

**OPERATIONS MANUAL
CHAPTER 7, PART 1:
WIOA TITLE I ELIGIBILITY
(ADULT AND DISLOCATED WORKER)**

Revised February 2024

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I. INTRODUCTION

The purpose of the Workforce Innovation and Opportunity Act (WIOA) eligibility policies for Adults and Dislocated Workers is to provide community partners, local Americas Job Center of California (AJCCs) operators and other subrecipients funded with Adult or Dislocated funds 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 Notice of Proposed Rulemaking (NPRMs), the WIOA Final Rules, 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.

Service Provider must be familiar with and follow the requirements in this SDWP Adult and Dislocated Worker 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

d) *EDD Directives*

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_and_Comment_Open_Directives.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 Title I 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.

Note: Customers must remain responsive to complete and certify eligibility if at times a participant becomes unresponsive after three contact attempts, the Eligibility Specialist can close the individual's eligibility file.

C. ELIGIBILITY VERIFICATION ASSURANCES

During the eligibility certification process the Eligibility Specialist 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 Title I 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 Service Provider 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 the Program Supervisor,
- 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 participant Document Bin of the Workforce eFile, and
- CalJOBS: Enter case notes 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 Service Providers receiving WIOA funds provide access to all documentation/records used in the verification of WIOA participant eligibility. Electronic participant case files (eFile) 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 eFiles, 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 Service Providers closeout. If any open findings 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 Service Provider ceases operations and has no place for storage of the records, the Service Provider 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.

H. INTAKE AND OBJECTIVE ASSESMENTS

All Eligibility Specialist must begin the Objective Assessment in the Partner Portal (portal) to:

- determine eligibility
- create a referral
- begin intake, including OA

Refer to SDWP Operations Manual Chapter 4, Part 1: WIOA Title I Adult program Activities.

II. ELIGIBILITY CERTIFICATION

A. WORKFORCE E-FILE

Participant case files will be managed electronically through Workforce eFile and CalJOBS. To conduct eligibility, the Eligibility Specialist 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 Eligibility Specialist 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: Nondiscrimination & Equal Opportunity Policy and Complaint Procedures*.

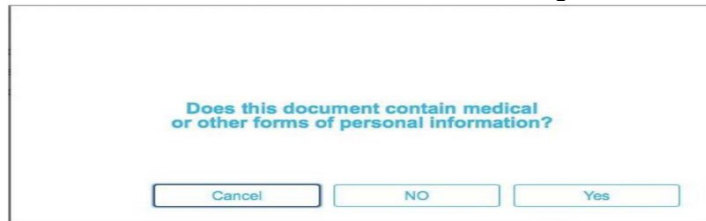
- Equal Opportunity Notice (English/Spanish);
- Complaint Form;
- Complaint & Incident Report Policy Notice;
- Incident Report Form; and
- Customer Code of Conduct Policy Acknowledgement Form.

C. COLLECTION OF MEDICAL AND/OR PERSONAL IDENTIFIABLE INFORMATION (PII)

While collection and data entry of personal identifiable and/or 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” as containing PII in the Workforce eFile.



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

Cancel NO Yes

- A stand-alone case notes with the subject line “**COLLECTION OF ELIGIBILITY INFORMATION**” shall be used and contain the following:

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, disability, reasonable accommodation, SSI,” or anything related. Any printed materials in the participant’s eFile not marked as containing PII, 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 eFiles 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 eFiles.

Refer to ***SDWP Operations Manual, Chapter 4, Part 1: Adult and Dislocated Worker 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 required signature on the WIOA Application is a certification by the applicant and/or parent/guardian that the information provided during eligibility determination is true, complete, and correct and is used for data validation under [EDD Directives](#). Refer to the CalJOBS Forms and Procedures Handbook located in “Operations Resources” and ***SDWP’s Operation’s Manual Chapter 5-CalJOBS Data Entry Policies and Procedures*** for information on obtaining signatures on the Title I application.

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.

Participation 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 (MCRF); and
- CalJOBS: Complete and sign WIOA Application and save in CalJOBS; 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 ADULT AND DISLOCATED WORKER 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 – ADULT INCOME CALCULATION FORM** (if applicable) (Section V.C.7)
- **ATTACHMENT - REQUEST FOR RE-ENROLLMENT** (Section II.H)
 - 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
 - Signatures and dates for first and second review conducted on or prior to the WIOA Application and participation date;
 - Eligibility expiration date within 90 days; and
 - Documentation: Maintain ECRF in the participant's Document Bin of the 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 on or prior to the WIOA Application and participation date; 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 signature on the following forms:

- CalJOBS: WIOA Application Form;
- Authorization to participate in the WIOA program;
- Authorization 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 on or prior to the WIOA Application and participation date;
- Documentation: Maintain completed form in the participant's Document Bin of the Workforce eFile.

G. MULTIMEDIA AND COMMUNICATION RELEASE FORM

The Multimedia & Communications Release Form 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 an 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 on or prior to the WIOA Application and participation date;
- Documentation: Maintain completed form in the participant's Document Bin of the 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 eFile 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 an active WIOA application in CalJOBS and who are receiving Follow-Up services, the Eligibility Specialist must submit **ATTACHMENT - REQUEST FOR RE-ENROLLMENT FORM**.

Approval will be on a case-by-case basis; however, the re-enrollment should be to the benefit of the participant and program outcomes. Re-enrollments will count twice in performance, once for the original enrollment and again for the secondary enrollment. Staff should assess whether or not their needs can be met through a non-WIOA service.

Process

- Complete all sections of **ATTACHMENT - REQUEST FOR RE-ENROLLMENT FORM**;
- Documentation: If approved, Eligibility Specialist 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 Document Bin of the Workforce eFile.

SDWP will make exceptions to the above criteria on a case-by-case basis and only if there are severe 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.

If the applicant was unsuccessful in their previous participation, but shows active interest in re-enrollment, it is up to the Eligibility Specialist 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

Service Providers 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 Service Providers 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 program and/or enrollment by two different Service Providers into programs funded by SDWP. Dual enrollment will allow participants to access a wider array of services that might otherwise be unavailable. Service Providers 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 1: Adult and Dislocated Worker Program Activities*** for policy and procedures on dual enrollments.

III. DOCUMENTATION METHODOLOGY

DOL, EDD, and SDWP have 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 ADULT AND DISLOCATED WORKER 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 uploaded to the participants Document Bin of the Workforce eFile at the time of eligibility certification. These copies are maintained in the applicant's eFile for subsequent monitoring reviews and/or audits by local, EDD or DOL monitors.

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**, 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 on or prior to the WIOA Application and participation date;
- 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 the 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 ADULT AND DISLOCATED WORKER 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; 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 Document Bin of the Workforce eFile.

Note: Only one criterion 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 ADULT AND DISLOCATED WORKER PROGRAM ELIGIBILITY** and documented on **ATTACHMENT - ELIGIBILITY CERTIFICATION AND REVIEW FORM**.

A. SOCIAL SECURITY NUMBER (DATA VALIDATION ONLY)

A Social Security number is used for data validation purposes only. If individuals are unable or refuse to provide an 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. If the individual is unable or does not have SSN documents, the Eligibility Staff should assist the participant with obtaining it.

B. 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. Individuals must be 18 years or older to participate in WIOA funded Adult or Dislocated Worker programs.

C. 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 the right to work when services necessitate coordination with an employer such as on-the-job training, employer referrals, work experience and job placement, etc. Refer to **SDWP Operations Manual, Chapter 4, Part 1: Adult and Dislocated Worker Program Activities** for more information on right to work verification for employment services.

D. 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 18th birthday and up to, but not including their 26th 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 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; and
- Dual nationals of the U.S. and another country, regardless of whether they live in the U.S.

2. Transgender 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 26th birthday; and
- Male veterans discharged after their 26th 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 26th 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 ADULT AND DISLOCATED WORKER 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.

6. Registration Requirements for Males 26 Years of Age or Older

As a part of the eligibility process, all males 26 years of age or older must provide one of the following:

- Documentation of compliance with the Selective Service registration requirement;
- Documentation showing, they were not required to register; or
- If they were required to register but did not, documentation establishing that their failure to register was not knowing and willful.

If such individuals cannot provide proof of registration, the Eligibility Specialist may use one of two methods to obtain a Status Information Letter from Selective Service.

First method is for the individual to request the letter directly from Selective Service if he:

- Believes he was not required to register; or
- Did register but cannot provide any of the documentation noted above; or
- The Request for Status Information Letter form and instructions can be accessed at www.sss.gov.

Second method is for the Eligibility Specialist to request the letter:

- If the Status Information Letter indicates that the male individual was not required to register for Selective Service, then he is eligible to enroll in WIOA funded services; or
- If the Status Information Letter indicates that the male individual was required to and did not register, he is presumed to be disqualified from participation in WIOA activities until it can be determined that his failure to register was not knowing and willful.

7. Failure to Register

Eligibility Specialist 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. The evidence must be presented by completing **WSD16-18, Attachment 1 – Selective Service Failure to Register Self-Attestation Statement** and offer as much detailed evidence as possible to support his case. Based on the preponderance of evidence provided, the Eligibility Specialist 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 Service Provider determines it was not a “knowing and willful” failure and the individual is otherwise eligible, services may be approved. If the Eligibility Specialist 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.

E. PRIORITY OF SERVICE FOR VETERANS AND ELIGIBLE SPOUSES

Service Providers are required to provide priority of service to veterans and eligible spouses for all WIOA funded activities, including technology–assisted activities. Priority of service means that veterans and eligible spouses are entitled to take precedence over non-covered persons in obtaining employment, training, and placement services. More specifically, a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

Service Providers must ensure veterans and eligible spouses receive basic career services and individualized career services before other non-covered individuals. Additionally, they must ensure veterans and eligible spouses receive first priority on waiting lists for training slots and are enrolled in training prior to 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 that class or service.

Service Provider 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.

Service Provider 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 Adult and DW Program. Proof of veteran and covered spouse status must be documented and kept in the applicant's file.

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

1. Covered Person

A veteran or eligible spouse.

2. Veterans

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. Active service includes full-time duty in the National Guard or a Reserve component, 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.

3. Eligible Spouse

The spouse (including the same-sex spouse) of any of the following:

- a) Any veteran who died of a service-connected disability.
- b) Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - i. Missing in action.
 - ii. Captured in the line of duty by a hostile force.
 - iii. Forcibly detained or interned in the line of duty by a foreign government or power.
- c) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the U.S. Department of Veterans Affairs (VA).
- d) Any veteran who died while a disability, as indicated in category c. of this definition, was in existence.

A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g., if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level), or upon divorce from the veteran or service member.

4. Non-covered Person

Any individual who neither meets the definition of veteran nor the definition of eligible spouse.

F. GENERAL SELF-SUFFICIENCY REQUIREMENTS

WIOA eligibility requires a determination that individuals enrolled in Adult or Dislocated Worker programs have received at least one Career Service and are unable to obtain or retain employment that leads to self-sufficiency. The WIOA NPRMs indicate that it is the responsibility of the local area to define “self-sufficiency” for employed adults and dislocated workers, during an eligibility determination, based on family size and local economic conditions.

V. WIOA TITLE I ELIGIBILITY CRITERIA

All individuals must meet the General Eligibility Criteria listed in General Eligibility Requirements and the following WIOA Adult and Dislocated Worker Program Eligibility Criteria.

Under WIOA, there are three types of Career Services that Adults and Dislocated Workers may receive: Basic Career Services, Individualized Career Services and Training Services, and Follow-up Services. These services can be provided in any order; there is no sequence requirement. Applicants, 18 years of age and older, who are primarily seeking Basic Career Services do not require a WIOA eligibility determination. Enrollment into WIOA Individualized Career Services and Training Services requires WIOA program eligibility.

Eligibility for program enrollment and program services does not entitle an individual to program enrollment or program services. Eligibility for services requires documented evidence of an applicant’s need for and ability to benefit from services, i.e., would otherwise be unable obtain or retain employment that would lead to self-sufficiency.

A. ADULT ELIGIBILITY

Adults must meet the following WIOA eligibility criteria to move from Basic Career Services to Individualized Career Services, including Training Services. Eligibility Specialist must provide documentation as indicated in the **ATTACHMENT- TABLE OF DOCUMENTATION TO ESTABLISH WIOA TITLE I (ADULT/DW) ELIGIBILITY.**

1. General Eligibility

- Birth Date /Age 18 years or older
- Selective Service Registration (if applicable)
- Veteran Status or Covered Spouse (if applicable)

2. Adult Eligibility Criteria

A. Income Determination

All Eligibility Specialist must determine income status through the Living Standard Income Level (LLSIL) Guidelines found in **ATTACHMENT - METHODS FOR CALCULATING INCOME.**

a) Determining Low Income Status (70% LLSIL)

The low-income guidelines and poverty guidelines are used to establish low-income status for WIOA Title I programs. SDWP uses the LLSIL to determine eligibility of Adult applicants, eligibility of employed adults for certain services, self-sufficiency, and eligibility for the Work Opportunity Tax Credit.

Income received during the six-month period immediately prior to the individual's application for WIOA funded services is used for income determination. Applicant's actual family income during the six-month income determination period must be compared with the six-month figures on the chart to determine eligibility see **ATTACHMENT - METHODS FOR CALCULATING INCOME.**

b) Determining Self-Sufficiency for Employed Adults (100% LLSIL)

WIOA participants who are employed, but are not receiving self-sufficiency wages, may be eligible for WIOA training services. The US Department of Labor's (DOL) 100%LLSIL guidelines can be used to set minimum criteria for determining whether WIOA Title I participants receive self-sufficiency wages in San Diego County, see **ATTACHMENT - METHODS FOR CALCULATING INCOME.**

B. Recipient of 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 following:

- a) Supplemental Nutrition Assistance Program (SNAP);
- b) Temporary Assistance for Needy Families (TANF);
- c) Supplemental Security Income (SSI); or
- d) Any other State or local income-based public assistance.

C. Free or Reduced Lunch

An individual 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.) WIOA programs must base low-income status on an individual student's eligibility to receive free and reduced lunch, regardless of if the whole school automatically receives free and reduced lunch.

D. Other Adult Eligibility

a) Basic Skills Deficient

The term basic skills deficient, means that a low-income individual has English reading, writing, or computing skills at or below the 9th grade level (8.9 or lower) on a generally accepted standardized test or a comparable score on a criterion-reference test. The Act does not provide flexibility to local areas to further define basic skills deficient.

b) Homeless

An individual or family who lacks a fixed, regular, and adequate nighttime residence; an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided.

c) Foster Care

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 was 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.

d) Individual with Disabilities

Has a physical (motion, vision, or hearing) or mental (learning or developmental) impairment which substantially limits one or more of such person's major life activities; and *has* a record of such an impairment or is regarded as having such an impairment. The individual's physical or mental impairment constitutes or results in a substantial impediment to employment.

3. Adult Program Priority of Service

The WIOA requires priority of service for adult employment and training activities for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, which includes English Language Learners, for individualized and training services. Veterans and eligible spouses continue to receive priority of service for all US Department of Labor (DOL) funded programs amongst all participants.

Priority of Service Requirement

As stated in the WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA Adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient (including English Language Learners). Staff must prioritize services to these populations at all times, regardless of the amount of funds available to provide services in the Local Area.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. The priority of service requirement does not apply to the WIOA Dislocated Worker program. SDWP is required to meet a minimum 75 percent priority of service rate of individuals in an individualized career or training service. Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA Adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E). As

described in TEGL 19-16, when programs are statutorily required to provide priority, such as the WIOA Adult program, then priority must be provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
2. Individuals who are the recipient of public assistance, other low-income individuals, or individuals who are basic skills deficient.
3. Veterans and eligible spouses who are not included in WIOA's priority groups.
4. Priority populations established by the Governor and/or Local Workforce Development Board (Local Board).
5. Other individuals not included in WIOA's priority groups

Process

Priority of Service must be documented in the Workforce eFile and in CalJOBS using a standalone case note. The case note must include the following:

- Subject Line: Priority Service Category
- The applicant's priority status; and
- Support Documentation used to determine priority

Note: When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority.

B. DISLOCATED WORKER ELIGIBILITY

The following categories outline the requirements within each category in which an applicant may be defined as a Dislocated Worker. Service Providers must provide documentation as indicated in the [ATTACHMENT- TABLE OF DOCUMENTATION TO ESTABLISH WIOA ADULT AND DISLOCATED WORKER PROGRAM ELIGIBILITY](#).

1. General Eligibility

- Birth Date /Age 18 years or older
- Selective Service Registration (if applicable)
- Veteran Status or Covered Spouse (if applicable)

2. Dislocated Worker Eligibility Categories

Category 1: Terminated or laid off, or has received notice of termination or layoff, **and is eligible for or has exhausted entitlement to unemployment insurance (UI)** and is unlikely to return to previous industry or occupation.

Category 2: Terminated or laid off, or has received notice of termination or layoff, **and has been employed for sufficient duration (based on state policy) to demonstrate workforce attachment but is not eligible for UI due to insufficient earnings, or the employer is not covered under the State UI law** and is unlikely to return to previous industry or occupation.

Category 3: Individual is terminated or laid off, or has received notice of terminating or layoff, from employment as a result of the **permanent closure** of or **substantial layoff** at a plant, facility, or enterprise.

Category 4: Individual is **employed** at a facility at which the employer has made a **general announcement that the facility will close**.

Category 5: Individual was **previously self-employed** (including farmers, ranchers, and fisherman), but is **unemployed** due to general economic conditions in the community of residence or because of **natural disaster**.

Category 6: **Displaced Homemaker** – An individual who has been providing **unpaid services to a family member** in the home and has been dependent on the income of another family member but is **no longer supported by that income**; or is the **dependent spouse** of a member of the Armed Forces or active duty and whose **family income is significantly reduced** because of a deployment, or a call or order to active duty, or a permanent change of situation, or the service-connected death or disability of the family member; **and is unemployed or under employed and is experiencing difficulty obtaining or upgrading employment.**

Category 7: The **Spouse of a member of the Armed Forces** on active duty, **and** who has experienced a **loss of employment as a direct result of relocation to accommodate a permanent change in duty station** of such member.

Category 8: The **spouse of a member of the Armed Forces** on active duty **and** who is **unemployed or underemployed and** is experiencing difficulty in obtaining or upgrading employment.

Category 12: **Dislocated Worker Grant (DWG) eligibility**: Individual does not meet criteria outlined for Dislocated Worker in categories 1 – 8 above but is an individual that meets DWG eligibility outlined under WIOA Title ID National Programs, Sec. 170 National Dislocated Worker grants, relating to Sec 170(b)(1)(A) workers affected by major economic dislocations OR Sec 170(b)(1)(B) workers affected by an emergency or major disaster.

3. Unlikely to Return Criteria

WIOA Section 3(15)(A)(iii) defines the term dislocated worker and identifies the dislocated worker categories individuals may qualify for WIOA services. Unlikely to return to a previous industry or occupation is an eligibility requirement for Dislocated Worker Category 1 and Category 2. The WIOA regulations SDWP define the criteria for establishing unlikely to return to a previous industry or occupation.

"Unlikely to Return" - May be defined in terms of family, personal or financial circumstances that may affect the likelihood of an individual returning to his or her previous industry or occupation for employment. The definition does not need to be based solely on economic conditions and job availability.

Criteria for "Unlikely to Return"

SDWP has determined a dislocated worker is unlikely to return to a previous industry or occupation if one of the following criteria is met:

- Worked in a declining industry or occupation, as documented on State or locally developed lists of such industries/occupations.
- Has had a lack of job offers as documented by local EDD Workforce Services or Unemployment Insurance staff, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry or occupation.
- Does not have the education and/or the necessary skills or can no longer meet the minimum requirements for reentry into the former industry or occupation, as documented through the assessment of the customer's educational achievement levels, testing, or other suitable means.

- Has a physical limitation or an injury which limits the individual's ability to perform the job from which they were dislocated or other problems which would preclude reentry into the former industry or occupation, as documented by a physician or other professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.).
- Has a poor employment history indicating a reduced capacity or ability to be reemployed in the former industry or occupation. Documentation to verify poor employment history may include but is not limited to, proof that:
 - Employment has been limited to one or more part-time (20 hours per week or less), or short-term (four months or less), jobs within the prior year, which were for the income maintenance rather than a career path (i.e., employment in "dead-end" jobs, which would not prepare the individual for permanent reemployment in the previous industry or occupation); or
 - Unemployment insurance (UI) benefits and/or public assistance receipt in the prior year, with little or no employment in interim periods, indicating a poor work history; or
 - Terminated or laid-off due to mechanization ("to do or operate by machinery, not by hand").
- Determination by staff that an individual's likelihood of returning to his/her previous industry or occupation is unlikely due to circumstances that cause significant barriers to employment. Barriers to employment include:
 - o Offender
 - o High school dropout
 - o Homeless
 - o Cultural or language barrier
 - o Older worker (Age 55+)
 - o Basic skills deficient
 - o Referred through the Worker Profiling and Reemployment System
- Has exhausted UI Benefits and has been unable to find a job in their previous industry or occupation.
- Has been unemployed 12 weeks within the last 20 months and has been unable to find a job in their former industry or occupation.
- Needs additional assistance to retain employment leading to self-sufficiency.
- Has a change in a family situation that requires higher income, includes a claim of financial hardship supported by documentation. (e.g., pay stubs, bank statements, family or business financial records, tax documents, public benefits award letters).
- Does not have a specific recall date from the employer of the qualifying dislocation.
- The specific recall date from the employer of the qualifying dislocation is within eight (8) weeks of termination or layoff.
- Has a gap in employment that decreases their chances of returning to the same level of occupation or type of job.
- Has limited employment opportunities in the occupation or industry within the local area.
- Lacks a credential required by employers.
- Has been actively seeking but unable to find employment in their previous industry or occupation for a period of 60 days or more.
- The negative economic conditions and sudden economic impact on industries or occupations experienced by the nation, such as a pandemic

VI. ATTACHMENTS

Eligibility Certification and Review Form
(ECRF) Universal Participant Agreement Form
(UPAF) Multimedia & Communication Release
Form (MCRF)
Table of Documentation to Establish WIOA Title I Eligibility
(Adult/DW) Methods of Calculating Income
Request for Re-Enrollment
Form Telephone
Verification Applicant
Statement
Determining Limited Employment Opportunities