ENROLLMENT – Youth may participate in both the youth and adult or dislocated worker programs concurrently if they are: 1) Eligible youth who are 18 through 24 years of age; and 2) are also eligible under the

adult or dislocated worker eligibility criteria applicable to the services received. Local program operators shall identify and track the funding streams that pay the costs of services provided under each program and ensure that services are not duplicated.

DROPOUT – A “school dropout” is defined in WIOA as an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. A youth’s dropout status is determined at the time of enrollment and does not change with any educational activity that occurs during participation. An individual who has dropped out of postsecondary education is not a school dropout for purposes of youth program eligibility. A youth’s eligibility status is determined at the time of enrollment; therefore, if a youth has not received a high school diploma, or recognized equivalent, AND is not attending any school, he/she is considered a dropout and is an Out-of-School Youth. A dropout only includes an individual who is currently a secondary school dropout and does not include a youth who previously dropped out of school but subsequently returned. For example, a youth who dropped out of school in 2015 and returned to school in 2016, prior to enrollment in WIOA, is not considered a dropout.

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.

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

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 a dependent on anyone else’s tax return, they are NOT a dependent child.

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).

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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: An individual who is pregnant is considered to be a family of 2

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 older, 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.

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 in foster care, but may have returned to their families before turning 18.

HIGH POVERTY AREA: A youth who lives in a high poverty area is automatically considered to be a low-income individual. A high-poverty area is a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data. **See Attachment 14: Youth in Poverty Interactive Map for instructions regarding accessing and using this map to determine youth program low income eligibility.**

HOMELESS INDIVIDUAL OR HOMELESS CHILDREN AND YOUTHS (WIOA sec. 3(24)(G)) - [Revised per TEGL 19-16, attachment III](#) – is an individual who meets any of the following criteria:

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

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- a. Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b. Is living in a motel, hotel, trailer park, or campground due to a lack of alternative adequate accommodations;
 - c. Is living in an emergency or transitional shelter;
 - d. Is abandoned in a hospital;
 - e. Is awaiting foster care placement;
- (B) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, park, abandoned building, bus or train station, airport, or camping ground;
- (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
- (D) Is under 18 years of age and absents himself or herself from home or place of legal residence without the permission of his or her family (i.e. runaway youth)
- Note:** A participant imprisoned or detained under an Act of Congress or State law does not meet the definition. Additionally, a participant who may be sleeping in a temporary accommodation while away from home should not, as a result of that alone, be recorded as homeless.)

INCOME (Includable):

- 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 expense);
- 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, railroad retirement, strike benefits from union funds, worker's compensation, training stipends, 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, net royalties, periodic receipts from estates or trusts;
- Net gambling or lottery winnings;
- Unemployment compensation;
- Child support payments, including foster care child payments.

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, therefore 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 pay or 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;
- Assets drawn down as withdrawals from a bank, the 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 employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, USDA Food Stamps, school meals, and housing assistance;
- ALL WIOA payments, excluding OJT.

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.

(For use as one of the barriers of youth not meeting the income eligibility test who may be served under the 5% category.) Any individual who has a physical or mental disability, which for such individual, constitutes or results in a substantial handicap to employment. Suggested definition for substantial disability to employment – a loss of occupational choice of a class or group of jobs due to the disability, i.e., significant diminishment of occupational choices.

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 (SNAP – food stamps) 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 other federal, State or local income-based public assistance;
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. 70 percent of the lower living standard income level;
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)));
5. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) (The Community/School/School District Eligibility Provision of the Act may **not** be utilized; only the individual eligibility provision may be used.)
6. If an Out-of-School Youth is a parent living in the same household as a child who receives or is eligible to receive free or reduced price lunch based on their income level, then the OOS Youth would meet the low-income criteria based on his/her child's qualification.
7. Is a foster child on behalf of whom State or local government payments are made; or
8. Is an individual with a disability whose own income meets the income requirement of #3, but who is a member of a family whose income does not meet this requirement.
9. SPECIAL RULE — The term "low-income," used with respect to an individual, also includes a youth living in a high-poverty area. **See Attachment 14: Youth in**

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Poverty Interactive Map for instructions regarding accessing and using this map to determine youth program low income eligibility.

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 USDOL website with LLSIL and Poverty Tables: <https://www.dol.gov/agencies/eta/llsil>) contains three LLSIL tables potentially useful to local areas in Colorado. These are West Metro, West Non-Metro, and the Denver/Boulder/Weld. The LLSIL levels are higher in the West Metro table than the Denver/Boulder/Weld table, and will allow more WIOA applicants to be enrolled and included in Adult priority-of-service. As a result, the following tables must be used by the local areas/sub-area listed:

- West Metro: Adams, ADW, Boulder, Broomfield, Denver, El Paso, Larimer, Mesa, Trico, Weld
- West Non-Metro: Rural Consortium (except Broomfield)

NEEDS ADDITIONAL ASSISTANCE – An individual (including a youth with a disability) who requires additional assistance to enter/complete an educational program or to secure and hold employment. WIOA final rules make a distinction between Needs Additional Assistance for In-School and Out-of-School Youth, as follows:

- In-School Youth Needs Additional Assistance – requires additional assistance **to complete** an educational program, or to secure and hold employment
- Out-of-School Youth Needs Additional Assistance – requires additional assistance **to enter or complete** an educational program, or to secure and hold employment

NOTE: Not more than 5% of In-School Youth newly enrolled in a given program year may be determined eligible using this category. No such limitation exists for Out-of-School Youth.

Local Policy Required: Because the State has not chosen to issue a policy that defines “**additional assistance**” as relates to WIOA Youth program eligibility, each local board has the responsibility for determining its own definition of this eligibility category. A local policy must be developed that specifies what conditions must be met for an in-school youth or for an out-of-school youth to require additional assistance and what documentation is needed to demonstrate this eligibility category. Policies established at the local level must be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified in the policy objectively requires additional assistance. For example, “reading below grade level” is an example of an evidence-based, quantifiable characteristic; whereas, “low GPA” is an example of a policy needing more specificity.

OFFENDER – Any adult or juvenile who is or 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.

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 first participation service as defined in PGL MIS-2020-03: Data Integrity and the Customer Participation Cycle for WIOA and TAA Programs. Customers receiving self-service or informational activities are not considered to be participants in the WIOA programs. In addition, in

order to be considered a youth program participant and be counted in WIOA performance measures, a youth must have received all of the following:

- Eligibility Determination
- Objective Assessment
- Individual service strategy
- At least 1 of the 14 youth program elements

POST SECONDARY EDUCATION – A program at an accredited degree-granting institution that leads to an academic degree (e.g., A.A., A.S., B.A., B.S.).

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

PREGNANT OR PARENTING YOUTH – A female who is 24 years of age or less at the time of enrollment and who is pregnant; or any parent age 24 or less, whether custodial or non-custodial, or male or female. As long as the youth is within the WIOA youth age eligibility at enrollment, the age when the youth became a parent does not factor in to the definition of parenting.

- The father is considered to be parenting only after the baby is born, not during the pregnancy, unless there are other children. Only the female qualifies for pregnant when this is the only child.
- A male who is not the father would not be considered as parenting unless the couple was married (or common law married), or he has been granted custody by decree of court. Being engaged does not qualify the male as parenting.

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. Supplemental Nutrition Assistance Program [SNAP], Temporary Assistance for Needy Families [TANF], Low-income Energy Assistance Program [LEAP], Refugee Cash Assistance, Supplemental Security Income, Section 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.

RUN-AWAY YOUTH – A person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian

SCHOOL - In general, the applicable State law for secondary and post-secondary institutions defines a “school.” However, for purposes of WIOA, USDOL does not consider providers of Adult Education under title II of WIOA, YouthBuild programs, and Job Corps programs to be schools. Therefore, WIOA youth programs may consider a youth to be out-of-school youth for purposes of WIOA youth program eligibility if they are attending Adult Education provided under title II of WIOA, YouthBuild, or Job Corps. In addition, **high school equivalency programs and dropout reengagement programs** (other than those funded by the K-12 system) are not considered to be schools. Therefore, youth attending high school equivalency programs or dropout reengagement programs (other than those funded by the K-12 system) are considered to be out-of-school.

SCHOOL DROPOUT — See DROPOUT

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 as determined at birth (citizen or non-citizen) residing in the United States shall register with the Selective Service System (SSS) between their 18th and 24th birth dates, for WIOA youth program applicants.

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:

- The requirement for the person to so register has terminated or become inapplicable to the person;
AND
- 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, regions are to review Attachment 10: TEGL 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Programs, dated May 16, 2012

In addition to guidance provided in TEGL 11-11, Change 2, the following documentation may be used to demonstrate that individuals failing to register by the time they were 26 years of age **did NOT do so knowingly or willfully**:

- **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.
- **Veterans** – A copy of a DD214, showing other than a dishonorable discharge with dates of service, can be used in lieu of a Selective Service registration **and eliminates the need to register**. In addition, the veteran can provide a Selective Service waiver document (obtainable from the Selective Service System).
- **Active Duty, National Guard or Reservist** - A current military ID eliminates the need to register for Selective Service.
- **Active Duty** - Individuals serving in the military on full-time active duty do not have to register **if serving continuously from age 18 to age 26**. Those attending the service academies do not have to register. However, if the individual joins the military after turning 18 or leaves the military before turning 26, registration is required.
- **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.
- **Non-citizen** – ~~An alien~~ non-citizen 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 26th birthday. **This means that this non-citizen does NOT have to register for Selective Service.**

Note: If the situation is not clear, CDLE recommends that the case manager ask the customer to obtain their Status Information Letter from the Selective Service. This letter will say whether or not there is a knowing or willful failure to register.

The Conference Report to the amendment clarified "that a non-registrant is not to be denied any Federal benefit if he can demonstrate that his failure to register was not knowing or willful." 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.

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 **age and immigration status cannot be self-attested**. Self-attestation may be used with items highlighted in **blue** within the WIOA Eligibility Documentation Checklist.

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 your local MIS coordinator if the data element in question is not addressed by the PGL. An acceptable self-attestation statement must 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, and should adhere to local self-attestation policy guidelines. A copy of this document should be retained in the customer case file (hard copy or electronic file.)

Reporting on Youth with multiple barriers: It is common for Youth applicants to fit within more than one of the eligibility barrier categories. Only one barrier category is needed for eligibility, but all applicable barriers should be reported on the WIOA application screen in Connecting Colorado. In the case where a Youth application indicates more than one barrier, staff shall ensure that at least one barrier is documented according to the standards set forth in this PGL, use of self-attestation only as a method of last resort, as described above. All other applicable barriers shall be reported, and documented in accordance with the requirements stated in the federal and state Data Validation guidance published annually, which lists self-attestation as allowable source documentation.

Staff must indicate in case notes the attempts that were made to obtain regular documentation. **WIOA**

ELIGIBILITY DOCUMENTATION CHECKLIST – YOUTH PROGRAM

Eligibility	Required Documentation (only items in blue may be self-attested)
Citizenship/ Alien non-Citizen Status/Eligible to Work (at least 1 document is required) NOTE: The Real ID Act of 2005 created a timeline for all states to require additional source identification prior to issuance of Real IDs to prove lawful status and duration for temporary statuses.	Valid State driver's license or State ID card with Real ID star emblem (upper right corner), or license stating "Enhanced Driver License" (unexpired) 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 (unexpired) or School ID ___ U.S. Passport ___ Birth Certificate

<p>A list of current Real ID compliant states can be found at: https://www.dhs.gov/real-id</p> <p>Real IDs contain a "star" emblem located on the upper, right side of the identification card. Real ID Act compliant states verify lawful presence through the SAVE system prior to issuance of ID.</p>	<ul style="list-style-type: none"> ___ Certificate of Citizenship ___ 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) <u>or</u> accompanied by I-94, stamped, with class code indicating authorization to work ___ Hospital Record of Birth ___ Non-Citizen Permanent Resident 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 ___ Native American Tribal Document ___ Certificate of Degree of Indian Blood ___ SAVE Verification Printout AND non-star driver's license or State ID (not expired). No SSN card required. ___ Self-Attestation as a last resort if DACA eligible (See Attachment 8: TEGL 02-14) (See Attachment 12 for sample Star licenses and IDs) CO license or ID card must <u>not</u> say: "not valid for federal identification, voting, or public benefits purposes."
<p>Selective Service (1 is required for those required to register)</p>	<ul style="list-style-type: none"> ___ On-line verification at www.sss.gov ___ Acknowledgement Letter from Selective Service ___ Selective Service Verification Form ___ Selective Service Registration Card ___ Selective Service Advisory Opinion Letter ___ Selective Service Registration Record (Form 3A) ___ Selective Service Waiver Document (for veterans) ___ Stamped Post Office Receipt of Registration ___ DD-214 ___ Cross match with Veterans data
<p>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, internships, or wage subsidy programs</p>	<ul style="list-style-type: none"> ___ 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

Element	Required Documentation (no items may be self-attested)
<p>Affidavit of Immigration Status- (Signed affidavit required in conjunction with one of the listed forms of ID for age 18 & older) ONLY REQUIRED THROUGH JUNE 30, 2022</p>	<p> <input type="checkbox"/> 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 <input type="checkbox"/> U.S. Military Card <input type="checkbox"/> Military Dependent ID Card <input type="checkbox"/> U.S. Coast Guard Merchant Mariner Card <input type="checkbox"/> Native American Tribal Document <input type="checkbox"/> U.S. Passport <input type="checkbox"/> Copy of birth certificate filed with a state office of vital statistics or equivalent agency in applicant's state of birth <input type="checkbox"/> Consular Report of Birth Abroad issued by the U.S. Dept. of State (Form DS-1350, or FS-545) <input type="checkbox"/> Certificate of Naturalization issued by DHS (Form N-550 or N-570) <input type="checkbox"/> Certificate of Citizenship issued by DHS (Form N-560 or N-561) <input type="checkbox"/> Valid immigration document demonstrating lawful presence and verified through the SAVE system. <input type="checkbox"/> Other valid State's driver's license/State ID card, from a "lawful presence" state </p> <p>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 or ID card states that it is an Enhanced Driver's License or ID Card, then it can be accepted as a lawful presence document.</p> <p>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.</p>
Age / Date of Birth	<p> <input type="checkbox"/> Baptismal Record <input type="checkbox"/> Birth Certificate <input type="checkbox"/> Driver's License <input type="checkbox"/> Federal, State, or Local photo ID <input type="checkbox"/> DD-214 <input type="checkbox"/> Passport <input type="checkbox"/> Hospital record of birth <input type="checkbox"/> Public assistance/social service record <input type="checkbox"/> School records or ID card </p>

	<input type="checkbox"/> Work permit <input type="checkbox"/> Cross match with Dept. of Vital Statistics <input type="checkbox"/> Tribal records
Element	Required Documentation (only items in blue may be self-attested)
Low Income (1 is required) <input type="checkbox"/> Cash Public Assist. or SNAP (Food Stamps) <input type="checkbox"/> Family <input type="checkbox"/> Size/Income <input type="checkbox"/> Homeless <input type="checkbox"/> Foster Child <input type="checkbox"/> Disability (Treat as <input type="checkbox"/> family of 1) <input type="checkbox"/> Eligible for Free or Reduced Price School Lunch <input type="checkbox"/> Lives in High Poverty Area (See Attachment 14 for how to access and use the Map) Family Size	<input type="checkbox"/> Family size & income calculation <input type="checkbox"/> Pay stubs for all family members <input type="checkbox"/> Public assistance records (CDHS Quest card not allowed) <input type="checkbox"/> Social Security benefits records <input type="checkbox"/> UI documents <input type="checkbox"/> Housing authority verification <input type="checkbox"/> Quarterly estimated tax (for self-employed) <input type="checkbox"/> Pension statement <input type="checkbox"/> Family / business financial records <input type="checkbox"/> Employer statement / contact <input type="checkbox"/> Court award letter / document (for alimony) <input type="checkbox"/> Compensation award letter <input type="checkbox"/> Bank statements <input type="checkbox"/> Alimony agreement <input type="checkbox"/> Refugee assistance records <input type="checkbox"/> Free/reduced lunch (individual, not community/school/school district) eligibility status letter (most recent) <input type="checkbox"/> Children in Poverty Interactive Map screen capture <input type="checkbox"/> Other _____ <input type="checkbox"/> SSN Cards for all family members <input type="checkbox"/> Tax records <input type="checkbox"/> Marriage license, divorce decree, or other court records <input type="checkbox"/> Other _____
Disability	<input type="checkbox"/> Medical records <input type="checkbox"/> Letter from drug / alcohol rehabilitation agency <input type="checkbox"/> Case notes regarding an observable condition <input type="checkbox"/> Physician's statement <input type="checkbox"/> Psychiatrist's statement <input type="checkbox"/> Psychologist's diagnosis <input type="checkbox"/> Rehabilitation evaluation <input type="checkbox"/> School records; e.g. IEP no older than one year <input type="checkbox"/> Sheltered workshop certification <input type="checkbox"/> Social Service records / referrals <input type="checkbox"/> Social Security Administration disability records <input type="checkbox"/> Veterans Administration letter / records <input type="checkbox"/> Vocational Rehabilitation letter <input type="checkbox"/> Worker's Compensation record <input type="checkbox"/> Other _____

<p>Out of-School Status and Categories</p> <p>addition to being age 16-24 at enrollment, must meet "Not Attending Any School" per the definition on p. 2, and must meet at least one of the Categories listed</p>	<p><u>OUT-OF-SCHOOL STATUS</u></p> <p>NOT ATTENDING ANY SCHOOL</p> <p>___ School Records</p> <p>___ Self-attestation (<u>signed</u> WIOA application or self-attestation document)</p> <p>___ Other _____</p> <hr/> <p><u>CATEGORIES</u></p> <p>SCHOOL DROPOUT</p> <p>___ School Records</p> <p>___ Self-attestation (<u>signed</u> WIOA application or self-attestation document)</p> <p>___ Other _____</p>
<p>Element</p> <p>Out-of School Categories (continued)</p>	<p>Required Documentation (only items in blue may be self-attested)</p> <p>NOT ATTENDING SECONDARY SCHOOL</p> <p>___ School Records</p> <p>___ Self-attestation (<u>signed</u> WIOA application or self-attestation document)</p> <p>___ Other _____</p> <p>RECEIVED DIPLOMA OR EQUIVALENT AND BASIC SKILLS DEFICIENT OR ENGLISH LANGUAGE LEARNER (<u>PLUS LOW INCOME</u>)</p> <p>___ Standardized assessment test</p> <p>___ School records</p> <p>___ Case manager observation and case notes</p> <p>___ Adult Basic Education program referral or records</p> <p>___ Other _____</p> <p>FOSTER CARE OR AGED OUT/OUT OF HOME PLACEMENT</p> <p>___ Written statement from social service agency</p> <p>___ Written statement from individual/agency providing residence</p> <p>___ Other _____</p> <p>HOMELESS/RUNAWAY</p> <p>___ Written statement from a shelter</p> <p>___ Written statement from individual/agency providing residence</p> <p>___ Other _____</p> <p>OFFENDER</p> <p>___ Juvenile/criminal justice document</p> <p>___ CM direct contact with juvenile / criminal justice representative</p> <p>___ Other _____</p> <p>DISABLED (see Element on p. 17 for required documentation)</p> <p>PREGNANT/PARENTING (may be the mother or the custodial or non-custodial father)</p>

	<input type="checkbox"/> Copy of child's birth certificate <input type="checkbox"/> Baptismal record <input type="checkbox"/> Doctor's note <input type="checkbox"/> Observation <input type="checkbox"/> Other _____ <input type="checkbox"/> REQUIRES ADDITIONAL ASSISTANCE (PLUS LOW INCOME) <input type="checkbox"/> ISS <input type="checkbox"/> signed WIOA application form <input type="checkbox"/> Case notes <input type="checkbox"/> Other _____
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SEE NEXT PAGE FOR IN-SCHOOL

Element	Required Documentation (only items in blue may be self-attested)
In-School Status and Categories In addition to being age 14 to 21 at enrollment AND low income, must meet "In-School" status per the definition on p.3 AND must meet one of the Categories listed	<p><u>IN-SCHOOL STATUS</u></p> <input type="checkbox"/> ATTENDING SECONDARY OR POST SECONDARY SCHOOL, OR <input type="checkbox"/> HIGH SCHOOL EQUIVALENCY PROGRAM FUNDED BY THE K-12 SCHOOL SYSTEM, OR <input type="checkbox"/> SWAP, OR <input type="checkbox"/> TRANSITION PROGRAMS <input type="checkbox"/> School Records <input type="checkbox"/> Self-attestation (<u>signed</u> WIOA application or self-attestation document) <input type="checkbox"/> Other _____ <p><u>CATEGORIES</u></p> <input type="checkbox"/> BASIC SKILLS DEFICIENT <input type="checkbox"/> Standardized assessment test <input type="checkbox"/> School records <input type="checkbox"/> Case manager observation and case notes <input type="checkbox"/> Adult Basic Education program referral or records <input type="checkbox"/> Other _____ <input type="checkbox"/> ENGLISH LANGUAGE LEARNER (ELL) <input type="checkbox"/> Case manager observation and case note <input type="checkbox"/> Appropriate assessment test <input type="checkbox"/> ELL provider referral or records <input type="checkbox"/> Other _____ <p><u>OFFENDER</u></p> <input type="checkbox"/> Juvenile/criminal justice document <input type="checkbox"/> CM direct contact with juvenile / criminal justice representative <input type="checkbox"/> Other _____

	<p>___ FOSTER CARE OR AGED OUT/OUT OF HOME PLACEMENT</p> <p>___ Written statement from social service agency</p> <p>___ Written statement from individual/agency providing residence</p> <p>___ Other _____</p> <p>___ HOMELESS/RUNAWAY</p> <p>___ Written statement from a shelter</p> <p>___ Written statement from individual/agency providing residence</p> <p>___ Other _____</p> <p>___ PREGNANT/PARENTING (may be the mother or the custodial or non-custodial father)</p> <p>___ Copy of child's birth certificate</p> <p>___ Baptismal record</p> <p>___ Doctor's note</p> <p>___ Observation</p> <p>___ Other _____</p> <p>___ DISABLED (see Element on p.17 for required documentation)</p> <p>MORE NEXT PAGE</p> <p>Required Documentation (only items in blue may be self-attested)</p>
In-School Status and Categories (cont.)	<p>___ REQUIRES ADDITIONAL ASSISTANCE</p> <p>___ ISS</p> <p>___ signed WIOA application form</p> <p>___ Case notes</p> <p>___ Other _____</p> <p>Note: Not more than 5% of the number of in-school youth newly enrolled each program year may fall into the "Requires Additional Assistance" category</p>
5% Exception to Low Income Requirement – not more than 5% each year of youth newly enrolled in these categories only; any combination of the in-school or out-of-school youth eligibility categories listed to the right is allowed	<p>___ OUT-OF-SCHOOL YOUTH – either of the following</p> <ol style="list-style-type: none"> 1. Has diploma or equivalency, is low income, but is basic skills deficient or an English Language Learner (see above for specific documentation requirements) 2. Is low income and requires additional assistance

	<p>(see above for specific documentation requirements)</p> <p>___IN-SCHOOL YOUTH: any category (see pp.3-4 for categories) (see above for specific documentation requirements)</p>
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WIOA Title I Eligibility Q&A
November 2022 Revisions Are Yellow Highlighted (on p. 28)

OUT-OF-SCHOOL AND IN-SCHOOL YOUTH

1. WIOA Out-of-School Definition for Post-Secondary School: What is the revised definition for this category of youth eligibility?

CDLE Response: The definition no longer allows youth in non-demand occupational programs, or youth in remedial classes, to be considered out-of-school. The definition now reads:

“Under the WIOA youth program eligibility requirements the term “school” refers to both secondary and postsecondary school. Therefore, an individual attending classes at a postsecondary school is considered an in-school youth, with the following exception: youth enrolled in non-credit-bearing post-secondary courses **ONLY**.”

2. I want to clarify, for Post-Secondary - if the person is taking a math class, not remedial math, which is required to get their degree for their welding degree, that would count as an in-school youth?

CDLE Response: This youth would be considered in-school if the class is credit bearing.

3. Are GED, HiSet or TASC students eligible for the youth program?

CDLE Response: GED, HiSet or TASC students taking classes outside the K-12 system would be considered out-of- school and would be eligible for the youth program if they meet the age and barrier eligibility requirements in addition.

4. Is foster care youth among the barriers for in-school? Is aging out of foster care included as a barrier group?

CDLE Response: Foster care youth is a separate category for both in-school and out-of-school barriers. This also includes those that have aged out of foster care.

5. Can the time a youth was not attending at the end of a school year be calculated with the time they miss at the beginning of the next school year to total a full quarter?

CDLE Response: In WIOA section 129, the exact language of this category reads:

“A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.”

CDLE believes the intent of the law is three consecutive months of the most recent school year, and not parts of two different school years. So, the PGL will read:

“Not Attending Secondary School: A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter (three consecutive months within a single complete school year and not split between 2 school years).”

6. I'm proposing that this spring's HS graduates seeking services this summer can be made eligible

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using the out-of-school criteria, regardless of intent to enter a post-secondary program, because they are "not attending any school" and presumably within the age range. The applicant would also need to fit into one of the barrier categories, of course.

CDLE Response: USDOL has issued a policy statement in TEGL 21-16: Third WIOA Title I Youth

Formula Guidance, as follows: "If a youth is enrolled in the WIOA youth program during the summer and is in between school years, the youth is considered an In-School Youth if they are enrolled to continue school in the fall. If a youth is enrolled in the WIOA youth program between high school graduation and post-secondary education, the youth is considered an In-School Youth if they are registered for credit bearing post-secondary education, even if they have not yet begun such post-secondary classes at the time of WIOA youth program enrollment. However, if a youth graduates high school and registers for credit-bearing post-secondary education, but does not ultimately follow through with attending post-secondary education, then such a youth would be considered an Out-of-School Youth if the eligibility determination is made after the point that the youth decided not to attend post-secondary education." This ruling may also apply to youth who seek to be enrolled in the WIOA youth program when they are between school semesters.

7. Is an Adult Basic Education student considered out-of-school?

CDLE Response: Yes, per WIOA.

8. If a youth has dropped out of public high school and is attending an on-line high school, how do we know if they are in-school or out-of-school?

CDLE Response: According to the Colorado Department of Education, a youth attending an on-line high school is considered in-school if he/she is attending 90 hours or more of class time per semester.

9. Can a youth 22-24 be counted as a dropout for the youth program, or must a dropout be no more than 21, which is the maximum age for those in secondary school? Can a youth 22-24 with no diploma or GED qualify under the dropout barrier?

CDLE Response: A dropout is defined as "an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent." Based on this definition, a youth may be up to age 24 and considered a dropout. In addition, a youth 22-24 without a diploma or GED must not be attending any school to qualify under this youth barrier.

10. For out-of-school youth what is the required documentation to prove dropout status? Currently we use the application to capture school status and are curious what we need to get additionally.

CDLE Response: The preferred method is school records, but a signed application can be used for self-attestation.

11. Are youth in the Tuancy Court process considered to be dropouts?

CDLE Response: Students at any stage in court proceedings to compel compliance with the compulsory attendance statute, who have not yet returned to school, shall be counted as dropouts.

12. If a youth is in court-ordered Tuancy Court, are they considered out-of-school?

CDLE Response: Tuancy court involvement is not generally used to determine if a student is an out-of-school youth. It is used as a last resort to enforce compulsory attendance. A student may still be enrolled and wouldn't automatically be considered out of school; however, if the student attests that he hasn't been attending during his court involvement, and does intend to return to school, he

could be considered out-of-school, as well as a dropout.

13. If a parent signs a waiver for a youth (16 years of age) to no longer attend high school, are they considered to be an out-of-school youth?

CDLE Response: The Compulsory School Attendance law does not provide for a waiver to pull a student from school attendance; however, there is an age waiver to take the GED at 16. Here is the link for more information on the GED age waiver, which includes special conditions and documentation: http://www.cde.state.co.us/postsecondary/ged_agewaiver.

If the youth is approved for the waiver, takes and passes the GED, or otherwise drops out of school, then he may be considered as out-of-school.

14. For in-school or out-of-school youth, can we accept the applicant statement or self-attestation if there are no school documents available?

CDLE Response: Yes, the applicant statement or self-attestation may be used as the method of last resort to document in-school or out-of-school status.

15. What type of documentation is needed to document a disability? What documentation should we get if a youth's IEP is more than a year old? May a case manager observe a disability, or may we use self-attestation to document a disability when formal documentation is more than a year old?

CDLE Response: You may use case manager observation in a case note or self-attestation to document a disability if an IEP or other formal documentation is more than a year old. Other forms of formal documentation are listed in the Youth Program Eligibility section of the WIOA Eligibility PGL that is published at www.colorado.gov/cdle/pgl.

16. What guidance can the state provide regarding the definition of "youth who needs additional assistance?"

CDLE Response: WIOA defines this term for out-of-school youth as an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment, and for in-school youth as an individual who requires additional assistance to complete an educational program or to secure and hold employment. Locals should consult with their Youth Council or Youth Standing Committee to determine the local criteria that further defines each group and will become part of local policy. Local policy should make these criteria as specific as possible and focused on barriers to employment not covered in any other in-school or out-of-school youth barrier categories. Your local policy should also include how each criterion is to be documented.

FAMILY SIZE AND LOW INCOME

1. What is the difference between the 70% LLSIL and the poverty level? How do we know when to use one or the other? Where do we find the most up-to-date chart of these levels?

CDLE Response: The law reads as follows:

"Individual is in a family with total family income that does not exceed the higher of the poverty line or 70 percent of the lower living standard"

You may use this definition, which involves looking at both standards to find the higher amount of the two, or you may set a stricter standard, such as always using the poverty line. However, you need to apply whichever standard you set in local policy on a consistent basis. Your local MIS coordinator is responsible for updating your local Connecting Colorado tables with the latest standards, which are

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published every spring in the Federal Register. (USDOL website with LLSIL and Poverty Tables:
<https://www.dol.gov/agencies/eta/llsil>)

2. For low income, does the free or reduced lunch count for the last 6 months like for food stamps?

CDLE Response: Eligibility for the free or reduced price lunch is determined each school year. In general, the case manager should obtain the documentation that is available for the most recent school year. If the youth has just graduated or dropped out and does not plan to return to school, the documentation available for the most recent school year may be utilized if the date of WIOA enrollment is no later than 6 months past the end of the last school lunch eligibility period.

3. When a school or school district is designated as eligible for the free or reduced price lunch program, may the school or district's eligibility be used instead of the youth's eligibility.

CDLE Response: USDOL has stated in the WIOA Final Rules that only individual eligibility shall be used, not the school, school district or community eligibility.

4. What are examples of state or local income based public assistance in the Adult program? Housing, CCAP, LEAP?

CDLE Response: USDOL has determined that LEAP, Title 8 Housing assistance, and CCAP are allowable for both low income and public assistance. No other state or local programs have been added to date.

5. How will we document low income if the customer is not receiving public assistance, e.g. tax returns, pay stubs, CBMS? What about self-attestation on the application?

CDLE Response: The items listed are acceptable for documenting low income for adults or youth. A longer list of options is available in the Youth and Adult sections of the WIOA Eligibility PGL, and may include a printout from the CBMS data system that demonstrates receipt of TANF or SNAP public assistance. Self-attestation is the method of last resort for documenting low income.

6. You might want to get clarification from CDHS (Colorado Department of Human Services) about use of the Quest Card (EBT) to verify income eligibility. It can be issued to child care "providers" in order to pay them for services and not just to push benefits to them.

CDLE Response: We have conferred with knowledgeable staff and concur that the CDHS Quest Card (EBT) should not be used to document income eligibility. The PGL has been revised to reflect this.

7. What documentation can we use to prove family size?

CDLE Response: The best examples of documentation are Social Security cards, tax records, a marriage license or divorce decree, court documents, and as a last resort, self-attestation.

8. If an applicant/participant has a disability, and is a member of a family, can we count this individual as a family of one and only count their income, excluding the income of all other family members?

CDLE Response: Yes, that is true for the WIOA youth and adult programs.

9. If a client is not working but their spouse is, do we need to get the spouse's pay stubs to verify low income? If a youth in the household is working, do we have to include the youth's income?

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CDLE Response: To document low income, you must get income information for all members of the family. In some cases, that income may not come from working. Please see the Adult and Youth sections of the WIOA Eligibility PGL for a full list of includable and excludable income sources.

10. If a boyfriend is living in the household, is that individual's income counted?

CDLE Response: Family is defined as individuals related by marriage, blood, or court decree. Therefore a boyfriend or girlfriend should not be counted in family size or income, unless a common law marriage has been declared by the partners.

11. Are common law marriages or civil unions the same as regular marriages for determining family size and income?

CDLE Response: Yes, in Colorado common law marriages and civil unions are legally the same, and both partners and their incomes should be counted.

12. When using the Youth in Poverty map for low income, can we select the youth age range in the drop-down list (since it is for youth)?

CDLE Response: The youth age range for the map does not relate the age of a customer; it relates to the ages of youth who participated in the census survey regarding poverty level. As a result, you should not enter anything in the age range.

13. When using the Youth in Poverty map for low income, we discovered that for many towns in Weld County, the entire town shows in poverty, not an individual census tract.

CDLE Response: This is not a problem. A high poverty area can be an individual census tract or a group of contiguous census tracts, which can be as large as a city, a county, or a group of counties.

14. When using the Youth in Poverty map for low income, does the + or – factor need to be considered?

CDLE Response: You may add the percent in poverty from the second and third columns together to reach the 25% needed to qualify as a high poverty area. You do not need to consider the – percentage in the third column.

15. When the Youth in Poverty Map has been used for low income, and the youth is being co-enrolled in the Adult Program, does the youth's income have to be re-determined?

CDLE Response: If the youth is being co-enrolled in the Adult Program, income does not have to be re-determined unless the Adult Program enrollment is more than six months later than the Youth Program enrollment and you need income for Adult Priority of Service. This is true when you use the Youth in Poverty Map or any other form of documentation for low income. Use of the Youth in Poverty Map applies in this situation, but not when an individual 18 or older is only being enrolled in the Adult Program.

C. BASIC SKILLS DEFICIENT

1. Can you define basic skills deficient? Is it below a 9th grade level or 8th grade level?

CDLE Response: When using a standardized test to determine basic skills deficient, the individual must

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test at the 8.9 grade level or lower, to qualify as basic skills deficient.

2. What standardized tests can be used to determine basic skills deficient – only the TABE? Could Prove-It be used?

CDLE Response: The TABE is not the only standardized test that can be used. However, Prove-It does not measure basic skills deficient and should not be used. Until the state receives definitive guidance from USDOL, we recommend using the standardized tests approved by USDOL for the Youth Literacy-Numeracy performance measure. These are listed in USDOL TEGL 17-05 and include: TABE, CASAS, ABLE, WorkKeys, and BEST.

3. Is lack of digital literacy now part of the definition of basic skills deficient?

CDLE Response: Yes, Colorado's policy is that lack of digital literacy may be used to determine basic skills deficient.

MISCELLANEOUS TOPICS

1. Does the self-attestation document or applicant statement on the application need to be witnessed?

CDLE Response: As long as the self-attestation or application document is signed, it does not have to be witnessed. However, some local policies may require a witness.

2. Would it be best to utilize the Application Signature page rather than the CPR printout for file documentation so that we do not have to go back and get new signatures on all of the applications for data validation when the Eligibility Calculator is updated?

CDLE Response: The Eligibility Calculator is a cross-checking tool and should never be used for documentation purposes. Please determine eligibility using appropriate documentation and get signatures on all applications for data validation purposes.

3. If the customer does NOT have the required documents needed such as a passport or birth certificate required to obtain a state identification card, can WIOA pay for those documents leading up to and including the ID card?

CDLE Response: We have discussed this possibility here at CDLE and with various youth operators over time and believe that such purchases put the program at risk of the individual getting the document and never returning to participate. At this point we are still not willing for operators to incur direct client costs for those who have not been enrolled, unless folks can offer a viable suggestion for how to avoid or reduce this risk issue.

4. Can we use CBMS documentation to verify the SSN?

CDLE Response: CBMS is the data system for the Colorado Department of Human Services and provides verification that an individual is receiving TANF or SNAP benefits. Because Human Services verifies the SSN that appears on the CBMS record, this record may be used in lieu of an SSN card for eligibility. However, in some local areas, the SSN card may be required for the individual to participate in paid work experiences or other wage subsidy programs. Also, use of the CBMS document has no impact on Data Validation, as the SSN is not a data element that falls under Data Validation review.

5. Is it possible to help pay for a youth to get their GED before they move on to other training or a job? Does getting a GED have to be attached to an occupation or industry sector?

CDLE Response: Paying for GED (or HiSet or TASC) classes and testing may occur before training or job placement and does not have to be attached to an occupation or industry sector, unless your local policy requires it.

6. Can an emancipated minor be considered eligible for the youth program?

CDLE Response: Legally, an emancipated minor in Colorado is 15-18 years of age and
_gets married, or
_joins the military, or
_proves self-sufficiency

That by itself doesn't make them eligible for the youth program, and they are also not in the law as a barrier group. To document eligibility, you would need to document in-school or out-of-school status and one or more of the allowed barrier options. Also, such individuals could easily fall under the "needs additional assistance" barrier category that your local policy is allowed to define, if they don't have one of the other barriers. Please check your local policy.

7. May electronic signatures be used on the WIOA application and other eligibility documents?

CDLE Response: CDLE will accept all digital or electronic signature options to meet the signature requirement, but encourages local areas to ensure that the software used meets ADA accessibility standards. CDLE will also accept the option of utilizing a "reply" email from the customer that says "they agree" (or similar) in lieu of a signature.

Attachment #4 – WIOA DISCRETIONARY GRANT
ELIGIBILITY CRITERIA, GLOSSARY AND DOCUMENTATION CHECKLIST

ALL JULY 2022 PGL REVISIONS ARE HIGHLIGHTED IN YELLOW

General Requirements

Local areas are responsible for developing policies and procedures that ensure that federal funds are expended on individuals who are eligible for the program at the time of enrollment, and who continue to meet eligibility during participation, when either of the following circumstances occur:

- **A youth who is male at birth turns 18 years of age during participation, but fails to register for Selective Service within 30 days (see Selective Service in the Glossary for detailed guidance):** In this instance all services must be suspended until Selective Service registration has been completed, and this action must be documented in case notes. Any direct client costs incurred while Selective Service registration remains uncompleted may be questioned or disallowed.
- **A non-citizen's work authorization expires during participation:** Local areas must identify the expiration date of the work authorization before enrollment, and may work with the customer on renewal or a delay of enrollment or services, as appropriate. These efforts or decisions must be documented in case notes. If the customer is already enrolled as of the date of this PGL, and the work authorization expires while services are under-way, local areas may allow completion of those services. However, local areas must not initiate any new service involving direct client costs, such as work experiences, training, or supportive services, until the work authorization is once again active. Any direct client costs associated with any new services may be questioned or disallowed.

Other than under these two circumstances, eligibility is based on an individual's status at the date of enrollment, and any subsequent change to this status will not impact what was true or accurate at the time of program enrollment. This includes changes resulting from the Unemployment Insurance adjudication or appeals process.

It should be noted that a WIOA application has a 90-day limit before a new application must be submitted and eligibility must be re-determined. (Local areas may set a stricter policy, such as a 45 or 30-day limit, but no longer than 90 days.) Local areas are encouraged to review an application that is older than 30 days with the customer to ensure that no changes have occurred, and all information is still true and accurate at enrollment.

ADULT 10% DISCRETIONARY GRANTS

Basic WIOA eligibility applies to all Adult 10% discretionary grants serving customers, including citizenship/immigration status, selective service, age, and veterans priority of service

(see Attachment #1).

Note: Additional eligibility criteria may be established as part of a discretionary grant application.

DISLOCATED WORKER (DW) 10% and 25% DISCRETIONARY GRANTS

Basic WIOA eligibility applies to all DW 10% and 25% discretionary grants serving customers, including citizenship/immigration status, selective service, age, and veterans priority of service (see Attachment #1-# 2). In addition, those served must meet one of the nine (9) categories of Dislocated Worker eligibility as identified in Attachment 2, OR must be incumbent workers in need of training to avoid a layoff.

Note: Other eligibility requirements may be established as part of a discretionary grant application.

NATIONAL DISLOCATED WORKER GRANTS (NDWG)

NDWG are time-limited funding assistance, authorized by Section 170 of WIOA, in response to major economic dislocations or disaster events impacting the workforce. There are four types of NDWGs: Layoffs, Military Service Members, Trade Impacted Workers, and Emergency/Disaster.

Basic WIOA eligibility applies to all NDWGs including citizenship/immigration status, selective service, age, and veterans priority of service (**see Attachment #2**). Individuals must meet one of the nine (9) categories of Dislocated Worker eligibility as defined in **Attachment 2**. Additional eligibility requirements are defined in the grant agreement with the United States Department of Labor (USDOL).

YOUTH 10% DISCRETIONARY GRANTS

If a WIOA Youth 10% discretionary grant designed to serve youth ages 14-21 or 18-24 was funded as part of a "required statewide activity," the **youth** must meet the same eligibility as the formula-funded youth program (**see Attachment #3**). If the grant was funded as part of an "allowable statewide activity," and considered to be a research project, a demonstration project, or a non-traditional employment program, non-WIOA eligible youth may be enrolled (such as youth with a different age range, not low income, etc.). However, basic WIOA eligibility needs to be documented including citizenship/immigration status, age (as defined by the grant), and selective service.

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 attachment. Photocopies of documentation kept on file must be legible.

1. Citizenship/Alien Status/Eligible to Work – Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident ~~aliens~~, non-citizens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. (Exception: Per [TEGL 19-01, Change 1](#) ([see Attachment 18 of corresponding PGL](#)) operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status.)

Note: See Citizenship on pp. 3-4 of the Glossary for more detailed guidance.

Note: If a Social Security number is being used to document citizenship in conjunction with a driver's license (unexpired), or if the participant is being entered into a paid work experience activity, the original SSN card may be presented along with a picture ID, as one of the documentation options for the I-9. 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 section of this attachment.)

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.

Note: See Selective Service on pp. 4-5 of the Glossary for additional details and exceptions regarding Selective Service registration for veterans and non-citizens.

3. Age at enrollment must be 18 or older (Adult and Dislocated Worker), and must be 16-24 for out-of-school youth or 14-21 for in-school youth; ~~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, (with collection of an Affidavit of Immigration Status form required only through 6/30/2022), 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 may not be able to demonstrate lawful presence or immigration status.

GLOSSARY

Local program staff making eligibility determinations for the set-aside or discretionary grant program should make use of the following definitions:

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

CITIZENSHIP – Designation of an applicant as a citizen of the United States or a lawfully admitted permanent resident ~~alien~~ non-citizen, 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 (with collection of an Affidavit of Immigration status required through June 30, 2022)).~~ Below are resources to assist with determining whether an applicant meets this WIOA eligibility requirement:

- **Attachment 16 - SAVE Guide**
- **Employment Authorization Document website:** <https://www.uscis.gov/green-card/green-card-processes-and-procedures/employment-authorization-document>
- **Notes:**
 - A student visa may allow a student to work on campus but may not serve as a general work authorization.

- o A Social Security card that states "valid for work only with DHS authorization" requires a separate Department of Homeland Security work authorization.

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 first participation service as defined in PGL MIS-2020-03: Data Integrity and the Customer Participation Cycle for WIOA and TAA Programs. Customers receiving self-service or informational activities are not considered to be participants in the WIOA programs.

SELECTIVE SERVICE – Only those males (as defined at birth), 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 (as defined at birth)(citizen or non-citizen) residing in the United States shall register with the Selective Service System (SSS) between their 18th and 26th 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:

- The requirement for the person to so register has terminated or become inapplicable to the person;
- AND**
- 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, regions are to review Attachment 8: TEGL 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Programs, dated May 16, 2012

In addition to guidance provided in TEGL 11-11, Change 2, the following documentation may be used to demonstrate that individuals failing to register by the time they were 26 years of age **did NOT do so knowingly or willfully**:

- **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.
- **Veterans** – A copy of a DD214, showing other than a dishonorable discharge with dates of service, can be used in lieu of a Selective Service registration and eliminates the need to register. In addition, the veteran can provide a Selective Service waiver document (obtainable from the Selective Service System).
- **Active Duty, National Guard or Reservist** - A current military ID eliminates the need to register for Selective Service.
- **Active Duty** - Individuals serving in the military on full-time active duty do not have to register if serving continuously from age 18 to age 26. Those attending the service academies do not have to register. However, if the individual joins the military after turning 18 or leaves the military before turning 26, registration is required.

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- **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.
- **Non-citizen** – An ~~alien~~ non-citizen 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 26th birthday. **This means that this non-citizen does NOT have to register for Selective Service.**

Note: If the situation is not clear, CDLE recommends that the case manager ask the customer to obtain their Status Information Letter from the Selective Service. This letter will say whether or not there is a knowing or willful failure to register.

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 **age and immigration status cannot be self-attested**. 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 your local MIS coordinator 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, and should adhere to local self-attestation policy guidelines. A copy of this document should be retained in the customer case file (hard copy or electronic file.)

WIOA BASIC ELIGIBILITY DOCUMENTATION CHECKLIST

Eligibility	Required Documentation	Comment
<p>Citizenship/Non-Citizen Alien Status/Eligible to Work (At least 1 or more documents are required)</p> <p>NOTE: The Real ID Act of 2005 created a timeline for all states to require additional source identification prior to issuance of Real IDs to prove lawful status and duration for temporary statuses. A list of current Real ID compliant states can be found at:</p> <p>https://www.dhs.gov/real-id</p> <p>Real IDs contain a "star" emblem located on the upper, right side of the identification card. Real ID Act compliant states verify lawful presence through the SAVE system prior to issuance of ID.</p> <p>(See Attachment 12 for sample Star licenses and IDs)</p>	<p>Valid State driver's license or State ID card with REAL-ID star emblem (upper right corner), or license stating Enhanced Driver License" (unexpired)(no Social Security Card required) (See Attach 12: Samples of New Drivers Licenses)</p> <p>___ Soc. Security Card AND non-Star DL/ID Card (unexpired) or School ID</p> <p>___ U.S. Passport</p> <p>___ Birth Certificate</p> <p>___ Certificate of Citizenship</p> <p>___ Baptismal Certificate (if place of birth is shown)</p> <p>___ Consular Report of Birth Abroad issued by the U.S. Dept. of State (Form DS-1350, or FS-545)</p> <p>___ DD-214, Report of Transfer or Discharge (if place of birth is shown)</p> <p>___ Foreign Passport stamped "Eligible to Work" (not expired) <u>or</u> accompanied by I-94, stamped, with class code indicating authorization to work</p> <p>___ Hospital Record of Birth</p> <p>___ Alien Non-Citizen Registration Permanent Resident Card (I-551) (not expired)</p> <p>INS Form I-94 or I-94A, stamped, with class code indicating authorization to work (not expired)</p> <p>INS Form I-179, I-197, or I-766 (not expired)</p> <p>___ T-visa issued to victims of human trafficking (See Attachment 9: TEGL 09-12)</p> <p>___ Naturalization Certification</p> <p>___ Native American Tribal Document</p> <p>___ Certificate of Degree of Indian Blood</p>	<p>CO license or ID card must <u>not</u> say: "not valid for federal identification, voting, or public benefits purposes."</p>

	<p>___ SAVE Verification Printout AND non-star driver's license or State ID (unexpired). No SSN card required.</p> <p>___ Self-Attestation as a last resort if DACA eligible (See Attachment 10: TEGL 02-14)</p>	
<p>Selective Service (1 is required for those required to register)</p>	<p>___ On-line verification at www.sss.gov</p> <p>___ Acknowledgement Letter from Selective Service</p> <p>___ Selective Service Verification Form</p> <p>___ Selective Service Registration Card</p> <p>___ Selective Service Advisory Opinion Letter</p> <p>___ Selective Service Registration Record (Form 3A)</p> <p>___ Selective Service Waiver Document (for veterans)</p> <p>___ Stamped Post Office Receipt of Registration</p> <p>___ DD-214</p> <p>___ Cross match with Veterans data</p>	

<p>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, or wage subsidy programs</p>	<p>___ 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</p>	
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Eligibility	Required Documentation	Comment
<p>Affidavit of Immigration Status- (Signed affidavit required through 6/30/2022 and in conjunction with one of the listed forms of ID for age 18 & older)-</p>	<p>Valid State driver's license or State ID card with Real ID star emblem (upper right corner), or license stating "Enhanced Driver License" (unexpired) with a Star in upper right corner (no Social Security Card required) (See Attach 12: Samples of New Drivers Licenses)</p> <p>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-</p> <p>expired</p> <p>U.S. Military Card</p> <p>Military Dependent ID Card</p> <p>U.S. Coast Guard Merchant Mariner Card</p> <p>Native American Tribal Document</p> <p>U.S. Passport</p> <p>Copy of birth certificate filed with a state office of vital-</p> <p>statistics or equivalent agency in applicant's state of-</p> <p>birth</p> <p>Consular Report of Birth Abroad issued by the U.S. Dept. of State (Form DS-1350, or FS-545)</p> <p>Certificate of Naturalization issued by DHS (Form N-550 or N-570)</p> <p>Certificate of Citizenship issued by DHS (Form N-560 or N-561)</p> <p>Valid immigration document demonstrating lawful presence and verified through the SAVE system.</p> <p>Other valid State's driver's license/State ID card, from a-</p> <p>"lawful presence" state</p> <p>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 or ID card states that it is an Enhanced Driver's License or ID Card, then it can be accepted as a lawful presence document.</p>	<p>CO license or ID card must <u>not</u> say: "not valid for federal identification, voting, or public benefits purposes."</p>

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.**

<p>AGE (1 is required)</p>	<p> <input type="checkbox"/> Baptismal Record <input type="checkbox"/> Birth Certificate <input type="checkbox"/> Driver's License <input type="checkbox"/> Federal, State, or Local photo ID <input type="checkbox"/> DD-214 <input type="checkbox"/> Passport <input type="checkbox"/> Hospital record of birth <input type="checkbox"/> Public assistance/social service record <input type="checkbox"/> School records or ID card <input type="checkbox"/> Work permit <input type="checkbox"/> Cross match with Dept. of Vital Statistics <input type="checkbox"/> Tribal records </p>	
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Q&A

1. May electronic signatures be used on the WIOA application and other eligibility documents?

CDLE Response: CDLE will accept all digital or electronic signature options to meet the signature requirement, but encourages local areas to ensure that the software used meets ADA accessibility standards. CDLE will also accept the option of utilizing a "reply" email from the customer that says "they agree" (or similar) in lieu of a signature.