

WDD PROGRAM GUIDE

CHAPTER 2

WIOA Eligibility

Overview

Introduction

Chapter 2 of the Workforce Development Department (WDD) Program Guide provides information about Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker, and Youth eligibility in the San Bernardino County Local Workforce Development Area.

References

This handbook chapter contains information regarding WIOA regulations, signed into law in 2014 and directives received from the Department of Labor (DOL) and the Employment Development Department (EDD).

DOL		EDD	
Training and Employment Guidance Letters (TEGL):		Workforce Service Directives (WSD):	
<ul style="list-style-type: none">• TEGL 3-15• TEGL 19-16	<ul style="list-style-type: none">• TEGL 7-20	<ul style="list-style-type: none">• WSD 16-18• WSD 17-04	<ul style="list-style-type: none">• WSD 19-04• WSD 19-07

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WIOA Enrollment Forms

Introduction

For customers to be evaluated for Workforce Innovation and Opportunity Act (WIOA) services certain enrollment forms needs to be completed. In addition, the Workforce Development Department (WDD) has modified the policy for managing the collection of confidential information from customers regarding medical and disability related information. The change in policy is to ensure WDD meets the standard set forth by the State.

This section lists the enrollment forms the America's Job Center of California (AJCC) and the confidential process staff will provide to customers who want to enroll into WIOA services for any of the following programs:

- Adult,
 - Dislocated Worker, or
 - Youth.
-

Forms

The enrollment forms customers complete to be evaluated for WIOA services for all three (3) programs are:

- WIOA Application - WIOA Application is the primary method to determine eligibility and dictates what documentation is required based on the customer's answers.
 - Application Disclosure Document (ADD) – combined the following disclosure documents into one (1) document:
 - Program Complaint and Grievance Procedures
 - Discrimination Complaint Procedures
 - Equal Opportunity (EO) Is the Law
 - Equipment and Resource Usage Agreement
 - Follow-up Agreement
 - Supplemental Disclosure Form (SDF) – The confidential questions to gather related to disability. Refer to the additional blocks below for the SDF changes and process.
-

WIOA Application

The Workforce Development Technician (WDT) will complete the online application with the customer either by phone or in-person.

The paper WIOA application will not be given to the customer to complete. The paper WIOA application will **only** be used in situations when the CalJOBS system is down for a long period of time or if it is in the best interest for the customer.

Once the system is up and running, the paper WIOA application must be entered into CalJOBS within 24 hours or one (1) business day.

Examples:

- CalJOBS goes down at 9:00 am on a Monday and is down until 3:00 pm. The WDTs will have until close of business on Tuesday to input the information into CalJOBS.
 - CalJOBS goes down at 10:00 am on Friday and is down the remaining of the day. The WDTs will input the application into CalJOBS by close of business on Monday.
 - CalJOBS goes down at 8:00 am on Friday and is down the remaining of the day; Monday is a holiday, the WDTs will input the application into CalJOBS by close of business on Tuesday.
-

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WIOA Enrollment Forms, Continued

ADD

The ADD combined all the required enrollment documents into one PDF document and only requires a customer to initial each disclosure document and sign and date the last page.

The ADD is located in the **WDD Intranet in the Forms tab> Enrollment folder.**

SDF confidentiality

The Supplemental Disclosure form (SDF) will only be completed if CalJOBS system is down and the paper WIOA application process is completed.

The SDF is used to collect confidential data all medical and disability related information previously collected on the Adult, Dislocated Worker, and Youth Application for Workforce Innovation and Opportunity Act (WIOA) Services.

The SDF will be saved and stored separately as an encrypted document in CalJOBS and/or share drive:

- America's Job Center of California (AJCC) staff will store the SDF on the WDD Shared Drive by office location.
- Youth Providers will store the document in a locked file cabinet in a designated office location and in CalJOBS

Note: The SDF is required to be retained for five (5) years.

WDT Responsibilities

For customers who call, is referred, or come into an AJCC to apply for WIOA services; the WDT will complete the following steps.

Step	Action								
1	<ul style="list-style-type: none"> • Access CalJOBS, • Search CalJOBS to determine if the customer has an existing active case: 								
	<table border="1"> <thead> <tr> <th>If ...</th> <th>Then ...</th> </tr> </thead> <tbody> <tr> <td>Active case exists,</td> <td>Provide customer with his/her advisor name to assist them.</td> </tr> <tr> <td>Closed case needs re-enrollment,</td> <td> <ul style="list-style-type: none"> • Obtain permission from Supervisor, and • Go to step 2. </td> </tr> <tr> <td>No active case exists,</td> <td>Go to step 2.</td> </tr> </tbody> </table>	If ...	Then ...	Active case exists,	Provide customer with his/her advisor name to assist them.	Closed case needs re-enrollment,	<ul style="list-style-type: none"> • Obtain permission from Supervisor, and • Go to step 2. 	No active case exists,	Go to step 2.
If ...	Then ...								
Active case exists,	Provide customer with his/her advisor name to assist them.								
Closed case needs re-enrollment,	<ul style="list-style-type: none"> • Obtain permission from Supervisor, and • Go to step 2. 								
No active case exists,	Go to step 2.								
2	Ask the customer the questions in each section of the CalJOBS application.								
3	<ul style="list-style-type: none"> • Obtain all appropriate documentation, and • Explain to the customer: <ul style="list-style-type: none"> – To go forward with providing WIOA employment or training services, the Right to Work (RTW) documents must be provided. – Until RTW documents are provided he/she can receive non-assisted staff activities <p>Notes:</p> <ul style="list-style-type: none"> • Refer to <i>Program Guide, Chapter 2 – WIOA Eligibility</i> for the appropriate documentation and when it is required to obtain RTW documentation. • Refer to the <i>Non-Assisted Staff activities block</i> for additional information. 								

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WIOA Enrollment Forms, Continued

WDT Responsibilities, continued

Step	Action						
4	Convert ADD form as PDF, and:						
	<table border="1"> <thead> <tr> <th>If the customer ...</th> <th>Then ...</th> </tr> </thead> <tbody> <tr> <td>Is in-person,</td> <td> <ul style="list-style-type: none"> Print the ADD and last page of the WIOA application or give the customer the mouse and let them sign the application from the computer screen, Have the customer sign/date the last page of the online PDF application, and Have the customer initial each page of the ADD form and sign/date the last page. </td> </tr> <tr> <td>Called in,</td> <td> <ul style="list-style-type: none"> Send the CalJOBS link and attach the ADD PDF by email to the customer to sign/date, and Include the YouTube link on "How to sign PDF" for customers who are not computer literate. <p>Note: Refer to the CalJOBS Remote Signature User Guide for sending link and attachment thru the CalJOBS system. User Guide is located in the WDD Intranet>Resources and Reference tab.</p> </td> </tr> </tbody> </table>	If the customer ...	Then ...	Is in-person,	<ul style="list-style-type: none"> Print the ADD and last page of the WIOA application or give the customer the mouse and let them sign the application from the computer screen, Have the customer sign/date the last page of the online PDF application, and Have the customer initial each page of the ADD form and sign/date the last page. 	Called in,	<ul style="list-style-type: none"> Send the CalJOBS link and attach the ADD PDF by email to the customer to sign/date, and Include the YouTube link on "How to sign PDF" for customers who are not computer literate. <p>Note: Refer to the CalJOBS Remote Signature User Guide for sending link and attachment thru the CalJOBS system. User Guide is located in the WDD Intranet>Resources and Reference tab.</p>
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5	<ul style="list-style-type: none"> Enter 108 (Referred to WIOA Services, not training) Activity code in CalJOBS, and Complete a thorough case note. 						
6	<ul style="list-style-type: none"> Enter customer information onto the Application Tracking log regardless if the customer needs to provide documentation before WIOA staff assisted services may be provided, and Follow-up on a regular basis with customer regarding the missing documents and the importance of providing the documents. 						
7	<ul style="list-style-type: none"> Send list of completed application/documentation to supervisor to review after customer provides his/her documents , as supervisor determines, Assign WDS to the completed application once supervisor approves enrollment, if needed, Scan documents following the Scanning Guide policy, and Complete a case note 						

Non-Staff Assisted Activities

The Non-Staff Assisted Activities are services that do not require an assessment by a staff member of the individual's skills, education, or career objectives. Non-staff assisted activities do not extend the date of exit in performance reporting.

The Non-Staff Assisted Activities are listed in the CalJOBS Individual Activity Code as "*Self-Service Information-Only Activity*". Non-Staff Assisted Activities may also include:

- Program referrals,
- Outreach,
- Intake,
- Orientation, and
- Eligibility determination.

The CalJOBS Individual list is located in the **WDD Intranet>Resources & References section> Resources tab.**

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WIOA Enrollment Forms, Continued

Application Tracking Log

The Application Tracking Log is used by the WDTs to track all customers who completed an online application and who need to provide documentation prior to:

- WIOA services being provided, and
- Supervisor/Manager approving the customer's application.

The following information is what the WDT must enter on the tracking log:

- Date taking of application
- Application ID Number
- WDT
- Customer's last and first name
- Last 4 of his/her Social Security Number
- Missing information Yes/No
- List of missing documents
- Follow-up notes
- Date info received
- Application complete date
- Date submitted to supervisor
- Assigned Workforce Development Specialist
- Notes

The Application Tracking log is located in the **WDD Share-Drive> Application Tracking log**. The folder contains a sub-folder for each AJCC separate tracking log.

Eligibility Documentation

Introduction A customer’s eligibility for Workforce Innovation and Opportunity Act (WIOA) services must be verified and documented. This section provides the eligibility criteria and acceptable documents to determine WIOA eligibility.

Acceptable documentation Table below identifies the acceptable forms of documentation for each eligibility criteria for Adults, Dislocated Workers, and Youth.

General Eligibility Criteria (Verify each criterion unless otherwise specified.)	Acceptable Documentation (Only one document from this column per eligibility criterion is required.)
<p>Birth Date/Age:</p> <p>Applicants must be age 18 or older at the time of registration to participate in the Adult and Dislocated Worker programs.</p>	<ul style="list-style-type: none"> • Birth certificate • DD-214 form (<i>The DD214 has the client’s social security number and date of birth listed</i>) • Driver’s License (current-not expired) • Federal, state or local government issued identification card • Passport • School records
<p>U.S. Work Authorization:</p>	<p>Refer to the U.S. Work Authorization section in this chapter for documentation requirements.</p> <p>Note: The NUMI printout may not be used to establish employment eligibility.</p>
<p>Low-income</p>	<p>Refer to the LLSIL and Poverty Section in this chapter for documentation requirements.</p>
<p>Selective Service Registration</p>	<p>Refer to the Selective Service section in this chapter for documentation requirements.</p>

Self-Attestation Self-attestation’s are not to be used as the primary method of verifying data elements. Self-attestation should only be used when the preferred options of paper documentation or third party corroboration are not available.

Note: Only the completed self-attestation form provided by WDD will be accepted.

U.S. Work Authorization

Introduction

This section provides guidelines for a single verification process regarding work authorization requirements for customers enrolled in Title I Workforce Innovation and Opportunity Act (WIOA) and Title III Wagner-Peyser programs in the America's Job Center of California (AJCC). In addition to the single verification process, AJCC staff will use the United States Citizenship and Immigration Services Employment Eligibility Verification form (also known as I-9) to verify an individual's authorization to work in the United States.

I-9 documentation

The Employment Eligibility Verification form (I-9) is divided into three (3) lists:

- List A – documents that establish both identity and employment authorization
- List B – documents that establish identity, and
- List C – documents that establish employment authorization.

All documents must be unexpired. However, in certain situations, the state may allow for expired documents and staff should follow-up with his/her Supervisor/Manager for guidance. Staff will be required to case note any exceptions to the unexpired documents. Customer may present one selection from List A or a combination of one selection from List B and one selection from List C. Customers who are unable to establish employment eligibility from the lists of acceptable documents may not be enrolled for WIOA assisted services.

The I-9 List can be accessed through the following link: [I-9 List](#)

Receipt

A receipt indicating an individual has applied for an initial Employment Authorization Document (EAD) (Form I-766) or for an extension of an expiring EAD (Form I-766) is **NOT** acceptable proof of employment authorization on Form I-9.

AJCC single verification process

Workforce Development Department (WDD) and Employment Development Department (EDD) staff are required to verify work authorization documents for customers who will receive a staff-assisted service. WDD and EDD will coordinate verification to increase efficiency of the process and prevent duplication regarding the collection of Form I-9 documents for work authorization. Once authorization to work is verified by one program (Title I or Title III), staff does not need to re-verify.

WDD and EDD staff will check scanned documents in CalJOBS as the first step to verifying work authorization for customers who will receive staff-assisted services at the AJCC. If the documents are not found in CalJOBS, either WDD or EDD staff will scan and upload the documents to CalJOBS for future reference.

Note: Work authorization verification is not required for customers who receive Basic Career Services (self-service) in the AJCC.

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U.S. Work Authorization, Continued

WIOA Title II referrals

AJCC staff is encouraged to refer individuals who are not authorized to work in the United States to WIOA Title II programs. WIOA Title II enrolls individuals in adult education, English language instruction, and/or integrated education from eligible providers. There is no requirement for WIOA Title II providers to verify authorization to work or retain documentation. Eligible individuals must have one or more of the following barriers:

- Basic skills deficient,
- Lack of high school diploma or its equivalent,
- Function below the level of a high school graduate, or
- Unable to speak, read, or write the English language.

Staff will refer to the Workforce Development Board (WDB) Internet for a list of WIOA Title II partners and Workforce Development Department (WDD) **Intranet>Forms & Manuals>Referrals** for the Partner Referral form for referring individuals to those partners for services.

Selective Service Registration Requirements

Introduction

The Workforce Innovation and Opportunity Act (WIOA) 189(h) requires Workforce Development Department (WDD) to make a determination of the Selective Service registration status of all males prior to enrollment in any program or activity funded under Title I-B.

Males must be in compliance with Section 3 of the Military Selective Service Act (MSSA). Section 3 of the MSSA states that it is the duty of every male citizen of the United States and every other male person residing in the United States age 18 through 26 to register with Selective Service.

Registration requirements

Males born on or after January 1, 1960, are required to register with the Selective Service within 30 days of their 18th birthday and up to, but not including, their 26th birthday. This includes the following males:

- U.S. citizens
- Veterans discharged before their 26th birthday
- Non-U.S. citizens, including undocumented immigrants, legal permanent residents, and refugees, who take up residency in the U.S. prior to their 26th birthday
- Dual nationals of the U.S. and another country, regardless of whether they live in the U.S.

A youth who becomes 18 years of age while participating in a WIOA program must register with Selective Service within 30 days of his 18th birthday. Registration may be completed On-line at: <https://www.sss.gov/register/>.

A male, under the age of 26, who refuses to register with Selective Service, WIOA-funded services must be suspended until he registers.

Before enrolling participant in WIOA-funded services, all males 26 and older must provide one of the following documentation:

- Showing they were not required to register.
 - Establishing that their failure to register was not knowing or wilful, if they were required to register.
-

U.S. Citizens not required to register

Selective Service registration is not required for the following male U.S. citizens:

- Males who are serving in the military on full-time active duty.
 - Males attending the service academies.
 - Disabled males who were continually limited to a residence, hospital, or institution.
 - Males who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement. However, they must register within 30 days after being released if they have not yet reached their 26th birthday.
 - Male veterans discharged after their 26th birthday.
-

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Selective Service Registration Requirements, Continued

Non-U.S. Citizens not required to register

Selective Service registration is not required for the following male Non-U.S. citizens:

- Non-U.S. males who entered the U.S. for the first time after their 26th birthday. Acceptable forms of supporting documentation include the following:
 - Date of entry stamp in passport.
 - I-94 with date of entry stamp on it.
 - Letter from the U.S. Citizenship and Immigration Services indicating the date the male entered the U.S. presented in conjunction with documentation establishing the male's age.
 - Non-U.S. males who entered the U.S. illegally after their 26th birthday. They must provide proof that they were not living in the U.S. from age 18 through 25.
 - Non-U.S. males on a valid non-immigrant visa.
-

Transgender, transsexual, and intersex individuals

The requirement for transgender, transsexual, and intersex individuals to register with the Selective Service depends upon the gender recorded on their birth certificate.

According to the Selective Service website, individuals who are born female and have a gender change are not required to register. However, U.S. citizens or immigrants who are born male and have a gender change are still required to register.

Selective service verification

The WDD verifies the Selective Service registration status of all males prior to enrollment in any WIOA funded program or activity. Acceptable Documentation to determine a person's eligibility for WIOA Title I programs include:

- Selective Service Acknowledgement letter,
 - DD-214 "Report of Separation," (use only if discharged after his 26th birthday),
 - Screen printout of the Selective Service verification site: www.sss.gov,
 - Selective Service Registration Card,
 - Selective Service Verification Form (Form 3A), and/or
 - Stamped Post Office Receipt of Registration.
-

Status Information Letter (SIL)

An individual may obtain a Status Information Letter (SIL) from the Selective Service System (SSS) if one of the following applies:

- The individual believes he was not required to register, or
 - The individual did register but cannot provide the appropriate documentation.
-

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Selective Service Registration Requirements, Continued

Status Information Letter (SIL), continued

The Request for SIL form and instructions for completing the form are located on the Selective Service website at:

<http://www.sss.gov/instructions.html>

The Workforce Development Specialist (WDS) is responsible for completing a case note when informing the customer to obtain the SIL.

The applicant must submit the SIL and any supporting evidence confirming he did not knowingly and willfully not register for Selective Service **or** the SIL and the WDD Selective Service Self-Attestation statement explaining why he failed to register.

Upon receipt of the SIL, the WDS will:

- Review the SIL and if the SIL indicates the individual was:
 - Not required to register for the Selective Service, then he is eligible to enroll in a WIOA funded service, or
 - Required to register and did not register; he is presumed to be disqualified from participation in WIOA funded activities and services until it can be determined his failure to register was not knowing and willfull.
- Case note why the participant failed to register prior to submitting the WIOA application to his/her supervisor/manager for approval, or if the information is sufficient to obtain supervisor approval.

Note: A Self-attestation may **only** serve as sufficient evidence when no other options of documentation or third party corroboration are available.

Knowing and willfull failure to register

The individual who was required but failed to register with the Selective Service, as determined by the Status Information Letter or by his own acknowledgement, may only receive services if he establishes the failure to register was not knowing and willfull.

The individual must provide supporting evidence of his circumstances at the time of the required registration and the reason(s) for failure to register. Examples of documentation for making a determination in these situations:

- Service in the Armed Forces – Evidence that a male has served honorably in the U.S. Armed Forces, such as a Form DD-214 or his Honorable Discharge Certificate. These documents serve as evidence that his failure to register was not knowing and willfull.
- Third Party Affidavits – Affidavits concerning reasons for not registering from parents, teachers, employers, doctors, and others may help subrecipients or contractors in making a determination regarding willfull and knowing failure to register.
- WDD Selective Services Self-Attestation – Signed statement that explains why the individual's failure to register was not knowing and willfull.

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Selective Service Registration Requirements, Continued

Supervisor / Manager responsibility

The WDS will submit the information to his/her supervisor for review and approval. The supervisor/manager at each America's Job Center of California (AJCC) will:

- Evaluate the SIL (if provided),
- Review the supporting evidence and Self-Attestation statement.

If after evaluating the evidence, the supervisor/manager determines that a preponderance of the evidence shows the applicant's failure to register was not knowing and willful and the applicant is otherwise eligible, WIOA services may be provided.

The supervisor/manager must complete a case note if approved or the reason why WIOA services are not approved.

Appeal process

Once the supervisor/manager determines the customer's failure to register with Selective Service was knowing and willful and WIOA services are denied the customer may appeal the decision by completing the WIOA Program Complaint and Grievance form (i.e., WIOA 181).

A customer who does not receive a decision from the AJCC within 60 days of filing a complaint, or who is dissatisfied with the decision, may request a review of the complaint by the State Employment Development Department (EDD).

Supporting evidence / justification for not registering

The following are examples of supporting evidence/justification for not registering with Selective Service that may help WDD staff in making a determination:

- Documentation of honorable service in the U.S. Armed Forces:
 - Copy of the Form DD 214 attesting to his service, or
 - Copy of his honorable discharge certificate.
 - Documentation from the Immigration and Naturalization Service that he is a male undocumented immigrant who entered the U.S. on or after attaining his 26th birthday.
 - Documentation granting legal status and/or employment authorization from the United States Citizenship and Immigration Services to an undocumented immigrant or lawful seasonal agricultural worker.
 - Work permits and/or employment authorization from the USCIS on an immigrant alien, refugee, parolee or asylee, SAWS, or IRCA legalized alien.
 - A lawful non-immigrant individual on a visa who is not required to register with Selective Service but is authorized to work in the United States under Section 167(a)(5).
 - Third party affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering.
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Selective Service Registration Requirements, Continued

Other justifications for failure to register

Other possible justifications for an individual's failure to register with Selective Service include a male who:

- Entered the U.S. for the first time within weeks of his 26th birthday with a student or tourist visa or foreign passport who married a U.S. resident and obtained citizenship or right to work status, but was unaware of the MSSA requirement.
 - Was incarcerated at the time Selective Service registration should have occurred.
 - Was incapacitated at the time Selective Service registration should have occurred.
 - Possessed severe mental or physical limitations at the time Selective Service registration should have occurred.
 - Is a conscientious objector due to religious beliefs.
-

Dislocated Worker Eligibility

Introduction

The Dislocated Worker program is designed to help individuals get back to work as quickly as possible and overcome barriers to employment. Individuals become dislocated workers as a result of job loss, mass layoffs, global trade dynamics, or transitions in economic sectors, the Dislocated Worker program provides services to assist them in re-entering the workforce. Services for dislocated workers are provided through the America's Job Center of California (AJCC). This section provides information to the dislocated worker eligibility and acceptable documentation for staff.

Dislocated Worker Documentation

The Workforce Development Specialist (WDS) will follow the criteria and acceptable documentation listed on the Dislocated Worker Matrix and the Eligibility Matrix - Priority of Service Groups.

Both matrixes are located in the **WDD Intranet>Forms>Eligibility Documentation** tab.

Note: Use of WIOA Applicant Attestation form (WDD 820) is appropriate only after reasonable attempts have been made to document Dislocated Worker status. The reason for using the WIOA Applicant Attestation must be included in CalJOBS case notes.

Priority of Service

Introduction

Workforce Innovation and Opportunity Act (WIOA) 134(c)(3)(E) states with respect to adult employment and training activities; priority of service must represent some of the workforce system's most in need participants. There are three (3) priority groups WIOA specifically mandates are entitled to receive priority of service (in addition to veterans and eligible spouses) for individualized career or training services under the WIOA Adult program. The three (3) priority groups are:

- Recipients of public assistance
- Other low-income individuals
- Individuals who are basic skills deficient

Priority of Service status is determined for all Adult customers in need of Individualized Services. Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the dislocated worker population.

Priority service determination

In the Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker Program, first priority for Basic Career and Individualized services must be given to public assistance recipients and other low-income individuals when the LWDB determines the adult funds are limited. Priority of service would be established as follows:

1. The first group to be served would be veterans and who are either public assistance recipients, low-income individuals, or basic skills deficient.
 2. The second group to be served would be non-veterans who are either public assistance recipients, low-income individuals, or basic skills deficient.
 3. Veterans receive priority over non-veterans among customers who are not public assistance recipients or low-income individuals.
 4. Veterans who are Dislocated Workers receive priority over non-veteran Dislocated Workers.
 5. Youth who meet Youth program eligibility requirement and are veterans receive priority in all groups above the same as a non-youth veteran.
-

Recipient of Public Assistance

Recipient of Public Assistance is defined as an individual who receives, or is a member of a family who receives, cash payments under a federal, state, or local income-based public assistance program. These programs include:

- Temporary Assistance for Needy Families (TANF)/California work Opportunity and Responsibility to Kids (CalWORKs),
 - Supplemental Security Income (SSI),
 - Refugee Cash Assistance,
 - General Relief,
 - Supplemental Nutrition Assistance Program (SNAP)/CalFresh and/or,
 - Any of State or local income-based public assistance
-

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Priority of Service, Continued

Low-income individual

A low-income Individual is defined as an individual who:

- Received income or is a member of a family who received a total family income in relation to family size, that does not exceed the higher of:
 - The poverty line, or
 - 70 percent of the Lower Living Standard Income Level (LLSIL)
- Qualifies as homeless
- Has a disability whose own income does not exceed the income requirement, but is a member of a family whose total income does not meet the requirement.
- Are participating in the Supplemental Nutrition Assistance Program (SNAP).

Note: Refer to the LLSIL and Poverty Line section in this chapter for additional information.

Basic Skills deficiency

Basic Skills Deficiency (BSD) is defined as an individual who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society (WIOA Section 3[5]). Criteria used to determine whether an individual is BSD includes the following:

- Lacks a high school diploma or high school equivalency and is not enrolled in postsecondary education.
- Enrolled in a Title II Adult Education/Literacy program.
- English, reading, writing, or computing skills is at an 8.9 or below grade level.
- Determined to be Limited English Skills (English Language Learner [ELL]) proficient through staff documented observations.

All BSD and ELL customers must be identified in the WIOA application under the Individual Barrier tab and create the Educational Functioning Level for Measureable Skills Gain tab in CalJOBS.

Priority of service determination

In the WIOA Adult and Dislocated Worker Program, first priority for intensive and training services must be given to public assistant recipients and other low-income individuals when the Local Workforce Development Board (LWDB) determines adult funds are limited. Priority of service must be established in the following order:

1. Veterans and eligible spouses who are recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
 2. Individuals (Non-Veterans) who are the recipient of public assistance, other low-income individuals, or individuals who are basic skills deficient.
 3. Veterans who are Dislocated Workers receive priority over non-veteran Dislocated Workers.
 4. Other individuals not included in WIOA's priority groups.
-

WDD customer statement

A participant who states his/her status for a particular data element, such as low-income, and then signs and dates the income worksheet acknowledging this status self-identification. The WDD Customer statement are **NOT** to be used as the primary method of gathering documentation to verify data elements.

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Priority of Service, Continued

WDD customer statement, continued Using the WDD Customer statement for low-income documentation ***must be approved by a supervisor***. The attempt to gather paper documentation must be clearly case noted when using the self-attestation.

Priority of Service documentation Staff completes an Income Worksheet to identify how the participant may qualify under POS. A list of the acceptable documentation for public assistance, low-income, and basic skills deficiency to verify whether an adult participant qualifies for priority of service under WIOA can be found in the [Eligibility Matrix – Priority of Service Groups](#).

The [Eligibility Matrix – Priority of Service Groups](#) is located in the **WDD Intranet> Forms> Eligibility** document tab

Participants who are over income or do not qualify for POS, supporting documents for POS are not required.

Case notes Case notes must clearly designate the customer as either meeting or not meeting the priority of service and how this information was established. All barriers of employment must be case noted in order to accurately measure populations served within the one-stop system.

Example: Case manager verifies customer is basic skills deficient by viewing school records, specifically, enrollment in a Title II Adult Education/Literacy program. The name of the school and the date of enrollment is included in the case note.

Priority of Service for Veterans

Introduction The Workforce Innovation and Opportunity Act (WIOA) establishes a priority requirement with respect to services available for adult employment and training activities. Veterans and eligible spouses continue to receive priority of services for all Department of Labor funded job-training programs, which includes WIOA. This section covers the Priority of Service Regulations for Veterans and Eligible Spouses.

- References**
- Veteran’s Benefits, Title 38, United States Code (U.S.C.), Section 101(2) (38 U.S.C. 101(2));
 - Eligibility Requirements for Veterans Under Federal Employment and Training Programs, 38 U.S.C. 4213;
 - The Jobs for Veterans Act (JVA) of 2002, Public Law (P.L. 107-288, section 2(a) codified at 38 U.S.C. 4215;
 - Veterans’ Benefits, Health Care and Information Technology Act of 2006, P.L. 109-461;
 - Priority of Service for Covered Persons Final Rule, 20 CFR Part 1010, Fed. Reg. 78132 Dec. 19, 2008;
 - Training and Employment Guidance Letter (TEGL) 5-03 rescinded by TEGL 10-09, November 10, 2009, and
 - Training and Employment Notice (TEN) 15-10, November 10, 2010
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Background The Jobs for Veterans Act (JVA), signed into law on November 7, 2002, to revise and improve employment, training, and job placement services to veterans. The JVA requires there be priority of service for veterans and eligible spouses in any workforce preparation, development, or delivery program or service directly funded in whole or in part, by the U.S. Department of Labor (Section 2(a) of the Act).

The law refers individuals as “covered persons.” For the purpose of this policy, covered persons will be referred as “veterans and eligible spouses.”

What is priority of service Priority of service means the right of veterans and eligible spouses to take precedence over a non-covered person in obtaining all employment and training services.

Depending on the type of service (Basic Career, Individualized, and Training services), veterans and eligible spouses receive services earlier in time or instead of non-covered persons. However, once a non-covered participant is enrolled in a workshop or training class, priority of service is not intended to allow a veteran or eligible spouse to bump the non-covered participant from the class or service.

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Priority of Service for Veterans, Continued

Priority service determination In the Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker Program, first priority for Basic Career and Individualized services must be given to public assistant recipients and other low-income individuals when the LWDB determines the adult funds are limited. Priority of service would be established as follows:

1. The first group to be served would be veterans and who are either public assistance recipients, low-income individuals, or basic skills deficient.
2. The second group to be served would be non-veterans who are either public assistance recipients, low-income individuals, or basic skills deficient.
3. Veterans receive priority over non-veterans among customers who are not public assistance recipients or low-income individuals.
4. Veterans who are Dislocated Workers receive priority over non-veteran Dislocated Workers.
5. Youth who meet Youth program eligibility requirement and are veterans receive priority in all groups above the same as a non-youth veteran.

Who is a veteran? A veteran is 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. This definition includes full-time duty in the National Guard or a Reserve, other than full-time duty for training purposes. Active service does not include full-time active duty performed by National Guard personnel who are mobilized by state rather than federal authorities.

Eligibility requirements All Veterans must meet the eligibility requirements for WIOA prior to being entitled to priority in service. The veterans' priority of service requirement does **not** change basic eligibility criteria.

Veterans must meet WIOA program eligibility requirements in order to obtain Veteran's priority in service. However, it is not necessary for staff to verify the status of a veteran or eligible spouse until the individual has an eligibility determination and is enrolled in a WIOA individualized career or training service.

Until the veteran or eligible spouse receives an individualized career or training service, an individual who states he/she meet the veterans' priority eligibility criteria must be accorded veterans' priority of service on the basis of self-attestation.

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Priority of Service for Veterans, Continued

Income eligibility requirements

When determining eligibility for programs who have a requirement to serve low-income individuals, many types of military service-related income are exempt. The following pay, financial allowances, and financial benefits must be disregarded for veterans, transitioning service members, or any other individuals for whom these amounts would normally be applied in making an eligibility determination:

- Military pay or allowances paid while on active duty.
 - Military pay or allowances paid by the VA for:
 - Vocational rehabilitation,
 - Disability payments, or
 - Related VA-funded programs (including the VA work study allowance) and including any financial benefits received under Title 38 U.S.C.
 - Any benefits received under Title 10 U.S.C. Chapter 106 - Educational assistance for members of the selected reserve.
-

Education and training

VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, veterans or eligible spouses who are eligible for the Government Issue (GI) Bill or other forms of VA-funded education or training are not required to coordinate his/her entitlement to those benefits with the eligibility for WIOA funded training, as stipulated under 20 CFR Section 680.230.

AJCC staff may not require veterans or eligible spouses to exhaust his/her entitlement to VA funded training prior to enrolling in WIOA funded training.

Veterans services

It is the responsibility of the public workforce system to provide priority of service to all veterans and eligible spouses who receive services under any qualified job training program funded in whole or in part by the Department of Labor (DOL). It is critical the workforce system ensure priority of service is given to veterans and their eligible spouses. The America’s Job Center of California (AJCC) have specifically trained Veterans Specialist staff to ensure veterans of the U.S. Armed Forces receive maximum employment and training opportunities.

A 24-hour “Veterans Only” hold on all new job orders received by the CalJOBS labor exchange system is placed for veterans.

Military spouse

An eligible military spouse means a spouse of any of the following:

- Any veteran who died of a service-connected disability.
 - Any veteran who has a total disability resulting from a service-connected disability as evaluated by the Department of Veterans Affairs, or
 - Any veteran who died while a disability was in existence.
 - 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 ninety (90) days:
 - Missing in action,
 - Captured in line of duty by a hostile force, or
 - Forcibly detained or interned in line of duty by a foreign government or power.
-

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Priority of Service for Veterans, Continued

How is priority of service implemented?

Veterans are identified at the point of entry. Point of entry can include Reception Areas, Resource Areas, Web sites, Self-service Kiosks, and Informational bulletin boards, etc. to facilitate the implementation of priority of service by informing veterans and eligible spouses of:

1. Their entitlement to priority of service;
 2. The full array of employment, training and placement services available under priority of service; and
 3. Any applicable eligibility requirements for those programs and/or services.
-

Dislocated Worker funds for veterans

Service members exiting the military, including, but not limited to those who receive or are eligible for Unemployment Compensation for ex-service members, generally qualify as dislocated workers. Dislocated Worker funds under Title I can help separating service members to enter or re-enter the civilian labor force.

Separating service member needs to provide a notice of separation, DD-214 from the Department of Defense or other appropriate documentation showing a separation or imminent separation from the Armed Forces.

Separating service members who may be on a terminal leave from the military, AJCC staff may provide career services while the service member is still part of the Active Duty military, but has an expecting separation date. The separation of services must be anything other than dishonorable to receive WIOA services. Policy states a separating service member meets the dislocated worker requirement of an individual who is unlikely to return to his/her previous industry or occupation in the military.

Dislocated Worker funds for military spouses

Dislocated Worker funds includes military spouses who have experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the spouse. Military spouses can qualify if he/she is:

- Unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment,
 - A dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced,
 - Because of a deployment, a call, or order to active duty,
 - A permanent change of station, or
 - The service-connected death or disability of the service member
-

LLSIL and Poverty Line

Introduction

San Bernardino County Local Workforce Development Area uses the higher of the Lower Living Standard Income Level (LLSIL) or the Poverty Line, whichever is more advantageous to the customer, to determine eligibility for employed adults for certain services, self-sufficiency, and the Work Opportunity Tax Credit.

The U.S. Departments of Labor and Health and Human Services revise the LLSIL and poverty guidelines annually.

LLSIL and poverty line

Use the higher of either LLSIL or the poverty guideline for the appropriate family size to determine low-income status. A comparison of the applicant's actual family income during the six-month income determination period with the six-month figures on the charts enables the reviewer to determine income status immediately.

The LLSIL and poverty line is available at the following Employment Development Division website: <https://edd.ca.gov/>

Census Bureau

A youth living in a high-poverty area is automatically considered a low-income individual.

The ACS 5-Year data is available at the following website: [Census Tract](#). [Click here](#) for the step-by-step instructions on "Determining Whether Youth are Living in a High Poverty Area" and how to calculate the poverty rate.

Income Calculation

Introduction

This section provides guidance on the various ways to calculate the income for all the programs available in the Workforce Innovation and Opportunity Act (WIOA) services.

Calculating income

For income calculation purposes, if an individual is not living in a single residence with other family members that individual is not considered a member of a family. Determine eligibility based on low-income status:

- Public Assistance
- Family Income (Methods for Calculating Income)
- CalFresh
- Living in a High Poverty Area (Applies to youth only)

Methods for calculating income

Staff is encouraged to use any one of the four (4) methods when calculating income. The methods are illustrative only and staff should obtain as many multiple pay stubs available or needed to accurately calculate the family income. The four (4) methods are:

- Straight pay or salary
- Average pay
- Year-to-date
- Intermittent work

Straight pay or salary

With the straight pay or salary method, the participant provides a sample of pay stubs covering the most recent three (3) to four (4) months out of six (6) months of family income. The table outlines the calculation process to determine WIOA low-income eligibility.

Step	Action
1	<ul style="list-style-type: none"> • Review the paystubs, and • Determine if the wages on the pay stubs are the same or with variations.
2	Calculate the income based upon the wages indicated on the pay stub, if there are no variations in the gross income on any pay stubs.
3	Multiply the gross income by the number of pay periods in a year based upon the length of the pay period represented by the pay stubs: <ul style="list-style-type: none"> • Weekly – 52, • Bi-weekly – 26, or • Monthly – 12. <p>Note: The results will be the annual income.</p>
4	Divide the annual income by two (2) to determine the six-month income used to determine WIOA low-income eligibility.

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Income Calculation, Continued

Straight pay or salary (continued)

Example:

- Five (5) pay stubs provided indicating gross wages of \$548.00 each.
- The pay stubs are sporadic and cover a period of three (3) months.
- Pay frequency is bi-weekly (13 pay periods for six (6) months).
- Multiply the gross wages by the frequency occurrence ($13 \times \$548 = \$7,124$, this is the six-month income used to determine WIOA low-income eligibility).

Average pay

The average pay method uses six (6) pay stubs with variations in the gross earnings. The variations may result from:

- Overtime,
- Lost time, or
- Working for different employers.

In calculating the six (6) month income, the table below outlines the process.

Step	Action
1	Determine the average gross earnings based upon the number of pay stubs provided.
2	<ul style="list-style-type: none">• Calculate the total gross earning of all pay stubs provided, and• Divide the results by the number of pay stubs to obtain the average total gross earnings per pay period
3	<ul style="list-style-type: none">• Determine the pay frequency, and• Multiply the gross average earnings by the number of pay periods in the six (6) months.

Example:

- Participant provided six (6) pay stubs with gross earnings of \$534, \$475, \$398, \$534, \$498, and \$534.
- Pay frequency is weekly.
- Add all six (6) paystubs to determine the gross earnings ($\$534 + \$475 + \$398 + \$534 + \$498 + \$534 = \$2,973.00$).
- Divide \$2,973 by 6 (number of paystubs provided) = \$495.50, which is the average gross earnings per week.
- Multiply $\$495.50 \times 26 = \$12,883$; this is the six (6) month income amount used to determine WIOA low-income eligibility.

Year-to-date

For the year-to-date method of calculating six (6) month gross income, the participant provides recent pay stubs with cumulative year-to-date gross earnings indicated on the pay stub. The cumulative year-to-date gross earnings indicate the gross earnings up to the date of the pay period ending date.

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Income Calculation, Continued

Year-to-date (continued)

The table below outlines the process for the year-to-date method for determining income.

Step	Action
1	Count the number of pay periods, which occurred in the year-to-date period.
2	Divide the number into the gross year-to-date earnings on the pay stub to get the amount of each paycheck for a six (6) month period.
3	Multiply the average gross income per pay period to determine the six (6) month gross earnings.

Example:

- Participant provides a recent pay stub showing the year-to-date earnings of \$25,200 for 14 pay periods so far for the year.
- Date of the pay stub provided was July 3 for \$1,800. The gross earnings for each pay period is the same.
- Pay frequency is bi-weekly, every other Friday.
- There are 13 pay periods for a six (6) month period counting back from July 3.
- Calculation of the gross annualized income is to multiply \$1,800 by 13 (number of pay periods in six months) = \$23,400, which is the six (6) month income for the participant or family member.

Intermittent work

Participant who does not have or had steady work with one or more employers, he/she should supply as many pay stubs as possible and complete an Applicant Statement explaining all missing pay stubs and non-work periods during the last six (6) months.

In these situations, staff will total all wages for the six (6) month period. If the applicant reports little or no includable income, he/she should indicate the resources relied upon for life support during the last six (6) months on an Applicant Statement. Such resources may include, but not limited to:

- Unpaid debts,
- Gifts,
- Loans, and/or
- Unemployment compensation.

Youth Eligibility

Introduction The intent of Workforce Innovation and Opportunity Act (WIOA) Youth services is to provide a systematic approach for offering Youth a broad range of coordinated services. The America's Job Center of California (AJCC) will not evaluate for the Youth program, but must know what the Youth program is to determine if the participant will benefit from the program or is better served under the Adult or Dislocated Worker program.

Who is eligible for Youth services? Both In-School Youth (ISY) and Out-of-School Youth (OSY) are eligible for WIOA Youth Services.

In-School Youth criteria An individual is an ISY if he/she meets the following criteria:

- Attending school, including secondary and postsecondary school
- Enrolled in WIOA youth program during the summer, is in between school years, and is enrolled to continue school in the fall
- Not younger than age 14 or older than age 21 at time of enrollment unless the youth after the age of 21 is disabled and attending school
- Low-income individual/Low-income individual lives in a high-poverty area
- Meeting one or more of the following barriers:
 - Basic skills deficient
 - English language learner
 - An offender
 - Homeless individual or a runaway
 - Foster Care
 - Pregnant or parenting
 - Disabled
 - Requires additional assistance to complete an educational program or to secure/hold employment

Out-of-School Youth criteria An individual is an OSY if he/she meets the following criteria:

- Not attending school, including postsecondary education
- Not younger than 16 or older than 24 at time of enrollment
- One or more of the following barriers:
 - Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter
 - A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner
 - An offender
 - Homeless individual or a runaway
 - Foster Care
 - Pregnant or parenting
 - Disabled
 - Low-income individual who requires additional assistance to enter or complete an educational program or to secure/hold employment

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Youth Eligibility, Continued

Concurrent enrollment

Youth ages 18 through 24 may choose WIOA Youth and/or WIOA Adult or Dislocated Worker services. Youth in this age group may:

- Participate in either Youth **and/or** Adult/Dislocated Worker services, or
 - The 18 through 24 year olds who decide to participate both in Youth and Adult/Dislocated Worker programs are counted in performance measures for both programs.
- Co-enroll and progress through the WIOA Adult/Dislocated Worker program like any other Adult or Dislocated Worker.

Local WDD policy states, Youth who needs to be co-enrolled must have prior approval from the WDD ADMIN Youth Analyst.

Point of entry

Youth may enter services at an America's Job Center of California (AJCC) or at an approved Youth Service Provider's site. Enrollment occurs as follows:

If the Youth enters at...	Then ...
An AJCC,	<p>The WDS will determine which program best serves the individual:</p> <ul style="list-style-type: none"> • WIOA Youth Services (refer the youth to a local contracted Youth Service Provider), or • Adult or Dislocated Worker Services. <p>Note: Refer to the ISY or OSY criteria blocks in this chapter to determine if the Youth is referred to a contracted Youth Service Provider.</p>
A WIOA Youth Service Provider's site,	The provider evaluates the Youth's eligibility for WIOA Youth services.
A WIOA Youth Service Provider's site, and is not eligible to WIOA Youth program,	<p>The contracted Youth Service Provider will refer the Youth to:</p> <ul style="list-style-type: none"> • An AJCC to determine if the Youth may qualify for Adult or Dislocated Worker Services, or • Any other appropriate agencies or community based organizations.