



# NORTH CENTRAL COUNTIES CONSORTIUM

## ELIGIBILITY AND CASE MANAGEMENT PROCEDURE

Revision: 2019

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# ELIGIBILITY AND CASE MANAGEMENT PROCESS PROCEDURE

## I. Introduction

This procedure is intended to help Service Provider/One Stop staff determine the required eligibility criteria and documentation for individuals to be served under the Workforce Investment Opportunity Act (WIOA). The procedure also covers the minimum requirements for local case management processes.

This procedure will be effective July 1, 2015 and represents an analysis of the available guidance on rules, eligibility and regulations of the WIOA. At the release of this procedure the US Department of Labor, Employment Training Administration (DOL) has not released final guidance through the Federal Register, nor has EDD set forth any guidance on WIOA eligibility or program requirements. This procedure, where appropriate, still references the EDD WIA Eligibility Technical Assistance Guide (EDD Directive Eligibility Tag 14-4). This procedure will be updated if guidance from DOL or EDD changes information known at this time.

## II. Background

The WIOA authorizes a workforce investment system to provide workforce preparation and employment to eligible adults, dislocated workers and youth. WIOA provides authority to state and local governments to establish their own eligibility policies, procedures and definitions, as long as they are consistent with the WIOA and its associated regulations.

## III. References

Workforce Innovation and Opportunity Act  
Federal Regulations  
DOL TEGL 26-13 (WIOA Operating Guidelines)  
DOL TEGL 21-16 (WIOA Youth Guidance)  
EDD WSDD-179, Pathway to Services, Referral and Enrollment  
EDD Directive 71-07 (Youth Program Requirements)  
EDD Directive WSD15-14 (WIOA Adult Program Priority of Service)  
EDD WSDD-181 (Data Change Request)  
NCCC Policy #2, Definition of Self-Sufficiency for Employed Workers  
NCCC Administrative Procedures: #5 Selective Service, #7 Nondiscrimination EO Manual and #8 Supportive Services  
NCCC Service Provider Operator Contracts

## IV. Eligibility for WIOA Programs

### A. *General Eligibility Criteria –*

**Eligible to Work (right-to-work):** California law requires that an individual must have authorization to work in the United States to be eligible to receive WIOA funded services.

One Stops must verify an individual's authorization to work prior to enrollment into any WIOA funded programs. It is not necessary to document and verify citizenship in

addition to documenting an individual's status as eligible to work. Citizenship reported on the WIOA Application is a demographic reporting element required from time to time by the State for research and analysis. Requirements and procedures for documenting an individual's authorization to work are published in the U.S. Department of Homeland Security's Employment Eligibility Verification Form (Form I-9). All<sup>1</sup> documents used to satisfy list A OR B and C of the I-9 must be current and must be updated if expired during participation in the WIOA program.

**Selective Service/Military Status:** The WIOA requires that all males must comply with Selective Service registration prior to participation in the WIOA funded programs. All males who are at least 18 years of age and born after December 31, 1959 and who are not in the armed services on active duty, must be registered for the Selective Service<sup>2</sup>. A youth who becomes 18 years of age while participating in a WIOA program must register with-in 30 days of his 18<sup>th</sup> birthday.

NOTE: Youth Case Managers are required to set the alert for "WIOA Male Participants About to Turn 18".

In addition to meeting General Eligibility each funding source has unique eligibility requirements that must be adhered to. Following are brief descriptions of the eligibility criteria for formula funding streams.

## B. WIOA Youth Program –

Under the WIOA there are distinct eligibility requirements for In-School and Out-of-School youth. In order to receive youth services, an individual must meet one of the definitions of eligible youth as provided below. (please see in definition for Attending School and Not Attending School for guidance)

### **Out-of-School Youth is one who is:**

1. Not attending any school (as defined under State law) and
2. 16 to 24 years old and
3. Meets one or more of the following
  - a. A school dropout
  - b. With-in the "age of compulsory school attendance"<sup>3</sup> but has not attended school for at least the most recent complete school year calendar quarter
  - c. Offender
  - d. An individual who is homeless or runaway
  - e. An individual in foster care or aged out of foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under [Section 477 of the Social Security Act](#), or in an out-of-home placement.
  - f. Pregnant or parenting (custodial and non-custodial parent including non-custodial fathers)

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<sup>1</sup> All documents used to establish right to work, that have expiration date, must be current and updated during participation

<sup>2</sup> IF a required applicant did not register before their 26<sup>th</sup> birthday please see NCCC Admin Procedure #5, Selective Service.

<sup>3</sup> CA Education Law 48200 – compulsory school attendance is 6-18

- g. Individual with a disability  
**(Out-of-School Youth with the above barriers need not be low-income)**
- h. A low-income individual, a recipient of a school diploma or recognized equivalent AND is:
  - i. Basic skills deficient OR
  - ii. An English language learner
- i. A low-income individual who requires additional assistance to enter or complete an education program or secure/hold employment

**In-School Youth is one who is:**

- 1. Attending school and
- 2. 14 to 21 years old and
- 3. Low-income individual and
- 4. Meets one or more of the following
  - a. Basic skills deficient
  - b. An English language learner
  - c. An offender
  - d. An individual who is homeless or runaway
  - e. An individual in foster care or aged out of foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under [Section 477 of the Social Security Act](#), or in an out-of-home placement.
  - f. Pregnant or parenting (custodial and non-custodial parent including non-custodial fathers)
  - g. Individual with a disability
  - h. An individual who requires additional assistance to complete an educational program or secure/hold employment<sup>4</sup>

[WIOA Section 129 (a)(1)(B&C)]

SPECIAL RULE – The term low-income also includes a youth living in high-poverty area. [WIOA Section 129(a)(2)]

EXCEPTION FOR YOUTH WHO ARE NOT LOW-INCOME INDIVIDUALS - Up to 5% of the youth participants may be individuals who do not meet the definition of low income. This includes all In-School Youth, and those Out-of-School Youth whose eligibility is through the two Low-Income categories. The 5% exception shall be calculated using current year enrollees. (EDD guidance)

[WIOA Section 129 (a)(3)(A)(ii)]

LIMITATION FOR IN-SCHOOL YOUTH ELIGIBLE UNDER ITEM “h” above. Up to 5% of In-School Youth assisted under this section may be eligible under the “an individual who requires additional assistance to complete an educational program or secure/hold employment”. The 5% limitation shall be calculated using current year enrollees. (EDD guidance)

[WIOA Section 129 (a)(3)(B)]

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<sup>4</sup> See Limitation for In-School Youth Eligibility  
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### C. *Adult Program* –

Individuals seeking services under the WIOA Adult Program must be 18 years old or older (at time of registration/enrollment). Priority of service must be given to:

1. Recipients of public assistance or
2. Other low-income individuals (see low-income definition) or
3. Individuals who are basic skills deficient (see BSD definition item B.)

[WIOA Section 134(c)(3)(E)]

### D. *Dislocated Worker Program* –

Individuals that are 18 years old or older [EDD TAG] who meet one of the Five (5) eligibility categories that applies to individuals seeking services under the WIOA Dislocated Worker Program:

1. **TERMINATED OR LAID-OFF** – The individual must meet (a), (b) and (c) below
  - a. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; **AND**
  - b. Is eligible for or has exhausted entitlement to unemployment compensation; **OR**  
has been employed for a duration sufficient to demonstrate attachment to the workforce<sup>5</sup>, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under the State unemployment compensation law<sup>6</sup>; **AND**
  - c. Is unlikely to return<sup>7</sup> to a previous industry or occupation.
2. **CLOSURE OR SUBSTANTIAL LAYOFF** –
  - a. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure or any substantial layoff<sup>8</sup> of a plant, facility, or enterprise;
  - b. Is employed at a facility at which the employer has made a general announcement that such facility will close with-in 180 days; **OR**
  - c. Is employed at a facility at which the employer has made a general announcement<sup>9</sup> (with no date) that the facility will close may only receive Basic Career Services.
3. **SELF-EMPLOYED** – Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions<sup>10</sup> in the community in which the individual resides or because of natural disasters.

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<sup>5</sup> See definition for [sufficient attachment to the work force](#)

<sup>6</sup> If individuals are determined to be ineligible for UI benefits due to noncompliance with the unemployment insurance program, they are ineligible for the DW program.

<sup>7</sup> [See definition for unlikely to return](#)

<sup>8</sup> [See definition for substantial layoff](#)

<sup>9</sup> [See definition for general announcement](#)

<sup>10</sup> See definition for [general economic conditions](#)

4. **DISPLACED HOMEMAKER** – Is an individual who has been providing unpaid services to family members in the home and
  - a. Has been dependent on the income of another family member but is no longer supported by that income; **OR**
  - b. Is the dependent spouse of a member of the Armed Forces on active duty and who's family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station or the service-connected death or disability of the member;  
**AND**
  - c. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
  
5. **SPOUSE OF A MEMBER OF ARMED FORCES** – Is 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.  
**OR**  
Is 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.

E. *Special Projects* –

Eligibility criteria for NCCC special project will be given in separate instructions for the grant.

V. **Eligibility Determination and Acceptable Evidence Documentation**

Before individuals can be enrolled into WIOA activities staff must determine that the individual is eligible to receive services under the funding source. All eligibility documents/sources must be reviewed. This determination must be made prior to the Participant, Interviewer and Reviewers' signing the WIOA application.

There are different types of eligibility verification<sup>11</sup> methods that can be used. These methods are listed and described below. Attachment III of this document provides a sample of WIOA eligibility criteria and recommended documentation sources. Attachment IV of this document is a list of Eligibility Verification Forms (EV) developed for use with certain eligibility documentation. Eligibility verification methods include:

A. Documentation

Documentation means to maintain on-file physical evidence, or scanned documents, which are obtained during the verification process.

B. Documentation Inspection

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<sup>11</sup> Verification means to confirm an eligibility requirement through examination of official documents, e.g., birth certificates, public assistance records, or speaking with official representatives of cognizant agencies.

The eligibility documents MUST be inspected and reviewed by staff and recorded on the Telephone Verification/Document Inspection (EV08) form. Information recorded on this form must include all the applicable information to enable a monitor and/or auditor, to adequately verify eligibility, i.e. document name, contact name, telephone numbers, addresses, etc. and signed by staff.

#### C. Applicant Statement<sup>12</sup>

The use of a NCCC Applicant Statement forms is limited to: Number in Family; Low or Non-Income; Disability; Homeless; Runaway; School Dropout; Pregnant or Parenting; Offender; Terminated or Laid-Off; Closure or Substantial Layoff; Self-employed; Sufficient Attachment to the Workforce; Displaced Homemaker; English Language Learner. The use of these forms is allowable to document items that are not verifiable or are not readily available after reasonable efforts have been made. In taking an applicant's statement it is not necessary to obtain corroboration unless there is reason not to believe the applicant.

#### D. Telephone Verification

The Telephone Verification/Document Inspection form is used to verify eligibility information through governmental, private and/or social service agencies. Information recorded on this form must include all the applicable information to enable a monitor and/or auditor, to adequately verify eligibility, i.e. document name, contact name, telephone numbers, addresses, etc. and signed by staff.

### VI. **Maintenance of Eligibility Documents**

Maintenance of eligibility documents may be a hard copy in the participant's file or the document may be scanned. Either method of eligibility documentation must be kept in a way that the security of the information cannot be compromised. If a document is scanned it must be made available for any monitoring or auditing that is required by the WIOA program.

### VII. **Application and Enrollment**

After eligibility has been determined and documented, the application must be data entered into the CalJOBS system with-in 30 days of the determination.

- It is a requirement of the State and NCCC that the WIOA Application must be signed by the participant (parent or guardian if applicable), Interviewer and Reviewer;
- The completed WIOA Application must be maintained in the case file;
- NCCC has established a 90 day time limit from the date of the WIOA Application to the date of the first WIOA activity enrollment
  - If more than 90 days elapses the State will close the application on the CalJOBS system;
- The required signatures and dates on the WIOA Application MUST be prior to or on the same date as the enrollment into the first activity;

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<sup>12</sup> See definition for [applicant statement](#)  
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- The first and all subsequent WIOA Activities MUST be data entered with-in 30 days into the CalJOBS system.

## VIII. **Priority of Service**

The WIOA establishes statutory requirements for serving priority groups. The priority system includes two groups that must receive priority for services under WIOA funding. The first group is the Adult program priority and the second group is for Eligible Veterans and Eligible Spouse of Veterans.

*Adult Program Priority:* With respect to individualized career services and training services funded with WIOA Adult funds, priority of service must be given to individuals who are either low-income, recipient of public assistance or basic skills deficient. This priority does not apply to the Dislocated Worker program (see definition section for each category).

[WIA Section 134(c)(3)(E)]

*Veterans Priority:* Priority of service is given in all WIOA Title I programs to Veterans and Eligible Spouses of Veterans that otherwise meet the eligibility requirements for the program.

*Adult Funds Priority Order:* The US Department of Labor has set a priority order in which services are offered to individuals in the WIOA Adult program. The Adult program priority is established in the following order:

- i. First Priority Group - Eligible Veterans and Eligible Spouse of Veterans who are either low-income, recipients of public assistance or basic skills deficient (Adult priority);
- ii. Second Priority Group - Individuals that are not Eligible Veterans and Eligible Spouse of Veterans but are either low-income, recipients of public assistance or basic skills deficient (Adult priority);
- iii. Third Priority Group - Eligible Veterans and Eligible Spouse of Veterans who are not in the Adult priority group;
- iv. Last Priority Group - individuals who do not meet the Adult priority or the Eligible Veterans and Eligible Spouse of Veterans priority group definitions.

[DOL TEGL 3-15]

NOTE: All documents that determine priority of service must be maintained in the participant's file.

## IX. **Civil Rights**

It is required that all participants be given the Civil Rights/Grievance form at the time of intake. The Civil Rights/Grievance form is required to be signed and maintained in the participant file.

**X. Eligibility Criteria for Career Services and Training Services (Adult and Dislocated Worker Programs)**

A. Career Services and Training Services are tailored to meet the needs of individual jobseeker. Under WIOA DOL classifies career services into three categories: basic and individualized career services and follow-up services.

- a. Basic Career Services - Must be made available to all job seekers and include services such as labor exchange, labor market information, job listings and information on partner programs.  
[WIOA Section 134(c)((2) and Fed Reg 678.30 (a)]
- b. Individualized Career Services - Are made available as appropriate to help individuals obtain or retain employment.  
[WIOA Section 134(c)((2), Fed Reg 678.30 (b)]
- c. Follow-up Services – must be provided as appropriate for participants who are placed in unsubsidized employment for up to 12 months after the first day of employment. Counseling about the work place is an appropriate type of follow-up service.  
[WIOA Section 134 (c)(2)(xiii), Fed Reg 678.430 (c)]

NOTE: see attachment IV for list of career and training services

**B. Training Services**

Training services may be made available to adults and dislocated workers who after an interview, evaluation or assessment and career planning have been determined to be:

1. Unlikely or unable to obtain/retain employment and is in need of training services obtain/retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
2. In need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
3. Possessing the skills and qualifications to successfully participate in the selected program of training services; (Fed Reg 680.210)

In addition, the individual must:

4. Select a program of training service(s) that are directly linked to the employment opportunities in the local area or the planning region or in another area (IF willing to commute); and
5. Be unable to obtain other grant assistance and/or requires assistance beyond the assistance made available under other grant assistance programs; and
6. Be eligible based on the local priority system.  
(WIOA Section 134(c)(3))

### C. Employed Worker –

- a. To serve an employed worker in the Adult or Dislocated Worker programs, through Individualized **Career Services**, the individual must either not meet NCCC’s definition of self-sufficiency or meet the definition of Underemployed.
- b. To serve an employed worker in the Adult or Dislocated Worker program in a **Training Service** the individual must not meet NCCC’s definition of self-sufficiency.

(DOL TEGL 3-15)

## XI. Economic Eligibility/Low Income Determination

The determination of low-income status applies to the WIOA youth and adult programs. A low-income individual is one who falls into one of the following categories.

1. receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the -
  - CalFresh (formally Food Stamps), supplemental nutrition assistance program established under the Food and Nutrition Act of 2008
  - TANF, 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
  - SSI, the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.),
  - GA, State or local income-based public assistance
2. is in a family with total family income that does not exceed the higher of—
  - a. the poverty line; or
  - b. 70 percent of the lower living standard income level
3. is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 H. R. 803—12 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))
4. receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)
5. is a foster child on behalf of whom State or local government payments are made
6. is 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

[WIOA Section 3(36)]

7. EDD DRAFT Directive WSDD-158 expands the definition of low to include youth who are living in a high-poverty area.

*Special Projects* – It may be determined that economic eligibility must be determined for a special project grant. Additional instructions will be released.

## **XII. Determination of Family Income (for XI (2) Above)**

Family (or if a family of one) income is defined as the six-month period prior to application for the program involved. To determine income for the WIOA program, the following guidelines should be applied:

- Family income is the sum of all money received from all resources by all family members, except for specific exclusions, as defined in this procedure. (See Attachment for income inclusions/exclusions)
- Determine the six-month family income by combining the total sums of all reportable income for each family member for the **six months** immediately prior to the **date of application**.
- For the purpose of calculating family income an average pay method may be used whereby the average of one pay stub (if the year to date amount is visible) or 2 or more pay stubs are averaged for the purpose of determining six months of family income.

## **XIII. Additional Requirements for Youth Programs**

**Out of School Youth** – Please note that 80% of the total Youth program allocations must be spent on out-of-school youth.

**Authorizing Minors to Participate in WIOA** – For purposes of authorizing a minor (except an emancipated minor<sup>13</sup>) to participate in WIOA, the signature of a parent, guardian or other responsible adult is required on the WIOA Application.

The “other responsible adult” provision allows minors to participate in the program with the authorization of individuals other than a parent or guardian. See definition of “other responsible adult”.

## **XIV. Ineligible Participants**

- A. If a participant is discovered to be ineligible for the program that she/he is enrolled in, the participant’s information should be reviewed for eligibility under other funded WIOA programs or eligibility categories, including eligibility under the Youth 5% category. If the participant is found eligible for another category or program, she/he should promptly be enrolled in the appropriate category or program.
- B. If the participant is found ineligible for all WIOA programs, the participant should receive a prompt written termination notice. The participant should also receive written information on her/his rights and grievance procedures.
- C. In all cases, the Service Provider should assist the individual in obtaining employment

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<sup>13</sup> See definition for [emancipated minor](#)  
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information and/or referrals to other One Stop partners and local service providers.

## **XV. Case Management Process**

Case management is a client centered approach to the delivery of services designed to prepare and coordinate comprehensive employment plans for participants to ensure access to necessary workforce investment activities and supportive services. Case management is an ongoing process that involves active engagement of the participant by the assigned Case Manager, including the development of a comprehensive plan; enrollment into appropriate activities to document services rendered; and comprehensive case notes that clearly outline the services and needs of the participant.

### **A. CASE NOTES:**

Case management efforts/services to participants must be documented through case notes at least every 90 days. Case note entry at least every 90 days is the maximum length of time between documenting services to participants. Please be mindful that case note entries should be made regarding any significant contact with the participant i.e. supportive service requests/payments, change in service plan, changes in training plan and/or emerging needs.

Case notes should only include the facts; describe the behavior and events only. Case notes should NOT contain the One Stop staff's opinion or diagnosis. Customer privacy must be maintained and the One Stop must ensure:

1. All confidential information is discussed in private;
2. Control of participant records is maintained at all times;
3. Medical information MUST be kept separate from the participant's case file and NOT documented in the CALJOBS System;
4. Participant information is shared on a "need to know basis only
5. Case notes must be dated and signed by staff.

Note: One Stop employees should never attempt to diagnose any customer's condition, or offer opinions about medical treatment.

Exit case note must include all information on the employment (if applicable, include employer, date employed, wages and benefits if received). The case note should also include that the participant was informed of follow-up services.

### **B. PARTICIPANT REPORTING /ACTIVITY START / END / SYSTEM CLOSED INFORMATION:**

All services offered participants must be documented by enrollment into the appropriate CalJOBS activities.

All participant actions (enrollment into activities, ending activities, closure information) must be data entered onto the CalJOBS system no more than 30 days in arrears.

The CalJOBS system closes an activity if an “Actual Begin Date” is not entered and more than 30 days elapses. To avoid the system closing an activity the “Actual Begin Date” must be entered into the system before 30 days elapses.

The CalJOBS system closes an activity if the “Projected End Date” expires and more than 30 days elapses. To avoid the system closing an activity the “Projected End Date” must be extended in the system before 30 days elapses.

If these actions do not occur timely the system will close the activity and “System Closed” will appear under the “Actual End Date” column.

**DATA CHANGE REQUEST** - To request any corrections to the data on the CalJOBS system the following steps must be followed:

Requests for data change are submitted to the NCCC contact person via email with Data Change Request in the subject line.

The email request must include the participant’s name, application number or last four digits of the social security number (do not include full number) and the requested change(s).

**Request To Correct Activity(s) In The System:** When requesting changes to activity(s) please include the grant code, all current information and the requested change(s).

**Request To Enter A New Activity:** If staff is requesting to enter a new activity 30 days in arrears, EDD must first give permission.

- In the request include all information for the new activity(s) including grant code, activity code, requested start and end dates.
- Once permission is given staff will be instructed to enter the activity with the start date *current date* and notify this office. (If activity is not entered in 7 calendar days the request will be denied)
- This office will notify EDD that the activity has been entered and then EDD will set the requested date.

For all requests it is required that staff give a detailed explanation as to why the change is needed.

It is required that requests to correct/enter paid activities are submitted by the AJCC Director, or staff chosen by the Director. If multiple and frequent change requests are submitted corrective action plans may be required of the AJCC.

Note: All case managers are required to set alerts for “Projected Start Date” and “Projected End Date”. If case managers complete all actions related to notifications from these alerts they will avoid “System Closed” activities and will also avoid unintended “Soft Exits”.

### C. INDIVIDUAL SERVICE STRATEGY (ISS):

NCCC requires that a service plan/strategy is developed for all individuals enrolled into WIOA Adult, Dislocated Worker, Youth and special project programs. Below are instructions for the development of an ISS for NCCC programs funded under the WIOA.

#### *Adult and Dislocated Worker Programs—*

The WIOA states the ISS is an ongoing strategy that is jointly developed by the participant and one-stop staff that is appropriate for the individual. The ISS is an effective way to provide services to individuals with barriers to employment, and to coordinate various services, including training services. The ISS is one of the Individualized Career Service activities. NCCC requires that a service plan be developed and recorded for all Adult or Dislocated Worker participants funded under WIOA Title I

A local system must be in place that assures that the ISS for individual participants, at a minimum, includes:

1. employment goals;
2. achievement objectives; and
3. appropriate combination of services for the participant to obtain these goals and objectives.

If the participant is served in a training activity an interview, evaluation and/or assessment must be conducted with the individual and the results documented in the ISS. The ISS must show -

1. Results from an interview, evaluation or objective assessment;
2. The individual is unlikely or unable to obtain/retain employment and is in need of training services to obtain/retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment;
3. Has the skills and qualifications to successfully participant in the selected program of training services;
4. Selects a program of training services that are directly linked to the employment opportunities in the local area or the planning region or in another area (IF willing to commute);
5. Is unable to obtain other grant assistance and/or requires assistance beyond the assistance made available under other grant assistance programs;
6. The individual is eligible based on the local priority system.

Local systems must be in place that assures that the service strategy for the individual is documented, either by a locally developed standardized form or comprehensive case notes.

[WIOA Section 134 (c)(2)(xii)]

#### *Youth –*

The WIOA requires the development of a service strategy for all youth served under Title I of the act. NCCC programs are required to follow the guidance and instructions set out in the NCCC Administrative Procedure No. 19, Individual Service Strategy Procedure, for all youth program participants.  
[WIOA Section 129 (c)(1)(B)]

*Special Projects –*

Direction will be released for each special project regarding ISS requirements.

D. BUDGET STATEMENT:

For some WIOA programs it is required to document the participant's need to receive services that involve financial reimbursement/payments/tuition support. NCCC Service Providers were given flexibility to develop their own budget statement form. At a minimum the following information must be included in the budget statement:

1. Total income compared to total monthly expenses (we do not care how you itemize these figures) to document the need for support;

For training service(s) only the budget statement must also include:

2. Participant has been advised that if pursuing classroom training, a student loan could be needed and result in personal indebtedness;
3. Participant has been advised of other financial aid programs/grants;
4. If the participant has applied/received other non-WIOA financial aid (if yes list type, amounts and purpose of aid);
5. If the participant is receiving assistance from any other agencies (if yes list the agency name, amounts, and purpose of support).

If the budget statement does NOT show a deficit after calculating the income and the expenditures you must rationalize the need for WIOA funding. A case note must also explain the need.

*Adult and Dislocated Worker Programs –*

Participants who are or will receive WIOA support (training services, supportive services, Work Experience) a budget statement must be completed.

*Youth –*

A budget statement is not required for youth programs.

*Special Projects –*

Direction will be released for each special project regarding budget statement requirements.



E. PROGRAM EXIT:

The CalJOBS system does not allow hard exit to occur. Once all services are completed staff should “close” all open activities and “Create Closure” on the system. If the participant has a global exclusion, staff must also “Create Outcome” on the system with the appropriate information being added for the global exclusion. The reason for a “Global Exclusion” must be documented at minimum with a case note.

An exit case note must include all information on the entered employment (if applicable, include employer, date employed, wages and benefits if received). The case note should also include that the participant was informed of follow-up services.

For participants who are no longer receiving WIOA services and a closure has been entered on the CalJOBS the case file must include all the following information and forms:

<i>WIOA Application</i>	<i>All Programs – The WIOA Application must be signed.</i>
<i>WIOA Enrollment/Registration</i>	<i>All Programs – The WIOA Enrollment/Registration (Case Participation Record on CalJOBS) with all activities closed.</i>
<i>WIOA Closure and Outcome (if applicable)</i>	<i>All Programs – The WIOA Closure/Outcome on CalJOBS.</i>
<i>WIOA Follow-Up</i>	<i>Adult and Dislocated Worker Program – Post program follow-up contact is not required for adult programs. The exception is if the Follow-Up form is used to report supplemental data or to exclude the individual from performance.</i>  <i>Youth Programs – It is required to complete and copy to the file Follow-Up forms for the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> quarter after exit.</i>
<i>Literacy and Numeracy Record</i>	<i>Youth Programs – The WIOA Youth Test Scores (Literacy/Numeracy Record on CalJOBS).</i>
<i>Case Notes</i>	<i>All Programs – All case notes related to WIOA services.</i>

F. PROGRAM FOLLOW-UP SERVICES:

*Adult and Dislocated Workers –*

WIOA states that follow-up services are offered for those who are placed in unsubsidized employment for not less than 12 months after the first day of employment as appropriate.

[WIOA Section 134 (c)(2)(xiii), Fed Reg 678.430 (c)]

*Youth –*

Under WIOA follow-up service is one of the required program elements. Follow-up services are offered for not less than 12 months after the completion of participation, as appropriate. The type of service(s) provided must be determined based on the needs of the individual.

[WIOA Section 129 (c)(2)(l)]

G. FOLLOW-UP CONTACTS:

*Adult and Dislocated Worker Programs –*

Post-program follow-up contact is not required for Adult and Dislocated Worker programs. WIOA Follow-up information on the CalJOBS may be completed if it is found the individual falls into a category that excludes them from the common measures<sup>27</sup>. The exclusion exit code should be entered data entered into the CalJOBS system. Follow-up should also be completed to report supplemental data for performance purposes.

*Youth –*

It is required to conduct an interview and complete WIOA Follow-up information on the CalJOBS for all youth who have exited the program for the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> quarters after exit. The timing of the interview will be the first day of the quarter after the follow-up quarter.

Note: Youth Case Managers are required to set the alert for “WIOA Follow-Up”.

H. RECORD RETENTION

All records must be maintained in accordance with the NCCC Administrative Procedure #06 Record Retention.

I. CONFIDENTIALITY

All records (application, ISS, case notes, eligibility documents etc.) must be kept in a secure location and whether electronic or hard copy must be locked or otherwise secured (e.g. through password protection). Any medical or disability-related information obtained must be maintained in separate files, apart from any other information about the individual and treated as confidential and only viewed on a need to know basis.

**XVI. System Validation and Monitoring**

NCCC program monitors will conduct periodic reviews of the participant’s eligibility based upon the information and eligibility documents contained in the participant’s file or on the CalJOBS system.

## ASSESSING AND DETERMINING INCOME

### INCLUDED AS INCOME

- Money, wages and salaries before any deductions
- Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expense)
- Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses)
- Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends
- Alimony
- Military family allotments or other regular support from an absent family member or someone not living in the household
- Pensions whether private, government employee (including military retirement pay)
- Regular insurance or annuity payments (including state disability insurance)
- College or university scholarships (not need based), grants, fellowships, and assistant-ships
- Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts
- Net gambling or lottery winnings
- Wages received from California Conservation Corps
- Severance payments
- Terminal leave pay
- Payments received under The Trade Act
- Soil Bank payments
- Agriculture Crop Stabilization payments
- Black Lung: If one-time payment for injury – excluded  
If periodic payment – included
- Social Security Disability Insurance Payments
- WIOA Title I – OJT Wages
- Unemployment Insurance
- Child Support Payments

### EXCLUSIONS FROM INCOME

- Foster care child payments and adoption assistance payments.
- Cash payments under a Federal, State or local income based assistance program (including TANF, Supplemental Security Income (SSI), Refugee Cash Assistance, and General Assistance)
- Social Security payments including Social Security Retirement, Survivors Insurance
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants and Federal Work Study. Plus, Stafford and Perkins loans like any other kind of loan are debt and not income.
- Needs-based scholarships assistance
- Veterans Benefits
- Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance
- Capital gains
- Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury
- Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, Food Stamps, school meals, and housing assistance
- Allowances, earnings and payments to individuals participating in programs under this Act (except OJT wages) shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any federal or federally assisted programs based on need.

**Individuals normally receive wages or income payments under one of the following increments.**

**STRAIGHT OR SALARY**—The straight pay is income received without variation in the gross pay from pay period to pay period. The information may be provided in a series of pay stubs or one, cumulative pay stub. The weekly gross pay is multiplied by 52 to determine the annual gross wages; bi-weekly is multiplied by 26; bi-monthly is multiplied by 24; and monthly is multiplied by 12.

Example 1: Bi-weekly pay stubs indicate a gross amount of \$548.

$26 \times \$548 = \$14,248$  is the annualized gross income

Example 2: Year to Date earnings \$16,812 with bi-monthly payment. There were 18 bi-monthly payments of \$934.

$16,812 \div 18 = 934$

$24 \times \$934 = \$22,416$  is the annualized gross income

**VARYING**—When reported earnings vary from pay period to pay period, the average of the earnings submitted is annualized. The earnings may be submitted on a number of pay stubs or on one, cumulative pay stub.

Example: Six weekly pay stubs report the following gross earnings: \$534, \$475, \$398, \$534, \$498, and \$534.

Add:  $\$534 + \$475 + \$398 + \$534 + \$498 + \$534 = \$2,973$

Divide:  $\$2,973 \div 6 = \$495.50$  is the average gross weekly earnings

Multiply:  $\$495.50 \times 52 = \$25,766$  is the annualized gross income

**INTERMITTENT**—Earnings are varied and include periods of unemployment. With as much data as possible, annualized income is determined by adding the reported earnings.

## DEFINITIONS

### **Active Duty (101(d)(1) of title 10 US Code)(Veteran definition) –**

The term active duty means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at school designated as a service school by law or by the Secretary of the military department. *Such term does not include full-time National Guard duty.*

### **Applicant Statement –**

Service Providers and applicants must make reasonable efforts to document eligibility documents for WIOA-funded programs. However, applicant statements may be used when an item is unverifiable or it is unreasonably difficult for the applicant to obtain. NCCC has developed applicant statement forms that must be used. In taking an applicant's statement it is not necessary to obtain corroboration unless there is reason not to believe the applicant. In order to utilize the applicant statement as documentation the following requirements must be adhered to:

- (1) NCCC's applicant statement form must be used;
- (2) Use of the applicant statement is limited to the following instances:
 

a. Number in Family	h. Offender
b. Low Income/Non Income	i. Terminated or Laid-Off
c. Disability	j. Closure or Substantial Layoff
d. Homeless	k. Self-employed
e. Runaway	l. Sufficient attachment to workforce
f. School Dropout	m. Displaced Homemaker
g. Pregnant or Parenting	n. English language learner

### **Additional Assistance To Enter Or Complete An Educational Program Or To Secure Or Hold Employment –**

The Workforce Development Board has further defined this barrier to include the following youth individuals:

- (1) Any youth enrolled in an alternative school/program such as: ABE, Alternative Education Work Center, County Community Schools, Compensatory Education, Continuation Schools/Classrooms, ROP/C, Court School/Correctional Education, Educational Clinics, GED Prep/High School Equivalency Program, Independent Study, Charter School, Magnet Schools/Programs, Migrant Education, Opportunity Education, Partnership Academies, Special Education, Teenage Pregnancy and Parenting Program. This is not an exhaustive list; **or**
- (2) A student who has chronic attendance or discipline problems at school or whose educational achievement is beneath expected levels; **or**

A youth who during the last 12 calendar months either received earnings, which equal no more than minimum wage, **or** did not work full time (30 or more hours per week) in unsubsidized employment for more than 13 consecutive weeks **or** was terminated from employment. [NCCC definition]

### **Attending School –**

*Attending School* – an individual is considered to be attending school if the individual is enrolled in secondary or postsecondary school. If a youth is between high school graduation and postsecondary education, the youth is considered an IS youth if they are registered for postsecondary education,

even if they have not yet begun postsecondary classes. However, if the youth registers for postsecondary education, but does not follow through with attending classes, the youth is considered OS youth if the eligibility determination is made after youth decided not to attend postsecondary education. Youth on summer break are considered IS youth if they are enrolled to continue school in the fall. (TEGL 21-16).

### **Basic Skills Deficient –**

- A. The individual has English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test, OR
- B. Who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society  
[WIOA Section 3(5)]

For Adult Priority of Service: criteria used to determine individuals as being basic skills deficient include the following:

- Lacks a high school diploma or high school equivalency and is not enrolled in secondary education;
- Enrolled in a Title II Adult Education or Literacy program;
- Has English reading, writing or computing skills at an 8.9 or below grade level
- Determined to be limited English skills proficient through staff-documented observation;
- Other objective criteria determined to be appropriate by the local area and documented.

EDD Responded to questions in WSD15-14 regarding determining an individual was basic skills deficient “rather than limit assessment to formal testing, the policy provides flexibility to assess individuals who may be basic skills deficient through staff observation, enrollment in Title II Adult Education/Literacy programs, lack of a secondary school credential or its equivalent, or other objective criteria as defined by local policy”.

### **Career Pathway –**

WIOA defines the term career pathway as any combination of rigorous and high-quality education, training and other services that:

- (A) aligns with the skill needs of industries in the economy of the State or regional economy involved;
- (B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an “apprenticeship”, except in section 171);
- (C) includes counseling to support an individual in achieving the individual's education and career goals;
- (D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- (E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;
- (F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and
- (G) helps an individual enter or advance with-in a specific occupation or occupational cluster.  
[WIOA Section 3(7)]

**Dependent Children –**

Individuals who are:

Claimed as a dependent on their parent's income tax: AND

Are under 18, not an emancipated minor, and living in a single residence with their parent(s) or guardian(s); or

Ages 18-24, and living in a single residence with their parents(s) or guardian(s).

NOTE: Dependent Children is defined to determine the family size when low-income status is an eligibility requirement for participation in some WIOA programs. Family is defined in this procedure.

**Digital Literacy Skills –**

The skills associated with using technology to enable users to find, evaluate, organize, create and communicate information.

**Emancipated Minor –**

Any person under the age of 18 who:

- (1) Has entered into a valid marriage, whether or not such marriage was terminated by dissolution;
- (2) Is on active duty with any of the armed forces of the United States of America; or
- (3) Has received a declaration of emancipation pursuant to California Family Code 7122.

[The California Family Code, Section 7002]

**Employed at Date of Participation –**

EMPLOYED – An individual employed at the date of participation is one who:

- (1) Did any work at all as a paid employee on the date participation occurs [except the individual is not considered employed if he/she: (a) has received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close, or (b) is a transitioning service member];
- (2) Did any work at all in his/her own business, profession, or farm;
- (3) Worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family;
- (4) Was not working, but has a job or [business](#) from which he/she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, regardless of whether paid by the employer for time off, and regardless of whether seeking another job (TEGL 17-05, [Attachment B](#)); or
- (5) *Has been engaged in [stopgap employment](#) since dislocation.*

This information is to be collected from the individual at registration, not from wage records.

**English Language Learner –**

DOL proposes defining this term as an individual who has limited ability in reading, writing, speaking or comprehending the English language, and

- Whose native language is one other than English or
- Who lives in a family or community environment where a language other than English is the dominate language.

[WIOA Section 3(21) & 203(7)]

**Entrepreneurial Skills Training –**

*Entrepreneurial skills training* is a new program element in the youth program. This training should provide the basics of starting and operating a small business. For more information on the skills associated with entrepreneurship and approaches to teaching youth see section 681.560 of the Fed Regs.

**Family –**

Two or more persons related by blood, marriage (including same-sex marriages), or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- (1) A husband, wife, (including same-sex spouses) and dependent children.
- (2) A parent or guardian and dependent children.
- (3) A husband and wife (including same-sex spouses).

[DOL TEGL 26-13]

(Note: Consistent with Training and Employment Guidance Letter [26-13](#), the definition of “marriage” includes same-sex spouses, and the terms “husband” and “wife” are to be interpreted in a gender neutral manner to include same-sex spouses.)

**Farmworkers and the Unlikely to Return Standard –**

The inherently seasonal nature of farm worker occupations has been incorrectly perceived by some practitioners as disqualifying under the “unlikely to return to work” standard in WIOA Section 3 (15)(A)(iii). In fact, individuals that may have worked seasonally can be considered unlikely to return to work in a previous industry or occupation for a variety of reasons such as:

- (1) Change in family situation that requires higher income;
- (2) Disability that precludes returning to the same occupation;
- (3) Natural disaster that results in lost wages;
- (4) Loss of agricultural land;
- (5) Mechanization; or
- (6) Any significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work dates.

Additionally, permanent closures or a substantial layoff from agricultural enterprises and facilities such as packaging, canneries, or farming are not excluded from the standard under WIOA Section 3(B). The WIOA Section 3 (C) standard regarding those that were self-employed (including employment as a farmer, a rancher, or a fisherman) and are unemployed due to economic conditions that resulted from extreme or unusual weather patterns and agricultural market downturns can also apply to farmworkers.

[EDD DIRECTIVE ELIGIBILITY TAG 14-4]

**Foster Child –**

For purposes of determining Low-Income Individual EDD definition states: A Foster Child for which state or local government payments are made on his/her behalf.

For purposes of a barrier for the youth program the EDD definition states: A youth participant who is in foster care OR has been in the foster care system at any point during his/her lifetime.



**General Economic Conditions –**

One or more of the following sources should be used:

- (1) Copy of a printed media article/announcement describing the closure/mass layoff (must include name of the publication and date);
- (2) Applicant Statement;
- (3) Decline in industry;

Economic down turn in area of business. NCCC Definition

**General Announcement of Plant Closing –**

One or more of the following sources should be used:

- (1) Copy of a printed media article/announcement describing the closure/mass layoff (must include name of the publication and date);
- (2) Employer confirmation;
- (3) Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual;
- (4) Telephone verification;
- (5) Applicant Statement;
- (6) Valid WARN notice.

[NCCC definition]

**Global Exclusion (Exclusions from Common Measures) –**

A participant in any of the following categories, either at the time of exit or during the three-quarter measurement period following the exit quarter may be excluded from common measures:

- Institutionalized – Residing in an institution or facility providing 24-hour support such as prisons or hospitals and is expected to remain for at least 90 days.
- Health/Medical or Family Care – receiving or providing care for a family member with a health/medical condition that precludes entry into unsubsidized employment or continued participation, not temporary conditions or situations lasting less than 90 days.
- Deceased
- Reservist Recalled – A member of the National Guard or a military Reserve unit and is called to active duty for at least 90 days.
- Mandated Residential Program – For youth only – in the foster care system or another mandated (residential or non-residential) program and has moved from area as part of program.

When using exclusions from common measures exit code the circumstances must be documented in case notes whenever possible, actual documentation should in the file.

[DOL TEGL 17-05]

**Guardian –**

The term “guardian” includes caregiver relatives. The term applies to situations where an older or younger youth is permanently or indefinitely residing with a family member other than his or her parents or legal guardians.

[EDD DIRECTIVE ELIGIBILITY TAG 14-4; WIA Directive 04-18]

**High-Poverty Area –**

A youth living in a high-poverty area is automatically considered to be a low-income individual. A high-poverty area is a Census tract or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey (ACS) 5-Year data. Local Areas may access ACS 5-Year data on the U.S. Census Fact Finder website to determine the poverty rate.

**Homeless -**

The term homeless, homeless individual, or homeless person includes:

- (1) An individual who lacks a fixed, regular, and adequate nighttime residence;
- (2) An individual 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;
- (3) An individual living in a supervised publicly or privately operated shelter designed to provide temporary living accommodations (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);
- (4) 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;
- (5) An individual who -
  - (a) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, as evidenced by—
    - (i) a court order resulting from an eviction action that notifies the individual or family that they must leave with-in 14 days;
    - (ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
    - (iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;
  - (b) has no subsequent residence identified; and
  - (c) lacks the resources or support networks needed to obtain other permanent housing; and
- (6) Unaccompanied youth and homeless families with children and youth defined as homeless under other federal statutes who—
  - (a) have experienced a long term period without living independently in permanent housing;
  - (b) have experienced persistent instability as measured by frequent moves over such period; and
  - (c) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

[Title 42 U.S. Code Section 11302(a) and (c)]

**Homeless Youth** – See definition of homeless.

**Incumbent Worker** –

The proposed rules for WIOA define an incumbent worker as one who is employed, has an employer-employee relationship (Fair Labor Standards Act), and has an established employment history with the employer for 6 months or more.

**Incumbent Worker Training** –

Incumbent Worker training (IWT) provides both workers and employer with the opportunity to build and maintain a quality workforce. IWT can be used to avert potential layoffs, increase the skill levels of employees for promotion within the company. Employer contributions are required for this type of training.

**Individual with a Disability** –

The term disability means, with respect to an individual:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such an individual [For definitions and examples of “physical or mental impairment” and “major life activities,” see the definition of “disability” in Title 29 Code of Federal Regulations (CFR) 37.4.];
- (2) A record of such an impairment; or
- (3) Being regarded as having such impairment.

[The Americans with Disabilities Act of 1990, Section 3(2)(a)]

**Layoffs, Furloughs, Temporary Layoffs and Lockouts** –

*LAYOFF* – the permanent or temporary termination of employment of an employee because a position has been abolished, because of insufficient funds, because of lack of work, or for any other reason not reflecting discredit on the employee (such as, dismissal for inadequate performance, violation of workplace rules, cause, etc.).

*FURLOUGH* – the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons [Title 5 USC 7511(a) (5)]. As such, it is a temporary termination of employment or layoff.

*LOCKOUT* – any refusal by an employer to permit any group of five or more employees to work as a result of a dispute with such employees affecting wages, hours or other terms or conditions of employment of such employees [Section 1132.8 of the California Labor Code].

**DISCUSSION:**

Individuals that are furloughed are laid off. Depending on the local definition of “unlikely to return,” the circumstances of the applicant, and local economic conditions, furloughed individuals may or may not be likely to return to their previous industry or occupation. The local areas are in the best position to make this determination. If these individuals are likely to return to their previous industry or occupation and need more than core services, they may be served as adults. In some cases, a business, company or corporation’s furloughs are in fact substantial layoffs and the unlikely to return provision does not apply. Local areas have the discretion to define “substantial layoff” since the definition depends on local economic conditions.

*Lockout* – does not terminate the employer-employee relationship. Consequently, locked out employees are not eligible dislocated workers since they have not been terminated or laid off, are not eligible for unemployment compensation, and are likely to return to the same industry or occupation once the dispute is resolved. The same guidance applies to employees that are on strike. There may be locked out employees who for financial reasons seek other employment. These individuals may be served as adults.

In those cases mentioned above when individuals are not dislocated workers, local boards have the flexibility to serve them as adults even when there is a local priority to serve recipients of public assistance and other low-income individuals.[EDD Directive Eligibility Tag 14-4]

### **Low-Income –**

An individual who meets the definition of one of the below 6 criteria:

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the -

- CalFresh (formally Food Stamps), supplemental nutrition assistance program established under the Food and Nutrition Act of 2008
- TANF, 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
- SSI, the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.),
- GA, State or local income-based public assistance;

(ii) is in a family with total family income that does not exceed the higher of—

- (I) the poverty line; or
- (II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 H. R. 803—12 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

(iv) receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is 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.

[WIOA Section 2 (36)]

Special Rule: For purposes of the Youth program eligibility a youth living in a high-poverty area is consider “low-income”. [WIOA Section 129(a)(2)]

### **Military Selective Service Act –**

Each individual participating in any program or activity established under Title I of WIOA, or receiving any assistance or benefit under this Title, must comply with Section 3 of the Military Selective Service Act.

[WIOA Section 189(h)]

**Non-Dependent Children –**

Individuals, aged 18-24 years old who are *not full-time students* in a secondary school or equivalent, and are living in a single residence with their parent(s) or guardian(s) and contributes MORE than 50% of their own support

NOTE: Non-dependent is defined to determine the family size when low-income status is an eligibility requirement for participation in some WIOA programs. Family size definition includes counting members of the family that are “dependent children”. Both family and dependent children are defined in this procedure.

**Not Employed –**

An individual is considered not employed at the date of participation when he/she:

- (1) Did no work at all as a paid employee on the date participation occurs;
- (2) Has received a notice of termination or employment or the employer has issued a WARN or other notice that the facility or enterprise will close; or
- (3) Is a transitioning service member.

[DOL TEGL 17-05, Attachment B]

**Not Attending School –**

An individual who is not attending a secondary or postsecondary school. In addition, individuals enrolled in the following programs would be considered an OS youth for eligibility purposes:

- WIOA Title II Adult Education, YouthBuild, Job Corps, high school equivalency program, or dropout re-engagement programs. o Youth attending high school equivalency programs funded by the public K-12 school system who are classified by the school system as still enrolled in school are the exception; they are considered IS youth (Title 20 CFR Section 681.230).
- Non-credit bearing postsecondary classes only (TEGL 21-16).
- *A charter school program that provides instruction exclusively in partnership with WIOA, federally-funded YouthBuild programs, federal Job Corps training or instruction, California Conservation Corps, or a state certified local conservation corps (in alignment with EC Section 47612.1).*

**Offender –**

The term “offender” means an adult or juvenile -

Who is or has been subject to any stage of the criminal justice process, and for whom services under WIOA may be beneficial (WIOA Section 3 (38))

or

Who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

[WIOA Section 3(38)]

**Other Responsible Adult –**

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

The definition of "other responsible adult" includes:

- (1) A relative with whom the individual resides;
- (2) An adult who has been delegated custodial or administrative responsibilities in writing, either temporarily or permanently, by parents or by an appropriate agency;
- (3) 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 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;
- (4) 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 guardian's signature authorizing participation) for example, a social worker, a homeless shelter official, a child protective worker, a health clinic official; and
- (5) Other responsible adults determined by the local area as appropriate to authorize the individual's participation.

### **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, out-of-family youth are considered a "family of one."

### **Out of School Youth –**

Under WIOA the term "out-of-school youth" has expanded for purposes of eligibility for the youth out-of-school program. An individual who is -

- (1) Not attending any school (as defined under State law)
- (2) One or more of the following
  - i. Is a school dropout
  - ii. Is a youth with-in the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter
  - iii. Is a recipient of a secondary school diploma or its recognized equivalent who is low income and is
    - (a) Basic skills deficient; or
    - (b) An English Learner
  - iv. An offender
  - v. A homeless individual, a runaway, in foster care or aged out of the foster care system
  - vi. An individual who is pregnant or parenting
  - vii. A youth who is an individual with a disability
  - viii. Low income and requires additional assistance

[WIOA Section 129 (a)(1)(B)(iii)]

### **Poor Work History –**

An individual who has not worked 13 full-time weeks in any 3-month period in the past 12 months.  
[NCCC definition]

**Pregnant or Parenting Youth –**

An individual who is under 24 years of age and who is pregnant, or a youth (male or female) who is providing custodial care for one or more dependents under age 18.

**Priority of Service –**

*Adult Program Priority* – EDD defines the term priority to mean participants served with WIOA Adult funds must be low-income, recipients of public assistance or basic skills deficient. [see definitions for these categories]. This priority does not apply to the Dislocated Worker program.

*Veterans Priority* - NCCC will give priority of service to veterans (and some spouses [see *Spouse of Veteran Definition*]) who otherwise meets the eligibility requirements for the WIOA program(s). Priority of service to veterans will be provided with-in the context of existing policies, operational management, and related work processes.

*Adult Funds Priority Order:* The US Department of Labor has set a priority order in which services are offered to individuals in the WIOA Adult program. The Adult program priority is established in the following order:

- i. First Priority Group - Eligible Veterans and Eligible Spouse of Veterans who are either low-income, recipients of public assistance or basic skills deficient (Adult priority);
- ii. Second Priority Group - Individuals that are not Eligible Veterans and Eligible Spouse of Veterans but are either low-income, recipients of public assistance or basic skills deficient (Adult priority);
- iii. Third Priority Group - Eligible Veterans and Eligible Spouse of Veterans who are not in the Adult priority group;
- iv. Last Priority Group - individuals who do not meet the Adult priority or the Eligible Veterans and Eligible Spouse of Veterans priority group definitions.

**Public Assistance Recipient –**

See under definition for low-income section (i).

**School Dropout –**

An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. [WIOA Section 3 (54)]

**Self-Sufficiency for Employed Workers –**

In order for an employed worker to be considered in need of intensive and/or training services, the individual's hourly wage or family income must not meet the definition of self-sufficiency. NCCC Policy #02 defines self-sufficiency for an employed worker as either:

- For an individual receiving wages that equal \$15.00 per hour OR
- A family income that is above 250% of the federal poverty guidelines OR
- EXEMPT OCCUPATIONS – Health Care Workers: Due to the need to provide upgraded skills training to health care workers the self-sufficiency income limit has been waived. This group may receive intensive and/or training services if they do not fall into the two above criteria.

[NCCC definition]

**Spouse (Eligible) of Veteran –**

For the purposes of the **priority of service to veterans**, when otherwise eligible for program.

ELIGIBLE SPOUSE – the spouse (including the same-sex spouse) of any of the following:

- (1) Any veteran who died of a service-connected disability;
- (2) 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:
  - (a) Missing in action;
  - (b) Captured in the line of duty by a hostile force; or
  - (c) Forcibly detained or interned in the line of duty by a foreign power;
- (3) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the U.S. Department of Veterans Affairs;
- (4) Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories 2 or 3 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). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member [Title 38 USC 4215(a)].

NOTE: Consistent with Training and Employment Guidance Letter (TEGL) [26-13](#), the definition of “eligible spouse” includes same-sex spouses.

NOTE: The WIOA definition for “spouse of a member of the Armed Forces on active duty” for the Dislocated Worker program differs from the priority of service definition.

**Stopgap Employment –**

STOPGAP EMPLOYMENT – Work individuals do only because they have lost the customary work for which their training, experience or work history qualifies them. Employment would be considered “stopgap” if the salary were substantially below the salary of the individual's primary occupation and/or if they are working substantially under the skill level of their customary occupation. There may be times when stopgap employment provides a self-sufficient wage, such as a job obtained through a temporary employment agency, but such employment would not change the individual's dislocated worker status. The determination about whether or not an individual's employment since dislocation is stopgap employment must be made on a case-by-case basis and take into consideration an individual's personal, family, financial, and employment situation. A Dislocated Worker participant in Stop Gap employment will still be counted in the Entered Employment rate. [EDD Directive Eligibility Tag 14-4]

**Substantial Layoff –**

Will be one that affects an employee that works at least 20 hours per week in a business that employs at least 30 employees when at least 10 individuals are laid off or 30% of the employees are laid off from a single employer. [NCCC definition]



**Sufficient Attachment To The Workforce –**

Someone who has worked at least 13 consecutive weeks during the last 12 months, and has worked 30 or more hours per week. [NCCC definition]

**Transitional Jobs –**

Transitional Jobs are a new type of work-based training allowed under the WIOA Adult and DW programs. They are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sector. These services are intended for individuals **with barriers to employment who are 1. chronically unemployed or 2. have an inconsistent work history.** They must be combined with comprehensive career and supportive services in the participant's service plan. These jobs are designed to enable an individual to establish a work history, demonstrate work success and develop the skills that lead to unsubsidized employment

NOTE: No more than 10% of the total WIOA Adult and Dislocated worker funds may be used to provide transitional jobs to appropriate individuals.

NOTE: Service plans must address the barriers required for this activity.

**Transitioning Service Member –**

A service member in active duty status (including separation leave) who participates in employment services and is within 24 months of retirement or 12 months of separation. This is defined for the Entered Employment performance measure. Transitioning Service Members are considered to be not employed. [DOL TEGL 17-05]

**Tuancy –**

The California Department of Education publication *2002 Work Permit: Frequently Asked Questions* states that: A truant/dropout is in violation of California's compulsory school attendance laws and a school district is not permitted to sanction violation of those laws by issuing a permit to work. A truant/dropout is subject to arrest, and the parents are subject to criminal fines if the minor is found working without a work permit. [EDD Directive Eligibility Tag 14-4; WIA Directive 04-18]

**Under-Employed** (defined for DW program AND serving employed workers in the Adult program)

One or more of the following criteria must be met:

- (1) An individual who during the last 12 calendar months either received earnings, which equal no more than minimum wage;
- (2) Did not work full time (30 or more hours per week) in unsubsidized employment for more than 13 consecutive weeks;
- (3) An individual who is working part time (working less than 30 hours per week) but desires full time employment;
- (4) An individual who is working in employment not commensurate with the individual's demonstrated level of education and or skill achievement;
- (5) An individual who is employed but meets the definition of low-income individual

[NCCC definition, DOL TEGL WIOA #3-15]

**Under-Employed or Unemployed And Is Experiencing Difficulty In Obtaining or Upgrading Employment –**

(defined for the categories of the DW program)

A displaced homemaker whose job search efforts have been unsuccessful as documented in the case file. [NCCC definition]

**Unemployment Insurance (UI) Profiling –**

The Governor has determined that UI profiling methodology and referral process meets the dislocated worker eligibility criteria in WIOA Section 3 (15)(A)(iii) to establish the *unlikely to return* criterion.

**Unlikely To Return –**

Worked in a declining industry/occupation (must be documented), Staff MUST use :

Has had a lack of job offers, documented by local Job Service/UI office, rejection letters, or other documentation of unsuccessful efforts to obtain employment in prior industry/ occupation.

Worked in an industry/occupation/job for which there are limited job orders in the EDD CalJOBS system, certified by the local EDD/staff with access.

Insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation, as documented through the assessment of educational achievement levels, testing, or other suitable means.

Have physical or other problems, which would preclude reentry into the former industry/occupation, as documented by physician or other applicable professionals.

[NCCC definition]

**Veteran –**

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, which may include National Guard or Reserved personnel.

DOL TEN 15-10, Protocol for Implementing Priority of Service for Veterans and Eligible Spouses

NOTE: The definition of veteran in the Priority of Service Regulations and TEGl 10-09 differs from the definition of veteran that applies to reporting of Wagner-Peyser services and to eligibility to receive services from the EDD Veteran Services staff.

## ELIGIBILITY VERIFICATION (EV) FORMS

These forms were created to ease the eligibility documentation process when, after reasonable effort to document eligibility for WIOA, copies of specified documents are not readily available and/or may not be copied.

Mandatory forms are EV14 Youth Additional Assistance, and the EV21 SSS Exempt Status Determination, for those males born after 12/31/1959 who did not register with Selective Service prior to their 26<sup>th</sup> birthday.

Applicant Statements have signature lines for corroborating witnesses. It is only necessary to support the applicant statement with a corroborative contact or reliable witness if there is reason not to believe the applicant.

FORM NUMBER	FORM TITLE	REVISION DATE
EVC/General	WIOA General Eligibility Verification and Priority of Service Checklist	2/2016
EVC/DW	Dislocated Worker Eligibility Verification Checklist	6/2015
EVC/OS YOUTH	Out-of-School Youth Eligibility Verification Checklist	4/2018
EVC/IS YOUTH	In-School Youth Eligibility Verification Checklist	4/2018
EVC/Low-Income	Low-Income Verification Checklist	4/2018
EV01	Employer Statement for Verification of Employment/Earnings	6/2015
EV02	Agency Statement From Department of Social Service/Welfare	6/2015
EV04	Agency Statement From School of Attendance	6/2015
EV05	Agency Statement for Homeless Status	6/2015
EV07	Agency Statement From Criminal Justice/Corrections Department	6/2015
EV08	Telephone Verification/Document Inspection	6/2015
EV09	Applicant/Case Manager Statement of Barriers	4/2018
EV10	Applicant Statement for Homeless or Runaway or Aged out of Foster Care	6/2015
EV11	Applicant Statement for Number in Family	6/2015
EV12	Applicant Statement for Family Income	6/2015
EV13	Applicant Statement for Non-Income	6/2015
EV14	Applicant Statement for Youth Requiring Additional Assistance	6/2015
EV15	Unlikely to Return to Previous Occupation	6/2015
EV16	Applicant Statement for DW Verification of Terminated or Laid –Off	6/2015
EV17	Applicant Statement for DW Verification of Closure/Substantial Layoff	6/2015
EV18	Applicant Statement for DW Verification of Self-Employed	6/2015
EV19	Applicant Statement for DW Verification of Displaced Homemaker	4/2018
EV20	Employer Statement for DW	6/2015
EV21	SSS Exempt Status Determination	8/2017
EV22	Applicant Survey	6/2015
EV23	Applicant Statement for DW Verification of Spouse of a Member of the Armed Forces	6/2015
EV24	Applicant Statement for Basic Skills Deficient for the Adult Priority of Service Standard	2/2016

## **ALLOWABLE CAREER AND TRAINING SERVICES FOR ADULT AND DISLOCATED WORKER PROGRAM**

### **Basic Career Services**

Basic career services must be made available to all individuals seeking services served in the one-stop delivery system, and include:

- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
- Outreach, intake (including identification through the state's Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through the one-stop delivery system;
- Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs;
- Labor exchange services, including
  - Job search and placement assistance, and, when needed by an individual, career counseling, including—
    - Provision of information on in-demand industry sectors and occupations (as defined in sec. 3(23) of WIOA); and,
    - Provision of information on nontraditional employment (as defined in sec. 3(37) of WIOA);
- Provision of referrals to and coordination of activities with other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs;
- Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including
  - Job vacancy listings in labor market areas;
  - Information on job skills necessary to obtain the vacant jobs listed; and
  - Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;
- Provision of performance information and program cost information on eligible providers of training services by program and type of providers;
- Provision of information about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system;

- Provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: child care; child support; medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under the Supplemental Nutrition Assistance Program (SNAP); assistance through the earned income tax credit; housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development (HUD)<sup>1</sup>; and assistance under a State program for Temporary Assistance for Needy Families (TANF), and other supportive services and transportation provided through that program;
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA; and
- Provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals seeking assistance in filing a claim  
 Meaningful assistance means providing assistance:
  - On-site using staff who are properly trained in UI claims, filing, and/or the acceptance of information necessary to file a claim, or
  - By phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time;

### **Individualized Career Services**

If one-stop center staff determine that individualized career services are appropriate for an individual to obtain or retain employment, these services must be made available to the individual. These services must be available in all one-stop centers. One-stop center staff may use recent previous assessments by partner programs to determine if individualized career services would be appropriate. These services include:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—
  - Diagnostic testing and use of other assessment tools; and
  - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers;
- Group and/or individual counseling and mentoring;
- Career planning (e.g. case management);
- Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in

some instances pre-apprenticeship programs may be considered as short-term pre-vocational services;

- Internships and work experiences that are linked to careers;
- Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment;
- Financial literacy services;
- Out-of-area job search assistance and relocation assistance; and
- English language acquisition and integrated education and training programs.

### **Training Services**

Training services are subject to priority of service, and consist of the following:

- Occupational skills training, including training for nontraditional employment;
- On-the-job training;
- Incumbent worker training;
- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Transitional jobs;
- Job readiness training provided in combination with another training service;
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service;
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.