

**MESA COUNTY WORKFORCE DEVELOPMENT BOARD**

Policy and Procedure

**Title:** WIOA Title 1 Eligibility Determination and Documentation

**State Policy Guidance Letter:** WIOA-2015-05, WIOA – Eligibility for Title I Programs

**Effective Date:** 04/07/2017

**Program:** Career Development Program (WIOA)

**Revision Date:**

**Authorized Signature(s):**

**I. REFERENCE(S):**

- [Workforce Innovation and Opportunity Act, PL 113-128;](#)
- [Training and Employment Guidance Letter 38-14: Transition from WIA to WIOA;](#)
- [Colorado Department of Labor and Employment \(CDLE\) Policy Guidance Letter \(PGL\) WIOA-2015-05, Change 3, WIOA- Eligibility for Title I Programs](#)

**II. BACKGROUND:**

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes Titles I and II of the Workforce Investment act of 1998 (WIA), and amends the Wagner--Peyser Act and the Rehabilitation Act of 1973.

**III. PURPOSE:**

To provide guidelines regarding the determination of eligibility for WIOA programs, and to provide information on use of appropriate documentation or self -attestation to support eligibility determinations for WIOA Title Programs.

**IV. POLICY/ACTION:**

It is the policy of Mesa County Workforce Development Board and the Workforce Innovation and Opportunity Act (WIOA) contractor, Hilltop/ Career Development Program, to follow established WIOA eligibility criteria and documentation guidelines as provided in Colorado Department of Labor and Employment (CDLE) Policy Guidance Letter [\(PGL\) WIOA-2015-05, WIOA- Eligibility for Title I Programs](#), and its attachments.

As of July 1, 2015, all Career Development participants (including Adult, Dislocated Worker, and Youth) were "grandfathered" into WIOA and must be allowed to complete WIA services specified within their Individual Employment Plans (IEPs) or Individual Service Strategies (ISSs), regardless of whether or not

the services are allowable under WIOA, as long as the WIA services were specified in participants' IEPs or ISSs as of June 30, 2015. The Career Development Program has not performed an eligibility redetermination for participants already determined eligible who were enrolled under WIA.

#### **A. WIOA Adult Program**

Title I Adult participants must meet *each* of the following eligibility criteria:

1. Eighteen (18) years of age or older at the time of enrollment (WIOA Sec. 3(2));
2. A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States (exception: per [Attachment J, TEGL 09-12](#)), operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status; and
3. In compliance with the Military Selective Service Act for males 18 and older who were born on or after January 1, 1960 (WIOA Sec. 189(h)).

Career Development Program (WIOA) will verify WIOA Adult Program eligibility criteria and identification of Adult Priority groups using [WIOA Adult Eligibility and Priority of Service Categories, Glossary, and Documentation Checklist](#) (Attachment B) as a guide, and will scan all documentation into the Connecting Colorado scanning menu accessible by Career Development Program, CDLE, and other parties, as necessary. Eligibility categories that must be verified include:

- Citizenship/Alien Status;
- Selective Service registration (for males 18 and older who were born on or after January 1, 1960 and who are not in the armed services on active duty);
- Social Security Number (for those in paid work experiences, internships, or wage subsidy programs);
- Affidavit of Immigration Status; *and*
- Age/Date of Birth.

#### Adult Priority of Service Categories

In addition to basic eligibility criteria, priority of service for the Title I Adult program must be verified and applied in the following order to all individuals that meet Adult program eligibility:

1. Veterans and eligible spouses who meet the statutory Adult priority (public assistance recipient, other low-income individuals including the underemployed, or basic skills deficient) must receive the highest level of priority for individualized career services and training services;

2. Other individuals (not veterans or eligible spouses) who meet the statutory Adult priority (public assistance recipient, other low-income individuals including underemployed) then receive the second level of priority;
3. All other veterans and eligible spouses who do not meet the statutory Adult priority, then receive the third level of priority;
4. Individuals who meet the Governor's Priority or Local Priority receive the fourth level of priority;
5. All other individuals then receive the fifth level of priority.

#### Statutory Priority of Service Categories

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

#### Governor's Priority Of Service Categories

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

#### Local Priority of Service Categories

Mesa County Workforce Development Board currently has no defined local priority of service category.

### **B. WIOA Dislocated Worker Program**

Title I Dislocated Worker participants must meet each of the following eligibility criteria:

1. Eighteen (18) years of age or older at the time of enrollment;
2. A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States (exception: per [Attachment J, TEGL 09-12](#)), operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status);
3. In compliance with the Military Selective Service Act for males 18 and older who were born on or after January 1, 1960 (WIOA Sec. 189(h)); and

4. Meets the WIOA definition of “Dislocated Worker” ([WIOA-2015-05, Change 3 2. Dislocated Worker Program Eligibility, rev. April 2017](#) and [PGL WIOA-2015-05](#)). The term “dislocated worker” means an individual who:
- (A) (i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment (including a separation notice from active military service under other than dishonorable conditions), or is subject to an early or forced retirement, *and*;  
(ii) (I) is eligible for or has exhausted entitlement to unemployment compensation; *or*  
(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; *and*  
(iii) is unlikely to return to a previous industry or occupation; *or*
  - (B) (i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of a permanent closure of, or any substantial layoff at, a plant, facility, military installation, or enterprise; *or*  
(ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; *or*  
(iii) for purposes of eligibility for Basic Career Services only (not individualized career services, training, or supportive services) is employed at a facility at which the employer has made a general announcement that such facility will close, without a specific closure date; *or*
  - (C) was self-employed (including employment as a farmer, a 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; *or*
  - (D) is a displaced homemaker; *or*
  - (E) is UI profiled (through Links to Reemployment or RESEA); *or*
  - (F) (i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station or discharge of such member; *or*  
(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).
  - (G) Dislocated members of the Armed Forces (service members who are transitioning to the civilian workforce, are within 12 months of separating or 24 months of retirement, expect to be discharged with other than a dishonorable discharge, and are unlikely to return to a previous industry or occupation) as defined in [TEGL 22-04, Serving Military Service Members](#). For this category the DD-214 or separation orders may document the layoff, UI eligible, and unlikely to return; *or*

(H) Recently separated veterans who are within 48 months of discharge (other than dishonorable) or release from active military, naval, or air service. The DD-214 may document the layoff, UI eligible, and unlikely to return to their previous industry or occupation in the military if military service is identified as the job of dislocation; *or*

(I) Workers certified under a Petition for Trade Adjustment Assistance (TAA) under the Trade Act of 1974, as amended, are, by definition, Dislocated Workers, under WIOA. Such individuals must have been issued a TAA Entitlement document by CDLE to be considered eligible under this category. If this document has not yet been issued, staff should utilize any other applicable dislocated worker category to determine eligibility if immediate services are needed and appropriate.

Employed workers or incumbent workers may be enrolled in the Dislocated Worker Program for career, training, or supportive services at any time after receipt of a layoff notice if the worker can provide a copy (or the workforce area is able to obtain a copy) of the notice of layoff or the announcement of plant closure made by the employer that contains the date of the layoff or closure.

Career Development Program (WIOA) will verify WIOA Dislocated Worker Program eligibility criteria using [WIOA Dislocated Worker Eligibility Criteria, Glossary, and Documentation Checklist](#) (Attachment C) as a guide and will scan all documentation into the Connecting Colorado scanning menu accessible by Career Development Program, CDLE, and other parties, as necessary. Eligibility categories that must be verified include:

- Citizenship/Alien Status;
- Selective Service registration (for males 18 and older who were born on or after January 1, 1960 and who are not in the armed services on active duty);
- Social Security Number (for those in paid work experiences, internships, or wage subsidy programs);
- Affidavit of Immigration Status;
- Age/Date of Birth;
- Job of Dislocation;
- Date of Dislocation; *and*
- Dislocated Worker Category (only one must be met):
  - Layoff/UI/Unlikely to Return;
  - Plant Closure/Substantial Layoff;
  - Self-Employed and Business Closed (may include Permanent Dislocation/Natural Disaster);
  - Displaced Homemaker;
  - U.I. Profiled
  - Military Spouse;
  - Transitioning Military Members;
  - Recently Separated Veterans; *or*
  - TAA Certified.

### C. WIOA Youth Program

To be eligible for the WIOA Youth program, an individual must meet eligibility requirements which consist of providing verification for each applicable category:

- A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States (exception: per [Attachment J, TEGL 09-12](#), operators may not deny WIOA- funded services to victims of severe forms of human trafficking based on their immigration status); *and*
- In compliance with the Military Selective Service Act for males 18 and older who were born on or after January 1, 1960 (WIOA Sec. 189(h)); *and*
- Age at enrollment must be 16-24 for out-of-school youth or 14-21 for in-school youth; *and*
- In-school or out-of-school youth specific eligibility.

#### 1. Out-of-School Youth Eligibility

In addition to general WIOA Youth program eligibility, out-of-school youth participants must meet each of the following eligibility criteria (WIOA Sections 3(46) and 129(a)(1)(B)):

- a. Not attending any school (as defined under State law):
  - i. Colorado Department of Education Secondary Out-of-School Definition:  
Out-of-school means youth up through age 21, who are entitled to a free public education in the State but are not currently enrolled in a K-12 institution. This could include students who have dropped out of school, youth who are working on a high school equivalency outside of a K-12 institution, and youth who are “here-to-work” only.
  - ii. CDLE Post-Secondary Out-of-School Definition:  
To be considered out-of-school, a youth must not be enrolled in any post-secondary classes, whether remedial or regular. A youth may be considered “out-of-school” if enrolled ONLY in non-credit-bearing postsecondary education.
  - iii. Additional Out-of-School Categories - Youth who are enrolled in or are participating in:
    - (a) Adult Basic Education;
    - (b) School to Work Alliance Program (SWAP) who are no longer enrolled in secondary school.
    - (c) GED, HiSET, or TASC classes outside of the K-12 system;
    - (d) Dropout Reengagement Program; or
    - (e) A WIOA Title II Adult Education transition program.

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

- b. Not younger than 16 or older than 24 at the time of enrollment; *and*
- c. Meets one or more of the following conditions:
  - i. School dropout;

- ii. Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
- iii. Recipient of a secondary school diploma or its recognized equivalent who is low-income and basic skills deficient or an English language learner;
- iv. Currently or in the past subject to the juvenile or adult justice system that is a barrier to employment or education;
- v. A homeless individual, homeless child, homeless youth, or a runaway;
- vi. In foster care or has aged out of the foster care system;
- vii. Pregnant or parenting;
- viii. An individual with a disability; *or*
- ix. Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

## 2. In-School Youth Eligibility

In-School Youth participants must meet each of the following eligibility criteria (WIOA Sections 3(27) and 129(a)(1)(C):

- a. Attending school (as defined under State law):
  - i. Colorado Department of Education Secondary In-School Definition: Youth up through age 21, who are entitled to a free public education in the State and are currently enrolled in a K-12 institution, or meet one of the following exceptions to compulsory school attendance:
    - Home-schooled (consisting of at least 172 hours of class time per year, averaging 4 hours per day, with course transcripts developed); *or*
    - Completing an online high school curriculum (consisting of at least 90 hours of class time per semester); *or*
    - Attending a private secondary school;
  - ii. CDLE Post-Secondary In-School Definition: Under the WIOA youth program eligibility requirements the term “school” refers to both secondary and postsecondary school; therefore, an individual attending classes at a postsecondary school is considered an in-school youth, unless attending non-credit-bearing courses ONLY;
  - iii. Attending an alternative education program;
  - iv. Attending GED, HiSET, or TASC classes offered by the K-12 system;
  - v. SWAP participants who are still enrolled in secondary school up to age 21;
  - vi. Participating in transition programs associated with the K-12 system.
- b. Not younger than 14 or older than 21 at the time of enrollment;
- c. Low-income; *and*
- d. Meets one or more of the following conditions:
  - i. Basic skills deficient;
  - ii. An English language learner;
  - iii. An offender;
  - iv. A homeless child or youth or a runaway;

- v. In foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C.), is an out-of-home placement, or an individual who has attained 16 years of age and left foster care for kinship guardianship or adoption;
- vi. Pregnant or parenting;
- vii. An individual with a disability; or
- viii. Requires additional assistance to complete an educational program or to secure or hold employment. Please note, not more than 5% of in-school youth served may be included in this category.

[Per PGL 15-05-WIOA](#), low income categories for both out-of-school and in-school youth include:

- a. Receives, or in the past six (6) months has received, or is a member of a family that is receiving or in the past six (6) months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.), the program of block grants to states for Temporary Assistance for Needy Families program (TANF) under part A of Title IV of the Social Security Act (42 U.S.C. 1381 et seq.), or state or local income-based public assistance;
- b. Receives, or in the past six (6) months has received, or is a member of a family that is receiving or in the past six months has received Low Income Energy Assistance Program (LEAP), Section 8 Housing, or Child Care Assistance Program (CCAP) payments;
- c. Is in a family with total family income that does not exceed the higher of
  - i. The poverty line; *or*
  - ii. 70 percent of the lower living standard income level;
- d. 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)));
- e. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) (the Community/School/School District Eligibility Provision of the Act may not be utilized; only the individual eligibility provision may be used);
- f. Is a foster child on behalf of whom state or local government payments are made;
- g. Is an individual with a disability whose own income meets the income requirement, but who is a member of a family whose income does not meet this requirement; *or*
- h. A youth living in a high-poverty area.

WIOA allows for a low-income exception where 5% of all WIOA youth participants may be participants who ordinarily would be required to be low-income for eligibility purposes and who meet all other

eligibility criteria for WIOA youth accept the low-income criteria. The 5% may be out- of-school youth under categories c(iii) or c(viii), in-school youth, or a combination of both, not to exceed 5% of all newly enrolled youth for each program year.

Career Development Program will verify WIOA Youth Program eligibility criteria using [WIOA Youth Eligibility Criteria, Glossary, and Documentation Checklist](#) (Attachment D) as a guide and will scan all documentation into the Connecting Colorado scanning menu accessible by Career Development Program, CDLE, and other parties, as necessary. Eligibility categories that must be verified include:

- a. Citizenship/Alien Status;
- b. Selective Service (for males who are at least 18 years old and born on or after January 1, 1960 and who are not in the armed services on active duty);
- c. Social Security Number (for those in paid work experiences, internships, or wage subsidy programs);
- d. Affidavit of Immigration Status (for those 18 years and older);
- e. Age/Date of Birth;
- f. In School/Out of School Status;
- g. In-School/Out-of-School Categories;
- h. Low Income (if applicable);
- i. Disability (if applicable); *and*
- j. 5% Exception to Low Income Requirement (if applicable).

Requires Additional Assistance (Youth): An individual who requires “Additional Assistance” to complete an education program, or to secure/hold employment locally defined as:

- Personal/family substance abuse
- Lacks affordable housing
- Victim of domestic violence/sexual or child abuse
- Identified social adjustment or mental health issue
- A disconnected Youth lacking quality work history that is currently unemployed or underemployed, under the income guidelines, nor attending an educational program.

In order for Youth to be included in WIOA Performance Indicators as a reportable individual, all of the following four requirements **must** be in place:

1. Eligibility Determination
2. Object Assessment Completed (with CA Service stored in Connecting Colorado)
3. Individual Service Strategy Developed (with IE Service stored in Connecting Colorado)
4. At least one WIOA Youth Program Element has been provided.

Youth Program Elements and Definitions can be found in the current [Activity Code Descriptions](#) document, stored in Connecting Colorado.

#### **D. WIOA Discretionary Grants**

WIOA Discretionary Grant Adult, Dislocated Worker, and Youth participants must meet each of the following eligibility criteria:

1. A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States (exception: per [Attachment J, TEGl 09-12](#), operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status);
2. In compliance with the Military Selective Service Act for males 18 and older who were born on or after January 1, 1960 (WIOA Sec. 189(h)); and
3. WIOA Discretionary Grant Adult and Dislocated Worker participants must be 18 years of age or older at the time of enrollment (WIOA Sec. 3(2)).

Career Development Program will verify Title I WIOA Discretionary Grant eligibility criteria using [WIOA Discretionary Grant Criteria, Glossary, and Documentation Checklist](#) (Attachment E) as a guide and will scan all documentation into Connecting Colorado scanning menu, accessible by Career Development Program, CDLE, and other parties, as necessary. Eligibility categories that must be verified include:

- Citizenship/Alien Status;
- Selective Service registration (for males 18 and older who were born on or after January 1, 1960 and who are not in the armed services on active duty);
- Social Security Number (for those in paid work experiences, internships, or wage subsidy programs);
- Affidavit of Immigration Status (for those 18 years and older); and
- Age/Date of Birth.
- Any specific Discretionary Grant eligibility criteria (specific criteria is traditionally published with new Discretionary Grant PGL's)

## V. Self-Attestation

In all Title I WIOA Programs (Adult, Dislocated Worker, Youth and Discretionary Grants) The Career Development Program will only use self-attestation as a last resort when no other source of documentation can be found or accessed. Self-attestation must include information clearly addressing the eligibility criteria being captured, and must be signed and dated by the participant. Both the WIOA Client Participation Record (CPR) application and paper-based Initial Assessment, the Career Development Program Customer Summary, are acceptable forms of self-attestation; though other documents such as the Career Development Program - Self Attestation form, signed and dated by the participant may also be acceptable. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. Citizenship (except in the case of Deferred Action for Childhood Arrivals (DACA) participants), age, and Immigration Status cannot be self-attested. Please see the attached checklists for further clarification of what may and may not be self-attested.

## VI. Attachments

- A. [CDLE PGL WIOA-2015-05, WIOA – Eligibility for Title I Programs](#)
- B. [WIOA Adult Eligibility and Priority of Service Categories, Glossary, and Documentation Checklist](#)
- C. [WIOA Dislocated Worker Eligibility Criteria, Glossary, and Documentation Checklist](#)

- D. [WIOA Youth Eligibility Criteria, Glossary, and Documentation Checklist](#)
- E. [WIOA Discretionary Grant Eligibility Criteria, Glossary, and Documentation Checklist](#)
- F. [TEGL 22-04, Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant](#)
- G. [TEGL 22-04 Change 1, Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant](#)
- H. [TEGL 5-08, Policy for Collection and Use of Workforce System Participants' Social Security Numbers](#)
- I. [TEGL 11-11 Change 2, Selective Service Registration Requirements for Employment and Training Programs](#)
- J. [TEGL 09-12, Services to Victims of Human Trafficking](#)
- K. [TEGL 02-14, Eligibility of Deferred Action for Childhood Arrivals Participants for WIA and Wagner- Peyser](#)
- L. [Using UI Documents and Screens for Dislocated Worker Eligibility](#)
- M. [Samples of New Drivers' Licenses](#)
- N. [Connecting Colorado Supply and Demand Report for Dislocated Worker Eligibility](#)
- O. [Youth in Poverty Interactive Map](#)
- P. [Example Documentation for Spouses of Active Military Members](#)
- Q. [WIOA Eligibility Q&A](#)