



**POLICY No. 12F**

**WIA ADULT / DISLOCATED WORKER ELIGIBILITY DETERMINATION  
POLICIES AND PROCEDURES, AMENDED**

The minimum eligibility verification standards are implemented for eligibility verification of Workforce Investment Act (WIA) customers enrolled in Title I.

**I. 100% Up Front Verification of Eligibility**

- A. 100% up front eligibility determination is required of all WIA participants.
- B. Verification of participant eligibility is reviewed on the date of eligibility determination.
- C. Verification of participant eligibility is maintained in each participant's case record.
- D. Eligibility is verified for all funding sources for which, at the time of intake, the applicant has been certified eligible on the WIA Application Form.
- E. Eligibility documentation through certification and enrollment will take no more than 90 days. If 90 days is exceeded, updated eligibility information is necessary.

**II. Acceptable Evidence of Eligibility**

The following criteria should be adhered to when collecting eligibility verification.

- A. **Documentation** means to maintain physical evidence, which is obtained during the verification process, in participant files. Such evidence may be in the form of copies of documents, recorded eligibility verification information on a standard form or, in specified cases, applicant statement.
- B. **Telephone Verification Form WIA 007** - For cases where documentation cannot or may not be copied, and/or is not readily obtainable, Telephone Verification Form WIA 007 is used to document any WIA eligibility criteria as follows: use WIA 007 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, e.g., document name, contact name, telephone numbers, addresses.
- C. **Applicant Statement WIA 010** – There is limited use of Applicant Statements to document those items which, in some cases, are not verifiable or which may cause undue hardship for individuals to obtain. An applicant statement may be used only in the cases described

below and only after all practicable attempts to secure documentation have failed. When the applicant statement is used, service areas must indicate what attempts have been made (and failed) to obtain documentation. This must be indicated on the Evidence to Support Eligibility Form WIA 020 and in the case notes. A documented corroborative contact or reliable witness attesting to the accuracy of the statement must support applicant statements. In order to use the applicant statement as documentation, the following requirements must be adhered to:

1. The applicant statement form, or facsimile, must be used.
2. A corroborative contact or witness must be indicated on the statement. The corroboration may be via witness signature or supporting telephone verification form. In those rare instances when an applicant cannot obtain a satisfactory witness or provide a telephone contact, the applicant needs to explain why such corroboration is not possible.
3. Use of the applicant statement is limited to the following instances:
  - a. **General Eligibility**
    - i. Residency for homeless individuals not residing at a shelter.
    - ii. Residency for runaway youth who do not have a permanent place to reside.
  - b. **Economic Eligibility**
    - i. **Family Size:** When birth certificates or 1040 and IRS Letter 1722 are not available.
    - ii. **Individual Status:** Persons ordinarily included in the definition of family, but claiming to be no longer dependent, must complete an applicant statement attesting to their individual status. The head of household in which that person resides should corroborate such statements, if possible. The individual must also show source of his/her support.
    - iii. **Proof of income for individuals claiming little or no income:** Statement should indicate means of support, e.g., unemployment compensation, for previous six-month period. Statement should also indicate corroborative witness to verify indicated means of support.
    - iv. **Employed individuals failing to meet the criteria of self-sufficiency** as determined by the Mendocino County Workforce Investment Board, i.e., an employed adult shall be considered self-sufficient if the family income exceeds 200% of the current Lower Living Standard Income Level (LLSIL).
    - v. **A reemployed dislocated worker applying for intensive and training services**, and the household income does not meet the definition of self-sufficiency, i.e., the family income is under 200% of the LLSIL.
    - vi. **Individuals with Disabilities:** When condition is observable or obvious.

c. **Priority and Special Populations**

- i. **Dropout Status:** Applicant statement is to be used only for out-of-state and/or applicants 16 or older when documentation from the school district cannot be obtained.
- ii. **Offenders:** When court records or other documentation are unobtainable.
- iii. **Pregnant.**
- iv. **Individuals with Disabilities:** When condition is observable or obvious.

III. **System Validation and Monitoring**

The Review Officer will be responsible for the review of all WIA files for eligibility. The review will be based on the information and eligibility documents contained in the participant's file.

IV. **Verification and Documentation of Eligibility**

A. **Verification** means to confirm eligibility requirements through examination of official documents, e.g., birth certificates, public assistance records, or speaking with official representatives of cognizant agencies.

B. **Documentation** means to maintain physical evidence, which is obtained during the verification process, in participant files. Such evidence includes copies of documents, completed telephone forms, and signed applicant statements. The following lists the specific eligibility criteria and the documentation sources to verify eligibility, which is collected at the intake appointment:

- 1. **Citizenship/Authorization to Work:** Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United States.

Section 9601.5 of the California Unemployment Insurance Code requires that "each state or local government agency or community action agency, or any private organization contracting with a state or local government agency, that provides employment services, including, but not limited to, job training, retraining, or placement, shall verify an individual's legal status or authorization to work prior to providing services to that individual in accordance with procedures established under federal law."

The documentation of an individual's employability (right-to-work) must be conducted in compliance with Title 8 CFR Section 274a.2. These requirements and procedures are published as the Immigration and Naturalization Service (INS) Form (I-9), and take precedence over any State statute and regulation governing alien status determination.

When legal status or work authorization documents have expired, reverification of documents must reflect that the individual is still authorized to work in the United States; otherwise the individual may no longer be employed, recruited, or referred.

Reverification must occur no later than the date the work authorization expires. In order to reverify, the employee or referred individual must present a document that either shows continuing employment eligibility or is a new grant of work authorization.

a. **1 item from – List A**

i. **List A**

- U. S. Passport (unexpired or expired)
- Unexpired foreign passport, with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization
- Alien Registration Receipt card with photograph (INS Form or I-551)
- Unexpired Temporary Resident Card (INS Form I-688)
- Unexpired Employment Authorization Card (INS Form I-688A)
- Unexpired Employment Authorization Document issued by the INS which contains a photograph (INS Form I-688B)

**-OR-**

b. **1 item each from List B and List C**

i. **List B**

- Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address
- ID card issued by federal, state, or local government agencies or entities provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address
- School ID card with a photograph
- U. S. Military card or draft record
- Military dependent's ID card
- U. S. Coast Guard Merchant Marine card
- Native American tribal document
- Driver's license issued by a Canadian government authority

ii. **List C**

- U.S. Social Security card issued by the Social Security Administration (other than a card stating that it is not valid for employment)
  - Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)
  - Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
  - Native American tribal document
  - U. S. Citizen ID Card (INS Form I-197)
  - ID Card for use of Resident Citizen in the United States (INS Form I-179)
  - Unexpired employment authorization document issued by the INS (other than those listed under List A)
2. **Age Verification:** Birth certificate, drivers license, state identification card, INS card, work permit, school record or Medi-Cal card.
  3. **Age:** (Older individual) 55 years and older.
  4. **Social Security Number:** Social Security card, current Medi-Cal card or DD214.
  5. **Selective Service:** All participants must be in compliance with the Selective Service Act requirements. All males who are at least 18 years old and born after December 31, 1959, must be registered. Verifications include - Selective Service registration card, Selective Service registration record (form 3A), Selective Service on-line registration verification, telephone verification form WIA 007, or if 26 or older and not registered, refer to current version of WIA Eligibility Technical Assistance Guide.
  6. **Individual with Disability:** Physician statement, medical records, psychiatrist's or psychologist's diagnosis, rehabilitation evaluation, Veterans Administration letter/records, release of information and statement of disability form WIA 009, statement of disability form (youth) WIA 008 and SELPA 8, or observable condition and applicant statement WIA 010.
  7. **Family Size/Individual Status:** birth/baptismal certificates, church/hospital record of birth, social security cards, alien registration cards, medical card public assistance records, most recent tax return and IRS letter 1722, telephone verification or applicant statement.
  8. **Family Income:** Pay stubs, Social Security benefits WIA 018, unemployment insurance printout, public assistance records, release of information and employer statement WIA 019, income statement for service business or retailer WIA 012, or rental income statement.
  9. **TANF:** Current award letter, SAWS printout, passport to services.

10. **Food Stamps:** Current award letter, SAWS printout, passport to services.
11. **General Relief:** Current award letter, passport to services.
12. **Social Security Benefits:** Social Security verification form (SSA 2458) WIA 018, Social Security benefits letter.
13. **Homeless/Runaway:** Written statement from Social Service agency, written statement from shelter, written statement from an individual providing temporary residence, or applicant statement WIA 010.
14. **Basic Skills Deficient:** Computes or solves problems, reads, writes, or speaks English at or below the 8<sup>th</sup> grade level as determined by an assessment test score or school records or is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family or in society.
15. **Single Parent with Dependent Child Under Age 6:** Birth certificate, SAWS printout, telephone verification WIA 007 or applicant statement WIA 010.
16. **School Dropout:** Attendance record, dropout letter, or applicant statement WIA 010.
17. **Offender:** Halfway house resident, letter from parole officer, police records, court documents, letter of parole, or applicant statement WIA 010.
18. **Veteran Status:** DD214, telephone verification WIA 007, or applicant statement WIA 010. Veterans have a priority of service over non-veterans and will be referred to the EDD's Veterans Representative and the Workforce Investment Act Orientation to see if they meet the requirements of program eligibility, i.e., Dislocated Workers, Adult Program (low income or public assistance recipients), or Out of School Youth. The priority of service for veterans does not require a change of allocations among services to reserve funds specifically for veterans.
19. **Limited English Language** - An individual whose native language is not English, with an inability to effectively communicate in English, resulting in a barrier to employment.
20. **Substance Abuse** - Documentation from an organization providing counseling or treatment, referral from an appropriate agency, referral by a halfway home, telephone statement WIA 007, or applicant statement WIA 010.

V. **Title I Adult Program Eligibility**

- A. An individual shall be eligible to participate in the program under this part if such individual is:
  1. Age 18 or older.
  2. A low-income individual, as defined by the Workforce Investment Act of 1998, Section 101(25), who:
    - a. Receives, or is a member of a family that receives, cash payments under a Federal, state, or local income based public assistance program;

- b. Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (a), and old-age and survivors insurance benefits received under Section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of:
  - i. The poverty line, for an equivalent period; or
  - ii. 70 percent of the lower living standard income level, for an equivalent period.
- c. Is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);
- d. Qualifies as a homeless individual, as defined in subsections (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act 42 (U.S.C. 11302.);
- e. In cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (a) or of subparagraph (b), but who is a member of a family whose income does not meet such requirements.

**B.**

The Mendocino County Workforce Investment Board recognizes that funds for services to adults are limited in the local workforce investment area. All adult participants will be eligible to receive core registered services and minimal intensive, non-monetary, direct services. At such time that it is determined that a participant is in need of monetary direct service, the Priority of Service system will be utilized that mandates a minimum of 70% of the adults enrolled in intensive or training services be recipients of public assistance or low-income individuals not earning more than 200% of the federally recognized poverty guidelines.

A maximum of 30% of the enrolled adults in intensive or training services could include any individual, regardless of barriers or income status.

All participants, regardless of target group, will be selected based on his/her appropriateness for service and ability to successfully complete the intensive and/or training services to be provided.

**VI. Title I Dislocated Worker**

Adult dislocated workers determined eligible to receive services funded under Title I of the Workforce Investment Act must meet one of the following eligibility criteria and provide documentation:

- A. Termination/Layoff and Unlikely to Return:** Per Section 101(9)(A) of the Workforce Investment Act - "has been terminated, or laid off, or who has received a notice of termination or layoff, from employment, and is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in Section 134(c),

attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and is unlikely to return to a previous industry or occupation.”

- B. **Military Service Members:** A basic requirement to qualify as a dislocated worker is that the worker be terminated or laid-off. The term “terminated” is not defined in the law or regulations. It is a Department of Labor policy that being discharged (under honorable circumstances), either voluntarily or involuntarily, terminates an employment relationship between an individual and the military, and thus falls within the scope of the termination component of the WIA definition of dislocated worker. The separating military personnel must also satisfy the criteria for dislocated worker eligibility, including the requirement that the individual is “unlikely to return to a previous industry or occupation.” Additionally, under the priority of service provisions of the Jobs for Veterans Act, separating service members who, upon discharge, meet the eligibility criteria for dislocated workers would be afforded priority over individuals who are not veterans.
- C. **Military Spouses:** A military spouse who leaves his/her job to follow his/her spouse can be served with dislocated worker formula grant funds in certain circumstances. When the spouse is unable to continue an employment relationship because of the service member’s permanent change of military station, or the military spouse loses employment as a result of the spouse’s discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIA definition of dislocated worker, as discussed above. The military spouse must also satisfy the other criteria for dislocated worker eligibility, including the requirement that the spouse is unlikely to return to a previous industry or occupation. When these criteria are met, the military spouse is eligible to be served under the Dislocated Worker Formula Grant Program. Additionally, a military spouse may also qualify to be served as a dislocated worker if he/she meets the definitional requirements for a displaced homemaker.

Surviving spouses of veterans and military service members may also be served with WIA funds. If a surviving spouse qualifies as a dislocated worker or displaced homemaker, he/she could be served under the WIA Dislocated Worker Formula Program. If a surviving spouse does not meet those requirements, he/she could be served under the WIA Adult Formula Program. In either program, a surviving spouse of a veterans may receive priority of service if he/she qualifies for such priority under the Jobs for Veterans Act (P.L. 107-288(38 USC 4215(a)(1)(B)).

- D. The following lists the specific eligibility criteria and the documentation sources to verify eligibility, which is collected at the intake appointment:
1. **Terminated/Laid-Off:** Employer notice with last date worked for affected employee, severance pay documentation, evidence of early retirement in lieu of layoff or discharge, UI documents which identify the applicant and employer and which verified termination or lay off status, or EDD Reemployment Plan form DE 8181 Rev. 6 (10-99) as documented in archived email May 1, 2007 from Denise Miller, EDD regional manager or Applicant Statement WIA 010 DD214 (under honorable circumstances).
  2. **Unemployment Insurance (UI) Eligibility/Attachment to Workforce:** UI printout, telephone verification form WIA 007, or EDD Reemployment Plan form DE 8181 Rev. 6 (10-99) as documented in archived email May 1, 2007 from Denise Miller, EDD regional manager or paycheck stubs.

3. **Unlikely to Return:** Worked in a declining industry/occupation, as documented on State or locally-developed list, lack of job offers as documented by local Job Service, telephone verification form WIA 007, unlikely to return verification form WIA 015, reemployment plan form DE 8181 Rev. 6 (10-99) generated from Initial Assistance Workshop, or applicant statement WIA 010.

Once the former industry or occupation has been established, then the service area may apply the various criteria below to determine if the individual has limited opportunities or is unlikely to return to that industry or occupation. Acceptable documentation includes:

- a. Worked in a declining industry/occupation as documented on State or locally developed lists. State lists are available from EDD's Labor Market Information Division. The local list must be developed by an appropriate entity, such as the Chamber of Commerce, the Local Workforce Investment Board, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information.
- b. The individual has had a lack of job offers as documented by the local Job Service/UI Office, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior occupation/industry.
- c. Worked in an industry/occupation job for which there are limited job orders in the EDD Job Match system at the time of eligibility determination, as certified by the local EDD field office, or by the service area staff with access to the Job Match data base.
- d. Has physical or other problems that would preclude reentry into the former industry/occupation as documented by a physician or other professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.).
- e. Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation as documented through necessary assessment of the client's educational achievement levels, testing, or other suitable means.

The State's WIA Eligibility Technical Assistance Guide (TAG) contains policy guidance about an individual who has voluntarily terminated employment, and is receiving, or has been determined eligible to receive unemployment compensation or has subsequently exhausted entitlement to unemployment compensation since terminating employment voluntarily, and is unlikely to return to a previous industry or occupation.

The intention in adopting this policy was to include not only individuals who are profiled but also such individuals who have not been profiled but are UI eligible. Other individuals who have voluntarily terminated employment may be documented by obtaining verification from UI or making a copy of the stub from the individual's UI benefit check.

4. **Farmworkers and the Unlikely to Return Standard:** The inherently seasonal nature of farmworker occupations has been incorrectly perceived by some practitioners as disqualifying under the "unlikely to return to work" standard in WIA, Section 101(9)(A). 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:

- a. Change in family situation that requires higher income;
- b. Disability that precludes returning to the same occupation;
- c. Natural disaster that results in lost wages;
- d. Loss of agricultural land;
- e. Mechanization; or
- f. 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 WIA Section 101(9)(B). The WIA Section 101(9)(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.

- 5. **Permanent Closure of a Plant or Facility:** Per Section 101(9)(B) of the Workforce Investment Act, has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at a plant, facility, or enterprise.
  - a. **Permanent Closure** - Letter from the employer stating date of plant closure and last day worked of employee in order to provide retraining services, individual letter from employer with list of affected employees indicating last day worked or Worker Adjustment and Retraining Notification Act (WARN) notice, telephone verification form WIA 007, or applicant statement WIA 010.
- 6. **Self Employed/Unemployed due to Economic Conditions or Natural Disasters:** Per Section 101(9)(C) of the Workforce Investment Act was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.
  - a. **Unemployed due to General Economic Conditions or Natural Disasters Documentation** - Notice of foreclosure, business records of losses, repossession notices, record of bankruptcy filing, records of natural disaster or turnaround for bank loan, or applicant statement WIA 010.
- 7. **Displaced Homemaker:** Per Section 101(9)(D) of the Workforce Investment Act means an individual who has been providing unpaid services to family members in the home and who:
  - a. Has been dependent on the income of another family member but is no longer supported by that income; and
  - b. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

c. **Documentation:**

- i. **Termination of support:** Death certificate, divorce papers, telephone verification form WIA 007, or applicant statement WIA 010 and
- ii. **Unemployed or Underemployed:** UI printout, documents showing difficulty obtaining adequate employment, part time or dead end jobs, rejection letters, job service verification, or applicant statement WIA 010.

VII. **One-Stop Operator Eligibility Documents and Forms**

The following is a list of eligibility forms to be used by the One-Stop Operator to document eligibility as appropriate for WIA programs:

- WIA 005 Eligibility Check Off-List
- WIA 006 Identification and Authorization to Work (I-9)
- WIA 007 Telephone Verification Form
- WIA 008 Statement of Disability
- WIA 009 Release of Information and Statement of Disability
- WIA 010 Applicant Statement
- WIA 011 Family Member Employment Income Statement
- WIA 012 Income Statement for Service Business or Retailer
- WIA 013 Customer's Percentage of Own Support Statement
- WIA 014 At Risk of Non-Completion Verification
- WIA 015 Unlike to Return to Former Occupation
- WIA 016 Summary of Complaint Procedures
- WIA 017 Equal Opportunity is the Law
- WIA 018 Social Security Benefit Application SSA-2458
- WIA 019 Release of Information
- WIA 020 Evidence to Support Eligibility
- WIA 021 Rental Income Statement
- WIA 022 Informational Document Check Off List
- WIA 023 Referral Form

<b>Title</b>	<b>WIA Adult / Dislocated Worker and Youth Program Eligibility Determination Policies and Procedures, Amended</b>		
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