

North Central Workforce Development Area

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LOCAL DIRECTIVE

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| Directive #: | 16-150 REV 4 | Date: | May 8, 2023 |
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TO: SkillSource Staff and Service Providers

FROM: Lisa Romine, Executive Director

SUBJECT: WIOA Title I Adult Eligibility and Service Priority Levels

SUPERCEDES: Directive #16-150 REV 3

Revision 4 Change Summary:

- 1) Updated Verification Checklist
 - 2) All eligibility application and verification checklist forms are maintained separately from this directive
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Eligibility

Individuals registered as adults must be determined eligible in accordance with the basic eligibility requirements for WIOA Title I (age, selective service registration and citizenship, or eligible non-citizen) as well as the basic eligibility criteria for adults as defined in WIOA Section 3(16). Use the attached Eligibility Verification Record to document requirements.

After receiving at least one career service and being determined in need of additional services (individualized and/or training), individuals must meet the following eligibility criteria for the Adult Program:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Age 18 or older; and
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified.

Application:

To ensure adequate eligibility determinations, documentation for each applicant is required. Adequate documentation includes:

- A completed application for each applicant.
- Copies of documents used to determine eligibility as outlined in the attached verification form. Self-Attestation of wages is acceptable for priority level verification. Documentation may be accomplished via signing the WIOA eligibility application and the income & family size worksheet.
- The Adult Verification form outlines acceptable forms of documentation including self-attestation where appropriate. Self-attestation may be used, where indicated, when other forms of documentation cannot be obtained. Self-attestation can be a signed and dated WIOA eligibility

application as it includes an acknowledgment that falsification of the information shall be grounds for immediate termination and may subject the applicant to other penalties under the law.

- A Training Manager or his/her designee will review each file for correct eligibility determination and sign at the top of the Eligibility Verification Record upon review. Data will be entered into the State MIS/Customer Management system.

Documentation:

- The attached Eligibility Verification Checklist is to be completed during eligibility determination and verification included in file where required.
- The attached Service Priority table outlines the annual and 6-month family income amounts for each priority level. Priority must be determined and in order to calculate, household family income must be collected and tabulated using the Family Income Worksheet.
- Priority level is recorded on the Verification Checklist. A monthly report may be generated to analyze priority level activity.
- For data validation purposes, anyone who receives TANF or any other public assistance must provide documentation.
- UI documentation is not required unless determining eligibility for Dislocated Worker program.
- Veterans and eligible spouses who receive individualized career or training services must provide verification of their Veteran status service for data validation purposes.
- See WorkSource System Policy 1019 Rev 4 for guidance on Eligibility and Assistance for Victims of Human Trafficking (Section 5.4)
- Employed Adults must meet the underemployed/ not self-sufficient definition to receive individualized career and training services.

Priority for Services under the Adult Program

Priority selection is established for and targets certain populations in accordance with WIOA Section 134(c)(3)(E) and 20 CFR 680.600 and 20 CFR 680.650. These targeted populations must first meet the eligibility requirements for the adult program.

The list below describes the order and rationale for prioritization based on the requirements in the above stated regulations and [TEGL 10-09](#). For purposes of this section, the term “covered person(s)” refers to veterans and eligible spouses per priority of service for veterans.

Priority requirements for the WIOA Title I adult program are as follows:

First Priority: Covered persons (veterans and eligible spouses) who are low income, recipients of public assistance, or basic skills deficient /English language learner (ELL).

Second Priority: Individuals (non-covered persons) who are low-income (may include unemployed individuals), recipients of public assistance, or basic skills deficient/ELL.

Third Priority: Covered persons (veterans and eligible spouses) who are not low- income and not basic skills deficient/ELL.

Fourth Priority: LWDB Designated: Individuals who are not considered “low income” or basic skills deficient but reside in a household with income between 71% LLSIL and 175% LLSIL. *(LWDB policy: Those in Priority level 4 may not exceed 49% of all newly enrolled Adults in any given year.*

Fifth Priority: LWDB Designated: Those over 175% LLSIL may receive Basic and Individualized Career Services Only. *Those in Priority Level 5 may not exceed 10% of all Adult enrollees.)*

(See Attached Chart for Income Levels for Priorities 1, 2, 4 & 5)

Eligible individuals who are not recipients of public assistance, other low-income or basic skills deficient may be served after first serving eligible individuals who meet the established priority selection criteria.

DEFINITIONS

1) **Low Income**

Utilizing the definition at WIOA Section 3(36), of low-income means an individual who:

- (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 supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- (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(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.

2) **Basic Skills Deficient** - an individual -

- (a) who is a youth, who has English reading, writing, or computing skills at or below the 8th grade level (8.9) on a generally accepted standardized test; or
- (b) who is a youth or adult, who 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.

3) **English Language Learner** - when used with respect to an eligible individual, means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and—

- (a) whose native language is a language other than English; or
- (b) who lives in a family or community environment where a language other than English is the dominant language.

4) **Family** - means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories: (A) A married couple and dependent children; (B) A parent or guardian and dependent children; or (C) A married couple.

5) **Individual with a Disability** - an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102). (Appendix I). When disability is the criteria used for establishing priority (ie: family of one & low income, disability must be verified using resources outlined on verification checklist, placed in separate medical file with case notes describing how the disability meets ADA of 1990.

6) **Additional Populations with Barriers** - Exercising the authority granted under WIOA Section 3(24)(N), effective December 1, 2021, the Governor additionally designated Black, Asian, Native Hawaiian, Compact of Free Association (COFA) nations, and Pacific Islander communities; Latinos; LGBTQ communities; expectant persons; and veterans as populations with barriers to employment for the purpose of targeted outreach for WIOA one-stop system services in Washington.

Includable Income

- Money, wages, and salaries before any deductions.
- Net receipts from non-farm self-employment (recipients 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, and worker's compensation (not lump sum) 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), law enforcement firefighters (LEF) disability income.
- Regular insurance or annuity payment.
- College or university grants, fellowships, and assistantships, state work-study, (not needs based scholarships): the key is whether or not the money is a loan to be paid back. If it is to be paid back, then it is a loan, and excludable income, if not, then it is includable.
- Dividends, interest, net rental income, net royalties, and periodic receipts from estates or trusts.
- Net gambling or lottery winnings.
- OJT wages from WIOA participation.
- L&I paid on a monthly basis.
- Unemployment compensation.
- Child support.
- Old Age and Survivors Insurance (OASI).

If the payment cannot meet one of the excludable criteria, then the payment will be includable income.

Excludable Income:

- Public assistance payments (including TANF, SSI, RCA, GA, emergency assistance money payments, and general relief money payments).
- Foster childcare payments.
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell grants, federal supplemental educational opportunity grants and federal work study (Stafford and Perkins loans, like any other kind of loans, are debt and not income). Needs-based scholarship assistance.
- Allowances, earnings, and payments (except OJT) to individuals participating in WIOA.
- Capital gains.
- Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car.
- Tax refund, gifts, loans, lump-sum inheritance, one-time insurance payments, or compensation for injury (lump sum).
- Non-cash benefits such as employer fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, food stamps, school meals, and housing assistance.
- Income earned while on active military duty and other benefits specified at 38 U.S.C. 4213 items (1) and (3) section 4213 requires WIOA to disregard pay or allowances received by any person while serving on active duty. Note: This should be ex-service personnel who did not receive veteran 1 status, i.e., discharged other than honorable status. Section 4213 goes on to tell us to disregard benefits received by ex-service personnel who have veteran status. These benefits can only be received if the person has not been discharged under honorable, general, unsuitable, etc. The six specific benefits are:
 - CH 11 - compensation for service connected with disability or death.
 - CH 13 - dependency and indemnity compensation for service-connected death.
 - CH 31 - vocational rehabilitation.
 - CH 34 - veteran's education assistance.

- CH 35 - war orphans and widows education assistance.
- CH 36 - administration of education.
- If payment is a one-time lump sum, it is generally excludable. If it is in monthly installments, then it is includable.
- Trade Readjustment Allowance (TRA).
- Workforce Training Assistance.
- Job Corps.

For additional information: refer to TEGL 28-11, [TEGL 19-16](#) and [WorkSource System Policy 1019 Rev 8](#).

The following forms are available separately at <https://skillsource.org/local-directives>:

- Eligibility Application
- Income & Family Size Worksheet
- Self-Attestation Form (Adult/Dislocated Worker)
- Priority and Income Levels for current Program Year
- Verification Checklist
- Data Sharing and Compliance notices (EO, Complaint)

Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

Sec. 12102. Definition of disability

As used in this chapter:

(1) Disability

The term "disability" means, with respect to an individual

(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment (as described in paragraph (3)).

(2) Major Life Activities

(A) In general

For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(B) Major bodily functions

For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(3) Regarded as having such an impairment

For purposes of paragraph (1)(C):

(A) An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(4) Rules of construction regarding the definition of disability

The definition of "disability" in paragraph (1) shall be construed in accordance with the following:

(A) The definition of disability in this chapter shall be construed in favor of broad coverage of individuals under this chapter, to the maximum extent permitted by the terms of this chapter.

(B) The term "substantially limits" shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(E)

(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as

(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

(II) use of assistive technology;

(III) reasonable accommodations or auxiliary aids or services; or

(IV) learned behavioral or adaptive neurological modifications.

(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

(iii) As used in this subparagraph

(I) the term "ordinary eyeglasses or contact lenses" means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

(II) the term "low-vision devices" means devices that magnify, enhance, or otherwise augment a visual image.