



# **OPERATIONS MANUAL CHAPTER 7. PART 2: WIOA YOUTH ELIGIBILITY**

**Revised July 2020**

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## I. INTRODUCTION

The purpose of the Workforce Innovation and Opportunity Act (WIOA) eligibility policies for youth programs are to provide local Youth Service Providers (YSPs) with guidance for establishing WIOA Title I program eligibility. This policy guidance is based on the WIOA legislation, U.S. Department of Labor (DOL) regulations in the form of the WIOA Final Rules, the WIOA Notice of Proposed Rulemaking (NPRMS), Training and Employment Guidance Letters (TEGLS) and State of California Employment Development Department (EDD) Directives related to these programs. The guidelines will be updated as necessary to reflect further guidance from the DOL, EDD or SDWP.

YSPs must be familiar with and follow the requirements in this SDWP Youth Program Eligibility Manual:

- Ensuring that a well-developed eligibility certification system is maintained that is sufficient to guard against serving ineligible individuals; and
- Registration/enrollment of ineligible individuals in WIOA programs in most cases will result in disallowed costs for the SDWP, and the Provider(s), and may negatively affect performance standards.

### A. Sources for WIOA Eligibility Requirements

Guidelines and requirements of the SDWP's WIOA Title I eligibility certification process are based on the DOL and EDD official source documents listed below:

*a) DOL Final Rules and Resources*

<https://www.doleta.gov/wioa/about/final-rules/>

*b) DOL Notices of Proposed Rule-Making (NPRMS)*

<https://www.federalregister.gov/documents/2015/04/16/2015-05530/workforce-innovation-and-opportunity-act-notice-of-proposed-rulemaking>

*c) DOL Training and Employment Guidance Letters (TEGLS)*

[https://wdr.doleta.gov/directives/all\\_advisories.cfm](https://wdr.doleta.gov/directives/all_advisories.cfm)

*d) EDD Directives*

[http://www.edd.ca.gov/jobs\\_and\\_training/Active\\_Directives.htm](http://www.edd.ca.gov/jobs_and_training/Active_Directives.htm)

[http://www.edd.ca.gov/jobs\\_and\\_training/View\\_Draft\\_Directives\\_Closed\\_for\\_Comment.htm](http://www.edd.ca.gov/jobs_and_training/View_Draft_Directives_Closed_for_Comment.htm)

[http://www.edd.ca.gov/jobs\\_and\\_training/View\\_and\\_Comment\\_Open\\_Directives.htm](http://www.edd.ca.gov/jobs_and_training/View_and_Comment_Open_Directives.htm)

[https://www.edd.ca.gov/Jobs\\_and\\_Training/Information\\_Notices.htm](https://www.edd.ca.gov/Jobs_and_Training/Information_Notices.htm)

### B. Customer Centered Eligibility Process

The documentation and verification process should be customer friendly and not add to the frustrations already experienced by individuals who are out of work. It is the purpose of WIOA programs to assist people who are having difficulty finding employment. It is not the intention of this program to discourage participation by imposing difficult documentation and verification requirements. Therefore, staff, conducting eligibility determination, should be selected for their excellent customer service skills and ability to obtain required documentation while being sensitive to the needs of the applicants.

### C. Eligibility Verification Assurances

During the eligibility certification process, YSP staff must make sure that:

- Documentation is uniform and standard;
- The documentation burden for the applicant is limited to the minimum necessary and required to adequately verify WIOA eligibility; and
- To the extent applicable, documentation requirements shall not discourage the participation of WIOA-eligible individuals.

### D. CalJOBS Registration

CalJOBS registration begins an information collection process and is used later to help manage the individual, create resumes, enroll the individual in programs, and provide services in CalJOBS. Refer to CalJOBS Forms and Procedures Handbook.

### E. Procedures for Exiting Ineligible Participants

Each YSP is responsible for taking immediate action to exit participants who, subsequent to enrollment, are discovered to be ineligible due to having established WIOA eligibility by providing false information or fabricated documentation, as well as any who are found ineligible during a subsequent monitoring review, due to staff error.

#### Process

- Inform SDWP Program Specialist via email,
- Make every attempt to assist the individual in obtaining services provided through partner organizations' resources, and/or through referrals to reduce any negative effects of the exit from training or services,
- Send a letter to participant verifying the exit from the program and maintain a copy in Document Bin in Workforce eFile, and
- CalJOBS: Enter *standalone* case note with details of the exit.

### F. Monitoring, Accessibility and Condition of Records

SDWP, EDD, and in some cases DOL will conduct monitoring of eligibility certification reviews of the eligibility certification records during oversight visits. Refer to [SDWP Operations Manual, Chapter 8: Oversight and Monitoring](#).

WIOA requires that YSPs receiving WIOA funds provide access to all documentation/records used in the verification of WIOA participant eligibility. Participant files must be available and easily accessible to federal, state and local monitors and other authorized persons, including documentation of required corrective actions.

All case notes related to eligibility certification should be concise, clear, spelled properly, and grammatically correct. All required forms must be filled in completely and properly signed. Case notes should be professional, ethical, and objective. Case notes are part of the participant's legal file and may be used to determine the legitimacy of expenditures, complaints, grievances and/or disputes. All required forms must be filled in completely and properly signed. White out, correction tape, or correction fluid is not permitted on any of the eligibility forms and will not be accepted as valid by the SDWP or EDD monitors if found on a document.

## G. Record Retention

WIOA record-retention requirements dictate that participant hard copy files, including all documentation that supports an eligibility determination, must be maintained and made available, if requested, by the SDWP or state /federal funding sources for a period of four (4) years from the YSPs contract closeout. If any open findings, grievances or other claims related to the records exist at the end of the four-year (4) period, the records must be maintained indefinitely, until all findings or other issues are fully resolved.

In the event a YSP ceases operations and has no place for storage of the records, the YSP shall notify the SDWP and deliver the records to a location designated by the SDWP. All participant records must be accounted for. Missing records may result in disallowed costs.

## II. ELIGIBILITY CERTIFICATION

### A. Workforce eFile

Participant case files will be managed electronically through Workforce eFile and CalJOBS. To conduct eligibility, subrecipients must complete eligibility forms and upload required documents through the Workforce eFile system. The Workforce eFile system is a secure, web-based document management system that provides a process for subrecipients to enroll participants remotely or in-person while creating an electronic participant case file (eFile). Applicants will be able to view and sign applicable eligibility forms, as well as upload required eligibility documentation from their phone or computer.

The **Workforce eFile Web Access User Guide** is an instruction and guidance manual on how to create a participant's profile and how to add and complete required eligibility forms through the Workforce eFile. The user guide is located in the Operations Resources section the SDWP website (<https://workforce.org/operations/>).

### B. Customer Rights Notices

Applicants must receive copies of the customer rights notices. Refer to *SDWP Operations Manual, Chapter 9: Equal Opportunity Policy, Complaint and Grievance Process and Criminal Activity Reporting Procedures*.

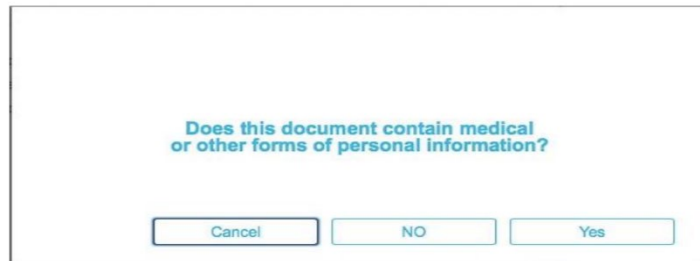
- Equal Opportunity Notice (English/Spanish);
- Complaint Form;
- Complaint and Incident Report Policy Notice; and
- Incident Report Form

### C. Collection of Medical Information

While collection and data entry of medical information, including disability-related information, may be required on any or all of the required eligibility forms, the documentation is required to be marked as containing PII in the Workforce eFile recorded as data entry on CalJOBS. When asking any question that could lead to the disclosure of a disability (including, but not limited to: headaches, allergies, addiction, etc.) the service provider must follow the following steps to ensure privacy and confidentiality of the information.

## Process

- Complete any required forms and documents to establish WIOA eligibility;
- If an individual discloses they have a disability, “check” the disability box in CalJOBS; If there is medical or disability-related information indicated on any of the forms/documents, those forms/documents must be marked “Yes” under PII in Workforce eFile.



Does this document contain medical or other forms of personal information?

Cancel NO Yes

*Note: Case notes and any documentation cannot include any language that would include medical or disability-related information, including, but not limited to using the following words: “medical file, disability, reasonable accommodation, SSI,” or anything related. Any documents in the participant’s Workforce eFile, or electronic case notes in CalJOBS that include it will be considered a finding.*

### 1. Access to Medical Information

Persons in the following categories may be informed about an individual's disability or medical condition **and have access** to the information in related files under the following listed circumstances:

(A) **Program staff** who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.

(B) **First aid and safety personnel** who need access to underlying documentation related to a participant's medical condition in an emergency.

(C) **Government officials** engaged in enforcing this part, any other laws administered by the Department, or any other Federal laws.

Supervisors, managers, and other necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals but **may not have access** to the information in related files.

Refer to [SDWP Operations Manual, Chapter 4, Part 2: Youth Program Activities](#) and [Chapter 5: CalJOBS Data Entry Policies and Procedures](#) for more information regarding collection of medical information.

## D. WIOA Application and Participation Process

### 1. Application Process

The WIOA CalJOBS Application is a form used to record basic individual characteristics to be input into the case management system (CalJOBS) and to establish eligibility as required by the WIOA program. CalJOBS generates a WIOA Application Number, which may be used to uniquely identify individuals throughout their WIOA cycle. The WIOA Application is on-line in CalJOBS, the applicant's signature on the Universal Participant Authorization Form (UPAF) takes the place of the signature on the WIOA Application. The signature is a certification by the applicant or parent/guardian that the information provided during eligibility determination is true, complete and correct and specifies the consequences of providing false information. Therefore, no signature on a hardcopy WIOA application and participation form is necessary. Refer to CalJOBS Forms and Procedures Handbook.

### 2. Participation Process

Once eligibility certification is completed and the individual is certified eligible for WIOA, then participation into WIOA services can be initiated. Participation is the point at which information that is used in performance measurements begins to be collected.

#### Process

- Complete Eligibility Certification Review Form (ECRF);
  - Including any additional forms and documentation required
- Complete Universal Participation Agreement Form (UPAF);
- Complete Multimedia and Communication Release Form;
- CalJOBS: Complete WIOA Application; and
- CalJOBS: Complete Participation Form.

## E. Eligibility Certification Review Form (ECRF)

While collecting information for the WIOA Application and Participation, the individual will be asked to provide documentation to verify all information required for eligibility determination. Acceptable documents that can be used to verify eligibility criteria are listed on the [ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA PROGRAM ELIGIBILITY](#). The verification process is required by SDWP, the State, and DOL to determine and record the validity of the eligibility information collected.

- To indicate which documents have been used to verify eligibility information provided on the WIOA Application and Participation Form;
- To serve as a prompt to intake staff to query CalJOBS to see if the individual was, or is, currently enrolled in the WIOA CalJOBS system;
- To serve as a place to document that the internal review process has been conducted by someone other than the original eligibility staff, prior to the applicant's enrollment;
- To record the date of the signatures of the staff persons conducting eligibility and the internal review; and record the date of eligibility determination; and
- To be used as a guide by monitors during a file review, indicating which documents have been used to verify specific WIOA eligibility criteria, and that the second review was conducted.



### Process

- Complete all sections of **ATTACHMENT-ELIGIBILITY CERTIFICATION REVIEW FORM (ECRF)**;
- Complete additional forms, if applicable
  - **ATTACHMENT - TELEPHONE VERIFICATION** (Section III.B)
  - **ATTACHMENT - APPLICANT STATEMENT** (Section III.C)
  - **ATTACHMENT - RESIDES IN A BARRIER AREA** (Section V.B.3)
  - Income/Family Size Determination (Section V.C.7)
  - **ATTACHMENT - REQUEST FOR RE-ENROLLMENT** (Section II.G)
  - **ATTACHMENT - 5% ELIGIBILITY EXCEPTION REQUEST** (Section V.D)
- First review to be conducted by staff who is determining eligibility,
- Second review conducted by staff other than the first reviewer, to ensure eligibility was properly determined, correct and complete;
- First and second review conducted on or prior to the participation date;
- Signatures and dates for first and second review conducted on or prior to the participation date;
- Eligibility expiration date within 90 days; and
- Documentation: Maintain ECRF in the participant's Document Bin of Workforce eFile.
- Documentation: SDWP staff recommend filing all eligibility documentation in order based on the ECRF.

The date of the signature of the staff conducting the second review on the ECRF is the date of "eligibility determination." After the date of eligibility determination, any changes made to the information that was used to determine eligibility must be accompanied by a case note. The case note in CalJOBS must indicate the reason(s) for the change.

### F. Universal Participation Agreement Form (UPAF)

Initials and signature on this form, prior to, or at enrollment, have been authorized to take the place of an applicant's (or parent, legal guardian or other responsible adult for youth under 18 years of age) signature on the following forms:

- CalJOBS: WIOA Application Form;
- Authorization for those under 18 to participate in the WIOA program;
- Authorization for those under 18 to receive transportation and/or medical care while enrolled;
- Authorization of release of records from various agencies and organizations;
- Acknowledgement of collection of information to determine eligibility and track performance; and
- Verification that Customer Rights Notices were provided.

### Process

- Complete all sections of **ATTACHMENT-UNIVERSAL PARTICIPATION AGREEMENT FORM (UPAF)**;
- Initials, signatures and dates must be prior to or at enrollment;
- Minors: Applicant's parent, legal guardian or other responsible adult must provide initials and signatures prior to or at enrollment. Provide copy of signed UPAF to applicant or parent, legal guardian or other responsible adult; and
- Documentation: Maintain completed form in the participant's Document Bin of Workforce eFile.

### G. Multimedia and Communication Release Form

The Multimedia & Communications Release Form (MCRF) grants permission to San Diego Workforce Partnership (SDWP) to use individual's involvement in a variety of multimedia and communications methods in perpetuity. Individuals may accept or decline authorization. Authorization is voluntary. Refusal to sign this authorization will have no effect on individual's current or future involvement in programs and services.

#### Process

- Complete all sections of **ATTACHMENT – MULTIMEDIA & COMMUNICATION RELEASE FORM**;
- Initials, signatures and dates must be prior to or at enrollment;
- Minors: Applicant's parent, legal guardian or other responsible adult must provide initials and signatures prior to or at enrollment.
- Documentation: Maintain completed form in the participant's Document Bin of Workforce eFile.
  - Indicate on the participant profile in Workforce eFile if they decline to sign the MCRF.

### H. Re-Certification Process

If necessary, a re-certification process would occur if the individual had not been enrolled into training and/or services within 90 days of the date that the second reviewer signs the ECRF (eligibility determination date).

#### Process

- Conduct new eligibility determination
  - It must be noted that the person's situation may change within the 90 days that pass from the original eligibility determination date; therefore, all information subject to change (residence, income, some barriers, etc.) must be re-verified with current documents. Documents originally used to verify static information, such as SSN, age, etc., do not have to be duplicated but must be available to monitors in the file with the current eligibility verification documents. As is required in the initial eligibility determination, the re-certification process requires that another knowledgeable staff person do a second or internal review of the documents used to re-certify the individual;
- Complete new Eligibility Certification Review Form (ECRF); and
- Complete new Universal Participation Agreement Form (UPAF).

### I. Exited Individuals and Re-Enrollment

For applicants who have previously been enrolled in a WIA or WIOA program as documented in CalJOBS, the provider must submit **ATTACHMENT - REQUEST FOR RE-ENROLLMENT FORM**.

Approval will be on a case-by-case basis; however, the re-enrollment should meet the following criteria:

- The applicant was not successfully placed in or completed post-secondary education in their previous participation in the program; OR
- The applicant did not have a successful attainment AND placement in their previous participation in the program; AND
- Their needs cannot be met through a non-WIOA source.

## Process

- Complete all sections of **ATTACHMENT - REQUEST FOR RE-ENROLLMENT FORM**;
- Documentation: If approved, provider must document a *standalone* case note in CalJOBS indicating approval has been granted as part of eligibility; and
- Documentation: Maintain completed form in the participant's Document Bin of Workforce eFile.

### 1. Re-Enrollment Limitations and Exceptions

SDWP will make exceptions to the above criteria on a case-by case basis and only if there are barriers to employment and education as documented on the Request for Re-Enrollment Form. SDWP also reserves the right to limit the number of re-enrollments.

For those applicants seeking to re-enroll for only employment services, it will be SDWP's recommendation to refer those individuals to the local America's Job Center of California (AJCC) and/or CONNECT2Careers(C2C). The program staff should assist those individuals with a warm hand-off and connect them directly with their contact at either the AJCC or with C2C staff.

If the applicant was unsuccessful in their previous participation, but shows active interest in re-enrollment, it is up to the provider to screen the individual's level of commitment to the new program. SDWP reserves the right to disallow a re-enrollment of an individual who has previously been enrolled due to lack of active participation.

## J. Dual and Co-Enrollments

### 1. Co-Enrollments

YSPs may choose, at the benefit of the participant, to enroll them in more than one program to access a wide-range of services. Co-Enrollment would be enrollment into more-than-one of the four core programs and/or enrollment by a single service provider into multiple SDWP funded programs:

- WIOA Title I. B: Adult, Dislocated Workers and Youth
- WIOA Title II: Adult Education and Literacy
- WIOA Title III: Wagner-Peyser
- WIOA Title IV: Vocational Rehabilitation
- SDWP-funded special projects

SDWP encourages the YSPs to leverage resources, including using co-enrollment, to ensure participant success.

### 2. Dual-Enrollments

Eligible participants may be dual-enrolled into two or more WIOA Title I programs and/or enrollment by two different YSPs into programs funded by SDWP. Dual-enrollment will allow participants to access a wider array of services that might otherwise be unavailable. YSPs should seek to dual-enroll for the benefit of the participant with services from other programs that supplement and/or enhance those services not to duplicate them.

Refer to **SDWP Operations Manual, Chapter 4, Part 2: Youth Program Activities** for policy and procedures on dual enrollments.

### III. DOCUMENTATION METHODOLOGY

DOL, EDD, and SDWP has implemented source documentation requirements for data validation to ensure local areas maintain and report accurate program information. These source documentation requirements are listed in the [ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA PROGRAM ELIGIBILITY](#), and are the only documentation sources local areas may accept in establishing WIOA program eligibility.

Documentation means to maintain on-file physical evidence, which is obtained during the verification process. Such evidence would be copies of documents (Documentary Evidence), completed Telephone Verification, and/or, as a last resort if other documentation is not available, signed Applicant Statements, following the case notes requirements, as described below.

#### A. Documentary Evidence

Official written evidence of the applicant's circumstances as issued by a governmental agency, social service organization, or business entity. Photocopies (unless expressly prohibited on the document) must be made of the documents submitted at the time of eligibility certification. These copies are maintained in the applicant's hard copy file for subsequent monitoring reviews and/or audits by local, EDD or DOL monitors.

##### 1. Documentation of Additional Barriers

YSPs are required to document, at minimum, one barrier to employment to establish eligibility. For additional barriers with self-attestation (self-certification in CalJOBS), no documentation is required and those additional barriers **must** be reported on the WIOA application and the Objective Assessment Summary (OAS).

#### B. Telephone Verification

For cases where documentation cannot or may not be copied, and/or is not readily obtainable, documents may be inspected or information verified by telephone. When documentation of WIOA eligibility certification is accomplished by telephone or document inspection, the staff person verifying the information is required to use the [ATTACHMENT-TELEPHONE VERIFICATION FORM](#), in order to establish uniformity for monitoring and auditing purposes. The Telephone Verification Form serves a dual purpose:

## 1. Cognizant Agencies

The Telephone Verification Form is used to verify eligibility information through phone contact with a governmental agency, social service organization, or business entity. Information recorded on this form must include all the applicable information, to enable a monitor or auditor to adequately verify eligibility (i.e. items to be verified, date and time of verification, document name, contact name, telephone numbers, addresses, intake workers' signature and date, etc.).

Examples of cognizant agencies that may assist in verifying eligibility information via telephone contact are:

- Local Schools
- Social Security Administration
- Veterans Administration
- Medical and Health Facilities
- Vocational Rehabilitation Facilities
- Drug and Alcohol Rehabilitation Facilities
- Housing Authorities
- Homeless Shelters
- Judicial Agencies and Institutions
- Employers
- Other state or local government agencies

## 2. Cognizant Individual

In some cases, a telephone verification with a cognizant individual may be used to document eligibility criteria in lieu of an Applicant Statement, where applicable. In these cases, reasonable justification must be provided on why the documentation could not be obtained through official documentation on **ATTACHMENT - TELEPHONE VERIFICATION** and a *standalone* case note must be entered in CalJOBS.

Examples of cognizant individuals that may assist in verifying eligibility information via telephone contact are:

- Parent/legal guardian/responsible adult
- Counselor
- Co-worker/Employer

### Process

- Complete all sections of **ATTACHMENT - TELEPHONE VERIFICATION**
- Dates and signatures must be prior to or at enrollment;
- If verified through a cognizant individual:
  - CalJOBS: Enter case notes including the following information:
    - Eligibility criteria verified with telephone verification; and
    - Describe attempts to obtain official documentation or through a cognizant agency
- Maintain completed form in the participant's Document Bin of Workforce eFile.

### C. Applicant Statement

An Applicant Statement is a self-attestation of the required eligibility information and may be used **only after** all reasonable attempts to secure official documentation listed in **ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA PROGRAM ELIGIBILITY** have been made and failed. SDWP allows for the use of an Applicant Statement to document some items which, in some cases, are not verifiable, or which may cause undue hardship for individual applicants to obtain.

#### Process

- Complete all sections of **ATTACHMENT - APPLICANT STATEMENT**;
- Dates and signatures must be prior to or at enrollment;
- CalJOBS: Enter case notes including the following information:
  - Eligibility criteria verified with applicant statement,
  - Describe attempts to obtain documentation and attempts failed,
  - Describe why information was not readily available, or would cause a delay in providing services, or cause undue hardship for the applicant to obtain;
- Minors: Applicant's parent, legal guardian or other responsible adult must provide signature as corroborative witness; and
- Corroborative Witness: Obtain corroborative witness signature if there is doubt about the accuracy of the applicant statement or if the eligibility staff decides that additional backup information is necessary, or the information appears to be contradictory to other information gathered.
- Maintain completed form in the participant's Document Bin of Workforce eFile, \.

*Note: Only one criteria per Applicant Statement form is allowed. If multiple Applicant Statement forms are used, each criterion determined must have its own Applicant Statement and a corresponding standalone case note in CalJOBS.*

## IV. GENERAL ELIGIBILITY REQUIREMENTS

In order to participate in any WIOA program, individuals must provide the following information and documentation as indicated in the **ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA PROGRAM ELIGIBILITY** and documented on **ATTACHMENT - ELIGIBILITY CERTIFICATION AND REVIEW FORM**.

### A. Region/Address Verification

YSPs are contracted to serve individuals in a certain region(s). Proof of residency/address verification within the contracted region must be documented in the participant's file.

### B. Social Security Number (SSN)

A Social Security number is used for data validation purposes only. If individuals are unable or refuse to provide a SSN, a pseudo-SSN may be assigned during the WIOA application process. Refer to **SDWP's Operation's Manual Chapter 5-CalJOBS Data Entry Policies and Procedures** for more information.

### C. Date of Birth and Age

Proof of birth date and age is required for all applicants for eligibility determination and identification. Age is determined at eligibility based on the age the applicant will be on the first date of enrollment. Once meeting the age requirement at enrollment, they can continue to receive services beyond the age of 24 for OSY and 21 for ISY.

## D. Right to Work in the United States

Authorization to work **cannot** be verified at eligibility, however, the federal Immigration Reform and Control Act requires employers to verify a job seeker's authorization to work documents prior to employment. Therefore, staff **must** verify right to work when services necessitate coordination with an employer such as work experience and job placement, etc. Refer to *SDWP Operations Manual, Chapter 4, Part 2: Youth Program Activities* for more information on right to work verification for employment services.

## E. Selective Service Registration

Selective Service System <https://www.sss.gov/Home/Verification> Section 189 (h) of WIOA requires that all male persons receiving any assistance or benefits under this title follow Selective Service Registration requirements, under the Military Selective Service Act (MSSA), if otherwise eligible.

MSSA requires that male persons born on or after January 1, 1960, are required to register with Selective Service within 30 days of their 18<sup>th</sup> birthday and up to, but not including their 26<sup>th</sup> birthday. All men in this age group must meet Selective Service registration requirements unless exempt from the registration requirement and can provide documentation to prove it. Failure to register in a timely manner does not relieve a man of his duty to register. Even if late, the duty to register remains until age 26.

### 1. Required Persons

Men required to register include those males who are:

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

### 2. Transsexuals, Transgendered and Intersex Individuals

The requirement for transsexual, transgendered, and intersex individuals to register for Selective Service depends upon the gender recorded on their birth certificate. If an individual is recorded as a male on their birth certificate, that individual would be required to register for Selective Service, unless exempt, regardless of their present sexual identity (e.g. sex change from male to female). However, if that individual's birth certificate is changed, after a sex change, for instance, to reflect a female identity, that individual would not be required to register.

### 3. Exceptions

Exceptions to mandatory registration for U.S. citizens are as follows:

- Male who are serving in the military on full-time active duty;
- Male attending the service academies;
- Disabled males who were continually limited to a residence, hospital or institution;
- Male hospitalized, incarcerated or institutionalized are not required to register during their confinement; however, they must register within 30 days of release if they have not reached their 26<sup>th</sup> birthday; and
- Male veterans discharged after their 26<sup>th</sup> birthday.

#### 4. Non-U.S. Citizens

Selective Service registration is not required if the male falls within one of the following categories:

- Non-U.S. male who came into this country for the first time after his 26th birthday. Acceptable forms of supporting documentation include:
  - Date of entry stamp in his passport; or
  - USCIS Form I-94 with date of entry stamp; or
  - Letter from the USCIS indicating the date the man entered the U.S. present in conjunction with documentation establishing the individual's age;
- Non-U.S. male who first entered the United States illegally after his 26<sup>th</sup> birthday; and
- Non-U.S. male on a valid non-immigrant visa.

#### 5. Verification of Selective Service Registration

When an applicant states that he has registered with the Selective Service, verification of his registration is required. Sources of Selective Service registration verification, as indicated in the **ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA PROGRAM ELIGIBILITY**.

If the applicant has no documentation to verify that he has registered, acknowledgment of registration may be obtained by one of the following methods:

- Log on to the Selective Service website at: <https://www.sss.gov/Home/Verification>
- and follow the prompts. The applicant can register on-line through this website;
- The applicant can call the Selective Service Data Management Center at (847) 688-6888 between 9:00 a.m. to 5:00 p.m. (Central Time) and ask for documents; or
- A copy of this form can be obtained online at the website or by calling the number above.

#### **A Male Who Turns 18 While Enrolled in a WIOA Youth Program**

A male who turns 18 years of age while enrolled in a WIOA program is required to register with the Selective Service within 30 days of his 18th birthday or must be suspended from services until he registers. The YSP must have a system in place to flag such persons, so the Selective Service registration can be conducted within 30 days of their 18<sup>th</sup> birthday and documented by a *standalone* case note in CalJOBS.

#### 6. Failure to Register

YSPs are responsible for approving whether or not the failure of a male to register with the Selective Service was “knowing and willful.” The applicant must provide a detailed description of the circumstances that prevented them from registering (e.g., hospitalization, institutionalization, incarceration, and/or military service from age 18 through 25) and provide documentation of those circumstances. Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and reasons for failure to register. The individual should offer as much detailed evidence as possible to support his case. Based on the preponderance of evidence provided, the YSPs will determine if the individual “knowingly or willfully” failed to register with Selective Service.



### **Determining “Knowing and Willful” Failure to Register for Selective Service**

If the YSPs determines it was not a “knowing and willful” failure and the individual is otherwise eligible, services may be approved. If the YSPs determines that evidence shows that the individual’s failure to register was “knowing and willful,” WIOA services must be denied. Individuals denied services must be advised of all available WIOA grievance procedures. The individual’s case file must retain documentation of evidence presented in determinations related to Selective Service Registration.

The following are examples of documentation that may be of assistance in making a determination:

- **Served in Armed Forces** - Evidence that a man has served honorably in the U.S. Armed Forces such as a DD-214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
- **Third Party Affidavits** - Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering may also help determine if the individual’s failure to register was willful and knowing.

*Note - All costs associated with WIOA funded activities and services provided to non-eligible individuals will be disallowed.*

### **F. Veteran and Covered Spouse Status for Veterans Priority**

All WIOA-funded programs are required to implement the Veteran’s priority provisions of the Jobs for Veterans Act. Veterans and covered spouses, who are determined eligible for WIOA services, are entitled to priority of service under WIOA Title I Adult, Dislocated Worker, and Youth-funded programs.

The term “veteran’s priority of service” means that a covered person shall be given priority over non-veterans, except for the priority of service established by law for the WIOA Adult program. The Veteran’s priority will apply in the event there are limited funds and youth fit the eligibility requirements in the WIOA Youth-funded programs and one is a Veteran or Covered Spouse, and one is not. The Jobs for Veterans Act requires that Veterans and Covered Spouses must first meet any of the WIOA program’s existing youth program eligibility requirements in order to obtain priority of service under the Veterans priority.

YSPs shall provide information to “covered persons” on services available under the DOL job training programs and shall ensure that individuals are informed of their right to priority as Veterans or Covered Spouses for employment and training services. This information from service providers must be provided to “covered persons” either verbally or in writing at each point in the program: 1) at the point of entry; and 2) at orientation; and 3) at eligibility determination; and 4) at assessment; and 5) during program activities.

A covered person under the Jobs for Veterans Act is one of the following:

## 1. Veterans

A Veteran who is an individual who served at least one day in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable; or

## 2. The Spouse of a Veteran

The Spouse of:

- Any Veteran who died of a service-connected disability;
- A member serving on active military duty who is listed as missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power; or
- Any Veteran with a total service-connected disability rating or one who died while being evaluated for it.

YSPs must have processes in place at the “point of entry” to the system to identify veterans and eligible spouses who are entitled to priority of services. Veterans and covered spouses take precedence over a non-covered person in obtaining all employment and training services. Depending on the type of service, this may mean veterans and eligible spouses receive services earlier in time, or instead of non-covered persons.

YSPs shall collect and enter the required veteran and covered spouse’s data elements into the SDWP’s case management system when registering veterans and covered spouses into the WIOA Title I Youth Program. Proof of veteran and covered spouse status must be documented and kept in the applicant’s file.

## V. WIOA YOUTH PROGRAM ELIGIBILITY CRITERIA

All youth applicants must meet the General Eligibility Criteria listed in General Eligibility Requirements and the following WIOA Youth Program Eligibility Criteria.

### A. School Status

YSP must provide documentation for In-School (ISY) and Out-of-School (OSY) status, as indicated in the **ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA PROGRAM ELIGIBILITY**. YSP contracts specify limitations on which populations they may serve, therefore YSP should only serve the population that is identified in their contract. Definitions for ISY and OSY are defined below:

#### 1. In-School Youth

- Age 14-21;
- Attending school;
- Low income, AND
- Meets one or more of the employment barriers listed in section B below for ISY.

#### 2. Out-of-School Youth

- Age 16-24;
- Not attending any school (For exclusions refer to **ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA PROGRAM ELIGIBILITY**); AND
- Meets one or more employment barriers listed in section B below for OSY.

## B. Employment Barriers

YSP must provide documentation for, at minimum, one documented barrier for ISY and OSY eligibility, as indicated in the [ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA PROGRAM ELIGIBILITY](#). Refer to Section III, Documentation Methodology regarding requirements for documentation of employment barriers.

### 1. In-School Employment Barriers

**Low-income** and fall within one or more of the following barriers:

- Individual with a disability;
- Offender;
- A homeless individual who meets the criteria defined in
  - Violence Against Women Act of 1994, sec. 41403(6), or
  - McKinney-Vento Homeless Assistance Act, sec. 725(2), or
  - A runaway youth;
- Foster youth;
  - An individual who is in foster care or has aged out of the foster care system, or
  - Who has attained 16 years of age and left foster care for kinship guardianship or adoption, or
  - An individual who were formerly in foster care, but returned to their families before turning 18, or
  - A child eligible for assistance under sec. 477 of the Social Security Act, or
  - In an out-of-home placement;
- Pregnant or parenting;
- Basic skills deficient;
- English language learner; or
- An individual who requires additional assistance to complete an educational program or to secure or hold employment, as defined locally below:  
*(No more than 5% of youth can be enrolled under this category)*
  - Who resides in an area with high rates of poverty, or unemployment, or resides in a designated Promise Zone or Gang Injunction Zone as indicated in [ATTACHMENT - RESIDES IN A BARRIER AREA](#),
  - Who reside in a public housing program;
  - Who is refugee/immigrant;
  - Who have serious emotional, medical, or psychological barriers,
  - Who has substance abuse problem, or has a history of having such a problem; or
  - Who has a parent or legal guardian that is incarcerated.

## 2. Out-of-School Employment Barriers

Meets one or more of the following barriers that **does not** require proof of low-income:

- Individual with a disability;
- School dropout;
- Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter (as defined by the local school district);
- Offender;
- A homeless individual who meets the criteria defined in
  - Violence Against Women Act of 1994, sec. 41403(6), or
  - McKinney-Vento Homeless Assistance Act, sec. 725(2), or
  - A runaway youth;
- Foster youth;
  - An individual who is in foster care or has aged out of the foster care system, or
  - Who has attained 16 years of age and left foster care for kinship guardianship or adoption, or
  - An individual who were formerly in foster care, but returned to their families before turning 18, or
  - A child eligible for assistance under sec. 477 of the Social Security Act, or
  - In an out-of-home placement;
- Pregnant or parenting; or

**Low-income** and fall within one or more of the following barriers:

- An individual who requires additional assistance to complete an educational program or to secure or hold employment, as defined locally below:
  - Who resides in an area with high rates of poverty, or unemployment, or resides in a designated Promise Zone or Gang Injunction Zone as indicated in **ATTACHMENT - RESIDES IN A BARRIER AREA**,
  - Who reside in a public housing program;
  - Who is refugee/immigrant;
  - Who have serious emotional, medical, or psychological barriers,
  - Who has substance abuse problem, or has a history of having such a problem; or
  - Who has a parent or legal guardian that is incarcerated; or

**Low-income** recipient of a secondary school diploma or its recognized equivalent and:

- Basic skills deficient; or
- English language learner

### 3. Resides in a Barrier Area

Individuals can be determined eligible if they reside in one or more of the barrier areas within San Diego County in the region they are applying to. Based on Census Tract data and local data, barrier areas have been defined locally as:

- Resides in an area of high poverty
- Resides in an area of high unemployment
- Resides in a designated Promise Zone; or
- Resides in a designated Gang Injunction Zone

#### Process

- Complete all sections of the “Eligibility Documentation” tab in **ATTACHMENT - RESIDES IN A BARRIER AREA**;
  - Reference: Determine the Census Tract number for the applicant using the hyperlink in the “Mapping Tools” tab;
  - Reference: “Eligibility Criteria” and “Mapping Tools” tabs to determine if the youth resides in a barrier area based on their address provided for region verification;
- Dates and signatures must be prior to or at enrollment.
- Maintain completed form in the participant’s Document Bin of Workforce eFile.

### C. Determining Low Income Status

All ISY and some categories of OSY must be determined to meet the WIOA low-income guidelines. Guidelines for determining if low income is required are provided in the section B above and in the **ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA PROGRAM ELIGIBILITY**.

#### 1. Public Assistance

An applicant who receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past six 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.

#### 2. Free or Reduced Lunch

Eligible to receive a free or reduced price lunch under the Richard B Russell national School Lunch Act. In Schools where the whole school automatically receives free or reduced price lunch, WIOA programs must base low-income status on an individual student’s eligibility to receive free or reduced price lunch or on meeting one of the other low-income categories under WIOA.

If an OSY is a parent living in the same household as a child who receives or is eligible to receive free or reduced price lunch based on their income level, then such an OSY would meet the low-income criteria based on his/her child’s qualification.

### 3. Living in a High Poverty Area

WIOA contains a new provision that allows for youth living in a high-poverty area to automatically meet the low-income criterion. In order to maintain consistency across the country, the Department proposes that a high-poverty area be defined as a Census tract; a set of contiguous Census tracts; an American Indian Reservation, tribal land; or a county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data. SDWP has selected to use the “at least 30% poverty rate” in San Diego County as set every 5 years using the American Community Survey 5-year data. These are provided in **ATTACHMENT-RESIDES IN A BARRIER AREA**.

### 4. Homeless Individual

A homeless individual who meets the criteria as defined in:

- Violence Against Women Act of 1994, Sec. 41403(6),
- McKinney-Vento Homeless Assistance Act, sec. 725(2), or
- A runaway youth.

### 5. Foster Child

A foster child on behalf of whom State or local government payments are made.

### 6. Individual with a Disability (ISY Only)

An individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

### 7. Low-Income/Family Size Determination

The individual receives an income, or is a member of a family that received a total family income, for the six-month period prior to WIOA registration that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level (LLSIL) provided in **ATTACHMENT-METHODS FOR CALCULATING INCOME**.

## D. Five Percent Eligibility Request

### 1. 5% Exception Request - Low Income

WIOA provides a five percent (5%) eligibility window to allow for the participation of youth who would benefit from services but do not meet the income eligibility requirements, provided they have one or more of WIOA defined barriers. No more than 5% of the **total youth enrolled** per program year.

### 2. 5% Exception Request - ISY Additional Barriers

Additionally, WIOA states that only five percent (5%) eligibility criteria for in-school youth that require additional assistance to complete an educational program or to secure or hold employment can be enrolled in the program under this criterion. No more than 5% of the **total youth enrolled** per program year.

## Process

- Complete Eligibility Determination Process,
- Complete **ATTACHMENT - 5% ELIGIBILITY EXCEPTION REQUEST**,
  - If requesting an exception for low income, you must attach the low-income calculation that shows the individual/family income is over the 70% low income guidelines.
  - If requesting an exception for ISY additional barriers, eligibility documentation must still be provided in the applicant's file. This form cannot be used to document a barrier.
- SDWP Approval: Submit documentation to SDWP Program Specialist for approval, and
- If approved, maintain the approved form in the participant's Document Bin of Workforce eFile.

## E. Related Definitions

### 1. Other Responsible Adult

For purposes of authorizing a minor to participate in WIOA programs, the signature of a parent, legal guardian, or other responsible adult is required. This provision allows the SDWP to enroll minors with the authorization of individuals other than a parent or legal guardian. The definition of "other responsible adult" includes:

- A relative with whom the individual resides;
- An adult who has been delegated custodial or administrative responsibilities in writing, either temporarily or permanently, by parents or by an appropriate agency;
- An agency or organization representative who is in a position to know the individual's circumstances (i.e., that they could not get a parent's or legal guardian's signature authorizing participation), for example, a clergy person, a school teacher or other school official, a probation or other officer of the court, a foster parent;
- A representative of an agency which provided support services to the individual and who is aware of the individual's circumstances (i.e., that they cannot get a parent's or legal guardian's signature authorizing participation) for example, a social worker, a homeless shelter official, a child protective worker, a health clinic official;
- Other responsible adults determined by the Local Workforce Board as appropriate to authorize the individual's participation.

### 2. Out-of-Family Youth

Court adjudicated youth separated from the family (including incarcerated youth), homeless, runaway, and emancipated youth for purposes of determining income eligibility are a "family of one."

### 3. Foster Care Situations in San Diego County

Includes youth who are in one of the following situations:

- Children's Services Bureau of the Health & Human Services Agency -W&I #300 - The minor's parent(s) has neglected or abused the minor and Juvenile Court has declared the minor a Dependent Child of the Juvenile Court; or
- Probation Department - A minor has committed a criminal offense and the Juvenile Court declares the minor a Ward of the Juvenile Court.

The Juvenile Court has ultimate authority over all these children, reviews each situation at least twice a year, and orders the placement (where the child will live) of the minor.

Possible Foster Care and Out-of-Home Placements include:

- Relative's home;
- Non-relative's home;
- Foster Family Agency (FFA) non-relative's home;
- FFA group home; and
- Residential 24-hour care facility.

*Note: Placement of the youth, who is a Ward of the Juvenile Court with the parent(s), does not constitute a foster care placement.*

## VI. ATTACHMENTS

Table of Documentation to Establish WIOA Youth Eligibility

Lives in a Barrier Area (Criteria)

Methods for Calculating Income

Workforce eFile

Universal Participant Agreement Form (UPAF)

Eligibility Certification and Review Form (ECRF)

Multimedia & Communication Release Form

Re-Enrollment Request

Telephone Verification

Applicant Statement

Lives in a Barrier Area (Form)

Five Percent Eligibility Exception Request