

# **Eligibility Policy Handbook**

**Revision 12**

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## Introduction

The content of this procedural handbook is equivalent to WorkSource System Policy 1019, Revision 12 and serves as the vehicle for implementing and managing eligibility policy changes.

This handbook provides guidance to staff and partners concerning eligibility requirements for the youth, adult and dislocated worker programs under Title I of the Workforce Innovation and Opportunity Act (WIOA) and Wagner-Peyser Act under WIOA Title III. Specific components of this handbook provide guidance and minimum requirements for local parameters and definitions to be established by Local Workforce Development Boards (LWDBs) as outlined in Section 3.c (Local Responsibilities) of WorkSource System Policy 1019, Revision 12.

Sections 2, 3 and 4 cover program eligibility requirements for the WIOA Title I youth, adult and dislocated worker programs. Specific parameters and guidance are provided in the subsequent sections under each program. Section 5 covers additional guidance that applies to multiple (though not necessarily all) programs.

This handbook is available as a Microsoft Word document to enable LWDBs to modify and implement it in place of existing local policies. Refer to Section 3.c of the policy to see the list of local responsibilities that correspond to the sections of this handbook.

This handbook is based on the best information available at this time per WIOA law and rules, DOL guidance, and state policies and guidance. The handbook will be revised as relevant DOL and State guidance is issued. Compliance with the state's eligibility policy will be based on the version of the handbook in effect at the time of the action or activity under review.

## Definitions

In addition to the definitions below, LWDBs may choose to incorporate local definitions consistent with this policy and handbook. Additional definitions may address required local determinations (e.g., stop gap employment, unlikely to return to previous industry or occupation, low-income, etc.) as outlined in Section 3.c (Local Responsibilities) under this policy or these determinations can be incorporated throughout this handbook or other local policy documents.

- **Covered Person (for Priority of Service)** – A veteran or his or her eligible spouse.
- **Eligible Spouse (of a Veteran)** – The spouse of any of the following (Jobs for Veterans Act Section 2(a)):
  - (1) Any veteran who died of a service-connected disability;
  - (2) Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
    - (i) missing in action;
    - (ii) captured in line of duty by a hostile force; or
    - (iii) forcibly detained or interned in the line of duty by a foreign government or power;

- (3) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- (4) Any veteran who died while rated totally disabled through a Department of Veterans Affairs evaluation.
- **Virtual or Remote Documentation** – Participant information obtained and verified (a) by electronic means (e-mailed or texted attachments, scans, digital photographs sent in encrypted form; electronic signature platforms such as DocuSign or Verisign); (b) through copies of documents sent via postal pickup or mail drop-off at local one-stop sites; (c) through a combination of the above in order to safeguard Personally Identifiable Information (PII).
- **Self-Attestation** – Self-attestation means a written, or electronic/digital declaration of information for a particular data element, signed and dated by the participant. DOL broadly interprets what is considered an electronic/digital signature. Electronic signatures or a submission from the participant such as an email, text, or unique online survey response is considered an electronic signature or verification; it must be participant generated and traceable to the participant. Grantees must retain documentation of the self-attestation.
- **Veteran** – For the purpose of providing Priority of Service (using the broad definition) and Dislocated Worker eligibility, veteran means a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service also includes full-time duty in the National Guard or a Reserve component, other than full time duty for training purposes.

## References:

- [Public Law 113-128, Workforce Innovation and Opportunity Act \(WIOA\) of 2014](#)
- [WIOA Final Rule; 20 CFR Parts 676, 677, and 678; Federal Register, Vol. 81, No. 161, August 19, 2016](#)
- [WIOA Final Rule; 20 CFR Parts 603, 651,652, et al; Federal Register, Vol. 81, No. 161, August 19, 2016](#)
- [Public Law 107-288, Jobs for Veterans Act \(JVA\) of 2002](#)
- [Training and Employment Guidance Letter \(TEGL\) 22-04](#)
- [Training and Employment Guidance Letter \(TEGL\) 22-04, Change 1](#)
- [Training and Employment Guidance Letter \(TEGL\) 10-09](#)
- [Training and Employment Guidance Letter \(TEGL\) 11-11, Change 2](#)
- [Training and Employment Guidance Letter \(TEGL\) 23-14](#)
- [Training and Employment Guidance Letter \(TEGL\) 04-15](#)
- [Training and Employment Guidance Letter \(TEGL\) 08-15](#)
- [Training and Employment Guidance Letter \(TEGL\) 10-16, Change 3](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-16](#)
- [Training and Employment Guidance Letter \(TEGL\) 21-16, Change 1](#)
- [Training and Employment Guidance Letter \(TEGL\) 23-19, Change 2](#)
- [Training and Employment Guidance Letter \(TEGL\) 07-20](#)
- [Veterans Program Letter \(VPL\) 07-09](#)
- [Veterans Program Letter \(VPL\) 02-23](#)

- [Veterans Program Letter \(VPL\) 05-24](#)
- [WorkSource System Policy 1003, Revision 6 - Data Element Validation](#)
- [Veterans Policy 6010 – Priority of Service for Veterans and Eligible Spouses](#)
- [WIOA Title I Policy 5403, Revision 2 - Records Retention and Public Access](#)
- [WIOA Title I Policy 5602, Revision 5 – Supportive Services and Needs-Related Payments](#)
- [WIOA Title I Policy 5607, Revision 6 – Incumbent Worker Training](#)
- [WIOA Title I Policy 5617, Revision 3 – Co-enrollment of Trade Adjustment Assistance participants into the WIOA Title I-B Dislocated Worker program](#)
- [WorkSource Information Notice \(WIN\) 0041, Revision 1 - Address Confidentiality Program](#)

## **1. Alignment of Wagner-Peyser and WIOA Title I Services**

### **1.1 Purpose**

According to Training and Employment Guidance Letter (TEGL) 04-15, the overarching vision for the One-Stop system is the coordination of fully integrated programs, services and governance structures so job seekers have access to a seamless system of workforce investment services. This intent is accomplished by establishing career services that are consistent across federally funded workforce development programs. In addition, the U.S. Department of Labor (DOL) has furthered its integration efforts by establishing common performance metrics (TEGL 10-16, Change 3) and developing an integrated performance reporting system (Participant Individual Record Layout or PIRL) for DOL-funded workforce programs.

States and local areas are encouraged to utilize common intake, case management, and job development systems in order to take full advantage of the One-Stop potential for efficiency and effectiveness. WIOA Title I programs and Wagner-Peyser are mandated to provide the same set of career services described at WIOA Section 134(c)(2)(A). There is a natural alignment of service delivery under Wagner-Peyser since all individuals legally entitled to work in the U.S. are eligible for these services.

NOTE: Personal records of WIOA registrants are private and confidential and not disclosable to the public. Refer to WIOA Title I Policy 5403, Revision 2 and RCW 50.13 for additional guidance on data privacy and security.

### **1.2 Career Services**

There are three types of career services: basic, individualized, and follow-up. There is no sequence requirement for basic and individualized, which can be provided in any order to provide flexibility in targeting services to the needs of the customer. Follow-up, however, can only be provided after exit. Section 4 of TEGL 19-16 identifies the services that fall under the basic, individualized, and follow-up categories.

Per 20 CFR 680.120 and 680.130 and TEGL 19-16, individuals 18 years of age or older who are registered, meet the eligibility criteria for, and are enrolled in the WIOA adult program are eligible to receive career services. Per 20 CFR 680.130, individuals who meet WIOA dislocated worker program criteria are also eligible to receive career services.

Staff-assisted Wagner-Peyser employment services fall under the category of basic career services and must be provided in coordination with other one-stop center partners. Wagner-Peyser staff can also provide individualized career services in coordination with other one-stop center partners. Although Wagner-Peyser employment services are available to all individuals, only those who are legally entitled to work in the U.S. can obtain employment. To ensure that individuals who apply or are referred are legally entitled to work in the U.S., the WorkSourceWA.com registration requires customer attestation to legal entitlement to work in the U.S.

In addition to universal access under Wagner-Peyser, basic career services can be provided with WIOA Title I-B funding. Individuals must be determined eligible and enrolled to receive WIOA Title I-B funded, staff-assisted career services beyond self-service or informational activities. These services are offered under WIOA Title I-B (in addition to Wagner-Peyser) to ensure seamless service delivery in one-stops to minimize referrals and to ensure leveraging of resources between programs.

Per 20 CFR 680.110, self-service and information-only activities are services made available and accessible to the general public that are designed to inform and educate individuals about the labor market and the range of services appropriate to their situation, and that do not require significant staff involvement with the individual in terms of resources or time. Both can be provided before registration and neither constitutes enrollment as neither is formally recognized as a staff-assisted WIOA Title I-B or III service. More information on reportable individuals and self-service and information-only activities can be found in Sections 8 and 9 of TEGL 10-16, Change 3.

NOTE: This policy covers basic eligibility requirements for Wagner-Peyser, including priority of service requirements for Covered Persons (using the broad definition of veteran – see [Section 5.3](#)). For verification of veteran status, the Wagner-Peyser program has specific requirements. For an overview of services for veterans (using the standard definition) under Wagner-Peyser, please refer to Wagner-Peyser Employment Service Policy 4030 - Services for Veterans.

### **1.3 Training Services**

Training services are funded and provided to jobseekers under the WIOA Title I programs. Individuals provided training services funded by WIOA Title I must be registered, determined eligible and in need of additional service beyond career services to obtain or retain employment per 20 CFR 680.210.

As part of the aforementioned eligibility process, individuals must receive, *at a minimum*, an interview, evaluation or assessment and career planning or other means by which eligibility for WIOA-funded training services can be determined (20 CFR 680.220 and TEGL 19-16).

Per WIOA Section 134(c)(3)(A)(iii), 20 CFR 680.220, and TEGL 19-16, there is no requirement that career services first be provided as a condition of receiving training services. However, if career services are not provided before training, LWDBs must document the circumstances justifying their course of action.

### **1.4 Supportive Services**

Per TEGL 19-16 and WIOA Title I Policy 5602 Revision 5, supportive services can be provided to WIOA Title I adults and dislocated workers during participation subject to having also received a career or training service (i.e., supportive services cannot be the only service in a participant record) and after program completion as part of follow-up services. The supportive service can be recorded on or after the date of the career or training service and should include a case note explaining how the supportive service connects to a career or training service.

Per TEGL 21-16 and WIOA Title I Policy 5602, Revision 5, supportive services for WIOA Title I youth can be provided either during participation or after exit as Program Elements 7 and 9, respectively.

Per TEGL 10-16, Change 3 and TEGL 19-16, Attachment II, individuals in incumbent worker training are not eligible to receive supportive services unless they meet eligibility for and are co-enrolled in either the WIOA Title I adult or dislocated worker programs and receive a qualifying career service or training. In other words, supportive services cannot be provided to individuals who are in incumbent worker training only. See also Section 10.5 – Incumbent Worker Training.

Note: Food and groceries are prohibited as supportive services as DOL has determined that they are beyond the scope of WIOA (see supportive services definition in WIOA Title I Policy 5602, Revision 5).

## **2. WIOA Title I Youth Program**

### **2.1 Youth Program Requirements**

Youth program requirements are distinguished by In-School youth and Out-of-School youth, which have different eligibility requirements.

#### **2.1.1 In-School Youth**

Individuals must meet the following eligibility guidelines to be In-School youth:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Attending school as defined by state law<sup>1</sup>;
- Age 14 through 21;
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see [Section 5.2](#) for guidance on Selective Service registration).
- Low-income individual (see [Section 2.4](#) for guidance on exceptions); and
- One or more of the following:

Category 1	Basic skills deficient
Category 2	An English language learner
Category 3	An offender <sup>2</sup>
Category 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))), a runaway,
Category 5	An individual in foster care or has aged out of foster care system or who has attained the age of 16 years of age and left foster care for kinship guardianship or adoption; a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677) or in an out of home placement
Category 6	An individual who is pregnant or parenting <sup>3</sup>
Category 7	A youth who is an individual with a disability
Category 8	An individual who requires additional assistance to complete an educational program or to secure or hold employment <sup>4</sup>

<sup>1</sup> Section 4 of TEGL 21-16 conditions the designation of home-schooled individuals as In-School Youth (ISY) or Out-of-School Youth (OSY) based on state and/or local education agency policies. In Washington, state statutes for the Office of Superintendent of Public Instruction (RCW 28A.200, 28A.225.010(4)) articulate the requirements for being recognized as home-schooled individuals. Individuals whose home-schooling activity meets those requirements can seek eligibility as ISY; if not, they need to meet OSY eligibility criteria.

<sup>2</sup> Section 4 of TEGL 21-16 addresses eligibility related to “offender” status for ISY and OSY. Youth who have been charged with an offense, but subsequently directed to community-based diversion programs rather than the formal court system, meet the definition of having been “subject to any stage of the criminal justice process” due to having been *charged* with an offense, even though they have not been remanded to the court system.

<sup>3</sup> Section 4 of TEGL 21-16 clarifies that an individual who is parenting can be a mother or father, custodial or non-custodial, and that the age the youth becomes a parent does not factor into this definition as long as the youth is within the WIOA youth age eligibility. One important distinction is that the father does not attain parenting status under WIOA until the child is born; that status does not convey to the father during pregnancy. To be clear, only the expectant mother can be a pregnant individual.

<sup>4</sup> Per 20 CFR 681.300, LWDBs that use Category 7 to determine in-school eligibility must establish local policies that define “requires additional assistance to complete and educational program or to secure or hold employment” criterion and documentation requirements (WorkSource System Policy 1019, Revision 12 - Section 3.c - Local Responsibilities). Refer to [Section 8](#) for an overview of eligibility criteria and documentation requirements.

### 2.1.2 Out-of-School Youth

Individuals must meet the following eligibility guidelines to be Out-of-School Youth:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Not attending school as defined by state law<sup>1</sup>;
- Age 16 through 24;



- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see [Section 5.2](#) for guidance on Selective Service registration); and
- One or more of the following:

Category 1	A school dropout <sup>2</sup>
Category 2	A youth who is within the age of compulsory school attendance <sup>3</sup> , but has not attended school for at least the most recent complete school year calendar quarter
Category 3	A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual <u>and</u> is basic skills deficient <u>or</u> an English language learner
Category 4	An individual who is subject to the juvenile or adult justice system <sup>4</sup>
Category 5	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
Category 6	An individual in foster care or has aged out of foster care system or who has attained the age of 16 years of age and left foster care for kinship guardianship or adoption; a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677) or in an out of home placement
Category 7	An individual who is pregnant or parenting <sup>5</sup>
Category 8	A youth who is an individual with a disability
Category 9	A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment <sup>6</sup>

<sup>1</sup> The state's dropout reengagement program authorized under RCW 28A.175.100 provides educational opportunities and access to services to older youth ages 16 to 21 who have dropped out of high school or are not accumulating sufficient credits to reasonably complete a high school diploma in a public school before the age of 21 and are *unlikely to re-engage in education by re-enrolling in a traditional or even alternative high school*. RCW 28A.175.110 states that youth in this program are regularly enrolled students of the school district in which they are enrolled.

Section 4 of TEGL 21-16 on high school equivalency programs and dropout re-engagement programs states that "Youth attending high school equivalency (HSE) programs, including those considered to be dropout re-engagement programs, funded by the public K–12 school system that are classified by the school system as still enrolled in school are considered ISY." Because Washington's Open Doors program, which is cited in state RCW and WAC, recognizes a range of models or approaches with varying degrees of school or school district participation in the delivery of dropout re-engagement services, DOL acknowledges that, from a WIOA standpoint, Washington's In-School Youth (ISY) and Out-of-School Youth (OSY) determination is situational and dependent

on what entity or entities operate dropout re-engagement programs and how direct services are provided.

To support OSY designations, local areas must document that their dropout re-engagement programs are (1) operated with partners beyond school districts as reflected on the Office of the Superintendent of Public Instruction (OSPI) [Open Doors Programs – Regional Locations site](#) and (2) described in an OSPI partnership-based [Scope of Work document](#) (i.e., District in Partnership with an Organization, District in Partnership with a College, Partnership with a Juvenile Justice Institution, Educational Service District-led Consortium) or (3) memoranda of understanding or statements of work that affirm operational partners beyond schools and school districts.

Local areas must also thoroughly document in participant files that OSY participants that are engaged in dropout re-engagement programs meet the aforementioned requirements as they are otherwise classified by the school system as enrolled in school.

<sup>2</sup> Per WIOA Section 3(54), the term “School Dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

<sup>3</sup> Per RCW 28A.225.010, the age of compulsory school attendance in Washington is eight (8) years of age to under 18 years of age. For the purpose of WIOA Title I Out-of-School Youth, that encompasses 16-17-year-olds.

<sup>4</sup> Section 4 of TEGL 21-16 addresses eligibility related to “offender” status for ISY and OSY. Youth who have been charged with an offense, but subsequently directed to community-based diversion programs rather than the formal court system, meet the definition of having been “subject to any stage of the criminal justice process” due to having been *charged* with an offense, even though they have not been remanded to the court system.

<sup>5</sup> Section 4 of TEGL 21-16 clarifies that an individual who is parenting can be a mother or father, custodial or non-custodial, and that the age the youth becomes a parent does not factor into this definition as long as the youth is within the WIOA youth age eligibility. One important distinction is that the father does not attain parenting status under WIOA until the child is born; that status does not convey to the father during pregnancy. To be clear, only the expectant mother can be a pregnant individual.

<sup>6</sup> Per 20 CFR 681.300, LWDBs that use Category 8 to determine out-of-school youth eligibility must establish local policies that define “requires additional assistance to complete an educational program or to secure and hold employment” criterion and documentation requirements (WorkSource System Policy 1019, Revision 12 - Section 3.c - Local Responsibilities). Refer to [Section 8](#) for eligibility criteria and documentation requirements.

## **2.2 Additional Definitions of Low-Income**

Utilizing the definition of low-income at WIOA Section 3(36), LWDBs can make local determinations regarding income verification and what is included or excluded as income (WorkSource System Policy 1019, Revision 12 - Section 3.c - Local Responsibilities).

WIOA Section 129(a)(2) states that low-income additionally includes youth living in high-poverty areas with 20 CFR 681.260 defining a high-poverty area as 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 30 percent as set every five years using American Community Survey data.

TEGL 21-16, Change 1, announced specific, updated instructions from the U.S. Bureau of the Census for accessing its American Community Survey data and using the data to document high poverty areas for the purpose of determining low-income status for WIOA Title I youth program eligibility. The instructions can be accessed through this [link](#). Note that you will need the youth's residential address to make this determination.

20 CFR 681.250 and 681.270 allow that low-income for ISY further includes youth who receive (or are eligible to receive) free or reduced-price lunches under the Richard B. Russell National School Lunch Act. Per Section 4 of TEGL 21-16, however, if schools offer all students with free or reduced price lunches, this criterion cannot be used to determine individual low-income eligibility for ISY. Also, with that same qualifier, OSY who are parents of children living in the same household who receive (or are eligible to receive) free or reduced-price lunches meet low-income criteria based on their children's qualification.

WIOA Section 3(36)(A)(vi) and 20 CFR 681.280 allow that the income eligibility level for youth with disabilities is based on the disabled youths' own income rather than their family income.

## **2.3 Exceptions to Youth Eligibility Requirements**

Exemption from low-income requirement. Per WIOA Section 129(a)(3)(B) and 20 CFR 681.250, in any single program year, no more than five percent of a local area's total youth participants can be those who are not low-income despite the low-income eligibility requirement (In-School Youth or Out-of-School Youth in Category 3 or 8).

Limitation on In-School Youth requiring additional assistance. Per WIOA Section 129(a)(3)(B), in any single program year, no more than five percent of a local area's total In-School Youth participants can be those who require additional assistance to complete an educational program or to secure or hold employment (Category 7).

## **2.4 Local Definition of Low-Income**

Utilizing the definition of "low-income" at WIOA Section 3(36), LWDBs can make local determinations regarding income verification and what is included or excluded as income (WorkSource System Policy 1019, Revision 12 - Section 3.c - Local Responsibilities).

### 3. WIOA Title I Adult Program

#### 3.1 Adult Program Requirements

Individuals must meet the following eligibility criteria for the Adult Program:

- U.S. citizen or otherwise legally entitled to work in the United States;
- Age 18 or older; and
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see [Section 5.2](#) for guidance on Selective Service registration).

Refer to [Section 6](#) for eligibility criteria and documentation requirements.

#### 3.2 Priority for Services under the Adult Program

Priority selection is established for and local areas must target certain populations in accordance with WIOA Section 134(c)(3)(E), 20 CFR 680.600, and 20 CFR 680.640. These targeted populations must first meet the eligibility requirements for the Adult Program. Note: priority selection does not apply to individuals receiving only basic career services.

The table below describes the order and rationale for prioritization based on the requirements in WIOA Section 134(c)(3)(E), 20 CFR 680.600, 20 CFR 680.640, TEGL 10-09, and TEGL 07-20. For purposes of this section, the term “covered person(s)” refers to veterans and eligible spouses per priority of service for veterans. Priority requirements for the WIOA Title I Adult Program are as follows:

Priority	Mandatory Priority Group	Explanation
First	Covered persons (veterans and eligible spouses) who are low-income, recipients of public assistance, or basic skills deficient.	Guidelines for serving covered persons (Veterans Policy 6010 – Priority of Service) apply within the mandatory priority criteria of low-income / public assistance/basic skills deficient recipient.
Second	Individuals (non-covered persons) who are low-income (may include unemployed individuals), recipients of public assistance, or basic skills deficient.	The mandatory priority criteria (low-income / public assistance recipients / basic skills deficient) have preference over covered persons (veterans and eligible spouses) who do not meet the mandatory priority criteria.
Third	Covered persons (veterans and eligible spouses) who <u>are not</u> low-income and <u>not</u> basic skills deficient.	Guidelines for serving covered persons (Veterans Policy 6010 – Priority of Service) apply in the third category (individuals who are not low-income / public assistance recipients / basic skills deficient).
Fourth (optional)	Governor and LWDBs (in consultation with LCEOs)	No additional priority groups to date.

	may establish additional priority groups beyond minimum WIOA adult eligibility (WorkSource Policy 1019, Revision 12 - Section 3.c – Local Responsibilities).	
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NOTE: An adult with a disability can be considered a family of one for low-income determinations (refer to [Section 5.6.2](#)).

According to 20 CFR 680.120, 680.130, and 680.210, the aforementioned priority requirements do not necessarily mean that only recipients of public assistance and other low-income individuals can receive WIOA Title I adult funded individualized career services and training services. LWDBs may serve other eligible individuals who are not recipients of public assistance, other low-income, or basic skills deficient after first serving eligible individuals who meet the established priority selection criteria. Unemployed individuals may be considered low-income individuals provided they meet local parameters regarding low-income (refer to [Section 5.6.1](#)).

Per TEGL 7-20, at least 50.1 percent of all Title I-B Adult participants that receive individualized career services and training services in each program year must be from at least one Adult priority of service population.

### **3.3 Priority Selection for Career Services and Training Services Funded with WIOA Statewide Activities Funds**

For purposes of WIOA Title I statewide activities funds, the Governor has determined that these funds will be prioritized as follows:

1. Eligible veterans and spouses;
2. Unemployed individuals;
3. Low-income individuals;
4. Other Washington job seekers.

As indicated by the first priority, recipients of WIOA statewide activities funds must continue to provide priority selection of veterans for career and training services as required under Public Law 107- 288 “Jobs for Veterans Act” and in alignment with Veterans Policy 6010. In applying this policy to such projects, veterans who are unemployed and/or low-income have priority over all other individuals served under these projects.

## **4. WIOA Title I Dislocated Worker Program**

### **4.1 Dislocated Worker Program Requirements**

Individuals must meet the following eligibility guidelines for the Dislocated Worker Program:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see [Section 5.2](#) for guidance on Selective Service

- registration) or the individual is less than 18 years of age; and
- One of the Dislocated Worker categories (see [table](#) below).

The matrix on the following page is meant to provide clarity on the requirements within each Dislocated Worker category. Military Service Members (Category 5) and Spouses of Dislocated Military Service Members (Category 6) have been included as individual categories to allow for specificity, though it is commonly understood that these categories fall under the General Dislocation category (1). Refer to [Section 5.7](#) for guidance related to the impact of Washington's Marriage Equality Act.

Dislocated Worker Eligibility Criteria		
Category	Criteria	
<b>1. General Dislocation</b>	<input type="checkbox"/>	<b>1.1</b> An individual who was terminated, laid off, or received a notice of termination or layoff. <b><u>AND</u></b>
	<input type="checkbox"/>	<b>1.2</b> Is determined unlikely to return to previous industry or occupation (defined by LWDBs); <b><u>AND</u></b>
	<input type="checkbox"/>	<b>1.3.1</b> Is eligible for or has exhausted entitlement to unemployment compensation; <b><u>OR</u></b>
	<input type="checkbox"/>	<b>1.3.2</b> Is not eligible for unemployment compensation but can show attachment to the workforce of sufficient duration.
<b>2. Dislocation from Facility Closure / Substantial Layoff</b>	<input type="checkbox"/>	<b>2.1</b> An individual who was terminated, laid off, or received a notice of layoff from employment at a plant, facility, or enterprise as a result of: Permanent closure; or Substantial layoff; <b><u>OR</u></b>
	<input type="checkbox"/>	<b>2.2</b> An individual employed at a facility at which the employer has made a general announcement that the facility will close within 180 days.
<b>3. Self-employed Dislocation</b>	<input type="checkbox"/>	Was self-employed (including employment as a farmer, rancher or a fisherman), but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.
<b>4. Displaced Homemaker *</b>	<input type="checkbox"/>	<b>4.1</b> An individual who was dependent on the income of another family member and is no longer supported by the income of that family member; <b><u>OR</u></b> Is the dependent spouse of a member of the armed forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, or a service-connected death or disability of the member; <b><u>AND</u></b>
	<input type="checkbox"/>	<b>4.2</b> Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
<b>5. Dislocated/ Separating Military Service Members</b>	<input type="checkbox"/>	<b>5.1</b> A non-retiree military service member who was discharged or released from service under <u>other than dishonorable discharge</u> or has received a notice of military separation (defined by LWDB (see Section 4.2.1). Per 20 CFR 680.660, separating military service members automatically qualify as unlikely to return to a previous industry or occupation and as eligible for or exhausted entitlement to Unemployment Insurance.  <b>Note:</b> Dislocated military service members, veterans and other covered persons are eligible for Priority of Service (POS) as described in POS Policy 1009, Revision 1.

\* Per TEGL 26-13, individuals cannot cite long-term partners to whom they were not married as family members. Individuals can cite adult children upon whom they were financially dependent as family members so long as it is appropriately documented.



<b>6. Spouses of Military Service Members</b>	<div data-bbox="479 163 511 199"><input type="checkbox"/></div> <div data-bbox="548 163 1537 254"> <b>6.1</b> The spouse of a member of the armed forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; </div> <div data-bbox="548 262 592 294"><b>OR</b></div> <div data-bbox="479 304 511 340"><input type="checkbox"/></div> <div data-bbox="548 304 1537 394"> <b>6.2</b> The spouse of a member of the armed forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. </div> <div data-bbox="548 403 1537 436"> <b>Note:</b> a military spouse may also qualify as a displaced homemaker (Category 4). </div>
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## 4.2 Serving Non-Retiree Military Service Members and Eligible Spouses

### 4.2.1 Non-Retiree Military Service Members (Dislocated Worker Category 5)

Refer to [Section 6](#) for a breakdown of eligibility criteria and documentation requirements. A military service member who is separated from military service under conditions other than dishonorable, or who receives a notice of future separation, may be eligible under the WIOA Dislocated Worker program based on the “termination” criteria. This may include National Guard or Reserve members who have been discharged from active-duty service, but not necessarily from other reserve commitments, such as training. Note: Retirement orders do not qualify as “terminated” or “laid off.”

Veterans and other covered persons determined eligible for the Dislocated Worker program are given priority for services according to the Jobs for Veterans Act and WorkSource (see Veterans Policy 6010 – Priority of Service for Veterans and Eligible Spouses).

The following serves as an outline of Dislocated Worker eligibility criteria as they apply to discharged and separating military service members:

Section (3)(15)(A)(i): Has been terminated or laid off or received notice of termination or layoff.

TEGL 22-04 states that a discharge from the military under honorable circumstances meets the “termination” criterion. A Department of Defense Form 214 (DD-214) is the most common documentation used to determine discharge status.

Washington has determined that still-active, transitioning military service members may also qualify for Dislocated Worker services. While these individuals may be *eligible* to receive WIOA Dislocated Worker services and funds, they are not ‘veterans’ for the purposes of DOL reporting.

For the purposes of serving still-active transitioning service members under the “notice of termination or layoff” eligibility criterion, documentation must align with the DEV requirement for “Date of Actual Qualifying Dislocation” (refer to [Section 8 of the Handbook](#)).

LWDBs must also establish a designated time frame (prior to planned separation) during which service members can receive Dislocated Worker services (WorkSource System Policy 1019, Revision 12 - Section 3.c - Local Responsibilities). Length of service to qualify an individual for such discharges or separations under WIOA guidance

may be as few as one day of service. Qualified individuals can receive services up to eighteen prior to discharge.

#### **4.2.2 Spouses of Military Service Members (Dislocated Worker Category 6)**

DOL affords local areas significant flexibility to serve military spouses. TEGL 22-04 clarifies that the term “military spouse” includes individuals who are married to active-duty service members (including National Guard or Reserve personnel on active duty) and surviving spouses of active-duty service members who lost their lives while on active-duty service in combat-related areas (e.g., Afghanistan, Iraq, Syria). Refer to [Section 7.7](#) for guidance related to Washington’s Marriage Equality Act.

When the spouse is unable to continue an employment relationship due to the service member’s permanent change of military station, or the military spouse loses employment as a result of the spouse’s discharge from the military, then the separation from employment meets the termination component of the WIOA definition of Dislocated Worker. Eligibility determinations must align with UI policy regarding “good cause” for voluntary quits. Below are two common scenarios that would qualify:

- The spouse of a military service member voluntarily quits because he/she is relocating with the service member to a new duty location.
- The spouse of a military service member is no longer eligible to work on the base as a result of the (military service member’s) discharge.

NOTE: Good cause is **not** found when claimants quit work to relocate someplace other than their military spouse's or domestic partner's new duty location, including relocation to the home of record or elsewhere.

As provided in TEGL 22-04 and TEGL 22-04, Change 1, “termination” of military spouses based on the circumstances described above can be considered to determine “unlikely to return to a previous industry or occupation” to qualify as a dislocated worker.

Determination is a matter of judgment based on relevant circumstances, but in most cases, military spouses impacted by a service member’s duty reassignment or discharge will meet the “unlikely to return to a previous industry or occupation” criterion under WIOA and could be served as dislocated workers.

Military spouses can also be served as dislocated workers if they meet the definitional requirements for displaced homemakers at WIOA Section 3(15)(A)(ii).

### **4.3 Eligibility for Employed Individuals**

#### **4.3.1 Under-Employed Workers**

Per Section 11 of TEGL 19-16, the State allows under-employed workers to qualify for the WIOA Title I Dislocated Worker program if they have been dislocated from full-time employment and meet one of the following eligibility criteria:

1. Employed less than full-time but actively seeking full-time employment



2. Employed in a position that is inadequate with respect to documented skills and training
3. Employed but meet the definition of “low-income” in WIOA Section 3(36)
4. Employed but current earnings are insufficient compared to earnings from previous employment

Note: Underemployed workers also qualify for the WIOA Title I Adult Program while those who meet the “low-income” definition also receive priority of service.

LWDBs must set criteria (WorkSource System Policy 1019, Revision 12 - Section 3.c - Local Responsibilities) to determine whether employment leads to self-sufficiency, keeping in mind that individuals may have part-time jobs that enable them to sustain self-sufficiency, and that lack of self-sufficiency in itself does not equate to eligibility. The special needs of individuals with disabilities or other barriers to employment should be taken into account when setting criteria to determine self-sufficiency. The following guidance may assist LWDBs in establishing this criteria:

- At a minimum, LWDBs must use the annual lower living standard income level (LLSIL) defined at WIOA Section 3(36)(A)(ii)(II);
- LWDBs may base the determination on a certain percentage of the wages earned at the time of dislocation; and
- LWDBs can include a definition of temporary employment (e.g., duration) and scenarios where temporary employment alone can verify that employment will not lead to self-sufficiency.

#### **4.4 Stop Gap Employment**

Stop-gap employment is temporary work an individual accepts only because they have been laid off or terminated from the customary work for which their training, experience or work history qualifies them. Stop-gap employment must be temporary in nature with the intent to end employment upon completion of training, obtaining self-sufficient employment or as specified in the individual employment plan (IEP).

Typically, stop-gap employment will pay less than the individual’s self-sufficiency wage (as defined by the LWDB); however, there may be specific circumstances (determined locally based on local criteria) where stop-gap employment does provide a sufficient wage temporarily, but is not considered permanent employment that leads to self-sufficiency. This stop-gap employment would not change an individual’s dislocated worker status if it meets LWDB criteria.

Otherwise eligible dislocated workers remain eligible if either prior to or during Title I Dislocated Worker program participation their stop-gap employment is obtained for the purpose of income maintenance. If dislocation from a stop-gap position occurs, the job of dislocation remains the original job that established the self-sufficient income. If, at any time, an individual obtains employment that meets LWDBs’ definition of self-sufficiency, including a scenario where the employment period exceeds LWDB-established criteria for temporary employment, then that position would be considered the self-sufficient job of dislocation in the event of a future dislocation.

#### **4.5 UI Good Cause Voluntary Quits**

Individuals can qualify under Category 1 (General Dislocation) if they file and are approved for Unemployment Insurance (UI) benefits after having been determined by the Employment Security Department (ESD) as having voluntarily left employment due to no fault of their own for one of the following good cause reasons (RCW 50.20.050; WAC 192-150, et al):

- Illness or disability of the claimant or death, illness, or disability of an immediate family member.
- Relocate to follow spouse's or registered domestic partner's employment.
- Need to protect the claimant or immediate family member from domestic violence or stalking.
- Usual hours, compensation, or benefits are reduced by 25 percent or more.
- Involuntary change in work site or location (no minimum distance or mile threshold).
- Work site safety has deteriorated.
- Illegal activities at work site
- Usual work changed to work that violates religious or moral beliefs.
- Left part-time work to accept full-time job that was eliminated without prior knowledge.

Under these circumstances, claimants have satisfied criteria 1.1. because ESD recognizes them as terminated even though they, rather than their employers, are the moving party. Such individuals must also be determined unlikely to be return to the industry or occupation they left for a UI good cause voluntarily quit reason (criteria 1.2). Finally, they must satisfy criteria 1.3.1 (1.3.2 is not an option) by documenting their status as having been determined eligible for or exhausted UI benefits as good cause voluntary quits are inseparably tied to UI and documented through separation determination letters provided by the Employment Security Department or, if that is not available, other documentation in the form of UI correspondence from the Employment Security Department.

## **5. Trade Adjustment Assistance (TAA) Eligibility**

Eligibility for Trade Adjustment Assistance (TAA) is based on an affirmative decision by the DOL's Office of Trade Adjustment Assistance (OTAA) to certify a TAA petition that covers a defined worker group. To that end, OTAA issues to the worker group a decision titled, "Certification Regarding Eligibility to Apply for Worker Adjustment Assistance" that covers all members of the worker group who are separated or threatened with separations during the period beginning one year before the petition was filed and ending two years after the date of the certification. Each certification describes the worker group and specifies the beginning and ending dates.

Certified TAA petitions in Washington, including the "Certification Regarding Eligibility to Apply for Worker Adjustment Assistance," can be found [online](#) on the DOL's searchable web page for listings of petitions and determinations or by contacting ESD's State TAA Program Operator.

TAA participants, excluding those who are incumbent workers, are required to be co-enrolled into the WIOA Title I-B Dislocated Worker program if they are eligible, unless they decline, per 20 CFR 618.325 and WIOA Title I Policy 5617, Revision 3. Staff must follow the co-enrollment processes and procedures in local policies established by Local Workforce Development Boards.

## 6. Jobs for Veterans State Grant (JVSG) Eligibility

Eligibility for the Disabled Veterans' Outreach Program (DVOP) under the Jobs for Veterans State Grant (JVSG) is separate and distinct from consideration of either veterans' and eligible spouses' priority of service under the WIOA Title I Adult program (refer to Section 3.2) or Dislocated Worker program eligibility for transitioning military service members and eligible spouses (refer to Section 4.2).

Individuals must be screened as wanting and be eligible for case-managed DVOP individualized career services if they meet Category 2 or 3 criteria.

### a. Category 1 – Base eligibility for eligible veterans and persons

- i. The customer must first attest to being interested in receiving one or more individualized career services; and
- ii. Meet at least one of the following two criteria:
  - A. Are defined as an eligible veteran:
    1. Served on active duty for a period of more than 180 days and was discharged with other than a dishonorable discharge (Per 38 U.S.C. § 101(2), if the veteran had more than one period of service, any one other-than-dishonorable discharge qualifies as an eligible veteran, even if their most recent discharge was dishonorable); or
    2. Was discharged or released from active duty because of a service-connected disability; or
    3. Was a member of a reserve component under an order to active duty—pursuant to 10 U.S.C. §§ 12301(a), (d), or (g); 12302; or 12304—who served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge; or
    4. Was discharged or released from active duty by reason of a sole survivorship discharge.
  - B. Are defined as an **eligible person**:
    1. The spouse of any person who died of a service-connected disability, even if they remarry; or
    2. The spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance has been listed for a total of more than ninety days as:
      - aa. Missing in action; or
      - bb. Captured in line of duty by a hostile force; or
      - cc. Forcibly detained or interned in line of duty by a foreign government or power; or
  - C. The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability, or the spouse of a **veteran** who died while a disability so evaluated was in existence.

### b. Category 2 – Veterans and Eligible Persons who meet the criteria in Category 1 and attest to meeting at least one of the following Qualifying Employment Barriers are eligible for referral to DVOP services

- i. Has a disability, which may include any of the following:

- A. Special disabled veteran, rated at 30 percent or more, or rated at 10 or 20 percent in the case of a veteran who has been determined to have a serious employment handicap; or person who was discharged or released from active duty because of a service-connected disability;
- B. Disabled veteran, defined in 38 U.S.C. § 4211(3) as a veteran who is entitled to compensation; or a person who was discharged or released from active duty because of a service-connected disability (an individual who attests to having a disability claim pending with the VA should be considered to have an approved claim for the purposes of determining the qualifying employment barrier);
- C. Other disability - eligible veterans and eligible persons who self-identify as having a disability, as defined by the Americans with Disabilities Act, 42 U.S.C. § 12102.
- ii. Is a Vietnam-era veteran, as defined by 38 U.S.C. § 4211(2) as an eligible veteran any part of whose active military, naval, or air service was during the Vietnam era, as defined by 38 U.S.C. § 101(29).
- iii. Is a recently separated veteran, defined in 38 U.S.C. § 4211(6) as a veteran who was discharged or released from active duty within the last three years.
- iv. Has been referred for employment services by a representative of the Department of Veterans Affairs.
- v. Is experiencing homelessness, as defined in Sections 103(a) and (b) of the McKinney Vento Homeless Assistance Act (42 U.S.C. § 11302(a) and (b)).
- vi. Is justice-involved, as defined in WIOA Section 3(38), 29 U.S.C. § 3102(38) (definition of “offender”).
- vii. Is between the ages of 18–24 years of age at the time of enrollment.
- viii. Is educationally disadvantaged, meaning that the individual lacks a high school diploma or equivalent certificate.
- ix. Is economically disadvantaged, which means any of the following:
  - A. Meets the definition of a low-income individual in WIOA Section 3(36), 29 U.S.C. § 3102(36).
  - B. Unemployed.
  - C. Heads of single-parent households containing at least one dependent child.
- c. Category 3 – Those Transitioning Service Members; Wounded, ill, or injured service members; or spouse or family caregiver who do not meet Category 1 but attest to meeting at least one of the following criteria are identified as an approved Additional Population. Additional Populations are eligible for a DVOP services without needing to meet any additional Qualifying Employment Barriers
  - i. Transitioning members of the Armed Forces who have participated in any part of the Transition Assistance Program (TAP) and self-identify as in need of individualized services.
  - ii. Members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities (MTF) or warrior transition units (WTU).
  - iii. Spouses or other family caregivers, who provide personal care services of such wounded, ill, or injured service members, who are receiving treatment in a MTF or WTU include:
    - A. A parent;
    - B. A spouse;
    - C. A child;
    - D. A step-family member;
    - E. An extended family member;
    - F. Lives with, but is not a member of the family of the service member.

Note: Available on the Workforce Professionals Center website is a training [video](#) featuring Veterans Priority of Service and the Veteran's Screening Tool that covers JVSG program eligibility.

## **7. Additional Program Guidance**

### **7.1 U.S. Citizenship or Legal Right to Work in the U.S.**

As outlined in Sections 2.1, 3.1 and 4.1, LWDBs are required to verify U.S. citizenship or legal right to work for all WIOA Title I programs. Self-attestation is the minimum documentation requirement, but LWDBs may choose to require commonly used [I-9 Documentation](#) such as driver's license or ID cards along with Social Security cards. Other documentation may only be used to supplement self-attestation or accepted I-9 documentation.

### **7.2 Selective Service Requirements**

To be eligible to receive WIOA Title I-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirements or exceptions, or local areas must determine that the failure to register was not knowing and willful. Complete Selective Service registration requirements and exceptions are found in TEGL 11-11, Change 2, including acceptable documentation to determine registration status and procedures for determining whether or not failure to register was knowing and willful.

Additionally, the [Selective Service System website](#) provides additional information about registration requirements, including the [Who Must Register Quick Reference Chart](#).

#### **Males 25 Years and Under**

Before being enrolled in WIOA Title I services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the [Selective Service System Website](#) or provide documentation indicating they are covered by an exception (i.e., serving in the military on full-time active duty or a non-U.S. male on a valid non-immigrant visa, born female and transitioned to male after 26th birthday). Males turning 18 while participating in WIOA Title I services must complete their Selective Service registration no later than 30 days after turning 18 to continue to receive WIOA Title I services. Males between 18 and 25 years of age who refuse to register with the Selective Service must be suspended from WIOA Title I services until registered.

If a youth fails to provide verification of Selective Service registration within 30 days of his 18th birthday, services must be suspended (i.e., on the 31st day after his 18th birthday). LWDBs must stop providing services to participants who have not met Selective Service registration requirements until the requirements are met.

These requirements apply to transgender females. Selective Service registration requirements are based on the gender assigned at birth and not on gender identity or gender reassignment. Individuals who are born male and change their gender identity or assignment to female are required to register. Individuals who are born female and change their gender identity or

assignment to male are not required to register (see exemptions below).

### Males 26 Years and Over

Before enrolling in WIOA Title I services, all males 26 years of age or older must provide (1) documentation of compliance with Selective Service registration requirements; (2) documentation showing they were not required to register; or (3), if they were required to register but did not, documentation establishing that their failure to register was not knowing and willful.

LWDBs that enroll individuals in WIOA Title I-funded activities may require that males 26 years and over, who failed to comply with the Selective Service registration requirement, request a Status Information Letter (SIL) before making a determination that the failure to register was knowing and willful. This letter will indicate whether the individual was required to register and did not or is exempt from registering.

Alternatively, LWDBs may initiate local processes to determine if the failure to register was knowing and willful without first having individuals request SIL. This option may be preferable for entities that have time limits for enrolling participants (e.g., individuals recently released from incarceration).

### Individuals exempt from Selective Service registration:

- Males on current non-immigrant visas as long as they remain on valid visas up until they turn 26. The list of supporting documentation can be found [here](#).
- Male nationals or citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau who reside in the U.S. for less than one year (non-habitual) under any status or are in the U.S. as employees of the government of their homeland or as students who entered the U.S. for the purpose of full-time studies as long as they maintain that status.
- Males who were neither citizens nor residents of the United States from 30 days before they turned 18 through the age of 25.
- Hospitalized or incarcerated males who can prove they were continuously institutionalized or confined from 30 days before they turned 18 through the age of 25.
- Males serving in the military on full-time active duty if they served continuously from age 18 to through age 25.
- Males attending U.S. military service academies.
- Transgender males (born females, but identify as or transitioned to males).

The [Status Information Letter](#) process and form noted in TEGL 11-11, Change 2, cites documentation requirements for several registration exemption categories, as does the table found at this [link](#).

### Determining Knowing and Willful Failure to Register

TEGL 11-11, Change 2, provides LWDBs with detailed information about the Selective Service System (SSS) process to which they, as authorized organizations, can refer applicants to request Status Information Letters (SIL) that address whether or not their failure to register was knowing and willful. SIL, if they favor applicants, are the most definitive documents proving the

failure to register was not knowing and willful.

The intent of the TEGl is to also provide a framework for LWDBs to develop local policies and procedures consistent with SSS requirements to determine whether or not an applicant's failure to register was knowing and willful through a recommended set of questions, individual statements and relevant evidentiary documentation (i.e., documentation that establishes through a preponderance of evidence that the reason for not registering was not knowing and willful).

Because circumstances will vary and need to be considered on a case-by-case basis, there is not an exhaustive list of acceptable evidence, but the SSS provides guidance in TEGl 11-11 Change 2, through the [Status Information Letter](#) process and form described on the SSS website, and through a table that can be found at this [link](#). Individuals should be encouraged to offer as much evidence and in as much detail as possible to support their case.

If LWDBs determine that an individual's failure to register was not knowing and willful and the individual is otherwise eligible, services may be provided. If LWDBs determine that the evidence shows an individual's failure to register was knowing and willful, services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. LWDBs must keep documentation related to evidence presented in determinations related to Selective Service.

### **7.3 Priority of Service for Veterans and Eligible Spouses**

All federally-funded programs, including WIOA core and required programs and service delivery, must align with federal law, regulations, and guidance on priority of service for veterans and eligible spouses. Priority of service entitles eligible veterans or spouses to enrollment and services before eligible non-covered persons. Refer to 38 U.S. Code 4215, 20 CFR Part 1010, TEGl 10-09\_VPL 07-09, and Veterans Policy 6010 – Priority of Service for Veterans and Eligible Spouses for additional guidance on Priority of Service. Refer to [Section 3.2](#) for specific guidance on priority for service for the Title I Adult program.

### **7.4 Use of Unemployment Insurance Self-Service (eServices) Web Site**

WorkSource Information Notice (WIN) 0027, Change 4, provides information on the use of data accessible to Unemployment Insurance (UI) claimants through the Unemployment Insurance Self-Service web site to secure information that can assist in determining Dislocated Worker program eligibility. Staff can use printouts of UI information provided by UI claimants who have Secure Access Washington (SAW) accounts that allow them to access, view and print their on-line UI claim information.

### **7.5 Income Verification and Family Size for the Low-Income Criteria**

#### **7.5.1 Income Verification**

Unemployed individuals do not automatically meet local parameters regarding low-income. The intent is to prioritize services to individuals based on family income (low-income or on public assistance).



Using the definition of low-income at WIOA Section 3(36), LWDBs make local determinations regarding income verification and what is included or excluded as income (WorkSource System Policy 1019, Revision 12 Section 3.c - Local Responsibilities).

To determine whether an individual is low-income under the definition at WIOA Section 3(36), it is also necessary to consider family size and family income.

DOL has provided the following guidance for use in determining low-income status:

- Unemployment insurance, child support payments and old-age survivors' insurance are includable income for adults and dislocated workers (TEGL 19-16).
- Military pay or allowances paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not includable income (TEGL 19-16; 20 CFR 683.230).
- Unemployment insurance and child support payments are includable income for youth (TEGL 21-16).

**7.5.2 Determining Family Size**

For these purposes, “family” under WIOA means two or more individuals related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A married couple, and dependent children;
- A parent or legal guardian and dependent children; or
- A married couple.

Refer to [Section 5.7](#) for guidance related to the impact of Washington’s Marriage Equality Act.

NOTE: Based on 20 CFR 681.280, even if the family of a disabled individual does not meet the income eligibility criteria, the disabled individual may be considered a low-income individual if their income meets the income criteria of WIOA section 3(36)(A) or 3(36)(B). Disabled individuals would be considered a family of one and only their income considered in determining low-income.

**7.5.3 Defining Dependent**

WIOA does not define dependent. To avoid uncertainty in making eligibility decisions regarding family size and income, the State has identified three circumstances where youth must be considered dependents of parents or legal guardians for the purpose of determining family size for WIOA Title I youth and adult program eligibility:

1	Youth not yet 18, who are not emancipated youth nor runaway youth, living “at home” with their parents or legal guardians, including individuals in the temporary care of another individual or household (but not claimed as a dependent by that household)
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2	Youth aged 18-19 who are full-time students in a secondary school or equivalent and are living “at home” with their parents or legal guardians.
3	Youth aged 18-24 who are not full-time students and are living “at home” with their parents or legal guardians and who are primarily supported by their parents.

LWDBs must also address in local policy and procedures how youth who do not fit circumstances 1-3 will be categorized as dependents or non-dependents for the purpose of determining family size.

A legal guardian is a blood relative (e.g., grandparent, aunt or uncle) or other legally recognized relative (e.g., by decree of the court) who claims the youth as a dependent. The key factors are:

- Relationship by blood or decree of court;
- Living in a single residence; and
- The youth is claimed as a dependent.

If LWDBs choose to identify youth in circumstances 1 and 3 as independent, the definition must be made explicit in local procedures to eliminate any confusion for the purpose of determining family size when making eligibility determinations for the WIOA Title I youth and adult programs (WorkSource System Policy 1019, Revision 12 - Section 3.c - Local Responsibilities).

NOTE: LWDBs have the authority to develop additional criteria consistent with state and federal guidance to help staff determine family size and income for the purpose of determining WIOA Title I youth and adult program eligibility (WorkSource System Policy 1019, Revision 12 - Section 3.c - Local Responsibilities).

## **7.6 Washington’s Marriage Equality Act**

Washington’s Marriage Equality Act (RCW 26.60) expands the definition of a “married couple” beyond that of a male and a female. The federal Respect for Marriage Act of 2022 (Public Law 117-228) further codified this expanded definition. Accordingly, with respect to this policy, the State and Federal definition of a married couple extends beyond that of a male and a female.

This expanded definition applies to all WIOA Title I policy guidance and specifically impacts family size, eligible spouses (Priority of Service), military spouses (Dislocated Worker eligibility), and displaced homemakers (Dislocated Worker eligibility).

## **7.7 Incumbent Workers**

WIOA Section 134(d)(4) and 20 CFR 680.780 direct states and local areas to establish policies, definitions, and processes to determine which workers, or groups of workers, are eligible for incumbent worker training (IWT) services. Per 20 CFR 680.780, to qualify, incumbent workers need to be employed, meet Fair Labor Standards Act requirements for an employer-employee relationship, and have established employment histories with the employer for six months or more by the time the IWT contract is fully executed. However, if

the training is provided to a cohort or group of employees, only a mathematical majority must meet the six month or more employment history requirement.

Because IWT is a business service (per TEGL 10-16, Change 3, and 19-16, individuals in IWT are not participants), LWDBs must document that employers meet the eligibility requirements in WIOA Title I Policy 5607, Revision 6 and ensure that employers document that their IWT employees meet incumbent worker eligibility requirements in WIOA Title I Policy 5607 as conditions for approving IWT for employers.

Per 20 CFR 680.780 and Section 13 of TEGL 19-16, incumbent workers need not meet the WIOA Title I eligibility requirements for adults or dislocated workers to receive career and training services unless they are also co-enrolled as participants in the WIOA Title I Adult or Dislocated Worker programs.

Per 20 CFR 682.320-340 and TEGL 19-16, IWT funded by first-year statewide Rapid Response funds must be associated with and documented as part of a layoff aversion strategy designed to prevent layoffs or minimize durations of unemployment resulting from layoffs.

Per TEGL 10-16, Change 3 and TEGL 19-16, Attachment II, IWT does not trigger participation and individuals in IWT are not program participants. Accordingly, individuals in IWT are not eligible to receive supportive services unless they meet eligibility for and are co-enrolled in either the WIOA Title I adult or dislocated worker programs and receive a qualifying career service or training service (presumably the former as they are already engaged in IWT). In other words, individuals in IWT only are not eligible to receive supportive services. See also Section 1.4 – Supportive Services.

## **7.8 Definition of Long Term Unemployed for National Dislocated Worker Grants**

For National Dislocated Worker Grants (NDWG) that do not define *Long-Term Unemployed* and direct States to define the term, Washington defines them as individuals legally-entitled to work in the U.S. and of legal working age who are looking for a job, available for work, and:

- a. Have never been employed (i.e., no prior attachment to either an employer or self-employment);
  - b. Have dropped out of the labor force, but desire to return (e.g., discouraged workers – who were not actively looking for work because they did not think they could find work; individuals who took time off to raise a child or care for another family member; individuals who took time off to further their education;
  - c. Have regular or frequent spells of unemployment (i.e., seasonal or sporadic attachment to work);
  - d. Are determined ineligible for WIOA Title I Dislocated Worker programs but unemployed for 13 or more weeks;
  - e. Are under-employed (i.e., working part-time out of necessity but desirous of full-time work; working full-time but wages or working conditions are unsuitable);
  - f. Are ex-offenders who are unemployed after incarceration;
  - g. Are currently incarcerated offenders within one year of release;
  - h. Are individuals who suffered an on-the-job injury, non-work-related injury or illness, were institutionalized, or were victims of a crime and have been out of work as a result;
- or

- i. Are active-duty service members (or spouses) who face involuntary, other than dishonorable, discharge from the military.

Note: The minimum source documentation requirement for Long-Term Unemployed eligibility is written self-attestation.

## **8. Eligibility Documentation Requirements**

The matrix below describes documentation requirements for program eligibility criteria. Some, though not all, of these requirements are also found in WorkSource System Policy 1003, Revision 6, and TEGl 23-19, Change 2.

### **8.1 Instructions for the eligibility and documentation matrix:**

Criteria: This column represents all eligibility components for WIOA Title III (W-P) and WIOA Title I Youth, Adult, and Dislocated Worker (DW) programs.

Eligibility Requirement: This column includes each program with a checkmark indicator if the eligibility criteria applies to that specific program.

Documentation Requirement: The corresponding eligibility documentation requirements to the right align, which aligns with DEV documentation requirements where there is cross-application.

One document in this column is required for each relevant eligibility criteria/category. Each criterion is connected to one or more potential lists, but only one document (from the relevant list) is necessary (e.g., low-income and youth category 3 include multiple “options” but only one option is necessary). In addition to the required documentation, LWDBs can supplement this requirement by implementing supplemental documentation requirements (WorkSource System Policy 1019, Revision 12 - Section 3.c - Local Responsibilities).

#### Remote or Virtual Eligibility Documentation

Remote or virtual source documentation is allowed. It can be obtained and verified:

- a. By electronic means (e-mailed or texted attachments, scans, digital photographs sent in encrypted form; electronic signature platforms such as DocuSign or Verisign).
- b. Through copies of documents sent via postal pickup or mail drop-off at local one-stop sites.
- c. Through a combination of the above in order to safeguard Personally Identifiable Information (PII).

Required signatures for eligibility documentation (including applications, EO and complaint procedures, data collection certification, and self-attestation/applicant statement forms) can be obtained via:

- a. Electronic document signing platforms (e.g., DocuSign, Verisign).
- b. Electronically transmitted digital photos of signed documents.
- c. Postal mail pickup or drop-off of paper forms.

- d. E-mail (in lieu of signatures).
  - i. For applications and EO and complaint procedures, applicants must reply in the affirmative that they have read and understand the information. The responses and date stamps on the e-mailed replies indicate completion of the form.
  - ii. For the data collection certification and self-attestation/applicant statement forms, applicants must reply in the affirmative that they certify the information is true and accurate. The responses and date stamps on the e-mailed replies indicate completion of the form.
- e. A combination of the above.

Self-attestation: The self-attestation column indicates whether or not the corresponding documentation list allows self-attestation. To ensure properly documented customer self-attestation, please consult the self-attestation [definition](#) from TEGL 23-19, Change 2, provided on page 4 of this Handbook for allowable forms of source documentation. To that point, the self-attestation forms provided in WorkSource System Policy 1003, Revision 6 or local versions that are substantially similar qualify as self-attestation source documentation. DOL further recommends that staff document in case notes the reason for using self-attestation as opposed to other allowable documentation.

Improperly documented self-attestation or self-attestation on eligibility elements not permitted under federal law or guidance or this policy may result in questioned and possibly disallowed costs. Properly documented self-attestation serves as documentary evidence of eligibility determination and does not, by itself, warrant disallowed cost findings. At the same time, properly documented self-attestation does not, by itself, preclude disallowed cost findings if it is determined during monitoring, reviews, or audits that the attestation was false.

**Note:** Under WorkSource System Policy 1023, Revision 1, local areas formally implementing Integrated Service Delivery with co-enrollment can utilize self-attestation to document that participants are 18 years of age or older, are legally entitled to work in the U.S., and have registered for Selective Service (as applicable) for the purposes of eligibility determinations for the WIOA Title I adult and dislocated worker programs so long as those individuals are provided basic career services only. If those participants later pursue individualized career services or training services, full eligibility documentation is required.

Criteria	Eligibility Requirement For:					Documentation Requirement	Self-Attestation
	W-P	ISY	OSY	Adult	DW		
<b>Legally Entitled to Work in the U.S.</b>	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Self-attestation</li> <li>Accepted <a href="#">I-9 Documentation</a>, such as: driver's license / ID card along with Social Security card.</li> </ul> <p>Note: for more information on employment eligibility guidance and alignment with I-9 documentation please see <a href="#">M-274, Instructions for Completing Form I-9</a></p>	Yes
<b>Age</b>	N/A	✓	✓	✓	N/A	<p><u>Date of Birth:</u></p> <ul style="list-style-type: none"> <li>Driver's license</li> <li>Baptismal record</li> <li>Birth certificate</li> <li>DD-214</li> <li>Report of Transfer or Discharge paper</li> <li>Federal, state or local ID card</li> <li>Passport</li> <li>Hospital record of birth</li> <li>Public assistance/social service records</li> <li>School records or ID cards</li> <li>Work permit</li> <li>Family Bible</li> <li>Cross-match with state agency records</li> <li>Justice system records</li> <li>Selective Service registration</li> <li>Signed letter from parent or guardian</li> <li>Medical records</li> <li>Self-attestation</li> </ul>	Yes
<b>Selective Service Registration</b> <sup>1/2</sup>	N/A	✓	✓	✓	✓	<p>TEGL 11-11 Change 2:</p> <ul style="list-style-type: none"> <li>Selective Service acknowledgement letter</li> <li>Form DD-214 "Report of Separation"</li> <li>Screen printout of the <a href="#">Selective Service Verification site</a></li> <li>Selective Service Registration Card; Selective Service Verification (Form 3A)</li> <li>Stamped Post Office Receipt of Registration.</li> </ul>	Yes (basic career services only)
<b>Low-Income</b> <sup>3</sup>	N/A	✓	✓	N/A	N/A	<p><u>Low-income, TANF, and Other Public Assistance for Adult and Youth</u></p> <p><u>Low-Income:</u></p> <ul style="list-style-type: none"> <li>Award letter from Veteran's Administration</li> <li>Bank statements</li> <li>Pay stubs</li> <li>Compensation award letter</li> <li>Court award letter</li> </ul>	<p>Yes for low-income</p> <p>Yes for TANF and Other Public Assistance (basic career services)</p>

					<ul style="list-style-type: none"> <li>• Pension statement</li> <li>• Employer statement/contact</li> <li>• Family or business financial records</li> <li>• Housing authority verification</li> <li>• Quarterly estimated tax for self-employed persons</li> <li>• Social Security benefits</li> <li>• UI claim documents</li> <li>• Copy of authorization to receive cash public assistance</li> <li>• Copy of public assistance check</li> <li>• Public assistance eligibility verification</li> <li>• Cross-match with refugee assistance records</li> <li>• Cross-match with public assistance records</li> <li>• Cross-match with UI wage records</li> <li>• Self-attestation</li> </ul> <p><u>TANF:</u></p> <ul style="list-style-type: none"> <li>• TANF eligibility verification</li> <li>• TANF period of benefit receipt verification</li> <li>• Referral transmittal from TANF</li> <li>• Cross-match with TANF public assistance records</li> <li>• Self-attestation or hard or electronic case notes (noting that staff saw proof of TANF document) for basic career services only.</li> </ul> <p><u>Other Public Assistance (State/Local General Assistance, Refugee Cash Assistance, or Food Stamp Assistance)</u></p> <p><u>Recipient:</u></p> <ul style="list-style-type: none"> <li>• Copy of authorization to receive cash public assistance</li> <li>• Copy of public assistance check</li> <li>• Medical card showing cash grant status</li> <li>• Public assistance eligibility verification</li> <li>• Cross-match with refugee assistance records</li> <li>• Cross-match with public assistance records</li> <li>• Cross-match with state MIS (labor exchange system/case management system) database for basic career services only</li> <li>• Self-attestation for basic career services only</li> <li>• Hard or electronic case notes (noting that staff saw proof of public assistance document) for basic career services only.</li> </ul>	only)
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<b>Youth Program – In-School</b>	Category 1	<u>Basic skills deficiency:</u> <ul style="list-style-type: none"> <li>CASAS pre-test score(s)</li> </ul>	No
	Category 2	<u>English Language Learner:</u> <ul style="list-style-type: none"> <li>Case notes</li> <li>Assessment test results</li> <li>Applicable records from education institution (transcripts or other school documentation)</li> <li>Self-attestation</li> <li>Signed intake application or enrollment form</li> <li>Signed individual service strategy</li> </ul>	Yes
	Category 3	<u>Offender:</u> <ul style="list-style-type: none"> <li>Self-attestation</li> <li>Documentation from juvenile or adult criminal justice system</li> <li>Documented phone call with court or probation representatives</li> <li>WIOA intake or registration form.</li> </ul>	Yes
	Category 4	<u>Homeless individual and/or runaway youth:</u> <ul style="list-style-type: none"> <li>Self-attestation</li> <li>Signed intake application or enrollment form</li> <li>Written statement or referral transmittal from a shelter or social service agency</li> <li>Needs assessment</li> <li>Case notes</li> <li>Signed individual service strategy</li> <li>Letter from caseworker or support provider</li> </ul>	Yes
	Category 5	<u>Foster Care Youth:</u> <ul style="list-style-type: none"> <li>Written confirmation from social services agency</li> <li>Case notes</li> <li>Self-attestation</li> <li>Foster care agency referral transmittal</li> <li>Signed intake application or enrollment form</li> <li>Needs assessment</li> <li>Signed individual service strategy</li> </ul>	
	Category 6	<u>Pregnant or Parenting Youth:</u> <ul style="list-style-type: none"> <li>Self-attestation</li> <li>Case notes</li> <li>Needs assessment</li> <li>WIC eligibility verification</li> <li>TANF single parent eligibility verification</li> <li>Signed intake application or enrollment form</li> </ul>	Yes

	Category 7	Refer to Category 8 list below	Yes
	Category 8	<u>Youth who needs additional assistance:</u> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Signed intake application or enrollment form</li> <li>• Case notes</li> <li>• Needs assessment</li> <li>• Signed individual service strategy</li> </ul>	Yes
<b>Youth Program – Out-of-School</b>	Category 1	<u>School Status at Participation:</u> <ul style="list-style-type: none"> <li>• Cross-match with postsecondary education database</li> <li>• Copy of educational institution enrollment record</li> <li>• Applicable records from education institution (HED certificate, diploma, attendance record, transcripts, drop out letter, school documentation)</li> <li>• Signed intake application or enrollment form</li> <li>• Electronic records</li> <li>• Self-attestation</li> </ul>	Yes
	Category 2	Refer to Category 1 list above	Yes
	Category 3	<u>Basic skills deficiency:</u> <ul style="list-style-type: none"> <li>• CASAS pre-test score(s)</li> </ul>	No
	Category 4	<u>Offender:</u> <ul style="list-style-type: none"> <li>• Documentation from the juvenile or adult criminal justice system</li> <li>• Written statement or referral document from a court or probation officer</li> <li>• Referral transmittal from a reintegration agency</li> <li>• Signed intake application or enrollment form</li> <li>• Case notes</li> <li>• Needs assessment</li> <li>• Self-attestation</li> <li>• Signed individual service strategy</li> <li>• Federal bonding program application</li> </ul>	Yes
	Category 5	<u>Homeless individual and/or runaway youth:</u> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Signed intake application or enrollment form</li> <li>• Written statement or referral transmittal from a shelter or social service agency</li> <li>• Needs assessment</li> <li>• Case notes</li> <li>• Signed individual service strategy</li> <li>• Letter from caseworker or support</li> </ul>	Yes



		provider	
	Category 6	<u>Foster Care Youth:</u> <ul style="list-style-type: none"> <li>• Written confirmation from social services agency</li> <li>• Case notes</li> <li>• Self-attestation</li> <li>• Foster care agency referral transmittal</li> <li>• Signed intake application or enrollment form</li> <li>• Needs assessment</li> <li>• Signed individual service strategy</li> </ul>	
	Category 7	<u>Pregnant or Parenting Youth:</u> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Case notes</li> <li>• Needs assessment</li> <li>• WIC eligibility verification</li> <li>• TANF single parent eligibility verification</li> <li>• Signed intake application or enrollment form</li> </ul>	Yes
	Category 8	<u>Disability:</u> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• School 504 records provided by student</li> <li>• Assessment test results</li> </ul>	Yes
	Category 9	<u>Youth who needs additional assistance:</u> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Signed intake application or enrollment form</li> <li>• Case notes</li> <li>• Needs assessment</li> <li>• Signed individual service strategy</li> </ul>	Yes
<b>Dislocated Worker Program</b>	Category 1	<u>Date of Actual Qualifying Dislocation:</u> <ul style="list-style-type: none"> <li>• Verification from employer</li> <li>• Rapid response list</li> <li>• Notice of layoff</li> <li>• Public announcement with follow-up by cross-match with UI database</li> <li>• Self-attestation</li> </ul>	Yes
	Category 2	Refer to Category 1 list above	Yes
	Category 3	Refer to Category 1 list above	Yes

	Category 4	<u>Displaced Homemaker:</u> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Signed intake application or enrollment form</li> <li>• Cross-match with public assistance records</li> <li>• Copy of spouse's layoff notice</li> <li>• Copy of spouse's death record</li> <li>• Copy of spouse's permanent change of station (PCS) orders (for a military move or assignment)</li> <li>• Copy of divorce records</li> <li>• Copy of applicable court records</li> <li>• Copy of bank records (showing financial dependence on spouse, no separate individual income support, or no employment income earned)</li> <li>• Needs assessment</li> <li>• Signed individual employment plan</li> </ul>	Yes
	Category 5 <sup>4</sup>	<ul style="list-style-type: none"> <li>• <u>DD-2648 (Pre separation Counseling Checklist) – Dislocated Service Member</u></li> <li>• <u>Counseling statements indicating separation proceedings – Dislocated Service Member</u></li> <li>• <u>Veterans Administration Release of Information Hospital Inquiry (VA ROI HINQ) – Dislocated Veteran</u></li> <li>• <u>DD-214</u></li> <li>• <u>Self-attestation</u></li> </ul>	Yes
	Category 6	<u>Refer to Category 4 list above</u>	Yes

<sup>1</sup> Refer to [Section 7.2](#) and TEGL 11-11 Change 2 for additional guidance on determining whether or not failure to register was knowing/willful.

<sup>2</sup> Selective Service Registration applies to youth who are 18 years of age or older, either at the time of enrollment or during participation (Refer to [Section 7.2](#)).

<sup>3</sup> Income as an eligibility requirement for the Adult program is determined by the LWDB in alignment with Section ii.b of this attachment. Income as an eligibility requirement for youth does not apply to youth enrolled in the 5% window.

<sup>4</sup> Per [Section 4.2](#), transitioning service members may qualify under the Dislocated Worker program even if a DD-214 has not been obtained. While these individuals may be *eligible* to receive WIOA Dislocated Worker services and funds, they are not veterans for the purposes of DOL reporting.