

# Workforce Innovation and Opportunity Act

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## ELIGIBILITY

<b>ADULT ELIGIBILITY</b>
<b>DISLOCATED WORKER ELIGIBILITY</b>
<b>YOUTH ELIGIBILITY</b>
<b>SELECTIVE SERVICE</b>
<b>SELF-SUFFICIENCY WAGE</b>
<b>PRIORITY OF SERVICE</b>
<b>FORMS</b>

## TABLE OF CONTENTS

ADULT ELIGIBILITY DISLOCATED WORKER ELIGIBILITY .....	1
TABLE OF CONTENTS.....	2
WIOA ADULT ELIGIBILITY CRITERIA .....	5
ELIGIBILITY OF EMPLOYED WORKERS.....	5
GLOSSARY.....	6
ELIGIBILITY DOCUMENTATION REQUIREMENTS.....	7
DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION .....	7
ADULT ELIGIBILITY DOCUMENTATION.....	8
WIOA DISLOCATED WORKER ELIGIBILITY CRITERIA.....	10
ELIGIBILITY OF EMPLOYED WORKERS.....	11
GLOSSARY.....	11
UNLIKELY TO RETURN TO PREVIOUS INDUSTRY OR OCCUPATION:.....	14
ELIGIBILITY DOCUMENTATION REQUIREMENTS.....	14
DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION .....	14
DISLOCATED WORKER ELIGIBILITY DOCUMENTATION.....	16
WIOA YOUTH ELIGIBILITY CRITERIA.....	20
LIMITATION.—In each local area, not more than 5 percent of the in-school youth assisted under this section may be eligible under “individual who requires additional assistance” to complete an educational program or to secure or hold employment. (WIOA and Sec 129(3)(B)) .....	21
Exception - not more than 5 percent of the in-school individuals assisted be individuals that are not low-income. (WIOA and Sec 129(3)(A)(ii)) .....	21
Exception: not more than 5 percent of the out-of-school individuals in the following categories be considered eligible and not meet the low income criteria: a recipient of a secondary school diploma or its recognized equivalent who is low-income individual and is basic skills deficient; or an English language learner; a low-income individual but requires additional assistance to enter or complete educational program or to secure or hold employment may not be low income individuals. (WIOA and Sec 129(3)(A)(ii)) .....	22
GLOSSARY.....	22
LIVING IN A SINGLE RESIDENCE: .....	25
ELIGIBILITY DOCUMENTATION REQUIREMENTS.....	27
DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION .....	27
YOUTH ELIGIBILITY DOCUMENTATION.....	28
Registration Requirements for Males Under 26 .....	31

Registration Requirements for Males 26 Years and Over.....	32
Determining Knowing and Willful Failure to Register.....	32
SELF-SUFFICIENCY WAGE DETERMINATION.....	34
<b>PRIORITY OF SERVICE</b> .....	35
ADULT PRIORITY OF SERVICES.....	35
VETERAN PRIORITY.....	35
ORDER OF PRIORITY.....	36
NEW MEXICO WORKFORCE CONNECTION CENTER DOCUMENT INSPECTION FORM.....	30
I attest that the information recorded by me on this document was obtained by document inspection on the above date. I attest that the document inspected, verified the items required to determine eligibility for the WIOA program. ....	30
NEW MEXICO WORKFORCE CONNECTION CENTER TELEPHONE ELIGIBILITY VERIFICATION FORM.....	31
I attest that the information recorded by me on this document was obtained through a telephone contact on the above date. As indicated by the agency representative, all information was obtained from data previously determined and recorded in the applicant’s records at the agency providing the eligibility verification. ....	31
NEW MEXICO WORKFORCE CONNECTION CENTER.....	32
SELF-ATTESTATION FORM.....	32
I attest that the information stated above is true and accurate, and understand that the above information, if misrepresented, or incomplete, may be grounds for immediate termination and/or penalties as specified by law. ....	32
**Workforce Connection Center Staff Use Only**.....	32

## ADULT ELIGIBILITY

Following is the eligibility criteria for the WIOA Adult Program, a Glossary of relevant terms, and checklist of allowable forms of eligibility documentation. Documentation verifying the eligibility of participants in WIOA is mandatory. Eligibility determination must be made prior to enrollment in WIOA and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who can benefit from and are in need of such opportunities to obtain or retain employment. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, Workforce Connection Center (WCC) staff when using WIOA funds to provide individualized career services, training services or both, must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Individuals who are English language learners meet the criteria for “basic skills deficient” and must be included in the priority population for the title 1 adult program. Under WIOA, priority must be implemented regardless of the amount of funds available to provide services in the local area.

Across all titles, WIOA focuses on serving “individuals with barriers to employment” and seeks to ensure access to quality services for these populations. The priority populations under WIOA are:

### Individuals with Barriers to Employment

The population included in the “individuals with barriers to employment” in WIOA sec 3(24) include:

- (a) Displaced Homemakers
- (b) Low-Income individuals
- (c) Indians, Alaska natives, and Native Hawaiians
- (d) Individuals with disabilities, including youth who are individuals with disabilities.
- (e) Older Individuals (age 55 and older)
- (f) Ex-offenders
- (g) Homeless individuals or homeless children and youths
- (h) Youth who are in, or have aged out of the foster care system;
- (i) Individuals who are:
  - (1) English language learners
  - (2) Individuals who have low levels of literacy (an individual is unable to compute or solve problems, or read, write or speak English at a level necessary to function on the job, or in the individual’s family or in society); and
  - (3) Individuals facing substantial cultural barriers
- (j) Eligible migrant and seasonal farmworkers
- (k) Single parents (including single pregnant women)
- (l) Long-term unemployed individuals (unemployed for 27 or more consecutive weeks); and
- (m) Such other groups as the Governor determines to have barriers to employment.

Veterans and eligible spouses covered by Public Law 107-288, continue to receive priority of service for all DOL funded job training programs. The veteran or covered person must otherwise meet the eligibility requirements for enrollment. For income-based eligibility determination and for determining priority of service, military pay or allowances paid while on active duty or paid by the Department of Veteran’s Affairs (VA) for vocational rehabilitation, disability payments, or related VA funded programs are not to be considered as income, in accordance with 38 U.S.C. 4213 and 20 CFR 683.230.

Priority must be applied in the following order:

1. Veterans, and eligible spouses who are also included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient would receive first-priority for services with WIOA.
2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for Adult formula funds.
3. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
4. Fourth, priority populations established by the Governor and/or Local WDB.
5. Last, to non-covered persons outside the groups given priority under WIOA.

## WIOA ADULT ELIGIBILITY CRITERIA

Each of the following eligibility elements must be documented for each participant **prior to the receipt of individualized /customized service**. Local boards must obtain required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in this attachment. Photocopies of documentation kept on file, or scanned documents stored in electronic document management systems, must be legible.

- A. **Right to Work**– Participation shall be open 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 as required in WIOA section 188 (a)(5). (**Exception:** Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)
- B. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIOA section 189(h). See the Selective Service section of this STAG.
- C. **Age** at application must be 18 or older.
- D. Unemployed or employed and **in need of services in order to obtain or retain employment**.

## ELIGIBILITY OF EMPLOYED WORKERS

1. An employed worker is an individual currently working who has been determined to be in need of services in order to obtain or retain employment that leads to self-sufficiency, in accordance with the locally established definition of that term. The EAWDB has adopted a level of \$30.68 per hour based on the NMDWS self-sufficiency guidelines.
2. 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 also be served as long as the wage earned does not exceed the local criteria for self-sufficiency.
3. Staff is required to complete a WIOA application and verify that the worker meets all program eligibility criteria including right to work, selective service, and age.
4. Employed workers must be given the same customer choice options as other WIOA participants (except for eligible employed workers who are enrolled in customized training with their employers).

5. Training must be provided in compliance with the Eligible Training Provider List and Individual Training Account (ITA) requirements unless it is customized training or On-the-Job Training.
6. WIOA employed worker services primarily are provided for the benefit of the employed worker but it is recognized that these services may also benefit the employer.

## **GLOSSARY**

Local program staff making eligibility determinations for the Adult program should make use of the following definitions:

**ADULT:** Except as otherwise specified in WIOA section 132, the term “adult” means an individual who is age 18 or older.

**APPLICANT:** An individual who applies for training and/or services provided under WIOA through a WIOA grant recipient or sub-recipient.

**BASIC SKILLS DEFICIENT:** An individual who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society. The eastern board has defined this at below gold level Career Readiness Certification Level (CRC).

**INDIVIDUAL WITH A BARRIER TO EMPLOYMENT:** An individual who is a member of 1 or more of the following populations: Displaced homemakers; Low-income, Indians, Alaska Natives, and Native Hawaiians (as defined in section 166); Individuals with disabilities, including youth who are individuals with disabilities; Older individuals, Ex-offenders, Homeless (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as defined in section 725(2) of the McKinley-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))); Youth who are in or have aged out of the foster care system; Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers; Eligible migrant and seasonal farmworkers (as defined in section 167 (i)); Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq); Long-term unemployed individuals; and Other groups the Governor involved determines to have barriers to employment.

**PARTICIPANT:** An individual determined eligible to participate in a program and who receives a service funded by the program.

**LOW-INCOME INDIVIDUAL:** An individual who: receives or is a member of a family that receives cash payments under a federal, state, or local income- based public assistance program; has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), 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 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;
- b. 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;

- c. qualifies as a homeless individual, as defined in the Stewart B. McKinney Homeless Assistance Act §103(a) and (c);
- d. is a foster youth on behalf of whom state or local government payments are made; or
- e. 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 [WIOA §3(36)(A)], or
- f. receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

NOTE: Under WIOA there is no exclusion of payments for unemployment compensation, child support payments and old-age survivor's insurance benefits from the income calculations for determining if an individual is low income.

## **ELIGIBILITY DOCUMENTATION REQUIREMENTS**

**DOCUMENTATION:** Physical evidence, which is obtained during the verification process and is maintained in participant files. Such evidence would be copies of documents, completed telephone verification/document inspection forms, and signed self-attestation forms. Documents may be stored in hard copy case files or electronic document management systems. Local Boards must ensure all information or documentation stored in an electronic document management system is backed-up routinely. The crash of a computer system is not a valid excuse for loss of information.

**CASE NOTES:** Case notes refer to either paper or electronic statements by the case manager that identifies, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the case manager who obtained the information.

**SELF-ATTESTATION:** Self-attestation occurs when a participant states his or her status for a specific data element and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- (a) the participant identifying his or her status for permitted elements; and
- (b) signing and dating a form attesting to this self-identification.

The form and signature can be on paper or in the state management information system, with an online signature.

## **DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION**

Self-attestation cannot be used to document the basic WIOA eligibility data elements of **right to work, selective service, and age** for services provided beyond staff assisted service with significant staff assistance. Documenting eligibility with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. Please review the most current or relevant Data Validation TEGL to assist in determining when it is appropriate to use self-attestation; or consult with your local MIS coordinator if the data element in question is not addressed in this STAG. Local Boards may create their own self-attestation form; however, it must include all elements of the self-attestation form included in this STAG.

## ADULT ELIGIBILITY DOCUMENTATION...

Eligibility	Required Documentation
<p><b>Right to Work in the US</b> (1 is required)</p> <p>Note: a Document Inspection Form may be used for any of these required documents for this eligibility element.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Social Security Card AND Driver's License or other government issued picture ID containing a photograph or information such as name, date of birth, gender, height, eye color and address. (If under 18 years old and does not have a Driver's License; may use school record or doctor/hospital record with signed Social Security Card.)</li> <li><input type="checkbox"/> U.S. Passport (unexpired or expired)</li> <li><input type="checkbox"/> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li><input type="checkbox"/> An unexpired foreign passport with a temporary I-551 stamp</li> <li><input type="checkbox"/> An unexpired Employment Authorization Document that contains a Photograph (Form I-766)</li> <li><input type="checkbox"/> An unexpired foreign passport with Form I-94 or I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form</li> <li><input type="checkbox"/> Original or certified copy of a Birth Certificate issued by a state, county, municipal authority or territory of the US bearing an official seal (Document Inspection Form is allowed.)</li> <li><input type="checkbox"/> Certification of Birth Abroad (Form FS-545) or Report of Birth (Form DS-1350) issued by the Department of State</li> <li><input type="checkbox"/> US Citizen ID card (Form I-197)</li> <li><input type="checkbox"/> Native American Tribal Document</li> <li><input type="checkbox"/> I-9 complete including signature by authorized employer or designee</li> </ul>
<p><b>Selective Service</b> (1 is required for those required to register)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Screen printout of the On-line verification at <a href="http://www.sss.gov">www.sss.gov</a></li> <li><input type="checkbox"/> Acknowledgement Letter from Selective Service</li> <li><input type="checkbox"/> Selective Service Verification Form (For 3A)</li> <li><input type="checkbox"/> Selective Service Registration Card</li> <li><input type="checkbox"/> Stamped Post Office Receipt of Registration</li> <li><input type="checkbox"/> DD-214 "Report of Separation"</li> </ul>
Eligibility	Required Documentation
<p><b>Social Security Number</b> (Not required for eligibility, but must be requested and validated. A Document Inspection Form may be used for any of these required documents for this eligibility element.)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> DD-214, Report of Transfer or Discharge</li> <li><input type="checkbox"/> IRS Form Letter 1722</li> <li><input type="checkbox"/> Letter from Social Security Agency</li> <li><input type="checkbox"/> Pay Stub with Social Security number</li> <li><input type="checkbox"/> Social Security Benefits</li> <li><input type="checkbox"/> Social Security Card</li> <li><input type="checkbox"/> W-2 Form</li> <li><input type="checkbox"/> Declined; pseudo-SSN created</li> </ul>



<p><b>Age</b> (1 is required)</p> <p><b>(NOTE:</b> Source documentation requirements differ based on the level of service received)</p>	<ul style="list-style-type: none"> <li>___ Baptismal Record</li> <li>___ Birth Certificate (Document Inspection Form is not allowed)</li> <li>___ Driver's License</li> <li>___ Federal, State, or Local photo ID</li> <li>___ DD-214</li> <li>___ Passport</li> <li>___ Hospital record of birth</li> <li>___ Public assistance/social service record</li> <li>___ School records or ID card</li> <li>___ Work permit</li> <li>___ Cross match with Dept. of Vital Statistics</li> <li>___ Tribal records</li> <li>___ Self-attestation (Self-Service only)</li> <li>___ Case note (Staff Assisted Service with significant staff assistance only)</li> </ul>
<p><b>Priority of Service</b> Low Income – Public Assistance Basic Skills Deficient</p>	<ul style="list-style-type: none"> <li>___ Pay stubs</li> <li>___ Employer statement: written or telephone verification</li> <li>___ Alimony agreement</li> <li>___ Award letter from Veteran's Administration</li> <li>___ Bank statements</li> <li>___ Compensation award letter</li> <li>___ Court award letter</li> <li>___ Pension statement</li> <li>___ Family or business financial records</li> <li>___ Housing authority verification</li> <li>___ Social Security benefits statement</li> <li>___ Public assistance records</li> <li>___ UI documents</li> <li>___ Quarterly estimated tax (self-employed persons)</li> <li>___ Skill Assessment</li> <li>___ Self-attestation</li> </ul> <p><b>Basic Skills Deficient</b> *Note* See definition</p> <ul style="list-style-type: none"> <li>___ Skill Assessment</li> <li>___ Case note (Case Manager attestation, and should only be used in conjunction with telephone contact verifying scores from a partner agency or school)</li> </ul>

## DISLOCATED WORKER ELIGIBILITY

Following is the eligibility criteria for the WIOA Dislocated Worker Program, a Glossary of relevant terms, and a checklist of allowable forms of eligibility documentation. Documentation verifying the eligibility of participants in WIOA is mandatory. Eligibility determination must be made prior to enrollment in WIOA and must include an initial determination of need for services to insure that employment and training opportunities are being provided to those who can benefit from and are in need of such opportunities to obtain or retain employment. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

Veterans and eligible spouses covered by Public Law 107-288, who otherwise meet the eligibility requirements for enrollment and for whom WIOA services are deemed appropriate, are to be given priority over non-veterans for the receipt of employment, training, and placement services provided under the WIOA program.

### WIOA DISLOCATED WORKER ELIGIBILITY CRITERIA

Each of the following eligibility elements (A-C below) must be documented for each participant **prior to the receipt of a staff-assisted career service with significant staff involvement or individualized customized service**. Local boards must obtain required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in this attachment. Photocopies of documentation kept on file, or scanned documents stored in electronic document management systems, must be legible.

- A. **Right to Work**– Participation shall be open 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 as required in WIOA section 188 (a)(5). (**Exception:** Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)
- B. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIOA section 189(h). See the Selective Service section of this STAG.
- C. In addition to the basic WIOA eligibility criteria, staff making eligibility determinations must verify that the applicant qualifies under **one** of the following categories:
  - a. **(a)** Has been terminated or laid off, or has received a notice of termination or layoff, from employment; and,  
**(b)** Is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under State unemployment compensation; and,  
**(c)** Is unlikely to return to a previous industry or occupation.
  - b. **(a)** Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at a plant, facility or enterprise; or,  
**(b)** Is employed at a facility where 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, career services, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

- c. 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; or,
- d. Is a displaced homemaker.
- e. Is the spouse of a member of the Armed Forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station.

### **ELIGIBILITY OF EMPLOYED WORKERS**

1. An employed worker is an individual currently working who has been determined to be in need of services in order to obtain or retain employment that allows for self-sufficiency, in accordance with the locally established definition of that term.
2. 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 also be served as long as the wage earned does not exceed the local criteria for self-sufficiency.
3. Staff is required to complete a WIOA application and verify that the worker meets all program eligibility criteria including right to work, selective service, and age.
4. Employed workers must be given the same customer choice options as other WIOA clients (except for eligible employed workers who are enrolled in customized training with their employers).
5. Training must be provided in compliance with the Eligible Training Provider List and Individual Training Account (ITA) requirements unless it is customized training or On-the-Job Training.
6. WIOA employed worker services primarily are provided for the benefit of the employed worker but it is recognized that these services may also benefit the employer.

### **ELIGIBILITY OF SELF EMPLOYED INDIVIDUALS AS DISLOCATED WORKERS**

For Dislocated worker program eligibility purposes, the EAWDB has identified these as operations likely to terminate as evidenced by one or more of the following conditions:

1. Business foreclosure or notice of intent to foreclose;
2. Inability to turn a profit during the preceding 12 months;
3. Entry into bankruptcy proceedings;
4. Inability to make four (4) payments on loans secured by tangible business assets resulting in a loss that directly affects closure;
5. Inability to obtain capital necessary to continue operations;
6. Debt-to-asset ratio is sufficiently high to indicate the likely insolvency of the farm, ranch or business; or
7. Other events indicated by likely insolvency of the farm, ranch or business.

### **GLOSSARY**

Local program staff making eligibility determinations for the Dislocated Worker program should make use of the following definitions:

**APPLICANT (AN INDIVIDUAL):** An individual who applies for employment, training and/or services provided under WIOA through a WIOA grant recipient or sub-recipient.

**DISPLACED HOMEMAKER:** An individual who has been providing unpaid services to family members in the home and who has been dependent on the income of a spouse but is no longer supported by that income (alimony is not considered replacement for lost income); or is the dependence spouse of a member of the Armed Forces on active duty (as defined in section 101 (d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(1)(B) of title 10, United States Code) death or disability of a member; and is unemployed or underemployed and is experiencing difficulty in obtaining or employment.

**EARLY/FORCED RETIREMENT:** Individuals who accept early or forced retirement as part of a reduction in force may be considered to have been terminated or laid off, or received notice of termination or layoff as appropriate. These individuals would be eligible for the WIOA Dislocated Worker program if they retire as a result of a permanent closure of, or any substantial layoff at a plant, facility or enterprise.

**ELIGIBLE FOR UNEMPLOYMENT INSURANCE (UI) COMPENSATION:** any individual who:

- a. Is eligible for or has exhausted entitlement to unemployment compensation; or
- b. Has been employed for a duration sufficient to demonstrate attachment to the workforce (has a history of working), 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.

**EXHAUSTED UI COMPENSATION:** has received all the unemployment compensation benefits for which an individual has been determined eligible.

**FARM/RANCH WORKER** (applies to self-employed category): a person who is self-employed or employed by another, on a farm or ranch which produces agricultural products and who receives at least 50% of their family or individual income from agricultural production.

**GENERAL ECONOMIC CONDITIONS:** conditions that cause an individual to lose a business include, but are not limited to:

- a. Failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or services; or
- b. Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products or services; or
- c. Substantial layoffs, or permanent closure(s) of one or more plants or facilities that support a significant portion of the State or local economy; or
- d. Depressed price(s) or market(s) for the article(s) produced by the self-employed individual.

**JOB OF DISLOCATION** - The economic dislocation of an individual as described in the WIOA Dislocated Worker program implies the existence of a job of dislocation. The job of dislocation is the job that qualifies the individual under one of the eligibility categories.

Under the categories for Plant Closing/Substantial Layoff and Layoff/UI/Unlikely to Return, the job of dislocation is the job from which the applicant has been laid off. The general guideline for classifying the job of dislocation is interim jobs are considered to be temporary. For a self-employed individual, evidence that the business has been lost verifies a job of dislocation.

The general guideline is to identify the job or pattern of jobs that defines the true job of dislocation. The job of dislocation should include the job title and the name of the business (or industry). Often, the variance in wages can help to distinguish the job of dislocation from other temporary employment. For a self-employed individual, evidence that the business has closed (or is in the process of closing) or business financial records show a major decline in profits can help verify the job of dislocation.

**NATURAL DISASTERS:** Natural disasters that cause the unemployment of a self-employed individual include: hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, drought, fire, explosion, snow storm or other catastrophe.

**PARTICIPANT:** an individual determined eligible to participate in a program who receives a service funded by the program.

**PLANT CLOSING:** The permanent shutdown of a plant, business or facility.

**PREVIOUS OCCUPATION/INDUSTRY:** For the purposes of WIOA Dislocated Worker program eligibility, previous occupation or industry relates directly to the job of dislocation.

**PUBLIC ANNOUNCEMENT:** The process by which a plant, facility, or enterprise makes the general public aware of its permanent closure. The announcement must include a projected closure date and be verifiable.

**PRIMARY OCCUPATION:** Occupation in which an individual has had most experience; and/or most training; and/or which the individual prefers; and/or one in which the individual has remained for an extended period without seeking more appropriate employment (new primary occupation).

**SELF-EMPLOYED:** Any professional, independent trades person, or other business person who works for him/herself. Such a person may or may not be incorporated or in a limited partnership. A family member who provides professional services in the affected business of at least 15 hours per week and receives a salary or wage from the self-employed individual may also be a self-employed individual. Self-employed may also include employment as a farmer, rancher or fisherman.

**SUBSTANTIAL LAYOFF:** A **substantial layoff** is any reduction-in-force which is not the result of a plant closing and which results in an employment loss at a single site of employment for at least 25 percent of the employees (excluding employees regularly working less than 20 hours per week).

**TEMPORARY EMPLOYEES:** An applicant cannot be automatically disqualified for WIOA Dislocated Worker program enrollment because the job of dislocation was not considered a permanent position. An employee under a temporary contract, or placed by a temporary employment agency with an employer may be made eligible under the same category as regular employees of the company (substantial layoff, plant closing). Temporary employees directly under contract with the company are considered eligible as are regular employees if their dislocation was caused by a layoff or closing. If the dislocation was not caused by a closing or substantial layoff, the applicant must be shown to be unlikely to return (UI or the temporary agency can confirm). However, temporary employees who are unemployed because the project or undertaking for which they were hired has been completed are not considered Dislocated Workers. **Contracted Employees** - Employees working within a set contract (not through a temporary agency) that ends on schedule, are not eligible for the WIOA Dislocated Worker program. If the job ends prior to the set contract

end date and the applicant is not at fault for the separation, they are considered to have a job of dislocation.

**UNLIKELY TO RETURN TO PREVIOUS INDUSTRY OR OCCUPATION:**

- a. Skill Oversupply - State or local supply of persons with the specific skills of the applicant exceeds current demand for those skills; or
- b. Obsolete Sk - Applicants can no longer meet the minimum requirements of jobs available in their occupation (e.g., clerical worker without word processing skills, etc.); or
- c. Local Layoff Impact - A local plant or business closing or layoff has had a significant negative impact on the availability of jobs in the applicant's primary occupation and accustomed wage/hour/skill level; or
- d. Physical Limitations or Disabilities - Newly acquired physical limitations or injuries occurring which limit the individual's ability to perform the job from which they were dislocated may make an individual unlikely to return to the previous occupation. Such individuals are eligible if they fit one of the categories of the WIOA Dislocated Worker program eligibility, but must have a doctor's release to work; or
- e. Other Factors - Factors that can be recorded in the customer's file from written or verbal sources, including staff judgment, indicating "unlikely of returning to the previous industry or occupation."

**ELIGIBILITY DOCUMENTATION REQUIREMENTS**

**DOCUMENTATION:** Physical evidence, which is obtained during the verification process, is maintained in participant files. Such evidence would be copies of documents, completed telephone verification/document inspection forms, or signed self-attestation forms. Documents may be stored in hard copy case files or electronic document management systems. Local Boards must ensure all information or documentation stored in an electronic document management system is backed-up routinely. The crash of a computer system is not a valid excuse for loss of information.

**CASE NOTES:** Case notes refer to either paper or electronic statements by the case manager that identifies, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the case manager who obtained the information.

**SELF-ATTESTATION:** Self-attestation occurs when a participant states his or her status for a particular data element and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- (a) the participant identifying his or her status for permitted elements; and
- (b) signing and dating a form attesting to this self-identification.

The form and signature can be on paper or in the state management information system, with an online signature.

**DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION**

Self-attestation cannot be used to document the basic WIOA eligibility data elements of **right to work and selective service** for services provided beyond staff assisted core service with significant staff assistance.

Documenting eligibility with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. Please review the most current or relevant Data Validation TEGl to assist in determining when it is appropriate to use self-attestation; or consult with your local MIS coordinator if the data element in question is not addressed in this STAG. Local Boards may create their own self-attestation form; however, it must include all elements of the self-attestation form included in this STAG. All items for adult eligibility must be verified as well as the additional items identified below.



## DISLOCATED WORKER ELIGIBILITY DOCUMENTATION...

Eligibility	Required Documentation
<p><b>Right to Work in the US</b> (1 is required)</p> <p>Note: A Document Inspection Form may be used for any of these required documents for this eligibility element.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Social Security Card AND Driver's License or other government issued picture ID containing a photograph or information such as name, date of birth, gender, height, eye color and address. (If under 18 years old and does not have a Driver's License; may use school record or doctor/hospital record with signed Social Security Card.)</li> <li><input type="checkbox"/> U.S. Passport (unexpired or expired)</li> <li><input type="checkbox"/> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li><input type="checkbox"/> An unexpired foreign passport with a temporary I-551 stamp</li> <li><input type="checkbox"/> An unexpired Employment Authorization Document that contains a Photograph (Form I-766)</li> <li><input type="checkbox"/> An unexpired foreign passport with Form I-94 or I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, so long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form</li> <li><input type="checkbox"/> Original or certified copy of a Birth Certificate issued by a state, county, municipal authority or territory of the US bearing an official seal (Document Inspection Form is allowed.)</li> <li><input type="checkbox"/> Certification of Birth Abroad (Form FS-545) or Report of Birth (Form DS-1350) issued by the Department of State</li> <li><input type="checkbox"/> US Citizen ID card (Form I-197)</li> <li><input type="checkbox"/> Native American Tribal Document</li> <li><input type="checkbox"/> I-9 complete including signature by authorized employer or designee</li> </ul>
<p><b>Selective Service</b> (1 is required for those required to register)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Screen printout of the On-line verification at <a href="http://www.sss.gov">www.sss.gov</a></li> <li><input type="checkbox"/> Acknowledgement Letter from Selective Service</li> <li><input type="checkbox"/> Selective Service Verification Form (For 3A)</li> <li><input type="checkbox"/> Selective Service Registration Card</li> <li><input type="checkbox"/> Stamped Post Office Receipt of Registration</li> <li><input type="checkbox"/> DD-214 "Report of Separation"</li> </ul>
<p><b>Social Security Number</b> (Not required for eligibility)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> DD-214, Report of Transfer or Discharge</li> <li><input type="checkbox"/> IRS Form Letter 1722</li> <li><input type="checkbox"/> Letter from Social Security Agency</li> <li><input type="checkbox"/> Pay Stub with Social Security number</li> <li><input type="checkbox"/> Social Security Benefits</li> <li><input type="checkbox"/> Social Security Card</li> <li><input type="checkbox"/> W-2 Form</li> <li><input type="checkbox"/> Declined; pseudo-SSN created</li> </ul>



**DISLOCATED WORKER ELIGIBILITY DOCUMENTATION (cont.)...**

Eligibility	Required Documentation
Age (1 is required for data validation purposes)	<input type="checkbox"/> Baptismal Record <input type="checkbox"/> Birth Certificate <input type="checkbox"/> Driver's License <input type="checkbox"/> DD-214 <input type="checkbox"/> Passport <input type="checkbox"/> Hospital record of birth <input type="checkbox"/> Public assistance/social service record <input type="checkbox"/> School records or ID card <input type="checkbox"/> Work Permit <input type="checkbox"/> Cross match with Dept. of Vital Statistics <input type="checkbox"/> Tribal Records <input type="checkbox"/> Self Attestation (self-service only)
Date of Dislocation (1 is required)	<input type="checkbox"/> Verification from employer <input type="checkbox"/> Rapid Response List <input type="checkbox"/> Layoff Notice <input type="checkbox"/> Public layoff notice with UI data cross-match <input type="checkbox"/> Self-attestation

Eligibility	Required Documentation
<b>Documentation for one of the four dislocated worker categories is required</b>	
<p><input type="checkbox"/> <b>1. Layoff/UI/Unlikely to Return</b>            (Note: Honorable military discharge can count as a layoff, but the customer must also meet the other two criteria.)            (Note: All three circumstances must be documented)</p>	<p><b>Layoff:</b></p> <input type="checkbox"/> Letter from Employer or telephone verification <input type="checkbox"/> UI Notice of Decision <input type="checkbox"/> Public layoff notice with UI data cross-match <input type="checkbox"/> DD-214 <input type="checkbox"/> Foreclosure or notice of Intent to foreclose <input type="checkbox"/> Profit and Loss statement showing loss for the last year <input type="checkbox"/> Bankruptcy paperwork <input type="checkbox"/> Documentation of high debt to asset ratio <input type="checkbox"/> For the business <input type="checkbox"/> Self-attestation
	<p><b>UI Monetary Eligibility:</b></p> <input type="checkbox"/> UI monetary eligibility letter <input type="checkbox"/> UI Notice of Decision <input type="checkbox"/> UI wage data screen <input type="checkbox"/> UI wage claim screen <input type="checkbox"/> Self-attestation

**Unlikely to Return:**

Labor Market Info

Job Search Logs

Documentation of Disability

Self-attestation

Eligibility	Required Documentation
<p><b>_____ 2. Plant Closure, Substantial Layoff</b>  <b>(Note:</b> Two circumstances must be documented – the fact that the business closed or a substantial layoff occurred <b>and</b> that the applicant worked there.)</p>	<p><b>Applicant was Employed:</b>  <input type="checkbox"/> Letter from Employer or telephone verification  <input type="checkbox"/> Pay Stubs  <input type="checkbox"/> UI wage data screen  <input type="checkbox"/> Self-attestation</p> <p><b>Business Closed:</b>  <input type="checkbox"/> Public notice of plant closure or substantial layoff  <input type="checkbox"/> Copy of WARN notice  <input type="checkbox"/> Newspaper  <input type="checkbox"/> Letter from Employer or telephone verification  <input type="checkbox"/> Self-attestation</p>
<p><b>_____ 3. Self-Employed –Business Closed</b>  <b>(Note:</b> All three circumstances must be documented)</p>	<p><b>Self-Employed:</b>  <input type="checkbox"/> Business License/Permit  <input type="checkbox"/> Tax records  <input type="checkbox"/> UI wage data screen  <input type="checkbox"/> Self-attestation</p> <p><b>Business Closed:</b>  <input type="checkbox"/> Business closure notice  <input type="checkbox"/> Tax records  <input type="checkbox"/> Bankruptcy documentation  <input type="checkbox"/> Lending Institution documentation  <input type="checkbox"/> Financial statements from accountant  <input type="checkbox"/> Self-attestation</p> <p><b>Economic Conditions or Natural Disaster:</b>  <input type="checkbox"/> Public notice  <input type="checkbox"/> USDOL Advisory</p>
<p><b>_____ 4. Displaced Homemaker</b>  <b>(Note:</b> Two circumstances must be documented – The fact that the applicant was dependent on the income of a spouse and is no longer being supported by that income, and the fact that the applicant is unemployed or underemployed.)</p>	<input type="checkbox"/> Public assistance records <input type="checkbox"/> Court records <input type="checkbox"/> Divorce papers <input type="checkbox"/> Bank records <input type="checkbox"/> Spouse’s layoff notice <input type="checkbox"/> Spouse’s death record <input type="checkbox"/> UI wage data indicating no wages <input type="checkbox"/> Self-attestation

## YOUTH ELIGIBILITY

Following is the eligibility criteria for the WIOA Youth Program, a Glossary of relevant terms, and checklist of allowable forms of eligibility documentation. Additionally, a Document Inspection Form may not be used to document age. Documentation verifying the eligibility of participants in WIOA is mandatory. Eligibility determination must be made prior to enrollment in any WIOA Youth service, and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who may benefit from and who are most in need of such opportunities. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

Veterans and eligible spouses covered by Public Law 107-288, who otherwise meet the eligibility requirements for enrollment and for whom WIOA services are deemed appropriate, are to be given priority over non-veterans for the receipt of employment, training, and placement services provided under the WIOA program.

### WIOA YOUTH ELIGIBILITY CRITERIA

Each of the following eligibility elements must be documented for each participant **prior to the receipt of a staff-assisted career service with significant staff involvement, or individualized customized service**. Local boards must obtain required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in this attachment. Photocopies of documentation kept on file, or scanned documents stored in electronic document management systems, must be legible.

1. **Right to Work** – Participation shall be open 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 as required in WIA section 188(a)(5). If the participant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied. (**Exception:** Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)
2. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIOA section 189(h). See the Selective Service section of this TAG.
3. **Age** at application must be between the ages of 14 and 24.

## IN-SCHOOL YOUTH

**In-School Youth** means an individual who is attending school, not younger than age 14 or (unless an individual with a disability who is attending school under state law) older than age 21, low-income and one or more of the following barriers:

**Barrier –**

- A. Basic skills deficient;
- B. An English language learner;
- C. An offender;
- D. A homeless individual defined in sec. 41403(6), Violence Against Women Act (42 U.S.C. 14043e-2(6)), a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477, Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- E. Pregnant or parenting;
- F. A youth who is an individual with a disability;  
Requires additional assistance to enter or complete an educational program or to secure or hold employment. (Because the State has chosen to not define “**additional assistance**” as relates to WIOA Youth program eligibility, each Local Board has the responsibility for determining its own definition of this eligibility category. The Eastern Board has defined this as: Any youth who meets any of the following criteria: a gifted student (as defined by New Mexico State Department of Education Regulations) who requires additional assistance to complete an educational program, or to secure and hold employment; a youth who’s family is dependent upon public assistance; a youth with poor work history as evidenced by the loss of and/or changing of jobs three or more times in a twelve month period; or a youth who is at risk of school and/or employment failure based on family/home factors, a youth with parents in the criminal justice system, family violence factors, behind graduation rate on credits, substance abuse by youth or family members, behind grade level, is a member of a household that has received public assistance in the last six months, is believed by school or public agency to be at risk, is/or was an ESL student, family history of seasonal or poor work history, referred by police or courts, has a history of or is at risk of gang involvement.

Additional Clarification [TEGL 21-16]. If a youth is enrolled in the WIOA program between high school graduation and postsecondary education, the youth is considered in school if they are registered for credit bearing postsecondary education classes even if they have not yet begun classes at the time of enrollment.

LIMITATION. —In each local area, not more than 5 percent of the in-school youth assisted under this section may be eligible under “individual who requires additional assistance” to complete an educational program or to secure or hold employment. (WIOA and Sec 129(3)(B))

Exceptions:

- not more than 5 percent of the in-school individuals assisted be individuals that are not low-income. (WIOA and Sec 129(3)(A)(ii))
- There is one exception to age eligibility for youth attending school. Youth with disabilities who have an Individualized Education Program (IEP) may be enrolled as an ISY after the age of 21, if their state law allows youth with disabilities to be served by the K-12 system beyond the age of 21.

## OUT-SCHOOL YOUTH

**Out-of-School Youth** means an individual who is not attending any school, not younger than age 16 or older than 24; and has one or more of the following barriers:

**Barrier –**

- A. School dropout;
- B. Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
- C. Recipient of a secondary school diploma or its recognized equivalent who is low-income and basic skills deficient or an English language learner;
- D. Subject to the juvenile or adult justice system;
- E. A homeless individual defined in sec. 41403(6), Violence Against Women Act (42 U.S.C. 14043e-2(6)), a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477, Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- F. Pregnant or parenting;
- G. An individual with a disability;
- H. Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

**Note:** An individual who is out of school at the time of registration and subsequently placed in an alternative school may be considered an out-of-school youth.

**Exceptions:**

- Not more than 5 percent of the out-of-school individuals in the following categories be considered eligible and not meet the low-income criteria: a recipient of a secondary school diploma or its recognized equivalent who is low-income individual and is basic skills deficient; or an English language learner; a low-income individual but requires additional assistance to enter or complete educational program or to secure or hold employment may not be low income individuals. (WIOA and Sec 129(3)(A)(ii))
- Youth attending High school equivalency programs that are funded by the public K-12 system that are classified by the school system as still enrolled in school are considered ISY.
- Homeschooling – Youth must be classified as ISY or OSY based on NM education’s determination of homeschool status.

**Note:** Individuals ages 18 through 24 may be eligible for both Adult and Youth programs if they meet the respective eligibility requirements for both programs.

## GLOSSARY

Local program staff making eligibility determinations for the Youth program should make use of the following definitions:

**AGE OF COMPULSORY SCHOOL ATTENDANCE, BUT NOT ATTENDING** [20CFR 681.210(c)(2)]: A youth of an age of

compulsory attendance that has not attended school for at least the most recent school year calendar quarter.

**APPLICANT:** An individual who applies for training and/or services provided under WIOA through a WIOA grant recipient or sub-recipient.

**DEPENDENT CHILD:** A child, related by blood, marriage, or decree of court, living in a single residence with his/her parent(s) or guardian

**BASIC SKILLS DEFICIENT:** An individual who computes or solves problems, reads, writes, or speaks English at or below the eighth-grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test.

**DEFICIENT IN BASIC LITERACY SKILLS:** (For use in determining basic youth eligibility.) An individual who:

1. computes or solves problems, reads, writes, or speaks English at or below the eighth-grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test; or
2. 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.

**DROP OUT:** A "school dropout" is defined in WIOA Section (3)(54) as an individual who is no longer attending any school and who has not received a secondary school diploma or its equivalent.

**ENGLISH LANGUAGE LEARNER:** An eligible individual who:

1. has limited ability in reading, writing, speaking, or comprehending the English language; and
2. whose native language is a language other than English; and
3. who lives in a family or community environment where a language other than English is the dominant language.

*Note:* When a federal statute specifically provides that income or payments received under such 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 WIOA eligibility determination. *Example:* adoption subsidies

Everything that is not listed as excluded from income above is included as income.

**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.
- c. A husband and wife.

**Note:** Family size is determined based on those individuals meeting the above definition at time of application.

**FAMILY INCOME:** Family income includes total 6 months' cash receipts before taxes (i.e. Gross wages) from all sources as defined in "Family" above, except: If the applicant reports little or no includable income, s/he must indicate other resources relied upon for life support during the last six months on the Applicant Statement. Such resources may include such things as unpaid debts, gifts, loans, unemployment compensation, etc.

**FOSTER CHILD:** A youth 14-18 years of age on whose behalf state or local government payments (excluding OASI) are made. This may include youth who have been made a ward of the state by a court, including those in the following

categories:

- a. Youth in State Institutions
- b. Youth in Community Group Homes
- c. Youth in Foster Homes

**GUARDIAN:** An individual related by blood, marriage, or decree of court, living in a single residence, where the parents are not present in the residence.

**HOMELESS PERSON:** 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 accommodation (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. **EXCLUSION** – For purposes of WIOA, the term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law. A homeless individual who meets the above criteria is presumed to be economically disadvantaged for purposes of eligibility under the WIA unless demonstrated otherwise.

**IN-SCHOOL YOUTH:** Means a person age 14 through 21 who is attending school full time and who has not yet received a high school diploma or its equivalent (GED).

**INCOME:** Income from all sources including payments received for Unemployment Insurance and child support payments should be used in calculation of low income status. However, there are instances where the youth’s income is solely considered for eligibility determination. ISY with a disability can use their sole income for determination of low income status. If an individual is not living in a single residence with other family members that individual is not a member of a family for the purposes of WIOA income calculations.

**INDIVIDUAL:** (Family of one) – A person not meeting the definition of family is considered to be an individual. Youth aged 18 years and older living with parents or other family member(s) must document individual status by completing the Self-Attestation form verifying that status.

**INDIVIDUAL WITH DISABILITY:** Any individual who has a physical or mental disability, which for such individual, constitutes or results in a substantial handicap to employment. Suggested definition for substantial disability to employment: a loss of occupational choice of a class or group of jobs due to the disability, i.e., significant diminishment of occupational choices. An Individual with a Disability may be eligible based on the family of one income guideline.

**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:

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

**LOW-INCOME INDIVIDUAL:** An individual who:

- receives or is a member of a family that receives or has received in the past six months, cash payments under a federal, state, or local income- based public assistance program;



- has received in the last six months, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
- 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 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;
- qualifies as a homeless individual, as defined in the Stewart B. McKinney Homeless Assistance Act §103(a) and (c);
- is a foster youth on behalf of whom state or local government payments are made; or
- 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. [WIOA §3(36)(A)]
- receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or
- A youth who lives in a high-poverty area.

**STUDENT WITH A DISABILITY:** An individual with a disability who:

1. is not younger than the earliest age for the provision of transition services under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)); or if the State involved elects to use a lower minimum age for receipt of pre-employment transition services under this Act, is not younger than that minimum age; and
2. is not older than 21 years of age; or if the State law for the State provides for a higher maximum age for receipt of services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), is not older than that maximum age; and
3. is eligible for, and receiving, special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or is an individual with a disability, for purposes of section 504.

**YOUTH WITH A DISABILITY:** An individual with a disability who: is not younger than 14 years of age; and is not older than 24 years of age.

**LIVING IN A SINGLE RESIDENCE:**

- a. **Temporary, voluntary residence elsewhere** – an individual is included in a single residence if they are temporarily and voluntarily living outside of the residence. This may include individuals attending school or college, or visiting relatives. It does not include involuntary temporary residence elsewhere (i.e. incarceration or placement as a result of a court order). **Note:** If a college student is not claimed as a dependent on anyone else’s tax return, they are NOT a dependent child.
- b. **Temporary, involuntary residence elsewhere** – an individual is NOT included in a single residence if they are temporarily and involuntarily living outside of the residence. This may include individuals who are incarcerated or placed as a result of a court order. **Note:** A person not meeting the definition of family is an individual (family of one). Individuals ordinarily included in the definition of family, but no longer claiming to be dependent must complete an applicant statement attesting to individual status. Such statements should be corroborated by the head of household in which the individual resides. (S)He must also show source of his/her support. The individual must provide over 50% of his/her support to be considered a family of one. Income tax records are also a good source of documentation to support that the youth is not claimed by the parents. Youth aged 18 years and more, see “Individual” definition.

**LOWER LIVING STANDARD INCOME LEVEL:** the income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary. Income levels for families of two or more are revised for the lower living standard income level from the U.S. Department of Labor Federal Register issued annually.

**OFFENDER:** Any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom services may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

**PREGNANT OR PARENTING YOUTH:** A youth who is 24 years of age or less at the time of application and who is pregnant, or a male or female custodial or non-custodial.

**POST SECONDARY EDUCATION:** A program at an accredited degree-granting institution that leads to an academic degree beyond secondary education.

**PUBLIC ASSISTANCE/CASH WELFARE PAYMENTS:** Federal, State or local government cash welfare payments issued directly to the recipient for whom eligibility is determined by a needs or income test (i.e. TANF, Refugee Cash Assistance, and Supplemental Security Income). Note: Supplemental Security Disability Income (SSDI) is not considered cash welfare and does not make a person automatically eligible for WIOA.

**RUN-AWAY YOUTH:** A person 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.

**SCHOOL DROPOUT:** An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. A youth's dropout status is determined at the time of registration.

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The form and signature can be on paper or in the state management information system, with an online signature.

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## YOUTH ELIGIBILITY DOCUMENTATION...

Eligibility	Required Documentation
<p><b>Right to Work in the US</b> (1 is required)</p> <p>Note: a Document Inspection Form may be used for any of these required documents for this eligibility element.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Social Security Card AND Driver's License or other government issued picture ID containing a photograph or information such as name, date of birth, gender, height, eye color and address. (If under 18 years old and does not have a Driver's License; may use school record or doctor/hospital record with signed Social Security Card.)</li> <li><input type="checkbox"/> U.S. Passport (unexpired or expired)</li> <li><input type="checkbox"/> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li><input type="checkbox"/> An unexpired foreign passport with a temporary I-551 stamp</li> <li><input type="checkbox"/> An unexpired Employment Authorization Document that contains a Photograph (Form I-766)</li> <li><input type="checkbox"/> An unexpired foreign passport with Form I-94 or I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form</li> <li><input type="checkbox"/> Original or certified copy of a Birth Certificate issued by a state, county, municipal authority or territory of the US bearing an official seal (Document Inspection Form is allowed.)</li> <li><input type="checkbox"/> Certification of Birth Abroad (Form FS-545) or Report of Birth (Form DS-1350) issued by the Department of State</li> <li><input type="checkbox"/> US Citizen ID card (Form I-197)</li> <li><input type="checkbox"/> Native American Tribal Document</li> <li><input type="checkbox"/> I-9 complete including signature by authorized employer or designee</li> </ul>
<p><b>Selective Service</b> (1 is required for those required to register)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Screen printout of the On-line verification at <a href="http://www.sss.gov">www.sss.gov</a></li> <li><input type="checkbox"/> Acknowledgement Letter from Selective Service</li> <li><input type="checkbox"/> Selective Service Verification Form (For 3A)</li> <li><input type="checkbox"/> Selective Service Registration Card</li> <li><input type="checkbox"/> Stamped Post Office Receipt of Registration</li> <li><input type="checkbox"/> DD-214 "Report of Separation"</li> </ul>
<p><b>Social Security Number</b> (Not required for eligibility, but must be requested and validated. A Document Inspection Form may be used for any of these required documents for this eligibility element.)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> DD-214, Report of Transfer or Discharge</li> <li><input type="checkbox"/> IRS Form Letter 1722</li> <li><input type="checkbox"/> Letter from Social Security Agency</li> <li><input type="checkbox"/> Pay Stub with Social Security number</li> <li><input type="checkbox"/> Social Security Benefits</li> <li><input type="checkbox"/> Social Security Card</li> <li><input type="checkbox"/> W-2 Form</li> <li><input type="checkbox"/> Declined; pseudo-SSN created</li> </ul>
Eligibility	Required Documentation
<p><b>Age</b> (1 is required)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Baptismal Record</li> <li><input type="checkbox"/> Birth Certificate (Document Inspection Form is not allowed)</li> <li><input type="checkbox"/> Driver's License</li> <li><input type="checkbox"/> Federal, State, or Local photo ID</li> <li><input type="checkbox"/> DD-214</li> <li><input type="checkbox"/> Passport</li> <li><input type="checkbox"/> Hospital record of birth</li> <li><input type="checkbox"/> Public assistance/social service record</li> <li><input type="checkbox"/> School records or ID card</li> <li><input type="checkbox"/> Work permit</li> <li><input type="checkbox"/> Cross match with Dept. of Vital Statistics</li> <li><input type="checkbox"/> Tribal records</li> </ul>

<input type="checkbox"/> <b>In-School</b> <input type="checkbox"/> <b>Out-of-school</b>	<b>Educational Status:</b> <input type="checkbox"/> School records <input type="checkbox"/> Self-attestation  <b>Deficient in basic literacy skills:</b> <input type="checkbox"/> Standardized assessment test <input type="checkbox"/> School Records <input type="checkbox"/> Case Notes
<b>Low Income</b> (1 is required)	<input type="checkbox"/> Pay stubs <input type="checkbox"/> Employer statement: written or telephone verification <input type="checkbox"/> Alimony agreement <input type="checkbox"/> Award letter from Veteran’s Administration <input type="checkbox"/> Bank statements <input type="checkbox"/> Compensation award letter <input type="checkbox"/> Court award letter <input type="checkbox"/> Pension statement <input type="checkbox"/> Family or business financial records <input type="checkbox"/> Free or reduced price school lunch verification <input type="checkbox"/> Housing authority verification <input type="checkbox"/> Social Security benefits statement <input type="checkbox"/> Public assistance records <input type="checkbox"/> UI documents <input type="checkbox"/> Quarterly estimated tax (self-employed persons) <input type="checkbox"/> Self-attestation
<b>Disability</b>	<input type="checkbox"/> Medical records <input type="checkbox"/> Letter from drug / alcohol rehabilitation agency <input type="checkbox"/> Case notes regarding an observable condition <input type="checkbox"/> Physician’s statement <input type="checkbox"/> Psychiatrist’s statement <input type="checkbox"/> Psychologist’s diagnosis <input type="checkbox"/> Rehabilitation evaluation <input type="checkbox"/> School records <input type="checkbox"/> Sheltered workshop certification <input type="checkbox"/> Social Service records / referrals <input type="checkbox"/> Social Security Administration disability records <input type="checkbox"/> Veterans Administration letter / records (continued) <input type="checkbox"/> Vocational Rehabilitation letter <input type="checkbox"/> Worker’s Compensation record

Eligibility	Required Documentation
<b>Barrier</b> (1 or more required)	<p>___ DEFICIENT IN BASIC LITERACY SKILLS</p> <ul style="list-style-type: none"> <li>Standardized assessment test</li> <li>School records</li> <li>Case note (must describe how the case manager determined the participant meets the “Deficient in Basic Literacy Skills” definition)</li> </ul> <p>___ SCHOOL DROPOUT</p> <ul style="list-style-type: none"> <li>Case note</li> <li>WIA application form</li> </ul> <p>___ HOMELESS/RUNAWAY</p> <ul style="list-style-type: none"> <li>Written statement from a shelter</li> <li>Written statement from social service agency</li> <li>Written statement from individual providing residence</li> <li>Self-attestation</li> </ul> <p>___ FOSTER CHILD</p> <ul style="list-style-type: none"> <li>Written confirmation from social services agency</li> <li>Case notes</li> </ul> <p>___ PREGNANT / PARENTING</p> <ul style="list-style-type: none"> <li>Baptismal record</li> <li>Doctor’s note</li> <li>Observation documented in case note</li> <li>Child’s birth certificate</li> <li>Self-attestation</li> </ul> <p>___ OFFENDER</p> <ul style="list-style-type: none"> <li>Juvenile/criminal justice document</li> <li>Telephone verification from juvenile / criminal justice representative</li> <li>WIA application form</li> <li>Self-attestation</li> </ul> <p>___ REQUIRES ADDITIONAL ASSISTANCE</p> <ul style="list-style-type: none"> <li>• Documentation stating that the youth requires additional assistance and why;</li> <li>• Documentation that youth has had 3 or more jobs in the last 12 months;</li> <li>• Letter from a professional such as a counselor or teacher which states why the participant is at risk of failure;</li> <li>• Documentation of gang involvement;</li> <li>• Documentation of family violence;</li> <li>• Documentation of substance abuse on the part of the participant or parents;</li> <li>• Documentation reflecting that one or both parents is/are incarcerated</li> <li>• Documentation that the youth has been emancipated;</li> <li>• School records indicating the youth is/was an English as a Second Language (ESL) student.</li> <li>• Documentation that the youth receives, or is a member of a family that receives cash assistance or food stamps in the twelve months prior to application.</li> <li>• Documentation that the youth has experienced recent traumatic events, are victims of abuse or reside in an abusive environment;</li> </ul>

## SELECTIVE SERVICE REGISTRATION REQUIREMENTS

Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days before or 30 days after their birthday.) This includes males who are:

- A. Citizens of the U.S.;
- B. Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and/or
- C. Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- A. Men who are serving in the military on full-time active duty;
- B. Men attending the service academies;
- C. Disabled men who were continually confined to a residence, hospital or institution; and/or
- D. Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

For non-U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- A. Non-U.S. male who came into this country for the first time after his 26th birthday. Acceptable forms of supporting documentation include:
  1. Date of entry stamp in his passport;
  2. I-94 with date of entry stamp on it; or
  3. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
- B. Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
- C. Non-U.S. male on a valid non-immigrant visa.

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the registration requirements at [www.sss.gov](http://www.sss.gov). The Selective Service System also provides a quick reference chart showing who must register located at <http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>.

### Registration Requirements for Males Under 26

Before being enrolled in WIOA Title I-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at [www.sss.gov](http://www.sss.gov). If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIOA Title I-funded services must be suspended until he registers.

## Registration Requirements for Males 26 Years and Over

Before enrolling in WIOA Title I-funded services, all males, 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement. Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed in Section 3 must obtain a *Status Information Letter* from Selective Service indicating whether he was required to register. The *Request for Status Information Letter* form can be accessed at <http://www.sss.gov/PDFs/infoform.pdf> and the instructions can be accessed at <http://www.sss.gov/PDFs/instructions.pdf>. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

If the *Status Information Letter* indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in services authorized or funded by Title I of WIOA. **If the Status Information Letter indicates that the individual was required to register and now cannot because he is 26 or older, he is presumed to be disqualified from participation in WIOA Title I-funded activities and services until it can be determined that his failure to register was not knowing and willful.** All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

## Determining Knowing and Willful Failure to Register

If the individual was required but failed to register with the Selective Service, the individual may only receive services if they establish by a preponderance of the evidence that the failure to register was not knowing and willful. The local board, sub-grantee, or contractor that enrolls individuals in WIOA Title I-funded activities, and is thereby authorized to approve the use of WIOA Title I grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

1. Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to local boards in making determinations in cases regarding willful and knowing failure to register.

To establish consistency regarding the implementation of the requirement, local boards should consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was "knowing," the authorized organization should consider:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday was 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 Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was “willful”, the authorized organization 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 requirement to register?

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that evidence shows that the individual’s failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

## SELF-SUFFICIENCY WAGE DETERMINATION

The term “self-sufficiency” in this policy only applies in the context of establishing eligibility for employed adults and employed dislocated workers to receive training services under WIOA. A determination that an employed adult or dislocated worker is in need of services to obtain or retain employment that leads to self-sufficiency is one of the criteria for the receipt of such services. This provision serves as a “limiter” in determining service eligibility for such employed workers, which helps ensure that services are provided to those employed adults or dislocated workers most-in-need of such services, such as individuals employed in low skill/low wage jobs and dislocated workers who may be working but who have not achieved self-sufficiency as defined by the Local Board. The local board has adopted the NMDWS State WIOA wage self-sufficiency guidance level of \$30.68 per hour for the eastern area in determining eligibility of employed workers. Self Sufficiency eligibility wage cannot be waived for any participant.

Local Boards must also develop a policy that sets the criteria for determining whether employment leads to self-sufficiency. At a minimum, such criteria must provide that self-sufficiency means employment that pays at least the lower living standard income level, the special needs of individuals with disabilities or other barriers to employment should be taken into account when setting criteria to determine self- sufficiency. The EAWDB has identified this criteria to be an individual who is employed full time at 32 hours or more per week and is earning 125% of the LLSIL.

## PRIORITY OF SERVICE

### ADULT PRIORITY OF SERVICES

With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of WIOA section 133(b), priority shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient (see adult glossary for definition) for receipt of career services described in paragraph WIOA Section 134(b)(2)(A)(xii) and training services. Low income is defined as an individual's income being at or below 70% of the LLSIL. The priority applied must follow the order outlined below in the section titled "Order of Priority".

Across all titles, WIOA focuses on serving "individuals with barriers to employment" and seeks to ensure access to quality services for these populations. The priority populations under WIOA are:

#### Individuals with Barriers to Employment

The population included in the "individuals with barriers to employment" in WIOA sec 3(24) include:

- (n) Displaced Homemakers
- (o) Low-Income individuals
- (p) Indians, Alaska natives, and Native Hawaiians
- (q) Individuals with disabilities, including youth who are individuals with disabilities.
- (r) Older Individuals (age 55 and older)
- (s) Ex-offenders
- (t) Homeless individuals or homeless children and youths
- (u) Youth who are in, or have aged out of the foster care system;
- (v) Individuals who are:
  - English language learners
  - Individuals who have low levels of literacy (an individual is unable to compute or solve problems, or read, write or speak English at a level necessary to function on the job, or in the individual's family or in society); and
  - Individuals facing substantial cultural barriers
- (w) Eligible migrant and seasonal farmworkers
- (x) Single parents (including single pregnant women)
- (y) Long-term unemployed individuals (unemployed for 27 or more consecutive weeks); and
- (z) Such other groups as the Governor determines to have barriers to employment.

### VETERAN PRIORITY

A veteran or the qualifying spouse of a veteran is entitled to, and must be given priority over, a non-veteran when the veteran or qualifying spouse meets WIOA eligibility requirements. Priority extends from selection to enrollment to funding decisions after enrollment. This means that a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

Although veteran priority should not be confused with eligibility, case managers must verify veteran status when enrolling a veteran or qualifying spouse. Verification documents will be submitted as part of the applicant's enrollment packet.

A veteran is defined as a person who served at least one day in the active military, naval, or air service, and who

was discharged or released under conditions other than dishonorable.

Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of “active service” does not include full-time duty performed strictly for training purposes which is often referred to as “weekend” or “annual” training. Nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities.

A qualifying spouse is the spouse of any of the following:

- Any veteran who died of a service connected disability; or,
- Any member of the Armed Forces who is listed in one of the following categories for at least 90 days: missing in action, captured in the line of duty, forcibly detained by a foreign government; or,
- Any veteran who has a total disability resulting from a service connected disability; or,
- Any veteran who died while a disability was in existence.

Veterans and eligible spouses covered by Public Law 107-288, continue to receive priority of service for all DOL funded job training programs. The veteran or covered person must otherwise meet the eligibility requirements for enrollment. For income-based eligibility determination and for determining priority of service, military pay or allowances paid while on active duty or paid by the Department of Veteran’s Affairs (VA) for vocational rehabilitation, disability payments, or related VA funded programs are not to be considered as income, in accordance with 38 U.S.C. 4213 and 20 CFR 683.230.

## **ORDER OF PRIORITY**

Priority must be applied in the following order:

3. First, Veterans, and eligible spouses who are also included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient would receive first-priority for services with WIOA.
4. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for Adult formula funds.
5. Third, to veterans and eligible spouses who are not included in WIOA’s priority groups.
6. Fourth, priority populations established by the Governor and/or Local WDB.
7. Last, to non-covered persons outside the groups given priority under WIOA.

**NEW MEXICO WORKFORCE CONNECTION CENTER  
DOCUMENT INSPECTION FORM**

Applicant's Last Name	First Name	M.I.
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Applicant's Identification Number
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Documents have been verified for the following eligibility criteria:
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Name and/or title of document inspected and pertinent information derived from the document:
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Date of Verification:
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**I attest that the information recorded by me on this document was obtained by document inspection on the above date. I attest that the document inspected, verified the items required to determine eligibility for the WIOA program.**

\_\_\_\_\_  
Name (Printed)  
Workforce Connection Center Staff

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NEW MEXICO WORKFORCE CONNECTION CENTER  
TELEPHONE ELIGIBILITY VERIFICATION FORM**

Applicant's Last Name	First Name	M.I.
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Applicant's Identification Number
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Documents have been verified for the following eligibility criteria:
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I hereby certify, under penalty of perjury, that the following information is true:
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Agency Providing Verification: _____
Name of Agency Representative: _____
Agency Representative's Telephone Number: _____
Date and Time of Verification: _____

**I attest that the information recorded by me on this document was obtained through a telephone contact on the above date. As indicated by the agency representative, all information was obtained from data previously determined and recorded in the applicant's records at the agency providing the eligibility verification.**

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Name (Printed)	Signature	Date
Workforce Connection Center Staff		

**NEW MEXICO WORKFORCE CONNECTION CENTER  
SELF-ATTESTATION FORM**

Applicant's Last Name	First Name	M.I.
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Applicant's Identification Number
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I hereby certify, under penalty of perjury, that the following information is true:
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**I attest that the information stated above is true and accurate, and understand that the above information, if misrepresented, or incomplete, may be grounds for immediate termination and/or penalties as specified by law.**

Applicant Signature: _____ Date _____
Applicant Phone Number: _____
Applicant Address: _____
Signature of Parent or Guardian: _____ (as needed)

**\*\*Workforce Connection Center Staff Use Only\*\***

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The above applicant self-attestation statement is being utilized for documentation of the following eligibility criteria:
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Name (Printed) Workforce Connection Center Staff	Signature	Date
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