

# WORKFORCE INVESTMENT ACT RESOURCE GUIDE

## ADULTS & DISLOCATED WORKERS

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# INTRODUCTION

## Authority

The Workforce Investment Act (WIA) is a federal program administered by the State of Florida and operated by local Regional Workforce Boards (RWB). Policy guidance is provided by:

- Federal Statutes
- Federal Regulations
- Federal Formal Guidance Notices/Letters
- State Statutes
- State Regulations
- State Formal Administrative Guidance Papers, Communiqués, Memoranda and Policy Resource Guides

It is the responsibility of all users to become familiar with these documents. Wherever possible, this Resource Guide contains citations and hyperlinks. Users should also monitor changes that are made to policy subsequent to the issuance of this Guide.

## Objective of the Resource Guide

This Guide is primarily for case managers, supervisors and staff who work with WIA clients.

Federal and State law provide a great deal of flexibility. To meet local needs and comply with federal and state requirements, RWBs should have developed and implemented appropriate program management and operational policies and procedures. The Guide is intended to support these local WIA program processes.

## Organization of the Resource Guide

This Guide has the following search capabilities:

- Table of Contents
- Hyperlinks
- Find

## Table of Contents

The Table of Contents is shown at the beginning of the Guide. It allows users to see the Chapter headings. Each of these headings contains a hyperlink (described below).

## Hyperlinks

Throughout the Guide, hyperlinks, which are highlighted and underlined, have been inserted to guide the user to the referenced link.

For example, the user may select the following hyperlink by guiding the mouse over the following text and clicking on it: [Department of Economic Opportunity Website](#).

If using Microsoft Word, while holding down the Ctrl key, move the mouse pointer to the link and left click on the link.

If using Adobe Acrobat, move the mouse pointer to the link and left click on the link.

By clicking on the text, the user activates the address and will be guided to the DEO Website.

Other hyperlinks in this Guide will take the user to federal laws, Florida statutes, bookmarks in this document, and other pertinent references.

## **Find**

Whether using MS Word or Adobe Acrobat, access the Find feature by selecting “Edit” from the Menu Bar.

Select “Find.”

Type in the word or phrase to find, and press the “Enter” button.

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## PART A—THE WORKFORCE SYSTEM

### Chapter A-1

#### The Workforce Investment Act

The [Workforce Investment Act of 1998](#) created a comprehensive, customer-focused workforce system designed to meet the needs of job seekers and employers.

The law establishes local workforce boards (Regional Workforce Boards or RWBs in Florida) to receive and disburse the WIA funds based on local needs. One of the primary functions of the board is to set up the one-stop career center system in its region.

The one-stop system –

- Provides convenient single-point access to employment, education, training, and other services
- Helps individuals access the tools they need to manage their careers through information and high quality services

WIA emphasizes the necessity to include the business sector to provide information and leadership and play an active role in ensuring that the system prepares people for current and future jobs. Thus, each RWB must have a majority of owners/high-level executives from the private sector.

The one-stop centers offer a single point of contact for employers to obtain information about current and future skills needed by their workers and to list job openings. Employers thus benefit from a single system for finding job-ready skilled workers who meet their needs.

#### Seven Key Principles of WIA

##### ***Streamlining services***

Services are streamlined through better integration at the customer level in the One-Stop delivery system. Programs and providers co-locate, coordinate and integrate activities and information so that the system as a whole is coherent and accessible for individuals and businesses alike.

##### ***Empowering individuals***

1. Eligible adults are given financial power to use Individual Training Accounts (ITAs) at qualified institutions. These ITAs supplement educational grants available from other sources.
2. Individuals are empowered with greater levels of information and guidance through a system of consumer reports that provide key information on the performance outcomes of training providers.
3. Individuals are empowered through the advice, guidance and support available in the One-Stop system and the activities of One-Stop partners who provide universal access.

##### ***Universal access***

All individuals have access to the One-Stop system and to core employment-related services. Information about job vacancies, career options, student financial aid, relevant employment trends, and instruction on how to conduct a job search, create a résumé or interview with an employer are available to any job seeker and to anyone who wants to advance their career.

### ***Increased accountability***

The goal of WIA is to increase employment, retention and earnings of participants and, in doing so, improve the quality of the workforce to sustain economic growth, enhance productivity and competitiveness and reduce welfare dependency.

Training providers and their programs must demonstrate successful performance to remain eligible to receive funds under WIA.

### ***Strong role for Regional Workforce Boards and the private sector***

Local business-led boards focus on strategic planning, policy development and oversight of the local workforce investment system.

Business and labor have an immediate and direct stake in the quality of the workforce investment system. Their active involvement is critical to the provision of essential data on what skills are in demand, what jobs are available, what career fields are expanding, and the identification and development of programs that best meet local employer needs.

### ***State and local flexibility***

Significant authority is reserved for the Governor and local Chief Elected Officials to build on existing reforms in order to implement an innovative and comprehensive workforce system tailored to meet the particular needs of local and regional labor markets.

### ***Improved youth programs***

Youth programs are closely linked to local labor market needs and community youth programs and services with strong connections between academic and occupational learning.

Youth programs include activities that promote youth development and citizenship, such as leadership development through voluntary community service opportunities, adult mentoring and follow-up, and targeted opportunities for youth living in high poverty areas.

## **Managing the Workforce System**

Under federal law, the Governor establishes a State workforce investment board. In Florida, the State legislature enacted the [Workforce Innovation Act of 2000](#) to effect the federal requirements and provide additional guidance for the workforce system.

**Workforce Florida, Inc. (WFI)** is the State's workforce investment board. WFI helps the Governor develop a five-year strategic plan that describes statewide workforce development activities and priorities. WFI establishes workforce policy for the State.

**The Department of Economic Opportunity (DEO)** is the administrative entity for the WIA program. DEO is charged with ensuring that the system operates according to federal and state mandates and issues guidance to the local boards, based on

State, federal and WFI policy. DEO is also the grant recipient for WIA funds and receives annual allocations for the WIA adult, dislocated worker, and youth programs.

**State Set-Aside.** WIA specifies that fifteen percent of the WIA funds may be reserved at the State level to fund required and optional state-level activities. Occasionally, Congress changes the set-aside formula when it appropriates WIA funds. For example, for Program Year 2012, no more than five percent of WIA funds could be set aside for State-level activities.

An additional 25% of the formula Dislocated Worker grant may be reserved for rapid response activities or to respond to major layoffs and natural disasters. At the end of the year, any unexpended amounts are reallocated to the regions. Additionally, RWBs may apply at any time for assistance to address a layoff situation in their area.

**Local Formula Funding.** WIA requires that at least 85 percent of the WIA adult, and youth funding and 60% of the dislocated worker funding is passed through to the Regional Workforce Boards to operate their WIA services and training programs. Each line of funding has its own requirements and restrictions that are described in this Resource Guide and in the accompanying Youth Resource Guide. RWBs may transfer some of the funds among the adult and dislocated worker funding streams as permitted by WIA law. Recent appropriation legislation has decreased the amount of funding available for state-level activities and increased the amount of funding for local activities.

**Regional Workforce Boards** operate the workforce program at the local level. Each RWB sets priorities for services, establishes the one-stop system, and selects providers of services for its area.

Pursuant to Federal and State law, each board consists of representatives of:

- Private business (majority of the board)
- Educational providers, including a Community College, School District that provides Adult Literacy and Vocational Training, one private non-profit and one private for-profit training organization
- Labor organizations
- Community-based organizations
- Economic development agencies
- Military installation(s) (where applicable)
- Mandatory one-stop partners, including programs that serve Migrant and Seasonal Farmworkers, Job Corps, programs that serve local Native American Tribes, programs that serve veterans, the Senior Community Service Employment program, programs carried out by the Department of Housing and Urban Development, and programs funded by a Community Services Block Grant.

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## Chapter A-2

### Federal and State Guidance

WIA is a federally-funded, State-administered, locally-operated program. Each of the governmental strata is required to operate pursuant to the statutes that control it. Additionally, each of the layers of governance is required to promulgate guidance to ensure that the federal funds are spent prudently and as directed by law.

#### FEDERAL GUIDANCE

**Workforce Investment Act of 1998** (Public Law 105-220) The stated purpose of WIA is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.

**Title I** authorizes the workforce investment system and establishes the funding mechanism for States and local areas. It specifies participant eligibility criteria and authorizes a broad array of services for youth, adults, and dislocated workers. It requires the establishment of a system of accountability. It also permits certain statewide activities. This Resource Guide addresses programs under this Title.

Title I authorizes a number of national programs, such as the Job Corps, Native American, Migrant and Seasonal Farmworker (MSFW), and Veterans programs, Youth Opportunity grants, technical assistance to States and local areas, demonstration, pilot, and other special projects, national emergency grants, and program evaluations.

**Title II** reauthorizes the Adult Education and Literacy programs.

**Title III** amends the Wagner-Peyser Act to require that employment/job service activities become part of the one-stop system and establishes a national employment statistics initiative. It requires linkages between WIA programs and Trade Adjustment Assistance programs.

**Title IV** reauthorizes Rehabilitation Act programs and links those programs to State and local workforce development systems.

**Title V** contains general provisions pertaining to WIA.

**Final Rules** (20 CFR 652 and 660-671, Federal Register, vol. 65, No. 156, August 11, 2000, p. 49294, *et seq.*)

Part 652 – Wagner-Peyser Act Services in a One-Stop Delivery System Environment – provides guidance for the implementation of Wagner-Peyser services in the one-stop system.

Part 660 – Introduction to the Regulations for Workforce Investment Systems under Title I of the Workforce Investment Act – provides a brief description of the purpose of WIA and the regulatory scheme.

Part 661 – Statewide and Local Governance of the Workforce Investment System under Title I of the Workforce Investment Act – details the creation and operation of State and local workforce boards and the waiver system.

Part 662 – Description of the One-Stop System under Title I of the Workforce Investment Act – describes the mutual responsibilities of one-stop partners.

Part 663 – Adult and Dislocated Worker Activities under Title I of the Workforce Investment Act – establishes the three-tier service delivery system as well as criteria for selecting eligible training providers and providing work-based training (on-the-job training and customized training). This part also addresses supportive services.

Part 664 – Youth Activities under Title I of the Workforce Investment Act – sets out the youth program design requirements, the role of the Youth Council, eligibility criteria for youth services, summer employment opportunities, one-stop services to youth, and Youth Opportunities Grants.

Part 665 – Statewide Workforce Investment Activities under Title I of the Workforce Investment Act – lays out required and allowable statewide activities and details Rapid Response Activities.

Part 666 – Performance Accountability under Title I of the Workforce Investment Act – sets out performance measures, incentives and sanctions related to performance at the State and local levels.

Part 667 – Administrative Provisions under Title I of the Workforce Investment Act – addresses issues related to funding, administrative rules, cost limitations, reporting & oversight requirements, grievance procedures, sanctions and liability, administrative adjudication and judicial review. While this part seems mostly administrative, it contains some substantive requirements and limitations that affect the delivery of services.

Part 668 – Indian and Native American Programs under Title I of the Workforce Investment Act. These are national programs that are not administered by the State and, therefore, not addressed in this Resource Guide.

Part 669 – National Farmworkers Jobs Program under Title I of the Workforce Investment Act. This program is administered by the State and operated through the one-stop system.

Part 670 – The Job Corps under Title I of the Workforce Investment Act. This is a national program that is not administered by the State and, therefore, not addressed in this Resource Guide.

Part 671 – National Emergency Grant for Dislocated Workers. These grants provide supplemental dislocated worker funds to States, local boards, and other eligible

entities in response to major economic dislocation events which cannot be met with formula allotments. This Resource Guide does not directly address such grants, as the award establishes specific requirements that must be met.

## **Waivers**

States may request waivers of federal requirements from the Secretary of Labor. When waivers are approved, the State receives a letter that details the terms of the waivers. The USDOL typically reviews waivers annually, so it is important that program staff keep abreast of developments in this area.

In recent years, Florida has received waivers that affect:

- The allowable transfer amount between adult and dislocated worker funding streams allocated to a local area
- The use of common measures to replace the performance measures listed in WIA law
- The employer reimbursement for on-the-job training
- The required employer contribution for customized training
- The use of a portion of local funds for incumbent worker training
- The collection of participant data for incumbent workers
- The ability of one-stop career center staff to perform intake and eligibility determination for additional programs

## **United States Department of Labor, Employment and Training Administration (ETA) Advisory System**

The ETA advisory system is used to disseminate interpretations of Federal laws, procedural, administrative, management, program direction, and other information. ETA issues the following [directives](#):

Training and Employment Guidance Letters (TEGL) which transmit policy and operational guidance. Issued by program year (TEGL 11-01 would be the first TEGL issued in program year 2011-2012.)

Training and Employment Notices (TEN) which communicate announcements of meetings, publications, or general information. Also issued by program year.

Communications for partner programs: Unemployment Insurance Program Letters (UIPL) and Bulletins for specialized programs, such as MSFWs.

Handbooks and [technical assistance guides](#) provide instructions, information or guidance concerning a specific program or administrative area or a group of related activities or functions pertaining to a single program or administrative area.

## **Federal Training Resources**

[Workforce<sup>3</sup>One](#) is an e-learning, knowledge sharing webspace that provides learning events, resource information and tools for the workforce system. The site is sponsored by ETA.

## STATE GUIDANCE

[Workforce Innovation Act of 2000](#) (FS 445). The main purpose of Chapter 445 is to implement the federal WIA statute and put in place statewide priorities, requirements, and restrictions. State requirements are incorporated in this Resource Guide as needed.

[Florida Administrative Code \(FAC\)](#). The FAC codifies regulatory requirements promulgated by State agencies to implement State law. Currently, workforce-related rules can be found in chapter 73C.

[Five-Year Strategic Plan](#). The strategic plan, required by State law, involves the Governor, Enterprise Florida, Inc., the Florida Chamber of Commerce, WFI, DEO, RWBs, leaders in business, education and economic development, etc. The strategic plan:

- Assesses workforce trends
- Assesses existing resources and infrastructure and projected needs
- Establishes the State's strategic goals
- Identifies State priorities
- Evaluates outcomes

[State Workforce Plan](#). This plan is created in response to instructions issued by ETA. Much of the information contained in the Five-Year Strategic Plan is included in this plan which provides more detail about the operation of the workforce system. Requests for waivers to federal law are also included in this plan.

**DEO Policy and Guidance.** DEO develops and disseminates guidance in response to federal and state mandates. These guidances come out in the following formats:

[Guidance Papers](#) are issued when the State established policy to effect federal or state statutory mandates or policy issued by WFI.

[Memoranda](#) introduce information that does not involve the development of State policy.

**Other Publications** are posted on the DEO website: [TEGLs](#), [TENs](#), [EFM Tips and Updates](#), [Information Tips](#), and [Best Practices](#).

## State Training Resources

The DEO website contains a wealth of [training presentations](#) (PowerPoint and narrated) for WIA and other workforce programs. The [training calendar](#) and information about the State's training system for front-line staff certification ([Adobe Connect](#)) are also posted on DEO's website.

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## Chapter A-3

### The One-Stop Service Delivery System

The cornerstone of WIA—the One-Stop Service Delivery System—unifies numerous training, education and employment programs into a single customer-friendly system in each community. Some of these One-Stop programs are [mandated by law](#). Additional [optional](#) programs may be included with the approval of the RWB and local elected officials.

The one-stop system integrates services and governance structures so that the customer has access to a seamless system of workforce investment services. It envisions that a variety of programs use common intake, case management, and job development systems.

Each local workforce board must establish a one-stop service delivery system through which it delivers core employment-related services and provides access to other employment and training services. The access to services must be provided through at least one physical One-Stop Career Center in each local area and may be supplemented by networks of affiliated sites.

RWBs select the One-Stop operator and execute written memoranda of understanding (MOU) with one-stop partners that describe the services to be provided, use of varied funding streams, method for referral of individuals between the partners, etc.

#### Mandatory One-Stop Programs

- Programs authorized under federal law, administered by the State through the RWBs. Staff positions operating these programs are either DEO employees assigned to local One-Stop Career Centers and managed on a day to day basis by the one-stop center operator or are provider staff. These programs are:
  - ✓ Wagner-Peyser that serves job seekers, including migrant and seasonal farmworkers, and employers
  - ✓ Local veterans employment representatives and disabled veterans outreach programs
  - ✓ Trade Adjustment Act that serves workers who lose their jobs due to foreign trade
  - ✓ Programs authorized under the State reemployment assistance (unemployment compensation) law
- Programs authorized under Title I of WIA, administered by the USDOL, to the extent that these programs operate in the area:
  - ✓ Workforce Investment Act (Adult, Dislocated Workers, and Youth)
  - ✓ [Job Corps](#)
  - ✓ [Native American Programs](#) that offer employment and training services for a local tribe
  - ✓ [Veterans Workforce Investment Programs](#) that offer employment and training services to certain veterans

- Educational programs under the oversight of the Florida Department of Education (<http://www.fldoe.org/SiteIndex/directories.asp>), including:
  - ✓ Adult education and literacy activities (WIA)
  - ✓ Postsecondary vocational education activities (Carl D. Perkins Vocational and Applied Technology Education Act)
  - ✓ Vocational Rehabilitation programs (Rehabilitation Act)
  - ✓ Farmworker Jobs and Education program (WIA)
- [Senior Community Service Employment](#) programs
- Employment and training activities carried out under a [Community Services Block Grant](#)
- Employment and training activities carried out by the [Department of Housing and Urban Development](#)

### **Optional One-Stop Partner Programs**

- Programs administered by the Department of Children and Families:
  - ✓ Welfare transition programs
  - ✓ [Office on Homelessness](#)
- Transportation agencies
- Child Care agencies
- Community Colleges
- Economic Development Boards

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## Chapter A-4

### Participant Eligibility

Federal law establishes strict participant eligibility, priorities and requirements for participation. To account for the proper use of federal funds, appropriate documentation must be maintained and made available for review by auditors and local, state and federal representatives.

#### **WHO IS A PARTICIPANT AND WHEN DOES PARTICIPATION BEGIN?**

A participant is an individual who is determined eligible to participate in the program and receives a service funded by the program in either a physical location or remotely through electronic technologies.

Participation begins after an individual has been determined eligible to participate in the program and begins receiving a service funded by the program.

#### **GENERAL ELIGIBILITY CRITERIA**

Citizenship: The participant must be a [US citizen or an alien authorized to work in the US](#).

Selective Service Registration: All adult males born after December 31, 1959 and 18 years or older are required to [register with the Selective Service System](#).

Age: The participant must be 18 years or older to receive WIA Adult services.

Residency: Since the premise of WIA is one of customer choice, a region may not establish a prohibition against serving customers who reside outside of its boundaries. However, a local board may provide priority to residents of their region when funds are limited. To facilitate serving participants who reside outside a region's boundaries, local boards are encouraged to negotiate reciprocal agreements with neighboring RWBs.

#### **PROGRAM-SPECIFIC ELIGIBILITY CRITERIA & PRIORITY OF SERVICES**

Adult: The WIA statute and regulations require that local areas give priority for adult intensive and training services to recipients of public assistance and other low-income individuals when funds are limited. It is the responsibility of the local board to determine if and when funds are not limited.

Each RWB is to follow the priority of services procedures described in its approved Workforce Services Plan. This requirement does not mean that only recipients of public assistance and other low-income individuals are eligible to receive WIA-funded intensive and training services when the funds are limited. Each local board should assess the needs of its workforce and determine the most appropriate distribution of services against projected levels of service needs. In developing their criteria for priority, RWBs should consider the needs of specific groups within the local area, the availability of other funding sources and other appropriate factors. Thus, a careful set of criteria needs to be established by each RWB. 20 CFR 663.600

Dislocated Worker: An individual who is meets one of the following criteria –

- √ The individual has been terminated or laid off, or has received a notice of termination or layoff; and is eligible for reemployment assistance (unemployment compensation) OR has a demonstrated attachment to the workforce but is not eligible for unemployment compensation because of insufficient earnings or

because of having worked for an employer not covered under the State Reemployment Assistance (RA) law; AND is unlikely to return to work in a previous industry or occupation.

NOTES:

1. If a client's RA records indicate that the individual's claim for RA was originally denied, but the original determination was subsequently overturned, and consequently the individual became eligible for RA, that individual would meet this dislocated worker criterion.
  2. An individual who has been separated from full-time [active duty](#) military service or has been demobilized from full-time Federal service in a National Guard or Reserve unit meets the dislocated worker criterion. In contrast, individuals who have retired from full-time, active duty military service do not meet the dislocated worker criterion.
  3. A military spouse who leaves his or her job because of relocation of the service member or discharge from the military may be considered to have been terminated and to be unlikely to return to work in the previous occupation. See [TEGL 22-04, Change 1: Serving Military Spouses as Dislocated Workers under the Workforce Investment Act Dislocated Worker Formula Grant](#).
- √ The individual has been terminated or laid off or has received a notice of termination or layoff within 180 days because of a permanent closure or a substantial layoff at a plant, facility or enterprise. The individual may receive core services without regard to the 180 days.
  - √ The individual was self-employed but is unemployed as a result of general economic conditions in the community or because of natural disasters.
  - √ The individual is a displaced homemaker, i.e. an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

INTERIM OR INCOME MAINTENANCE EMPLOYMENT: Dislocated workers who have become re-employed in "income maintenance" jobs (a job with a lower rate of pay than the job of dislocation) may be served as long as the wage earned does not exceed the local criterion for self-sufficiency for dislocated workers. For dislocated workers who have become employed prior to eligibility determination, earnings comprising a certain percentage of the wage earned at the time of dislocation may be the most appropriate to use for determining eligibility.

For example, an individual may be laid off from an administrative position that pays \$45,000 per year, and then take a job as a sales clerk in a retail store earning \$20,000 per year while seeking more appropriate employment with higher wages. This worker may still be eligible for WIA services as a dislocated worker.

Note: To better serve dislocated workers, RWBs should define the following terms:

- demonstrated attachment to the workforce
- substantial layoff



- underemployed
- interim/income maintenance employment

#### **EMPLOYED WORKER ELIGIBILITY**

Employed workers may be eligible for intensive services and training activities if they are determined to be in need of such services in order to obtain or retain employment that allows for self-sufficiency. Local boards set the criteria for “obtain or retain employment that allows for self-sufficiency.” At a minimum, self-sufficiency means employment that pays at least the lower living standard income level.

The criteria for adult employed workers and dislocated workers employed in an income maintenance job may be different.

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## Chapter A-5

### Priority of Service for Veterans and Eligible Spouses

#### Federal Priority of Service Requirements

For all workforce programs, including WIA, federal mandates require that [veterans](#) and [eligible spouses](#) be given preference for employment and training services. This requirement is described in detail in [TEGL 10-09](#) (issued jointly with Veterans' Program Letter 07-09).

To implement the priority requirement, RWBs are required to put in place processes that ensure that veterans and eligible spouses are aware of:

1. Their entitlement to priority of service
2. The full array of services available under priority of service
3. Applicable eligibility requirements for workforce programs and services

Priority of service means that veterans and eligible spouses are given priority and are entitled to precedence over [non-covered persons](#) for the receipt of WIA services. Thus, veterans and eligible spouses are to receive access to a service earlier than a non-covered person. Likewise, if resources are limited, veterans and eligible spouses receive access to the service instead of or before a non-covered person. For example, if there is a waiting list, an eligible veteran or eligible spouse goes to the top of the list.

To implement the veterans/eligible spouses priority in the context of the [WIA priority for low-income/public assistance adults](#), the following ranking applies:

- First: Veterans and eligible spouses who meet the WIA priority must receive the highest level of priority.
- Second: Non-covered persons who meet the WIA priority receive the second level of priority
- Third: Veterans and eligible spouses who do not meet the WIA priority receive the third level of priority
- Fourth: Non-covered persons who do not meet the WIA priority receive the lowest level of priority

For universal access programs and those programs that have a discretionary priority (one not mandated by federal law), veterans and eligible spouses must receive the highest priority.

The status of veterans/eligible spouses must be verified when they are to immediately undergo eligibility determination to be enrolled in a WIA intensive service. See documentation requirement in [Appendix B](#).

#### Factors Affecting Priority of Service for Veterans and Eligible Spouses

##### ***Exemption of Military Service-Related Income for Family Income Determination***

Many types of service-related income are not included to determine whether a veteran or covered spouse meets the low-income eligibility criteria. See [excluded Income](#) below.

### **Exclusion of VA-Funded Training from “Other Grant Assistance” in Coordination with WIA-Funded Training**

WIA requires that RWBs coordinate WIA-funded training with “other grant assistance” such as Pell Grants. **This requirement does not apply to veterans or spouses who are eligible for the GI Bill or other forms of VA-funded education or training.** For a more detailed discussion of this issue, see Coordination with Other Federal Grants below [to be circulated in a later issuance].

### **State Priority of Service Requirements**

Additionally, State guidance requires that dependents of certain veterans also be given preference for employment and training services (disabled veterans, and families of severely disabled veterans and of military members killed in action). [AWI FG 06-056](#)

### **One-Stop Staff Involvement**

RWBs must ensure that all service delivery points provide maximum employment and training opportunities to eligible veterans. Although regions may have Disabled Veterans' Outreach Program staff and Local Veterans' Employment Representatives, it is the responsibility of all staff in each One-Stop to provide priority service to veterans for all workforce services.

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## Chapter A-6

### The State Management Information System (MIS)

For its data collection and reporting system, Florida uses Employ Florida Marketplace (EFM) <https://www.employflorida.com/> developed by Geographic Solutions, Inc. (GeoSol).

GeoSol has published a *Virtual One-Stop – Staff Services User Guide (VOS User Guide)* that can be found under Staff Resources after a user logs into the system. This Guide provides instructions to assist staff in:

- √ taking applications
- √ determining eligibility and priorities
- √ recording assessment information
- √ maintaining career plans
- √ enrolling clients into program activities
- √ maintaining case notes
- √ recording program outcomes
- √ closing cases
- √ exiting clients
- √ conducting follow-up

In addition to the *VOS User Guide*, the EFM system has numerous prompts and help screens to assist staff while they enter data.

The processes described in the *VOS User Guide* are not repeated in this Guide. Instead this Guide describes the statutory and regulatory framework that directs the WIA programs.

**It is important that all program staff become very familiar with this Resource Guide as well as the instructions contained in the *VOS User Guide* and on the client screens in the EFM system.**

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## PART B—WIA INTAKE APPLICATION

### Chapter B-1

#### General Instructions

Federal, state and local workforce program accountability standards require that applicant data be collected on local forms or copies of EFM screens and/or maintained in EFM.

**The data elements required by federal reporting are the basis for the State MIS. These data must be periodically reported to the USDOL.** See [TEGL 14-00](#).

The WIA Application collects and records information necessary to make an initial determination of eligibility for WIA services. The Application and related documents must be retained in the participant's case file for federal fund accountability and data validation reviews. See Part F for additional information regarding the required source documentation for data elements. Both the client and the certifying staff member must initial any whiteout, cross-out, write-over, or erasure in the WIA Application and related documents.

Completion of an application, enrollment in WIA activities and subsequent participation information in EFM must meet the federal and State requirements about confidentiality of information. The data may only be used for record-keeping and reporting, determining program eligibility and priorities, determining the extent to which the local area is operating WIA-funded programs in a nondiscriminatory manner, or for other uses as authorized by law. [29 CFR 34.24](#), [AWI FG 04-044 Guidance Paper – Data Sharing](#), [AWI FG 02-033, Final Guidance – Confidentiality of Records and Public Records Requests and Subpoenas](#).

The local areas should ensure that their WIA processes give consideration to the following:

- ✓ Equal Employment Opportunity data (EEO data) must be collected and retained on every individual who is interested in being considered for WIA services. [20 CFR 663.105](#). See the Department's "[Guidelines for Compliance with Section 188 of the Workforce Investment Act: Collection of Demographic Data](#)."
- ✓ The date of application is the date the individual began the process of eligibility determination.
- ✓ Enrollment (Participation) occurs at the point of receipt of assisted core services (adults and dislocated workers) or objective assessment (youth). [20 CFR 663.105](#).
- ✓ An individual must meet age eligibility requirements at the point of the receipt of first service. Refer to [TEGL 14-00](#), [TEGL 17-05](#).

#### Application Data Description

##### Why do we gather Application Data?

Federal law and regulations require WIA practitioners to gather a variety of data. These are collected for five main reasons:

1. To verify identity (ID)
2. To gather contact information (CO)
3. To ensure equal opportunity for all applicants (EO)
4. To determine eligibility in general for WIA (GE)
5. To ensure program-specific eligibility, establish priority for services, etc. (PE)

#### **1. To verify Identity (ID)**

These items consist of:

- Name
- Social Security Number
- Date of Birth

#### **2. To gather contact information (CO)**

These items consist of:

- Address
- Telephone Number
- E-mail address

#### **3. To ensure equal opportunity for all applicants (EO)**

Certain data are collected to ensure that WIA services are made available without discrimination on the basis of:

- Race/Ethnicity
- Gender
- Disability
- Age
- Limited English Proficiency (LEP) as it relates to national origin
- Citizenship

For guidance regarding the requirements under the Americans with Disabilities Act, see [29 CFR 37](#). Additional guidance regarding discrimination affecting LEP can be found at [Federal Register, Volume 68, No. 103, May 29, 2003, page 32290](#).

The data listed above do not include all nondiscrimination requirements. Federal laws also prohibit discrimination on the basis of national origin, political affiliation or belief, and religion. The State MIS system does not collect or report on these elements.

#### **4. To determine general eligibility for WIA (GE)**

To be eligible to participate in any WIA program, a person must meet three eligibility criteria:

**Citizenship:** The applicant must be a United States citizen or an alien authorized to work in the U.S.

**Selective Service Registration Compliance:** If the applicant is a male 18 years or older, born after December 31, 1959, the applicant is required to show compliance with the Selective Service registration requirement.

**Age:** Individuals must meet age requirements at the time of participation. Age requirements are discussed in more detail in the following chapter.

**5. To ensure program-specific eligibility (PE)**

Eligibility specialists must also collect information to ensure that clients meet program-specific eligibility criteria. Each of the WIA programs has its own eligibility criteria as described in [Chapter A-4](#).

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## Chapter B-2

### Demographic & Contact Information

As indicated in the previous chapter, personal client information is gathered to establish identity, maintain contact information, ensure equal opportunity and determine eligibility priority for WIA services.

The data elements are detailed here.

#### **Name**

ID

First and last names and middle initial of the applicant.

#### **Social Security Number (SSN)**

ID

Although a social security number is not required for program participation, one is required on each record submitted to the United States Department of Labor (USDOL) for the Workforce Investment Act Standardized Record Data (WIASRD).

The social security number of the individual is the key to the individual's record in the MIS. Thus it is very important that this number be entered correctly.

Record the full nine-digit social security number of the individual.

A pseudo SSN may be assigned if the individual cannot readily provide a SSN or refuses to provide it; but a valid SSN should be obtained and recorded prior to exit of the individual from the program. To create a pseudo social security number, use the following methodology.

The first digit of a pseudo SSN is always a "9" followed by the last two digits of the individual's birth year. The next two digits will be "00" followed by the birth month and day. If two or more individuals have the same date of birth the "00" will become "01," "02," etc.

For example, two individuals with a date of birth of May 1, 1960 would be assigned the following pseudo numbers:

1st individual 960-00-0501

2nd individual 960-01-0501

For an individual with birth date of September 18, 1954: 954-00-0918

#### **Contact Information**

CO

Record the applicant's street address, telephone number(s) and e-mail address. If the applicant uses a different mailing address, this should be recorded. Alternate contact information may also be recorded.

Note that RWBs may not limit services to only those customers who reside in their region. However, a region may incorporate a priority to serve its residents when funds are limited. To facilitate serving participants who reside outside of a region's geographic area, RWBs are encouraged to negotiate reciprocal agreements with neighboring regions.

#### **Date of Birth**

EO, GE, PE



Individuals may be served as Adults only if they are 18 years or older at the time of first assisted core service. A Youth is an individual from age 14 through 21 at the time of participation in the first activity.

## **Gender**

[EO](#)

Record the applicant's gender (male or female).

## **Selective Service Registration Compliance**

[GE](#)

### ***Who is required to register?***

All male U.S. citizens born after December 31, 1959 must register with the Selective Service while they are between the ages of 18 and 26 unless otherwise specified.

Persons from the American Samoa, the Republic of the Marshall Islands and the Federated States of Micronesia are required to register if they are "habitual residents in the U.S." Habitual residency is presumed when such a person resides in the U.S. for more than one year.

### ***When is compliance with selective service registration to be verified?***

This should be documented at the time of the initial application. For young men who begin receiving WIA services prior to their 18<sup>th</sup> birthday, case managers should track the date they turn 18 to ensure that they register with the Selective Service, and should maintain verification of the registration in the client's file.

### ***Who is not required to register?***

- Females
- Members of the armed forces on [active duty](#) (but must register within 30 days of leaving the armed forces if under 26)
- Certain cadets and students in Officer Procurement Programs (but must register within 30 days of leaving the armed forces if under 26)
- Persons who are incarcerated, hospitalized or institutionalized for medical reasons; and physically or mentally handicapped individuals confined in a residence, hospital or institution.
- Non-immigrant individuals on visas
- Special agricultural workers

For more detail, see [Who Must Register Chart](#) published by the Selective Service System (June 26, 2009).

The Application seeks information about the Selective Service Registration status of the applicant: "Have you registered for the Selective Service?"

YES – if the male applicant has registered as required by law

NO—if a male applicant 18 or older who was born after December 31, 1959 has not registered in violation of the Selective Service registration requirements

DOCUMENTED EXEMPTION FROM REGISTRATION—if a male applicant who was required to register meets one of the criteria listed [above](#).

NOT APPLICABLE—if the applicant is female, or is younger than 18, or was born before January 1, 1960.

Selective Service registration may be made on-line at <http://www.sss.gov/>. Inquiries may be addressed to: Selective Service System, Registration Information Office, PO Box 94638, Palatine, IL 60094-4638.

Males between the ages of 18 and 26 who are required to register, but have not registered, and have not yet reached their 26<sup>th</sup> birth date, should be registered with the Selective Service System (SSS) before registration into WIA.

It is the Regional Workforce Board, not the Selective Service System, which makes the final decision whether male applicants who are over 26 years old meet Selective Service registration requirements.

Regional Workforce Boards should develop a procedure, including identifying acceptable documentation for making a determination of WIA eligibility for males who have not registered with the Selective Service System. See [Communiqué](#) issued December 14, 2011 that disseminates [TEGL 11-11](#) and related Changes.

- A male 26 years of age or older who did not register for the Selective Service or cannot produce appropriate documentation of registration may obtain a *Status Information Letter from the Selective Service* indicating whether he was required to register. The request form can be accessed at: <http://www.sss.gov/PDFs/infoform.pdf>. Instructions can be found at <http://www.sss.gov/PDFs/instructions.pdf>.
- If the *Status Information Letter* indicates that the individual was not required to register for the Selective Service, he is eligible to enroll in WIA-funded service.
- If the *Status Information Letter* indicates that he was required to register, he is presumed to be disqualified from participation in WIA-funded services until it can be determined that his failure to register was not knowing and willful.
- The RWB is responsible for making the determination of whether the failure to register was knowing and willful.
- The applicant must present a written statement and any relevant evidence supporting the circumstances at the time of the required registration and the reasons for failing to register.
- The following questions should be considered:
  - Was the individual aware of the requirement to register?
  - If the individual knew about the requirement, was he misinformed about the applicability of the requirements to him (e.g., veterans who were discharged before their 26<sup>th</sup> birthday were occasionally told that they did not need to register)?
  - On which date did the individual first learn that he was required to register?
  - Where did the individual live when he was between the ages of 18 and 26?
  - Does the *Status Information Letter* indicate that the Selective Service sent letters to the individual at that address and did not receive a response?

- In determining whether the failure was “willful”, the RWB should consider:
  - Was the failure to register done deliberately and intentionally?
  - Did the individual have the mental capacity to choose whether or not to register and decided not to register?
  - What actions, if any, did the individual take when he learned of the requirements to register
- The following are examples of documentation or evidence which could be provided by the male applicant.
  - Service in Armed Forces - A man provides evidence that he served honorably in the U.S. Armed Forces by submitting a copy of his DD Form 214 attesting to this service, or a copy of his Honorable Discharge Certificate. This documentation may be considered prima facie evidence that his failure to register with the SSS was not willful or knowing.
  - Aliens entering the U.S. on or after age 26 – Alien males who entered the U.S. on or after their 26th birthday are exempt from the Selective Service registration requirements. Immigration and Naturalization Service (INS) Form I-94 (Arrival/Departure Record) and INS Form I-551 (Alien Registration Receipt Card commonly called the “green card”) will show the birth date of the alien male. Also, INS has granted legal status and employment authorization to lawful seasonal agricultural workers (SAWs) and formerly illegal aliens under the 1986 Immigration Reform and Control Act (IRCA).
  - Immigrant aliens – Immigrant aliens, refugees, parolees, asylees, etc. with work permits may be served in WIA only after an SSS registration or exemption is established as detailed above. INS Form I-688 (Temporary Resident Card) will be helpful in establishing the alien’s status.
  - Former illegal aliens – Male aliens 26 years of age or older who entered the U.S. illegally and who are subsequently granted legal status by the INS (IRCA-legalized aliens) or who were born after December 31, 1959, but who are not registered with the SSS can be registered in WIA if they are otherwise eligible and provide the One-Stop or service provider compelling evidence that they did not knowingly and willfully fail to register.
  - Non-immigrant aliens – Lawfully non-immigrants on visa (e.g., diplomatic and consular personnel and families; foreign student; tourists with unexpired INS forms) are not required to register with the Selective Service, but must be authorized to work in the United States to be eligible for WIA services.
- A third party statement from family members, teachers, doctors, etc. concerning reasons for not registering may be acceptable documentation used in making a determination regarding willful and knowing failure to register with the SSS.

If after reviewing the evidence, the One-Stop staff or service provider determines that the preponderance of the evidence shows that a man's failure to register was

not a knowing and willful failure and that he is otherwise eligible, services may be provided.

All documentation provided must be maintained in the applicant's file.

Male applicants denied services must be advised of their rights to appeal an adverse decision under the WIA grievance procedures. See [Final Guidance 00-004](#).

**Note:** Selective Service registration is not a requirement for Trade Adjustment Assistance (TAA) participation. However, a male co-enrolled in WIA must meet Selective Service registration requirements.

## Citizenship

## GE, EO

[WIA](#) limits program participation to "citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, parolees and other immigrants authorized by the Attorney General to work in the United States." This same section prohibits discrimination against individuals who meet the citizenship or lawful resident status. Thus, if the United States Citizenship and Immigration Service (USCIS) recognizes a document as adequate proof of authorization to work in the United States or of US citizenship, case managers should not request additional documentation. See the [USCIS I-9 web page](#) which contains hyperlinks to relevant documents.

The Application requests information seeking to determine whether the person is one of the following:

A Citizen of the U.S. or U.S. Territory

An Authorized Alien – Registration information will be required

Not Authorized to Work

The USDOL requires that citizenship or authorization to work is to be verified for all individuals before WIA services are provided.

To verify citizenship, review original records detailed on the "List of Acceptable Documents" on the I-9 Form List A & List C (8/7/09). These include:

- U.S. Passport or Passport Card
- Native American tribal document
- Original Social Security Card (unless on its face the card states it does not authorize employment in the U.S.)
- Certification of Birth Abroad issued by the Department of State (FS-545)
- Certification of Report of Birth issued by the Department of State (DS-1350)
- Original or Certified Copy of a Birth Certificate issued in the U.S.
- U.S. Citizen I.D. Card (Form I-197)
- Identification Card for Resident Citizen in the U.S. (I-179)
- Temporary Work status as verified by a foreign passport with a I-94 (check deadlines and limitations on I-94)
- Permanent Resident Card or Alien Registration Receipt Card (Form I-551)

- Foreign Passport with Temporary I-551 stamp or printed notation.
- Employment Authorization Document with photo (I-766)

For a detailed discussion and copies of some of these documents, consult the *Handbook for Employers* posted on the [USCIS I-9 web page](#).

Note: Documents containing an expiration date must be current in order to be acceptable. Case managers should **not** re-verify (after the client was originally determined eligible) an expired Alien Registration Receipt Card/Permanent Resident Card (Form I-551). However, other documents issued by USCIS/Department of Homeland Security, such as Employment Authorization Documents, must be re-verified.

In addition, the following forms may also be accepted as proof of citizenship.

- U.S. Baptismal Record
- U.S. Hospital Record
- Public Assistance Records (if place of birth shown)
- DD-214, Report of Transfer or Discharge (if place of birth shown)
- A completed I-9
- Telephone Verification (allowable only if exigent circumstances don't allow the applicant to present other documentation)
- Applicant Statement (allowable only if exigent circumstances don't allow the applicant to present other documentation)

## Race

[EO](#)

A person may select one or more racial designations.

American Indian or Alaskan Native: A person having origins in any of the original peoples of North America and South America (including Central America) and who maintains cultural identification through tribal affiliation or community recognition.

Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian Subcontinent (e.g. Bangladesh, Bhutan, Cambodia, China, India, Japan, Korea, Malaysia, Nepal, Pakistan, the Philippine Islands, Sikkim, Sri Lanka, Thailand and Vietnam).

Black: A person having origins in any of the black racial groups of Africa.

Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White: A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

Other: Ethnic origin from a racial category not listed.

Information not provided.

## Hispanic Heritage

[EO](#)

A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture in origin, regardless of race.

### **Haitian Heritage**

[EO](#)

A person of Haitian origin.

### **Individual with a Disability**

[EO, PE](#)

An individual with a disability means an individual with any disability as defined in section 3(2)(a) of the [Americans with Disabilities Act of 1990](#) (42 U.S.C. 12102).

DEO has issued [Guidelines for Compliance with the Americans with Disabilities Act \(ADA\)](#) and related statutes that provides clear guidance about the appropriateness of asking applicants questions about disability as well as confidentiality requirements. All intake and case management staff must become familiar with these issues.

An applicant will answer

**YES** if he/she has a physical or mental impairment that substantially limits one or more of such person's major life activities, or has a record of such impairment, or is regarded as having such impairment.

Pursuant to 29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1988, Final Rule, the phrase, "physical or mental impairment" means:

Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine; and

Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The phrase "physical or mental impairment" includes, but is not limited to, such contagious and non contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. The term "physical or mental impairment" does not include homosexuality or bisexuality

The phrase "major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

The phrase "has a record of such an impairment" means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

The phrase "is regarded as having an impairment" means:

Has a physical or mental impairment that does not substantially limit major life activities but that is treated by the recipient as constituting such a limitation;

Has a physical or mental impairment that substantially limits major life activities only as result of the attitudes of others toward such impairment; or

Has none of the impairments defined above but is treated by the recipient as having such an impairment.

**NOTE:** Individuals with a disability may be treated as a “Low-Income Individual” (family of one) when their own income meets program income guidelines even if they are a member of a family whose income does not meet such requirements. WIA Section 101(25)(f).

## **Veteran Information**

## **PE**

The State MIS requires veteran status to be determined and information collected if the individual

- has ever served in the U.S. Military, Naval or Air Service
- was a campaign veteran
- was a disabled veteran
- was recently separated from the military

Additionally, when clients complete an initial (Wagner-Peyser) application, they are asked to identify their status as spouse or dependent of a veteran or an individual in [active duty](#).

This information is gathered to comply with the federal Jobs for Veterans Act which requires that [priority be given to veterans or eligible persons](#).

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## Chapter B-3

### Employment History

An individual's employment history is relevant for program eligibility and the development of a service strategy.

EFM seeks information about current and recent past employment:

#### Employment status

#### PE

- √ Employed – someone who
  - Does any work at all as a paid employee, OR
  - Does any work at all in their own business, profession, or farm, OR
  - Works 15 hours or more as an unpaid worker in an enterprise operated by a member of the family, OR
  - Is not working, but has a job or business from which they are temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time off, and whether or not seeking another job.
- √ Employed, but received notice of termination of job or military separation – someone who, although employed
  - Has received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN Notice) or other notice that the facility or enterprise will close, OR
  - Is currently on active military duty and has been provided with a firm date of separation from military service.
- √ Not Employed - An individual who does not meet any of the conditions described above.

**Rate of pay** – current or most recent HOURLY rate of pay.

**Underemployed** means as an individual who is working part-time (less than 30 hours per week) but desires full-time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational attainment and/or skill achievement. RWBs may further define this term.

**Layoff Information** – applies to individuals who have been terminated or laid off, or have received a notice of termination or layoff, or to displaced homemakers

- Terminated or Laid off, or has received notice of termination or layoff, and is eligible for or has exhausted entitlements to Reemployment Assistance (unemployment compensation) and is unlikely to return to previous industry or occupation. Note that a military spouse who leaves a job because of a new duty assignment may be considered terminated or laid off. (See [Change 1 to TEGL 22-04.](#))
- Terminated or Laid off, or has received notice of termination or layoff, and has been employed for sufficient duration (a minimum of six weeks) to



demonstrate workforce attachment, but is [not eligible for reemployment assistance due to insufficient earnings or employer not being covered under state compensation law](#) and is unlikely to return to previous industry or occupation.

- Terminated or Laid off, or has received notice of termination or layoff from employment as result of [permanent closure of or substantial layoff at a plant, facility or enterprise](#). The projected date or actual date of layoff is required in the space provided.
- Employer has made a general announcement that facility will close. The projected date or actual date of closure is to be entered in the space provided.
- [Previously Self-employed](#) (including farmers, ranchers and fisherman) but is unemployed due to general economic conditions in the community of residence or because of natural disaster.
- [Displaced Homemaker](#) is an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.
- None of the above. Termination/layoff does not qualify individual for Dislocated Worker program.

#### Layoff Dates

- Actual Layoff Date: The last day of employment at the dislocation job. This information should be entered only when the qualifying dislocation takes place. There is no layoff date for Displaced Homemakers.
- Projected Layoff Date: Planned layoff date if the individual is still employed at the dislocation job.

Rapid Response Information – to be provided in the event the layoff was the subject of a WARN notice.

#### Dislocation Employer Information

- Name and Address of Dislocation Employer
- HOURLY rate of pay in Dislocation Employment

### **Receipt of Reemployment Assistance (Unemployment Compensation) [PE](#)**

- √ Eligible claimant referred by the State's Priority Reemployment Services (PREP) - Any individual who is a person who (a) filed a claim and has been determined monetarily eligible for benefit payments under one or more State or Federal Reemployment Assistance (RA) programs and whose benefit year or compensation, by reason of an extended duration period, has not ended and who has not exhausted their benefit rights, and (b) was referred to service through the state's PREP.

- √ Eligible claimant - Any individual who is a person who meets condition (a) described above, but was not referred to service through the state's PREP system.
- √ Exhaustee - Any individual who has exhausted all reemployment assistance (RA) benefit rights for which the individual has been determined monetarily eligible, including extended supplemental benefit right.
- √ Neither Claimant nor Exhaustee

### **Work History**

EFM allows individuals to enter their employment history and update it as needed. The information recorded in this area can be printed in Résumé mode. An individual may permit interested employers to view their employment history.

Case managers use a client's work history to determine whether a client meets the local [self-sufficiency](#) definition, as well as to assess transferable skills, develop the individual employment plan (IEP), and to determine an appropriate mix of activities and services, including training activities. [TABLE OF CONTENTS](#)

## Chapter B-4

### Education History

As with employment history, education history may be relevant to program eligibility/priority of service. [PE](#)

EFM seeks information about the individual's educational attainments.

- √ Highest grade completed
- √ School status for youth
  - In-school, high school or less – for individuals who are attending any primary or secondary school and have not received a high school diploma or GED
  - In school, alternative school – for individuals who are in school but are attending an alternative school
  - In school, post high-school – for individuals who have received a high school diploma or GED and are attending a post-secondary school or program
  - Not attending school, school dropout – for individuals who have not received a high-school diploma or GED and are no longer attending school
  - Not attending school, high school graduates – for individuals who are not attending any school and have a high-school diploma or GED
- √ Youth who are in elementary or secondary school and who are below grade for their age
- √ Youth enrolled in Education leading to High-School Diploma, GED, or Certificate

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## Chapter B-5

### Individual Barriers

An individual's barriers may be relevant to program eligibility/priority of service. [PE](#)

Information about barriers is important because of eligibility requirements for youth and priority of services for adults. Performance measures and incentives may depend on the accurate identification of these data elements.

These barriers include:

- √ Individual or family member with limited English – An individual who has limited ability in speaking, reading, writing or understanding the English language **and** (a) whose native language is other than English **or** (b) who lives in a family or community environment where a language other than English is the dominant language.
- √ Single parent – A single, separated, divorced, or widowed individual who has primary responsibility for one or more dependent children under age 18.
- √ Homeless – An individual who lacks a fixed, regular, adequate nighttime residence; and any individual who has a primary nighttime residence that is a publicly or privately operated shelter for temporary accommodations, an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings. This definition does not include an individual imprisoned or detained under an Act of Congress or State law. An individual who may be sleeping in a temporary accommodation while away from home should not, as a result of that alone, be recorded as homeless. An applicant for services who meets the definition of *homeless individual* is considered to meet the definition of low income.
- √ Offender – An Offender is an individual who is or has been subject to any stage of the criminal justice process, for whom services under WIA may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
- √ [Displaced homemaker](#). While this is not a barrier, it is listed in this section of the Resource Guide because it is found in the barrier section in EFM.

There are additional youth barriers that should be evaluated for a client age 18 -21 since an adult or dislocated worker between these ages could also qualify as a youth.

- √ Runaway youth – A youth under 18 years of age that absents him/herself from home or place of legal residence without the permission of parents or legal guardian. Note: An emancipated youth is not included in this definition.
- √ Pregnant or parenting youth – A youth who is under 22 years of age and who is pregnant, or a youth (male or female) who is providing custodial care for one or more dependent child under age 18 or who provides child support for one or more dependent child.
- √ Foster care youth - A youth who is currently in foster care or has been in the foster care system at any point during his/her lifetime.

- √ Basic skills deficient youth - A youth who computes or solves problems, reads, writes, or speaks English at or below the 8<sup>th</sup> grade level 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.
- √ Special youth barriers (facing serious barriers to employment [5% exception] or youth requiring additional assistance) – These barriers are defined by the RWB and included in its Workforce Services Plan.
- √ Out of school youth – While this is not a barrier, it is listed in this section of the Resource Guide because it is found in the barrier section in EFM. All youth EXCEPT (a) those who are attending any school and have not received a secondary school diploma or its recognized equivalent, **or** (b) those who are attending post-secondary school and are not basic skills deficient are considered out of school youth.

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## Chapter B-6

### Low Income and Public Assistance

An individual's economic status may be relevant to program eligibility and/or priority of service for Adults.

***WIA mandates that recipients of public assistance and other low-income individuals receive priority for intensive and/or training services, unless a board has determined that adult funds are not limited.*** (See discussion [above](#).)

Adults receiving WIA assisted-core services need not be low-income (even if funds are limited); however, when funds are limited, a determination of income eligibility must be made to establish whether an applicant meets the local criteria for priority of service for an Adult to be eligible to receive intensive and training services as described in the local plan.

NOTE: Veterans and eligible spouses are entitled to preference in the receipt of training services. See [Chapter A-5](#).

Thus, EFM seeks the following information.

#### Recipient of Public Assistance

[PE](#)

- a. Does the applicant receive public assistance, i.e. Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Refugee Cash Assistance (RCA) or General Assistance (GA)?
- b. If the applicant is not a recipient of public assistance, are they a member of a family that receives public assistance (TANF, SSI, RCA, or GA)?
- c. Is the applicant a member of a household that receives food stamps or that has been determined eligible for food stamps in the six months prior to the application date?
- d. Is the individual a publicly supported foster child?

#### Low-Income Individual

[PE](#)

To determine whether an individual is low-income, use either of these two tests.

1. An individual who is a recipient of public assistance, as described in paragraphs a – d above, or who qualifies as a [homeless](#) individual automatically meets the standard of low-income.
2. An individual who received an income, or is a member of a [family](#) that received a total [family income](#) for the six months prior to the application date that, in relation to family size, does not exceed the Family Income Guidelines in effect at the time of application meets the standard of low-income.

To make this determination, determine family size and family income.

*Family Composition/Size*. A 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 husband, wife, and [dependent children](#); (b) a parent or guardian and [dependent children](#); (c) a husband and wife.

The phrase “living in a single residence” with other family members includes temporary, voluntary residence elsewhere (e.g., attending school or college, or visiting relatives). It does not include involuntary temporary residence elsewhere (e.g., incarceration, or placement as a result of a court order).

In general, to be a qualifying dependent child of a taxpayer, a client must:

- Be the taxpayer's child or stepchild (whether by blood or adoption), foster child, or descendent of one of these
- Have the same principal residence as the taxpayer for more than half the tax year. Exceptions apply in certain cases for children of divorced or separated parents, kidnapped children, temporary absences, and children who were born or died during the year. Students who reside at school but are considered a parent's dependent would be considered to have the same principal residence as their parents.
- Be under the age of 19 at the end of the tax year or under the age of 24 if a full-time student for at least five months of the year
- Not have provided more than one-half of his/her own support for the year.

➤ *Family Income.*

To determine family income, total the includable income of each family member as defined in the preceding subsection ([Family Size](#)).

The annualized family income includes cash receipts before taxes from all sources, with certain [exceptions](#) listed below. To derive the annualized family income amount, calculate the total family income for the six-month period prior to application and multiply by two.

Examples of Includable Income:

- Gross wages and salaries
- Net receipts from self-employment (receipts from an individual's unincorporated business, partnership or farm which one operates as an owner, renter or sharecropper, after deductions for business or farm expenses)
- Pension or retirement income (including military retirement pay and annuity payments from IRAs, Keoghs, 401(k) plans, etc.)
- Benefits from union funds received while on strike
- Net rental income
- Interest, dividends, royalties
- Periodic receipts from estates and trusts (see the exclusion of payments from a [Supplemental Needs Trust](#) below)
- Alimony
- Educational assistance and training stipends and college or university grants, fellowships and assistanceships (see exclusion of [needs-based financial aid](#) below)

- Other support from an absent family member not living in the household
- Other miscellaneous sources of revenue considered as reportable income by the IRS (net gambling or lottery winnings, etc.)

The following types of income are not counted to determine family income:

- Wages paid through the Senior Community Service Employment Program funded under Title V of the Older Americans Act
- Reemployment assistance (unemployment compensation)
- Trade Readjustment Allowances
- Social security benefits (old age, survivors, disability)
- Public cash assistance, e.g., TANF, emergency assistance, general relief, supplemental security income (SSI)
- Noncash assistance, e.g., food stamps, housing assistance, school meals, Medicare, Medicaid
- Noncash benefits, e.g., employer-funded insurance, housing
- Military pay and allowances received by a family member on [active duty](#) (includes while active in the National Guard or Reserves)
- Educational benefits for veterans and other eligible persons
- Disability and death benefits for veterans and other eligible persons
- Financial aid under Title IV of the Higher Education Act, e.g., PELL Grants, Supplemental Educational Opportunity Grants (SEOG), Federal Work Study, as well as needs-based scholarships
- Training stipends under WIA except that OJT assistance is included as part of wages and salaries
- Child support, including foster child payments
- One-time unearned income such as, but not limited to:
  - i) payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans
  - ii) one-time or fixed-term scholarship and fellowship grants
  - iii) accident, health and casualty insurance proceeds
  - v) disability and death payments, including fixed term (but not lifetime) life insurance annuities and death benefits
  - v) one-time awards and gifts
  - vi) inheritance, including fixed term annuities, and
  - vii) fixed-term workers compensation awards
- Capital gains
- Assets drawn down as withdrawals from a bank, sale of property
- Periodic receipts from a Supplemental Needs Trust, i.e. a type of special needs trust which complies with provisions of U.S. state and



federal law and is designed to provide benefits to, and protect the assets of, physically disabled or mentally disabled persons while still allowing such persons to be qualified for and receive governmental care benefits under SSI, SSDI and/or Medicaid

- Tax refunds, gifts, loans
  - When a federal statute specifically provides that income or payments received under the statute shall be excluded in determining eligibility for the level of benefits received under any other federal statute, such income or payments shall be excluded in WIA eligibility determination.
3. An individual with a disability who is a member of a family whose income does not meet the low-income requirement listed in paragraph 2 above may be considered a family of one (1) and only his/her income will need to be verified if their own income would qualify them as a low-income individual.

**NOTE:** If a client is determined to be low-income because of the receipt of public assistance, homelessness, or foster care status, there is no need to verify income. In such cases, it is acceptable to show \$0 as includable income in EFM. For all others, the family size and annual family income should be verified and entered into EFM.

### **Pell Grant Recipient**

This information is needed to determine the need for WIA funds to support training. WIA requires that funding be given to individuals who are unable to obtain other federal grant assistance or require assistance beyond the federal grant. See discussion about coordination of WIA funds with other federal grant assistance [to be circulated in a later issuance].

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## Chapter B-7

### Administrative Information

In addition to the applicant/participant information listed in the previous sections, WIA staff need to include various administrative data:

- √ Regional Workforce Board and One-Stop information (names and addresses)
- √ Application Date – date on which the applicant begins the application process
- √ Eligibility Date – date on which all the application information has been completed and verification for general and program-specific eligibility requirements has been completed
- √ Determination of Program Eligibility and Priority of Services under various WIA funding sources, including:
  - Youth
  - Adult
  - Dislocated Worker
  - Statewide Contracts for Youth, Incumbent Workers, Displaced Homemaker, Rapid Response Assistance, etc. Program eligibility criteria are described in the contract.
- √ Receipt of grant assistance through national and statewide grants
- √ Case manager information (including case managers operating under State contracts)
- √ Documentation of verification of data elements

EFM requires case managers to record what type of documentation is used to verify certain data elements. The information recorded in EFM must accurately reflect the actual documentation maintained in the individual's case file.

For a thorough discussion of acceptable documentation for the verification of data elements, see Part F.

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## Chapter B-8

### Grievance/Complaint Procedures

Federal law and regulations require that each region establish a procedure to allow participants, staff and other interested parties to file a complaint if they believe that they have been unlawfully discriminated against or a grievance if they have been negatively affected by actions taken in violation of the WIA requirements. [WIA](#) 181(h).

Federal regulations provide additional guidance for the implementation of this requirement ([20 CFR Part 667](#)). Additionally, the state has described the requirements for processing complaints/grievances, including hearings and appeals. ([Final Guidance 00-004](#), revised 6/8/07).

#### Discrimination Complaints

Federal and State law prohibit discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief in connection with any workforce program. Individuals who believe that they were subjected to unlawful discrimination may file a complaint within 180 days from the date of the alleged violation. The complaint must be filed with the Florida Office for Civil Rights and Minority Affairs or the U.S. Department of Labor's Civil Rights Center.

Discrimination complaints must be filed in accordance with the State's [Discrimination Complaint Procedure](#).

#### Other Grievances

Any individual or entity that is adversely affected by the local workforce system (board, one-stop career center, or other service provider) has the right to file a grievance with the local board. (Note, however, that discrimination complaints must be filed according to the procedures described [above](#).)

Local boards receive, review and attempt to informally resolve the initial grievance. If it cannot be resolved informally, a hearing must be held and a decision issued within 60 calendar days from receipt of the grievance.

The individual may file an appeal to DEO if not satisfied with the outcome of the local process.

#### Documentation of Notice to Clients

Case managers must be able to document the fact that each client is aware of the region's complaint/grievance process. To that effect, a grievance form must be given to each client. A signed acknowledgement that the form was given and that the client was made aware of their rights needs to be maintained in the client's file. The form must include, at a minimum:

- Equal Opportunity Notice, including the addresses of the Office of Civil Rights and Minority Affairs and the U.S. Department of Labor's Civil Rights Center.
- Local grievance procedures, including address to file grievance.
- Appeal rights.
- Time frames.

Note that the federal regulations direct staff to present the form in an understandable manner, particularly to youth, limited-English speaking individuals, etc.

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## APPENDIX A

### ELIGIBILITY GLOSSARY

**ADULT.** An individual who is age 18 years of age or older. [Workforce Investment Act (WIA) §101(1)]

**BASIC SKILLS DEFICIENT.** An individual who has English reading or computing skills at or below 8th grade level(<9) on a generally accepted standardized test or a comparable score on a criterion-referenced test. [WIA §101(4)]

**BEHIND GRADE LEVEL.** An individual with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individual. [WIA §129(c)(5)(C)]

**CITIZENSHIP/WORK ELIGIBILITY.** Participation in programs and activities financially assisted by WIA "shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States." Citizens and nationals generally prove citizenship with documentation of place of birth or citizenship status. Aliens must prove employment authorization status, generally with the appropriate visa or registration form issued by the Immigration and Naturalization Service (INS). An original social security card that does not indicate that the individual is not allowed to work in the U.S. may also be used for verification. [WIA §188(A)(5)]

**DISLOCATED WORKER.** A job seeker who is unemployed through no fault of his or her own or who has received an official layoff notice. The job seeker -

- I. (a) Has been terminated, laid off or received a notice of termination or layoff from employment; **and**
  - (b) (1) is eligible for or has exhausted entitlement to unemployment compensation; **or** (2) has been employed for a duration sufficient to demonstrate 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**
  - (c) is unlikely to return to a previous industry or occupation.
- II. (a) Has been terminated, 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; **or**
  - (b) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; **or**
  - (c) for purposes of eligibility to receive services other than training services described in WIA §134(d)(4), intensive services described in WIA §134(d)(3), or support services, is employed at a facility at which the employer has made a general announcement that such facility will close.

III. 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.

IV. Is a displaced homemaker.

[WIA §101(9)]

Note: If they meet the eligibility requirements, non-retiree military service members discharged other than dishonorably and qualifying military spouses may be eligible to be served as dislocated workers.

**DISPLACED HOMEMAKER.** A job seeker 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. [WIA §101(10)]

Note: For purposes of (B) above, underemployment occurs when an individual is working part time but desires full-time employment or is working in employment not commensurate with the individual's demonstrated level of educational attainment—e.g., a college graduate in microbiology can find no work in his or her field and is working as a clerk in a department store. [DOL Training and Employment Guidance Letter (TEGL) 14-00, Change 1]

### **ELIGIBLE SPOUSE**

The spouse of any of the following:

- a. Any veteran who died of a service-connected disability
- b. Any member of the Armed Forces who is listed as missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power
- c. Any veteran who has a total disability resulting from a service-connected disability as evaluated by the Department of Veterans Affairs
- d. Any veteran who died while a disability was in existence

A spouse whose eligibility is derived from a living veteran or service member (categories b & c) would lose the eligibility if the veteran or service member were to lose the status that is the basis for the eligibility. 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.

**EMPLOYED.** An individual who is currently -

(A) Working:

- as a paid employee;
- in his or her own business, profession, or farm; or
- worked 15 hours or more per week as an unpaid worker on a farm or in an enterprise operated by a member of the family; or

(B) Not working, but has a job or business from which he or she is temporarily absent because of illness, bad weather, vacation, labor management dispute, or personal reasons, whether paid by the employer for time off, and whether seeking another job.

Note: An individual who has received a notice of layoff or termination is not considered "employed".

**FAMILY.** 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 husband, wife, and [dependent children](#);

(B) A parent or guardian and [dependent children](#); or

(C) A husband and wife. [WIA §101(15)]

Note:

- Family size is determined based on those individuals meeting the above definition at time of application.
- For purposes of (B), references to guardian refer to legal guardian.
- An individual with a disability may, for purposes of income eligibility determination, be considered an unrelated individual who is a family unit of one consistent with the definition of low-income individual at WIA §101(25)(f).

#### **FAMILY INCOME.**

The eligibility of adults and youth is generally determined based on family income. To determine family income, total the [includable income](#) of each [family member](#). The annualized family income includes annual cash receipts before taxes from all sources, with certain [exceptions](#).

**FOSTER CHILD.** A youth on behalf of whom state or local government payments are made; and for whom a court order removing the youth from the custody of the parent(s) and specifying a managing conservator exists. [WIA §101(25)(E)]

**HOMELESS.** An individual who lacks a fixed, regular and adequate nighttime residence and who has a primary nighttime residence that is:

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

This definition is from §103 of the Stewart B. McKinney Homeless Assistance Act. [WIA §101(25)(D)]

**INDIVIDUAL WITH A DISABILITY.** An individual with a disability as defined in the Americans with Disabilities Act of 1990, §3. [42 U.S.C. §12102]

The individual:

- has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- has a record of such an impairment; or
- is regarded as having such an impairment.

**LAYOFF.** A separation of an employee from an establishment that is initiated by the employer; an involuntary separation; a period of forced unemployment. [Bureau of Labor Statistics]

**LITERACY.** Literacy means an individual's ability to read, write, and speak in English, and to compute and solve problems at levels of proficiency necessary to function on the job, in the family of the individual and in society. [20 C.F.R. §660.300]

**LOW-INCOME INDIVIDUAL.** An individual 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 has received a [total family income](#) for the six-month period prior to application for the program involved [exclusive of reemployment assistance (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:
  - (1) the poverty line, for an equivalent period; or
  - (2) 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 six-month period prior to the application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977;
- (D) qualifies as a homeless individual, as defined in the Stewart B. McKinney Homeless Assistance Act §103(a) and (c);
- (E) is a foster youth on behalf of whom state or local government payments are made; or
- (F) in cases permitted by regulations of the secretary of labor, is an individual with a disability whose own income meets the requirements of (B) above, but who is a member of a family whose income does not meet such requirements.

[WIA §101(25)]

**MILITARY SPOUSE.** An individual who is married to an [active duty](#) service member, including one in the National Guard or Reserve; or the surviving spouse of an active duty service member who lost his or her life while on active duty service in Afghanistan, Iraq or other combat area.

**NATURAL DISASTER.** Categories of natural disasters include, but are not limited to, any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mud-slide, snowstorm, drought, fire, explosion or other catastrophe.



**NON-COVERED PERSON.** Any individual who is not a veteran or an eligible spouse for purposes of veterans/eligible spouses priority of service.

**OFFENDER.** Any adult or juvenile who is, or who has been, subject to any stage of the criminal justice process for whom service under WIA may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or convictions. [WIA §101(27)]

Note: Includes misdemeanors.

**OUT-OF-SCHOOL YOUTH.**

(A) An eligible youth who is a school dropout; or

(B) An eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed or underemployed. [WIA §101(33)]

**PARTICIPANT.** An individual who has been determined to be eligible to participate in, and is receiving services (except for follow-up services) under a program authorized by WIA Title I. Participation commences on the first day, following determination of eligibility, on which the individual begins receiving services provided under WIA Title I.

**PERMANENT CLOSURE.** The term plant closing means the permanent or temporary shutdown of a single site of employment or one or more facilities or operating units within a single site of employment. An employment action that results in the effective cessation of production or the work performed by a unit, even if a few employees remain, is a closure. [WARN §639.3(j)]

**PERMANENTLY DISLOCATED.** A permanent loss of employment from a place of business, including a self-employed business, where no intention exists to rebuild or reestablish the business or occupation.

**PUBLIC ASSISTANCE.** Federal, state, or local government cash payments for which eligibility is determined by a needs or income test. [WIA §101(37)]

**RUNAWAY YOUTH.** An individual under 18 years of age who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian. This definition is from regulations issued pursuant to the Runaway and Homeless Youth Act. [WIA §129(c)(5)(F)]

**SCHOOL DROPOUT.** An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. [WIA §101(39)]

**SELF-ATTESTATION/APPLICANT STATEMENT.** An individual's signed attestation that the information he or she submits to demonstrate eligibility for a program under Title I of WIA is true and accurate. [20 C.F.R. §660.300]

**SELF-EMPLOYED.** Self-employed individuals are gainfully occupied and work for themselves as opposed to a salaried or commissioned worker who is the employee of another.

**SUBSTANTIAL HANDICAP TO EMPLOYMENT.** A loss of occupational choices of a class or group of jobs owing to disability, i.e., significant diminishment of occupational choices.

**TERMINATION.** Separation from employment due to reasons other than a discharge for cause, voluntary departure, or retirement.

**UNDEREMPLOYED.** An individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement. [20 C.F.R. §668.150]

**UNEMPLOYED.** An individual who is without a job and wants and is available for work. The determination of whether an individual is without a job is made in accordance with the following criteria, used by the DOL Bureau of Labor Statistics to define individuals as unemployed:

An individual who did not work during the seven consecutive days prior to application, who made specific efforts to find a job within the past four weeks prior to application, and who was available for work during the seven consecutive days prior to application.

Also included as unemployed are those who did not work and individuals:

- waiting to be called back to a job from which they have been laid off; or
- waiting to report to a new wage or salary job scheduled to start within 30 days.

[WIA §101(47)]

**UNLIKELY TO RETURN.** A job seeker in the dislocated worker population whose situation is such that:

- (A) The industry or occupation shows no growth or a decline in available job opportunities as documented by labor market statistics or other Commission-approved labor market analyses;
- (B) The individual has been seeking employment since termination, layoff or receipt of notice of layoff, but has been unable to find, a job in his or her previous industry or occupation due to economic conditions and/or skill limitations; or
- (C) A military spouse is required to leave a job or occupation as a result of the military member's transfer that does not position the spouse to return immediately to his or her previous occupation or industry.

Note: Individuals laid off on a temporary basis, with a specific recall date, are not eligible under Category 1 of the WIA dislocated worker eligibility criteria, based on the unlikely to return provision.

**VETERAN.**

The term veteran means 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. Active service (active duty) includes full-time federal service in the National Guard or a Reserve component (but does not include full-time duty performed strictly for training purposes—"weekend" or "annual" training—nor full-time active duty for personnel who are mobilized by state rather than federal duty—usually in response to events such as natural disasters).

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## **APPENDIX B**

### **ELIGIBILITY DOCUMENTATION**

#### **Social Security Number Verification**

- Original Social Security Card
- DD-214 Report of Separation
- Employment Records
- IRS Form Letter 1722
- Letter from Social Service Agency
- Pay Check Stubs
- Social Security Benefits
- W-2 Form
- Driver's License (some States, not Florida)
- Telephone Verification
- Unemployment Records
- Passport
- School Records
- School/State or Federal Identification Card
- Applicant Statement/Self-Attestation (last resort)

#### **Address Verification**

- Voter Registration Card
- Computer Printout from Government Agency
- Driver's License
- Food Stamp Award Letter
- Homeless – Primary Nighttime Residence
- Housing Authority Verification
- Insurance Policy (Residence or Auto)
- Landlord Statement
- Lease
- Letter from Social Service Agency or School
- Library Card
- Medicaid/Medicare Card
- Phone Directory
- Property Tax Record
- Public Assistance Record
- Rent Receipt
- School Identification Card
- Selective Service Registration Card
- Utility Bill
- Postmarked Mail Addressed to Applicant
- Other Applicable Documentation
- Applicant Statement/Self-Attestation
- The RWB may adopt a policy that does not require address verification

#### **Date of Birth and Age Verification**

- Birth Certificate
- Baptismal Record with Date of Birth
- Completed and Signed I-9 Form
- DD-214
- Driver's License
- Federal, State, or Local Government ID Card
- Hospital Birth Record
- Passport
- Public Assistance/Social Service Record
- School Records/Identification
- Work Permit (if DOB shown)
- Cross-Match with Department of Vital Statistics, Tribal Records

### **Selective Service/Draft Status Verification**

- DD-214
- Selective Service Status Information Letter
- Selective Service Registration Record (Form 3A)
- Selective Service Verification Form
- Stamped Post Office Receipt of Registration
- Internet Verification [www.sss.gov](http://www.sss.gov)
- Selective Service Registration Card
- Additional Document if it validates Selective Service Registration
- Applicant Statement/Self-Attestation (last resort)

### **Citizenship/Alien Status Verification**

- Completed and Signed I-9 Form
- Baptismal Certificate with Place of Birth (U.S.)
- Birth Certificate (U.S.)
- DD-214
- Food Stamp Records
- Foreign Passport Stamped Eligible to Work
- Hospital Birth Record (U.S.)
- Naturalization Certification
- Public Assistance Records
- U.S. Passport
- Native American Tribal Document
- Alien Registration Card Indicating Right to Work
- Telephone Verification
- School/State or Federal ID Card
- Documentation Specified on the I-9 Form
- Social Security Card (Does not State Ineligible for Work)
- Applicant Statement/Self-Attestation (last resort)

### **Disability Verification**

- Letter from Drug or Alcohol Rehabilitation Agency
- Medical Records
- Social Service Records/Referral

- Physician's Statement
- Psychiatrist's Statement
- Psychologist's Diagnosis
- Rehabilitation Evaluation
- School Records
- Sheltered Workshop Certification
- Worker's Compensation Record
- Social Security Administration Disability Records
- Veterans Administration Letter/Records
- Vocational Rehabilitation Letter
- Applicant Statement/Self-Attestation (last resort)

### **Military Service/Veteran/Eligible Spouse Verification**

- DD-214 (not dishonorable discharge)
- Military Document (ID, other DD form) Indicating Eligible Spouse
- Cross-Match with Veterans Database
- A Veterans' Administration (VA) **medical card**
- A [Florida Driver's license with a "V"](#) on its face (issued on or after July 1, 2011)

### **Disabled Veteran Verification**

- VA Certification of Disability
- Entitlement to Disabled Veterans Benefit Documentation
- VA Clinic Card with Disability Rating

### **Employment/Retention**

- UI Records/Check Stubs
- Job Search Worksheet
- Case Notes
- UI Cross-Match
- Self-Attestation/Applicant Statement

### **Actual Layoff Date Verification**

- Verification from Employer
- Rapid Response List
- Notice of Layoff
- Public Announcement with Cross-Match from UI
- Applicant Statement/ Self-Attestation

### **Reemployment Assistance (Unemployment Compensation) Verification**

- UCTC and JT12
- Telephone Verification with the UC Office
- Telephone Verification with the UC Office (Other State)
- Applicant Statement/Self-Attestation (last resort)
- Other Applicable Documentation

## **Low-Income Verification**

- Public Assistance record, letter, card, printout, etc. (TANF, SSI, Refugee Assistance, General Assistance, Food Stamps), cross-match with public assistance database
- Foster Child: court records, verification of payments/written statement from state or local agency
- Homeless: written statement from a shelter, social service agency, individual providing temporary assistance, applicant statement/self-attestation
- Family Income – requires verification of family size and includable income
  - ❖ Family Size: birth certificates, court decrees, marriage certificates, most recent tax return supported by IRS document, public housing authority, public assistance/social service agency records, telephone verification, applicant statement in limited cases, other applicable documentation (If an applicant statement is used to verify family composition/size, it must include a list of the individuals in the family and their relationship to the applicant in order to allow the case manager to make an independent determination of family size based on the WIA definition of family)
  - ❖ Includable Income: pay stubs, UC printout/document, bank statement, court award, employer statement/contact, alimony agreement, award letter from Veterans' Administration, compensation award letter, housing authority verification, pension/annuity statement, quarterly estimated tax for self-employed persons (Schedule C), business financial records, workers' comp records, telephone verification, applicant statement (last resort), other applicable documentation

## **Education Level Verification**

- Copy of Diploma or GED
- TABE Test or Generally Accepted Standard or Criterion-Referenced Test
- School Record
- School Verification
- Applicant Statement/Self-Attestation

## **Basic Skills Deficient (Youth)**

- Copy of Generally Accepted Standard or Criterion-Referenced Test
- School Record of Reading/Math skills determined within the previous six (6) months
- Case Notes
- Other Applicable Documentation

## **Displaced Homemaker Verification**

- Divorce Decree or Legal Separation
- Death Certificate
- Employer Statement/Layoff Notice
- Public Assistance Records

- Court Records
- Applicant Statement/Self-Attestation

### **Homeless Verification**

- Written Statement from an Individual Providing Temporary Assistance
- Written Statement from Social Security Agency
- Applicant Statement/Self-Attestation

### **Runaway Verification (Youth)**

- Written Statement from Social Service Agency
- Written Statement from an Individual Providing Temporary Residence
- Written Statement from Shelter
- Applicant Statement/Self-Attestation

### **Foster Care Verification**

- Statement/Referral from Social Services Agency
- Foster Care Facility Resident
- Court/Guardianship Documents
- Applicant Statement/Self-Attestation (last resort)
- Other Applicable Documentation

### **Pregnant/Parenting Youth Verification**

- Physician's Note
- Birth Certificate
- Baptismal Records
- Case Notes/Observation
- Applicant Statement/Self-Attestation

### **Youth Required Additional Assistance Verification**

- RWB Definition – must be specific and verifiable
- Individual Service Strategy
- Case Notes
- WIA Registration
- State MIS
- Applicant Statement/Self-Attestation (if appropriate and authorized by RWB policy)

### **Offender Verification**

- Police Records
- Court Documents
- Halfway House Resident
- Letter of Parole
- Letter from Probation Officer
- Telephone Verification

- Documents from Juvenile/Criminal Justice
- Juvenile Justice System Case Notes
- Applicant Statement/Self-Attestation (last resort)

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