

Attachment #1 - WIOA ADULT ELIGIBILITY CRITERIA, GLOSSARY, AND DOCUMENTATION CHECKLIST

All WIOA and Other New or Revised Items are Yellow Highlighted

Following is the eligibility criteria for the WIOA Adult Program and a Glossary of relevant terms. Documentation verifying the eligibility of participants in WIOA is mandatory. Eligibility determination 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 insure 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 to individuals 18 years of age or older per Colorado HB1023.

Local Workforce Areas must have an **Adult Priority of Service Policy** in place to provide priority for “individualized” career services and training services to recipients of public assistance, other low-income individuals, individuals who are basic skills deficient, and those who are underemployed and low income. (A separate PGL will provide detailed guidance on the development of this policy). The local priority of service policy for the WIOA Adult Program, along with Veterans priority of service for enrollment, should be implemented in the following order for the four priority categories defined in the law:

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

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/Eligible to Work – Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. 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), and Complete the Affidavit of Immigration Status form for all participants 18 years and older. If the participant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied. (**Exception:** Per TEGL 09-12 (see Attachment 9), operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status.)

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

3. **Age** at enrollment must be 18 or older.

GLOSSARY

Local program staff making eligibility determinations 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

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

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

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

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

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

LIVING IN A SINGLE RESIDENCE

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

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

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

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

FAMILY INCOME – Family income includes total 6 months cash receipts before taxes (i.e. Gross wages) from all sources as defined in “Family” above, except:

If the applicant reports little or no includable income, s/he shall indicate other resources relied upon for life support during the last six months on the Applicant Statement. Such resources may include such things as unpaid debts, gifts, loans, unemployment compensation, etc.

In addition, when a Federal statute specifically provides that income or payments received under such statute shall be excluded in determining eligibility for and the level of benefits received under any other federal statute, such income or payments shall be excluded in WIOA eligibility determinations.

INCOME (Includable):

- 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 - this is a change from the 50% inclusion under JTPA), railroad retirement, strike benefits from union funds, worker's compensation, training stipend, and **death benefits**
- 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.

INCOME (Excludable):

- Unemployment compensation;
- Child support payments, including foster care child payments;
- 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;
- Income earned while the veteran was on active military duty and certain other veteran's benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance;
- 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 DISABILITY – The term “individual with a disability” means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), as follows:

- (1) **Disability:** The term “disability” means, with respect to an individual—
 - (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
 - (B) a record of such an impairment; or
 - (C) being regarded as having such an impairment (as described in paragraph (3)).
- (2) **Major life activities**
 - (A) **In general:** For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
 - (B) **Major bodily functions:** For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- (3) **Regarded as having such an impairment:** For purposes of paragraph (1)(C):
 - (A) An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
 - (B) Paragraph (1)(C) shall not apply to impairments that are transitory & minor. A transitory impairment has an actual or expected duration of 6 months or less.

An Individual with a Disability may be eligible based on the family of one income guideline. Connecting Colorado data entry shall still include the accurate dollar amounts for individual 6 month and (estimated) family 6 month as well as the accurate number of family members. Do **not** leave the family 6 month income field blank and do not enter 01 for number in family unless the Individual with a Disability meets the criteria of an “Individual” as shown above. Connecting Colorado will use the fields necessary to figure the individual income for the Individual with a Disability.

LOW-INCOME INDIVIDUAL.—

- A. The term “low-income individual” means an individual who—
1. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance; or
 2. 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

3. Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))); or
4. Is a foster child on behalf of whom State or local government payments are made; or
5. 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

NOTE: Use of item 6 for Adult Priority of Service should be delayed until CDLE receives USDOL approval. CDLE will notify staff when USDOL has provided a ruling, and will modify this PGL accordingly.

6. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 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.

LOWER LIVING STANDARD INCOME LEVEL.—The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary of Labor in the Federal Register. (The latest was issued in Federal Register Volume 80, Number 59 (Friday, March 27, 2015, pages 16450-16456), and a correction was issued in July 2015.

PARTICIPANT – An individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services) under a program authorized by this Act. Participation shall be deemed to commence on the day the participant receives his first participation service as defined in PGL 12-06-WIA: Data Integrity and the Customer Participation Cycle. Customers receiving self-service or informational activities are not considered to be participants in the WIOA programs.

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

PUBLIC ASSISTANCE.—The term “public assistance” means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test. (i.e. TANF, Refugee Cash Assistance, and Supplemental Security Income). **Note:** Supplemental Security Disability Income (SSDI) is not considered cash welfare and does not make a person automatically eligible for WIOA.

SELECTIVE SERVICE – Only those males who are subject to, and have complied with, the registration requirements of Military Selective Service Act (MSSA) are eligible for participation in WIOA funded programs and services. Every male citizen and every other male residing in the United States shall register with the Selective Service System (SSS) between their 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 for persons eligible to register but who neglected to register and are now over 26 years old:

- **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.
- **Veteran** – A copy of a DD214 showing other than a dishonorable discharge can be used in lieu of a Selective Service registration. In addition, the veteran can provide a Selective Service waiver document (obtainable by the Selective Service System).
- **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 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.

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.)

(continues next page)

WIOA ELIGIBILITY DOCUMENTATION CHECKLIST – ADULT PROGRAM

Eligibility	Required Documentation	Comment
<p>Citizenship/Alien Status (1 is required)</p> <p>(See Attachment 12 for sample Gold Star licenses and IDs)</p>	<p>___ Alien Registration Card indicating Right to Work (INS Forms I-94, I-94A, I-179, I-197, I-551, I-766, not expired)</p> <p>___ T-visa issued to victims of human trafficking (See Attachment 9: TEGL 09-12)</p> <p>___ Self-Attestation at a minimum if DACA eligible (See Attachment 10: TEGL 02-14)</p> <p>___ Baptismal Certificate (if place of birth is shown)</p> <p>___ Birth Certificate</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)</p> <p>___ Hospital Record of Birth</p> <p>___ Naturalization Certification</p> <p>___ U.S. Passport</p> <p>___ Native American Tribal Document</p> <p>___ Certificate of Degree of Indian Blood</p> <p>___ REAL-ID Compliant Driver’s License or State ID with Gold 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-Gold Star DL/ID Card</p> <p>___ SAVE Verification Printout AND non-Gold Star Driver’s License or State ID. No SSN card required.</p>	<p>CO license or ID card must <u>not</u> say: “not valid for federal identification, voting, or public benefits purposes.”</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 <u>(Not required for eligibility – create pseudo SSN instead)</u> May be required for participation in paid work experiences, internships, or wage subsidy programs</p>	<p>___ DD-214, Report of Transfer or Discharge</p> <p>___ IRS Form Letter 1722</p> <p>___ Letter from Social Security Agency</p> <p>___ Pay Stub</p> <p>___ Social Security Benefits</p> <p>___ Social Security Card</p> <p>___ W-2 Form</p>	
<p>Affidavit of Immigration Status (Signed affidavit required in conjunction with one of the listed forms of ID for age 18 & older)</p>	<p>___ CO Driver’s License/ID Card, not expired</p> <p>___ U.S. Military Card</p> <p>___ Military Dependent Identification Card</p> <p>___ U.S. Coast Guard Merchant Mariner Card</p> <p>___ Native American Tribal Document</p> <p>___ U.S. Passport, not expired</p> <p>___ Other State’s Driver’s License/State I.D card, not expired, from a “lawful presence” state, including the District of Columbia. Exceptions are Alaska, Hawaii, Illinois, Maryland, Nebraska, New Mexico, Utah, and Washington.</p>	<p>CO license or ID card must <u>not</u> say: “not valid for federal identification, voting, or public benefits purposes.”</p>

<p>AGE (1 is required)</p>	<p>___ Baptismal Record ___ Birth Certificate ___ Driver's License ___ Federal, State, or Local photo ID ___ DD-214 ___ Passport ___ Hospital record of birth ___ Public assistance/social service record ___ School records or ID card ___ Work permit ___ Cross match with Dept. of Vital Statistics ___ Tribal records</p>	
<p>PRIORITY OF SERVICE: Low Income / public assistance recipient/ under-employed and low income/</p> <p>Family Size for Low Income</p> <p>School Lunch for Low Income</p> <p>Basic Skills Deficient</p>	<p>___ Pay stubs for all family members ___ Employer statement: written or case note ___ Alimony agreement ___ Bank statements ___ Compensation award letter ___ Court award letter/document (for alimony) ___ Pension statement ___ Family or business financial records ___ Housing authority verification ___ Social Security benefits statement ___ Social services ID card or public assistance records (CDHS Quest card not allowed) ___ UI documents ___ Quarterly estimated tax (self-employed persons) ___ Other _____</p> <p>___ SSN Cards for all family members ___ Tax records ___ Marriage license, divorce decree, or other court records ___ Other _____</p> <p>Should USDOL allow use of eligible for free/reduced price school lunch to determine low income adults (those in secondary school and not older than 21, or the parent of an in-school youth eligible for the lunch program), the following documentation may be used: ___ The most recent school year reduced rice or free lunch eligibility status document for the individual or school ___ Other _____</p> <p>___ Basic skills assessment questions or test results ___ Basic skills observation and case notes ___ Referral/records from Title II Adult Basic Ed Program ___ Referral/records from English Language Learner Program ___ Other _____</p>	