
Policy Number: WIOA I-B – 1.2 Updated

Effective Date: August 27, 2018

Definitions

PURPOSE:

The purpose of this section is to define terms used in connection with Title I-B of the Workforce Innovation and Opportunity Act of 2014 (WIOA) in Arkansas.

DEFINITIONS:

Academic clemency – A policy allowing certain college grades to be erased for the purposes of grade point average (GPA). Each Arkansas public institution has a policy concerning the conditions required for a student to receive academic clemency [*AHECB Agenda Item No. 28, April 10, 1992*].

Active duty - Full-time duty in the active military service of the United States. “Active duty” includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. “Active duty” does not include full-time National Guard duty [*38 USC 101(21); TEGL 19-16*].

Adult – An individual who is age 18 or older (except when used in the formula for state allotments) [*WIOA § 3(2)*].

Adult education – Academic instruction and education services below the postsecondary level that increase an individual’s ability to do the following [*WIOA § 203(1)*]:

1. Read, write, and speak in English and perform mathematics
2. Earn a secondary school diploma or its recognized equivalent (e.g. GED®)
3. Transition to postsecondary education and training
4. Obtain employment

Adult education and literacy activities – Programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language

acquisition activities, integrated English literacy and civics education, workforce preparation activities, and integrated education and training [WIOA § 203(2)].

Adult mentoring – Adult mentoring for Youth must meet all of the following requirement [20 CFR 681.490]:

1. Last at least 12 months and may take place both during the program and following exit from the program
2. Be a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee
3. The mentor interacts face-to-face individually with the youth, although the individual face-to-face interaction may be supplemented with group activities and electronic interaction

Mentoring may include workplace mentoring where the local program matches a Youth participant with an employer or employee of a company.

Age of compulsory school attendance - Arkansas Code §6-18-201 states that individuals age five (5) through seventeen (17) years on August 1 of each year must be enrolled in an approved school (private, public, parochial, or home school as described in A.C.A. §6-15-501) and attend each day the school is open. Exceptions to this requirement are:

1. A child who meets one of several exemptions for attending kindergarten
2. A child who has received a high school diploma or its equivalent as determined by the State Board of Education
3. A child sixteen (16) years of age or older who is enrolled in a postsecondary vocational-technical institution, a community college, or a two-year or four-year institution
4. A child sixteen (16) years of age or older who is enrolled in an adult education program and meets permission, testing, and attendance requirements listed in A.C.A. §6-18-201
5. A child sixteen (16) years of age or older who is enrolled in the Arkansas National Guard Youth Challenge Program

Applicant statement – See **Self-attestation, self-certification, participant statement, or applicant statement** in this policy

Attachment to the workforce – For the purposes of determining eligibility for the WIOA Title I Dislocated Worker Program, Arkansas defines “attachment to the workforce” as having wages in at least one (1) quarter during the last year immediately prior to eligibility determination.

Basic skills deficient – An individual who is one of the following [WIOA § 3(5); 20 CFR 681.290; TEGL 19-16]:

1. A youth who has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test. The State of Arkansas interprets this criterion to mean scoring at or below Grade Level 8.9.
2. An adult or youth 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. Arkansas State policy is that this criterion for "basic skills deficient" is defined as scoring Grade Level 8.9 or below on an appropriate standardized test, including a standardized test that has a crosswalk with grade level equivalents.
3. An English language learner, as defined in WIOA § 203(7) meets the criteria for "basic skills deficient" for both Adults and Youth, without the applicant's having to take a standardized test [TEGLs 19-16; TEGL 21-16]. An English language learner is an individual who has limited ability in reading, writing, speaking or comprehending the English language and either (a) whose native language is a language other than English or (b) who lives in a family or community environment where a language other than English is the dominant language [WIOA § 203(7); TEGL 21-16]. English language learners, both adults and youth, meet the definition for "basic skills deficient" without having to document the criterion with a standardized test [TEGLs 19-16; TEGL 21-16].

In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide valid reasonable accommodation in the assessment process, if necessary, for individuals with disabilities [20 CFR 681.290; 20 CFR 680.600]. Where appropriate, a recent (within last 6 months) assessment conducted by another entity may be used [WIOA § 124(c)(2)(B); 20 CFR 680.220(a); TEGL 19-16].

Braiding funds – Braiding funds occurs when different funding streams are used together to support different needs for the same customer while maintaining documentation to support the charging and allocation of costs to multiple separate funding streams or programs. As specified in the Uniform Guidance at 2 CFR 405(d), if a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the programs or activities based on the proportional benefit. In addition, each funding stream maintains its statutory requirements, including eligibility criteria and scope of authorized activities [TEGL 21-16].

Career pathway – A combination of rigorous and high-quality education, training, and other services that does all of the following [WIOA § 3(7)]:

1. Aligns with the skill needs of industries in the state or region
2. Prepares an individual to be successful in one of many secondary or postsecondary education options, including registered apprenticeships as appropriate [29 U.S.C. 50 et seq.].
3. Includes counseling concerning education and career goals
4. Includes, as appropriate, education concurrent with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster

5. Organizes education, training, and other services to meet the needs of an individual and to accelerate the educational and career advancement of the individual as appropriate
6. Enables an individual to attain a secondary school diploma (or its equivalent) and at least one recognized postsecondary credential
7. Helps an individual enter or advance within a specific occupation or occupational cluster

Career Pathways Initiative (Sometimes called Career Pathways, CPI, or CP) – State program in Arkansas two-year colleges and technical institutions, funded by TANF, and administered by ADHE & ADWS. The program helps Arkansas custodial parents receive training, including specific supportive services required to attend the training [A.C.A. §20-76-445(b)(1)(A)]. (This term should not be confused with career pathways, a generic term used without capitals.)

Career planning – the provision of a client-centered approach in the delivery of services, designed [WIOA §3(8); TEGL 19-16]:

1. To prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and
2. To provide job, education, and career counseling, as appropriate during program participation and after job placement.

Common Exit date – Arkansas has chosen to use a common exit date, as allowed in 20 CFR 677.150(c)(3) and encouraged in TEGL 10-16. Included in the common exit are:

- Title I-B Adult, Youth, and Dislocated Worker formula programs,
- Title III Wagner-Peyser Employment Service program (Participants in Jobs for Veterans State Grants must be co-enrolled in and have a common exit with Wagner-Peyser Employment Services [TEGL 16-16]),
- Trade Adjustment Assistance program (TAA), authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq., and
- Title I-D National Dislocated Worker Grants

The WIOA common exit date is the last date of service or activities (other than follow-up services, self-service, and information-only services and activities) in any of these programs in which a participant is enrolled, and no future services (other than follow-up services, self-service, and information-only services and activities) are planned. Information concerning follow-up services may be found in policies concerning each particular program. The criteria must be met for all programs in which a participant is enrolled before a participant is considered to be exited. The last date of service cannot be officially determined until at least 90 days have elapsed since the participant last received services or activities from any of these programs, (other than follow-up

services, self-service, and information-only services and activities) [20 CFR 677.150(c); Comments in WIOA Final Rule concerning §677.150(c); TEGLs 10-16, 19-16, and 21-16].

Comprehensive guidance and counseling – Individualized counseling to participants, including drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate. When referring a participant to necessary counseling that cannot be provided by the program provider, the case manager must coordinate with the counseling organization to ensure continuity of service [20 CFR 681.510]:

Core programs – The following programs [WIOA § 3(12 & 13); A.C.A. §15-4-373(2)]:

1. Youth, Adult, and Dislocated Worker programs funded by the Workforce Innovation and Opportunity Act of 2014 (WIOA)
2. Adult education and literacy activities
3. Employment services funded by the Wagner-Peyser Act (29 U.S.C. 49 et seq.)
4. Services provided under Title I of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)

Cost of attendance – The cost of attendance, as related to attending occupational skills training at a postsecondary educational institution, is the full cost of attending the training [WIOA § 134(c)(3)(B)(i)(I); 20 CFR 680.210(c); 20 CFR 680.230; TEGL 19-16]. This amount may be calculated several ways.

One way is for the case manager to calculate all the costs (usually tuition and fees, books, supplies, equipment, room and board, personal items, transportation, and childcare) using the actual information for the participant and the institution for the semester or the length of the course, whichever is less.

A second way is to obtain the average cost of attendance for the institution from either the FAFSA® (Free Application for Federal Student Aid) statement or the website for the National Center of Education Statistics (NCES; nces.ed.gov/ipeds). NCES lists the average cost of attendance as the sum of the published tuition and required fees, the average costs of books and supplies, transportation, room and board, and other expenses, as submitted by the institutions, for full-time students for the Fall and Spring semesters. Information is often categorized by on-campus and off-campus students and by living with parents or not [nces.ed.gov/ipeds]. The FAFSA® statement usually gives the unmet need for a full-time student for one year. The total in either case can be adjusted for part-time students, for one semester, for required equipment for a program, for dependent care, and/or for excessive transportation expenses.

A third way is to obtain the cost of attendance or the unmet need of the participant from the institution's Financial Aid office. The office can provide the time and FT/PT status used in the calculation and the categories covered in the total. As with the FAFSA® total, amounts can be adjusted for part-time students, for one semester, for required equipment for a program, for dependent care and/or for excessive transportation expenses.

Credential – for the purposes of performance indicators for WIOA Title I-B, a credential is either (1) a recognized postsecondary credential or (2) a secondary school diploma or its recognized equivalent. A recognized postsecondary credential is defined as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or the Federal government, or an associate or baccalaureate degree awarded by an institution of higher education that is eligible to participate in Federal student financial aid programs. A recognized postsecondary credential is awarded in recognition of an individual’s attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry or occupation. Neither certificates awarded by workforce development boards, nor general work readiness certificates, nor other certificates measuring specific skills related to safety, hygiene, etc., nor any other general-knowledge certificates are included in the definition of “credential,” even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment [TEGL 10-16]. More specific information concerning acceptable credentials may be found in TEGL 10-16.

Customized training - Training designed to meet the specific needs of an employer or group of employers, is funded significantly by the employer, and is conducted with a commitment by the employer to employ successful completers [WIOA § 3(14)]. For more information, see ADWS Policy No. WIOA I-B – 3.7 (*Customized Training*).

Dependent child - In compliance with comments in the Final Rule concerning 20 CFR 681.250, the definition of “dependent child” follows the IRS guidelines for claiming a qualifying child on a tax return. A dependent child is a child who meets all of the following requirements:

- Is the married couple’s, parent’s, or guardian’s child or stepchild (whether by blood or adoption), foster child, sibling or stepsibling, or a descendant of one of these
- Has the same principal residence as the married couple, parent, or guardian for more than half the previous year (Exceptions: children of divorced or separated parents with joint custody, kidnapped children, absences due to college attendance, and children who were born or adopted or otherwise were added to the family during the year)
- At the time of eligibility determination, was (a) under the age of 19, (b) under the age of 24 and a full-time student or between semesters, or (c) any age if totally disabled
- Did not provide more than one-half of his/her own support for the year
- If married, did not file a joint tax return with the child’s spouse

Deployment – means [10 USC 991(b); TEGL 19-16]:

1. A member of the Armed Forces is considered to be deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the member to spend off-duty time in the housing in which the member resides when on garrison duty at the member’s permanent duty station or homeport, as the case may be.

2. In the case of a member of a reserve component who is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to in paragraph 1 is any housing (which may include the member's residence) that the member usually occupies for use during off-duty time when on garrison duty at the member's permanent duty station or homeport, as the case may be.
3. A member is not deployed or in a deployment when the member is:
 - a. Performing service as a student or trainee at a school (including any government school);
 - b. Performing administrative, guard, or detail duties in garrison at the member's permanent duty station; or
 - c. Unavailable solely because of:
 - i. A hospitalization of the member at the member's permanent duty station or homeport or in the immediate vicinity of the member's permanent residence; or
 - ii. A disciplinary action taken against the member.

Disabled veteran – For reporting purposes, a “disabled veteran” is a veteran who served on active duty in the U.S. armed forces and also meets one of the following criteria under laws administered by the Department of Veterans Affairs (DVA) [ETA 9172 – DOL PIRL Final - #303]:

1. Is entitled to compensation, regardless of rating (including those rated at 0%)
2. Would be entitled for compensation, but is receiving military retirement pay
3. Was discharged or released from active duty because of a service-connected disability

A “special disabled veteran” is a veteran who served on activity in the U.S. armed forces and who is entitled to compensation (or who would be entitled to compensation if not receiving military retirement), under laws administered by the DVA for disability and also meets one of the following criteria:

1. Disability is rated at 30% or more
2. Disability is rated at 10% or 20% and the veteran has been determined by DVA to have a serious employment handicap.

Dislocated worker – See ADWS Policy No. WIOA I-B – 2.4 (*Eligibility for Dislocated Worker Program*).

Displaced homemaker – See ADWS Policy No. WIOA I-B – 2.4 (*Eligibility for Dislocated Worker Program*).

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

postsecondary education is not a “school dropout” for purposes of youth program eligibility. An individual who previously dropped out of secondary school but subsequently returned is not a “school dropout” for youth eligibility purposes [TEGL 21-16].

Eligible migrant and seasonal farmworker – An individual who is either an eligible migrant farmworker or an eligible seasonal farmworker [WIOA 167(i)]:

1. An **eligible seasonal farmworker** means either a low-income individual who meets both of the following conditions or a dependent of a low-income person who meets both of the following conditions:
 - a. For 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment and underemployment
 - b. Faces multiple barriers to economic self-sufficiency
2. An **eligible migrant farmworker** means either a low-income individual who meets all three of the following conditions or a dependent of a low-income person who meets all three of the following conditions:
 - a. For 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment and underemployment
 - b. Faces multiple barriers to economic self-sufficiency
 - c. The worker’s agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day

More information concerning the Migrant and Seasonal Farmworker Title I program may be found in 20 CFR 685.

Eligible spouse of a veteran – The spouse of any of the following [38 U.S.C. 4215(a), TEGL 10-09; TEGL 19-16]:

1. Any veteran who died of a service-connected disability
2. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - a. Missing in action
 - b. Captured in the line of duty by a hostile force
 - c. Forcibly detained or interned in the line of duty by a foreign government or power
3. Any veteran who has a total disability (100% rating) resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs

4. Any veteran who died while a total disability, as described in Condition #3 above, was in existence, whether or not that disability was the cause of death

Note: A spouse whose eligibility is derived from a living veteran or service member (i.e., categories 2 or 3 above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member. If a widow or widower remarries, however, such remarriage does not disqualify that individual from eligibility [TEGL 10-09].

Eligible veteran status – For reporting purposes, the various categories of eligible veteran status are defined as [TEGL 22-14, ETA 9172 – DOL PIRL Final - #301]:

1. <=180 – The applicant served in the active U.S. military, naval, or air service for a period of less than or equal to 180 days and was discharged or released from such service under conditions other than dishonorable.
2. Eligible Veteran - the applicant meets one of the following criteria:
 - a. Served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge
 - b. Was discharged or released because of a service-connected disability
 - c. As a member of a reserve component under an order to active duty pursuant to section 167(a), (d), or (g), 673 (a) or Title 10, U.S.C., served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge
3. Other Eligible Person - the applicant is at least one of the following:
 - a. The spouse of any person who died on active duty or of a service-connected disability
 - b. The spouse of any member of the Armed Forces serving on active duty who, at the time of application for WIOA assistance, is listed, pursuant to 38 U.S.C. 101 and the regulations issued there under, by the Secretary concerned, is one or more of the following categories and has been so listed for more than 90 days:
 - i. Missing in action
 - ii. Captured in the line of duty by a hostile force
 - iii. Forcibly detained or interned in the line of duty by a foreign government or power
 - c. The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability
 - d. The spouse of a veteran who died while a total disability was in existence

Employed – See Employment Status

Employment Status – The various categories of employment are defined as [ETA 9172 – DOL PIRL Final - #400; TEGL 10-16]:

1. Employed – the applicant fits one of the following categories:
 - a. Performing any work at all as a paid employee, not subsidized by WIOA funds
 - b. Performing any work at all on his or her own business, profession, or farm
 - c. Working at least 15 hours per week as an unpaid worker in an enterprise operated by a member of the family or the applicant/participant
 - d. Is not working, but has a job or business from which he or she is temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off and whether or not seeking another job.

Note: A participant who is in the military, is in a Registered Apprenticeship program, or is self-employed is considered as employed [TEGL 10-16].

2. Employed, but received notice of termination of employment or military separation – the applicant is employed and also fits one of the following categories:
 - a. Has received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN) or another notice that the facility or enterprise will close
 - b. Is a transitioning service member (i.e., within 12 months of separation or 24 months of retirement)
3. Not in labor force - the applicant is not employed and is not actively looking for work, including if he/she is incarcerated
4. Unemployed – the applicant is not employed (as defined above) but is seeking employment, is making specific efforts to find a job, and is available for work

English language acquisition program – A program of instruction that [34 CFR 463.31; TEGL 19-16]:

1. Is designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language, and
2. Leads to either
 - a. Attainment of a secondary school or its recognized achievement and transition to postsecondary education and training, or
 - b. Employment

English language learner – an individual who has limited ability in reading, writing, speaking or comprehending the English language and either (a) whose native language is a language other than

English or (b) who lives in a family or community environment where a language other than English is the dominant language [WIOA § 203(7); TEGL 21-16].

Entrepreneurial skills training – Training that develops the skills associated with starting and operating a small business. Such skills may include, but are not limited to, the ability to [20 CFR 681.560(a)]:

1. Take initiative
2. Creatively seek out and identify business opportunities
3. Develop budgets and forecast resource needs
4. Understand various options for acquiring capital and the trade-offs associated with each option
5. Communicate effectively and market oneself and one's ideas

Approaches to teaching youth entrepreneurial skills include, but are not limited to [20 CFR 681.560(b)]:

1. Entrepreneurship education that provides an introduction to the values and basics of starting and running a business, including the development of a business plan and simulations of business start-up and operation
2. Enterprise development that provides supportive systems and services that incubate and help youth develop their own businesses, help youth access small loans or grants needed to begin business operation, and provide individualized attention to the development of viable business ideas
3. Experiential programs that provide youth with experience in the day-to-day operation of a business by either developing and managing a youth-run business or working with adult entrepreneurs in the community

Exit date for participants – See **Common Exit Date**

Exit date for Reportable Individuals – For tracking purposes, the date of “exit” for a reportable individual from a WIOA Title I Adult, Dislocated Worker, or Youth program or WIOA Title III Employment Service program is determined by an individual’s meeting all three of the following numbered criteria [TEGL 10-16]:

1. The individual does not become a participant.
2. The individual is served under WIOA titles I or III through receipt of services that do not result in the individual’s becoming a participant.
3. The individual has had 90 days elapse since being identified as a reportable individual, and the individual has not received additional self-service or information-only services or activities during that 90-day time period.

The date of exit for reportable individuals cannot be determined until 90 days have elapsed since the reportable individual last received WIOA Title I or III service that does not trigger participation, with no

future services scheduled. At that point, the date of exit is applied retroactively to the last date of receipt of such services [TEGL 19-16].

Ex-offender – See “offender” [TEGL 19-16]

Family – Unless stated otherwise, for the purposes of WIOA Title I-B, a “family” is two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one of more of the following categories [20 CFR 675.300]:

1. A married couple and dependent children
2. A parent or guardian and dependent children
3. A married couple

In compliance with comments in the Final Rule concerning 20 CFR 681.250, the definition of “dependent child” follows the IRS guidelines for claiming a qualifying child on a tax return. A dependent child is a child who meets all of the following requirements:

- Is the married couple’s, parent’s, or guardian’s child or stepchild (whether by blood or adoption), foster child, sibling or stepsibling, or a descendant of one of these
- Has the same principal residence as the married couple, parent, or guardian for more than half the previous year (Exceptions: children of divorced or separated parents with joint custody, kidnapped children, absences due to college attendance, and children who were born or adopted or otherwise were added to the family during the year
- At the time of eligibility determination, was (a) under the age of 19, (b) under the age of 24 and a full-time student or between semesters, or (c) any age if totally disabled
- Did not provide more than one-half of his/her own support for the year
- If married, did not file a joint tax return with the child’s spouse

Financial literacy education – May include activities which [20 CFR 681.500]:

1. Support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions
2. Support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards
3. Teach participants about the significance of credit reports and credit scores, what their rights are regarding their credit and financial information, how to determine the accuracy of a credit report and how to correct inaccuracies, and how to improve or maintain good credit
4. Support a participant’s ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions

5. Educate participants about identity theft, ways to protect themselves from identity theft, and how to resolve cases of identity theft, in addition to helping them understand their rights and protection related to personal identity and financial data
6. Support activities that address the particular financial literacy needs of non-English speakers, including providing support through the development and distribution of multilingual financial literacy and education materials
7. Provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as by access to safe and affordable financial products that enable money management and savings
8. Implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high quality, age-appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance, tools, and instruction.

Gender – Socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women [TEGL 37-14].

Gender identity – A term that refers to one’s internal sense of one’s own gender. It may or may not correspond to the sex assigned to a person at birth, and may or may not be made visible to others [TEGL 37-14]

High poverty area – Youth are considered to be low-income for eligibility purposes if they live in a high-poverty area [WIOA §129(a)(2); 20 CFR 681.260]. As related to Arkansas, DOL defines “high poverty area” as a Census tract, a set of continuous Census tracts, or a county that has a poverty rate of at least 25%, as identified by the American Community Survey 5-Year data [20 CFR 681.260], using the number of low-income individuals in the specific area divided by the total number of individuals [Comments in WIOA Final Rule concerning §684.130]. ADWS will issue the list of counties and census tracts designated as high poverty areas as appropriate.

The U.S. Census Bureau provides an individual address search tool to find the census tract number that corresponds with an address. This tool is located at <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> on the lower right side of the screen.

Homeless individual [WIOA § 3(24)(G)] – An adult or youth who meets the definition of “homeless,” as defined in section 41403(6) of the Violence Against Women Act of 1994 [42 U.S.C. 14043e-2(6)] or a child or youth, as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11434a]. For the purposes of WIOA Title I-B, a homeless individual is an adult or youth who lacks a fixed, regular, and adequate nighttime residence [42 U.S.C. 11434a(2) & 14043e-2(6)(A)]. This definition includes, but is not limited to, an adult or youth who [42 U.S.C. 14043e-2(6)(B); 42 U.S.C. 11434a(2)(B)]:

1. Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason

2. Is living in a motel, hotel, or campground due to the lack of alternative adequate accommodations
3. Is living in an emergency or transitional shelter
4. Is abandoned in a hospital
5. Is waiting foster care placement
6. Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, a park, abandoned buildings, substandard housing, a bus or train station, or similar setting (e.g., airport or camping ground) [TEGL 19-16]
7. Is a migratory child who, in the preceding 36 months, was required to move from one school district to another due to changes in the parent's or parent's spouse's seasonal employment in agriculture, dairy, or fishing work [TEGL 19-16].
8. The definition of "homeless" also includes an individual who has a primary night time residence that is [TEGL 22-15]:
 - a. A publicly or privately operated shelter for temporary accommodation
 - b. An institution providing temporary residence for individuals intended to be institutionalized
9. The definition also includes a person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of his or her family (i.e. runaway youth) [TEGL 22-15; TEGL 19-16].

This definition does **NOT** include [TEGL 22-15; TEGL 19-16]:

1. An individual imprisoned or detained under an Act of Congress or State law
2. An individual who may be sleeping in a temporary accommodation while away from home

Homeless veteran – For reporting purposes, an individual who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable, and who lacks a fixed, regular, and adequate night-time residence, as described in "homeless individual" [ETA 9172 – DOL PIRL Final #308]

Incumbent worker and **Incumbent worker training** – See ADWS Policy No. WIOA I-B 3.6 (*Incumbent Worker Training*).

In-demand industry sector or occupation – One of the following [WIOA § 3(23)(A)]

1. An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or

local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses or the growth of other industry sectors

2. An occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate

The determination of whether an industry sector or occupation is in-demand is made by the AWDB or LWDB, as appropriate, using state and regional business and labor market projections, including the use of labor market information [WIOA §3(23)(B)].

In-school youth – An individual who, at the time of eligibility determination, is not younger than age 14 or older than age 21, is attending or enrolled in school, meets common eligibility requirements, is low-income, and has one of a list of barriers to successfully obtaining appropriate employment. Details concerning eligibility requirements are in ADWS Policy No. I-B – 2.5 (*Eligibility for In-School Youth Program*).

Individual employment plan (IEP) – A plan developed by a participant and a case manager that identifies the appropriate employment goals, achievement objectives, and combination of services required for the participant to achieve the employment goals. This plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goal. The plan may contain the chosen career pathway and steps to achieve the goals along the path [WIOA § 134(c)(2)(A)(XII)(II); TEGL 19-16]. (This term is not to be confused with an Individualized Educational Plan [IEP] required by federal law for every public school child receiving special education services [34 CFR 300.347]. The term also is not to be confused with an Individualized Plan for Employment [IPE] required by federal law for eligible individuals receiving vocational rehabilitation services [34 CFR 361.45].)

Individual with a barrier to employment – A member of one or more of the following populations [WIOA § 3(24); TEGL 19-16]:

3. Displaced homemakers, as defined in ADWS Policy No. WIOA I-B – 2.4 (*Eligibility for Dislocated Worker Program*)
4. Low-income individuals, as defined in this policy
5. Indians (as defined in 25 U.S.C 450b), Alaska Natives (as defined in 43 U.S.C 1602(b),(r)), and Native Hawaiians (as defined in 20 U.S.C 7517)
6. Individuals with disabilities, including youth who are individuals with disabilities, as defined in this policy
7. Older individuals, defined as age 55 or older [WIOA § 3(39)]
8. Ex-offenders or offenders [TEGL 19-16], as defined in this policy

9. Homeless individuals, including homeless children and youth, as defined in this policy
10. Youth who are in or have aged out of the foster care system
11. Individuals who are English language learners, as defined in this policy
12. Individuals who have low levels of literacy (i.e. Basic Skills deficient [TEGL 19-16])
13. Individuals facing substantial cultural barriers to employment, as defined in this policy
14. Eligible migrant and seasonal farmworkers, as defined in this policy
15. Individuals within 2 years of exhausting lifetime eligibility under TANF (See 42 U.S.C. 601 et seq.)
16. Single parents (custodial and non-custodial, mothers and fathers) and single pregnant women [TEGLs 19-16 & 21-16; Comments to the Final Rule indicate that DOL considers both custodial and non-custodial criteria to apply to all ages.]
17. Long-term unemployed individuals, as defined as a person who has been unemployed for 27 or more consecutive weeks [TEGL 19-16]. The person must have also have been available for work and making specific efforts to find a job during that time to be classified as “unemployed” [TEGL 22-14].
18. Such other groups as the Governor and/or the local Workforce Development Board (LWDB) determines to have barriers to employment. (Groups determined by LWDBs must be identified in the local plan.)

Individual with a disability – An individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) [WIOA § 3(25)]:

An individual who has both of the following:

1. A physical or mental impairment that substantially limits one or more major life activities of the individual
2. Either a record of such impairment or being regarded as having such an impairment

“Major life activities” include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

“Regarded as having such an impairment” means that an individual has established that he or she has been subjected to an action prohibited by the Americans with Disabilities Act (ADA) because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This definition does not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

The definition of “disability” shall be construed in accordance with the following:

1. The definition of “disability” shall be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the definition.
2. The term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADA Amendments of Act 2008.
3. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
4. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
5. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as:
 - a. Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies. (“Ordinary eyeglasses or contact lenses” mean lenses that are intended to fully correct visual acuity or eliminate refractive error. “Low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.)
 - b. Use of assistive technology
 - c. Reasonable accommodations or auxiliary aids or devices
 - d. Learned behavioral or adaptive neurological modifications
6. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major activity.

Note: An individual who receives Social Security Disability Insurance is considered to be an “individual with a disability” [TEGL 19-16].

Individual facing substantial cultural barriers to employment – An individual who perceives that his or her attitudes, beliefs, customs, or practices that influence a way of thinking, acting or working that may serve as a hindrance to employment [ETA 9172 – DOL PIRL Final - #805].

Institution of higher education – An institution that meets the criteria in 20 U.S.C. 1001, 1002(a)(1) [WIOA 3(28)].

Integrated education and training – A service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement [34 CFR 463.35].

Leadership development opportunities – Opportunities that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors, such as [20 CFR 681.520]:

1. Exposure to postsecondary educational possibilities
2. Community and service learning projects
3. Peer-centered activities, including peer mentoring and tutoring
4. Organizational and team-work training, including team leadership training
5. Training in decision-making, including determining priorities and problem solving
6. Citizenship training, including life skills training, such as parenting and work behavior training
7. Civic engagement activities that promote the quality of life in a community
8. Other leadership activities that place individual in leadership roles

Literacy – An individual’s ability to read, write, and speak in English, and to compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society [20 CFR 675.300].

Local WDB (LWDB) – A Local Workforce Development Board (WDB) established under WIOA § 107 to set policy for the local workforce development system [20 CFR 675.300].

Long-term unemployed – For the purposes of “individual with barriers to employment,” “long-term unemployed” is defined as a person who has been unemployed for 27 or more consecutive weeks [TEGL 19-16]. The person must also have been available for work and making specific efforts to find a job during that time to be classified as “unemployed” [TEGL 22-14].

Other definitions may be applied for other WIOA purposes, as determined by State and DOL policies concerning those purposes.

Low-income individual – A person who meets any of the following requirements [WIOA § 3(36)(A)]:

1. Either an individual or part of a family (see definition of “family”) that receives or has received in the last 6 months assistance through:
 - a. SNAP (Individual must be listed as the case head or in the caseload)
 - b. Any TANF program giving cash public assistance (TEA or Work Pays, if in Arkansas)
[<http://dws.arkansas.gov/Programs/TANF>]
 - c. SSI (Supplemental Security Income, established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.))

- d. Other state or local income-based cash public assistance
2. Is in a family with total family income no higher than one of the following:
 - a. The poverty line (Note income exclusions below)
 - b. 70% of the LLSIL (Note income exclusions below)

Notes:

In using the LLSIL as a poverty guideline, be sure to select Metro or Non-metro, as appropriate for the county of residence of the applicant.

In selecting whether to use the poverty line or 70% of the LLSIL, use the greater of the two limits.

In calculating the family income and its relationship to the poverty line and the LLSIL, the number of people in the family shall be the number of family members living in the residence at the time of application. (See definition of “family” in this policy. If an individual is not living in a single residence with other family members (see definition of “family”), that person is not a member of a family for the purpose of WIOA income calculations, and only the individual’s income is included in determination of low-income status [TEGL 21-16].

The calculation of income will include all family income, except:

- Cash payments under a federal, state or local income-based public assistance program [TEGL 22-15]. This exclusion includes TANF, SSI, and SNAP. (Of course, if a family receives these payments, the applicant qualifies as low-income under condition #1 above.)
- Military pay or allowances of an individual who served on active duty. Amounts paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, compensation for service-connected disability or death, dependency and indemnity compensation for service-connected deaths, training and rehabilitation for veterans with service-connected disabilities, survivors’ and dependents’ educational assistance, and VA educational assistance from related VA-funded programs are not to be considered as income [20 CFR 680.650; 20 CFR 683.230; 38 U.S.C. 4213; TEGLs 10-09 & 19-16]. Note that pension payments, whether or not their retirement was based on disability, are not exempt and are to be included in “low income” calculations [TEGL 10-09]. (See 38 U.S.C. 4213 for more information.)
- Financial Assistance under Title IV of the Higher Education Act (Pell grants, Supplemental Educational Opportunity Grants, and Federal Work Study)
- Needs-based scholarships
- Loans, including student loans
- One-time receipts and payments, such as tax refunds, gifts, lump-sum inheritances, one-time insurance payments, one-time compensation for injury awards, and severance pay
- Sale of property, including house, car, land etc.
- Assets drawn down as withdrawals from a bank or investment account

- Non-cash employer benefits, such as health insurance, contributions to pensions, food, or housing
- Non-cash government benefits, such as Medicaid, school meals, and housing
- WIOA allowances and earnings, other than On-the-job Training and Registered Apprenticeships
- Foster care payments
- Assistance from Arkansas Job Center Partners, including Job Corps, ARS, MSFW and TAA, except as listed below.
- Cash payments received under Title V of the Older American's Act
- Payments received under the Trade Readjustment Act of 1974
- Refugee Cash Assistance (Refugee Assistance Act of 1980)
- Stipends received in the following programs: VISTA, Peace Corps, Foster Grandparent Program, YouthWorks/AmeriCorps Program, and Retired Senior Volunteer Program

All other income is included in the family income calculation, including:

- Gross unsubsidized monetary compensation for work, such as wages, tips, salary, commissions, or fees (amount before taxes and deductions)
- Income from On-the-Job Training and Registered Apprenticeships, even if placed in those positions by WIOA or partner programs
- Net receipts from self-employment (receipts from business income after deductions for business expenses)
- Social Security old-age and survivor's benefits *[TEGL 19-16]*
- Unemployment compensation *[TEGLs 19-16 & 22-16]*
- Child support payments *[TEGLs 19-16 & 22-16]*
- Alimony payments
- Military pension payments, whether or not they are based on disability *[TEGL 10-09]*
- Other pensions, whether private or government
- Regular insurance payments, including Social Security Disability (Title II) Insurance payments and railroad retirement
- Regular payments from trusts, mineral rights, dividends, and other such regular payments
- Merit-based scholarships, grants, fellowships, and assistantships (without need requirements)

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.

3. Is a homeless individual, as detailed in the definition in this policy and generally defined as an individual who lacks a fixed, regular, and adequate nighttime residence
4. Receives or qualifies to receive free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) [20 CFR 681.270]. This criterion also applies to an OSY parent of an ISY who receives free or reduced-price lunch if the parent lives in the same household as the ISY [TEGL 21-19]. In schools where the entire school automatically receives free or reduced price lunch, low-income status is based on an individual student's eligibility to receive free or reduced-price lunch or on meeting one of the other low-income categories under WIOA [TEGL 21-16].
5. Is a foster child on behalf of whom state or local government payments are made
6. Is an individual with a disability whose income is no higher than the poverty line or 70% of the LLSIL for an individual (Criterion #2 above), but whose family does not meet the requirement for the family [20 CFR 680.640 & 681.280]. For an adult, this definition is extended to an individual with a disability whose income meets the income criteria for cash payments under any Federal, State or local public assistance program (Criterion #1 above) [20 CFR 680.640].
7. For the purposes of the Youth programs, an individual is considered to be low-income if he/she lives in a high poverty area (see definition in this policy).

Lower living standard income level (LLSIL) – An income level determined annually by the Secretary of Labor to represent the lower living family budget, based on family size and geographic area. Guidance is issued each year by ADWS concerning income levels and concerning which counties are considered to be “Metro.” Information is also available at <https://www.doleta.gov/lisil> [WIOA § 3(36)(B); DOL website].

Measurable skill gain – for the purposes of performance indicators, a measurable skills gain is defined as documented academic, technical, occupation, or other forms of progress towards a credential or employment. It is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs. Depending on the type of education or training program in which a participant is enrolled, documented progress is defined as one of the following [TEGL 10-16]:

1. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary educational level. Educational functioning level gain may be measured in one of three ways [TEGL 10-16]:
 - a. A pre-test and post-test, using a test on the list of tests the Secretary of Education determines to be suitable for use in the National Reporting System for Adult Education (80 Fed. Reg. 48304(August 12, 2015))
 - b. The awarding of credits or Carnegie units, if the participant is in an adult high school program that leads to a secondary school diploma or its recognized equivalent,

- c. Exiting a program below the postsecondary level (such as a basic education program) and enrolling in postsecondary education and training during the program year.
2. Documented attainment of a secondary school diploma or its recognized equivalent. Attainment of the skill gain is measured by (a) obtaining certification of attaining passing scores on all parts of a State-recognized high school equivalency test or (b) obtaining a diploma or State-recognized equivalent documenting satisfactory completion of secondary studies or an alternate diploma, including a high school or adult secondary school diploma, that meets the requirements under the ESEA, as amended by the ESSA [TEGL 10-16].
3. Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit's academic standards. For secondary education, the student must achieve at least the State's minimum standards for academic success for one semester. For postsecondary education, this gain must equal at least 12 credit hours per semester or, for part-time students, a total of at least 12 hours over the course of two completed consecutive semesters during the program year. [TEGL 10-16].
4. Satisfactory or better progress report towards established milestones such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, as determined by an employer or training provider who is providing training. Progress reports from the employer or training provider must document substantive skill development that the participant has achieved. The reports may include satisfactory or better progress, milestones completed, mastering of required job skills or steps toward completing the OJT or apprenticeship program, and/or pay increases resulting from newly acquired skills or increased performance [TEGL 10-16].
5. Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks, such as knowledge-based exams. Documentation for this gain may include passage of a component exam in a Registered Apprenticeship program, employer-required knowledge-based exam, satisfactory attainment of an element on an industry or occupational competency-based assessment, or other completion test necessary to obtain a credential [TEGL 10-16].

Nontraditional employment – Occupations or fields of work, for which individuals from the gender involved comprise less than 25% of the individuals employed in each such occupation or field of work [WIOA § 3(37)]

Obligations – When used in connection with a non-Federal entity's utilization of funds under a Federal award, such as a Program Provider using WIOA Title I-B funds, "obligations" means orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or future period [20 CFR 675.300]. The funds are not obligated until the order is placed or the contract is made.

Occupational skills training – An organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Local areas must give priority consideration to training

programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the local area. Such training must [20 CFR 681.540]:

1. Be out-come oriented and focused on an occupational goal specified in ISS or IEP
2. Be of sufficient duration to impart the skills needed to meet the occupational goal
3. Lead to the attainment of a recognized postsecondary credential
4. Meet the quality standards in WIOA § 123

More information on occupational skills training is found in ADWS Policy No. WIOA 1-B – 3.3 (*Occupational Skills Training*).

Offender – An adult or youth who meets one of the following criteria [WIOA § 3(38); TEGL 21-16]:

1. Is or has been subject to any stage of the criminal justice process (juvenile and/or adult) for committing a status offense or delinquent act
2. Requires assistance in overcoming barriers to employment resulting from a record of arrest or conviction for committing delinquent acts, such as crimes against persons, crimes against property, status offenses, or other crimes

Older individual – An individual age 55 or older [WIOA § 3(39)]

One-stop partner or American Job Center partner – Entities that carry out the following programs [WIOA §§ 3(42) & 121(b); A.C.A. 15-4-3703(3)]:

1. Youth, Adult, and Dislocated Worker programs funded by the Workforce Innovation and Opportunity Act of 2014
2. Adult education and literacy activities
3. Employment services funded by the Wagner-Peyser Act (29 U.S.C. 49 et seq.)
4. Services provided under Title I of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), other than 29 U.S.C. 112 [repealed], 732, or 741. (ARS & DSB)
5. Activities authorized under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.)
6. Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (20 U.S.C. 2301 et seq.)
7. Activities authorized under Part 2 of Subchapter II of the Trade Act of 1974 (TAA; 19 U.S.C.2271 et seq.)
8. Activities authorized under Chapter 41 of Title 38, United States Code (VETS)
9. Employment and training activities carried out by the United States Department of Housing and Urban Development

10. Programs authorized under state unemployment compensation laws
11. Programs authorized under Section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532)
12. Programs authorized under Part A of Title IV of the Social Security Act (42 U.S.C. et seq.), subject to subparagraph C. (TANF)
13. Other entities described in WIOA § 121(b)(2), with the approval of the LWDB and chief elected official(s)

On-the-job training – Training by an employer and provided to a participant while engaged in paid productive work in a job that meets all of the following criteria [WIOA § 3(44)]:

1. Provides knowledge or skills essential to the full and adequate performance of the job
2. Is made available through a program that provides reimbursement to the employer of up to 50% of the wage rate of the participant for the extraordinary costs of providing the training and additional supervision related to the training (see reimbursement exception in ADWS Policy No. WIOA 3.4 *On-the-Job Training*)
3. Is limited to the time appropriate for training the individual in the occupation, considering the content of the training, the prior work experience of the participant, and the service strategy of the participant

More information on on-the-job training is found in ADWS Policy No. WIOA 1-B – 3.4 (*On-the-Job Training*).

Out-of-school youth – An individual who, at the time of eligibility determination, is not younger than age 16 or older than age 24, is not attending or enrolled in school, meets common eligibility requirements, and has one of a list of barriers to successfully obtaining appropriate employment. Details concerning eligibility requirements are in ADWS Policy No. 1-B – 2.6 (*Eligibility for Out-of-School Youth Program*).

Participant – An individual is considered a participant for the Adult and Dislocated Worker accountability measures when he/she has satisfied all applicable programmatic requirements for the provision of services (i.e., is determined eligible for the program) and then receives another WIOA Title I-B service other than self-service or information-only [20 CFR 677.150(a)(1) & 680.110(b); TEGLs 10-16 & 19-16]. A reportable individual is considered a participant for the youth accountability measures when the youth has satisfied all applicable program requirements for provision of services, including eligibility determination, an objective assessment, and development of an individual service strategy, and has received one of the fourteen WIOA Youth program elements identified in WIOA § 129(c)(2) [20 CFR 677.150(a)(2); TEGL 10-16].

Self-service occurs when an individual independently accesses any workforce development system program's information and activities in either a physical location, such as a one-stop center resource room or partner agency, or remotely via the use of electronic technologies [TEGL 19-16]. Information-only services or activities provide readily available information that does not require an assessment by a staff

member of the individual's skills, education, or career objectives [TEGL 19-16]. Basic career services that trigger "participation" are [TEGL 19-16]:

- Initial assessment of skill levels & supportive service needs
- Staff-assisted job search
- Staff-assisted placement assistance and referral to employment, when a specific individual or group of individuals is referred to a specific job or jobs (Simple searches of job boards or automated emails are not considered to be referrals to employment, because they are informational by nature and contain publicly available information.)
- Staff-assisted career counseling
- Provision of information and meaningful assistance filing for UI
- Assistance establishing eligibility for financial aid

Because these services trigger "participation," program eligibility must be determined before WIOA Title I-B staff may provide these basic services.

The WIOA Title I-B enrollment date is the date an individual becomes a WIOA title I-B participant (i.e. receives first service requiring participation for an adult or dislocated worker or receives first program element for a youth.) The participation date is the date an individual becomes a participant for any DOL-sponsored WIOA program.

Participant statement – See **Self-attestation, self-certification, participant statement, or applicant statement** in this policy

Participant Individual Record Layout (PIRL) – The data outlay that provides a standardized set of data elements, definitions, and reporting instructions that will be used to describe the characteristics, activities, and outcomes of WIOA participants [TEGL 10-16].

Pay-for-Performance Contract Strategies – A procurement strategy that uses pay-for-performance contracts in the provision of Adult and Dislocated Worker training services or Youth Program Elements and includes all of the following [WIOA § 3(47)]:

1. Contracts, each of which must specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider that is eligible under WIOA § 122 or 123, as appropriate) based on the achievement of specified levels of performance described in WIOA § 166(b)(2)(A) for target populations as identified by the local board (including individuals with barriers to employment), with a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training
2. A strategy for independently validating the achievement of the performance described in Requirement #1 above

3. A description of how the State or local area will reallocated funds not paid to a provider because the achievement of the performance described in Requirement #1 above did not occur, in accordance with WIOA § 107(c)(4)(B)(i)

No more than 10% of the local funds may be spent on pay-for performance contract strategies [TEGL 19-16].

Positive social and civic behaviors – Outcomes of leadership opportunities and may include the following [20 CFR 681.530]:

1. Positive attitudinal development
2. Self-esteem building
3. Openness to work with individuals from diverse backgrounds
4. Maintaining healthy lifestyles, including being alcohol-free and drug-free
5. Maintaining positive social relationships with positive adults and peers
6. Contributing to the well-being of one's community, including voting
7. Maintaining a commitment to learn and to academic success
8. Avoiding delinquency
9. Positive job attitudes and work skills

Poverty line (poverty level) – The poverty line defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved [WIOA §3(49)].

Pre-apprenticeship program – A program designed to prepare individuals to enter and succeed in a registered apprenticeship program and includes all of the following elements [20 CFR 681.480]:

1. Training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved
2. Access to educational and career counseling and other supportive services, directly or indirectly
3. Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career
4. Opportunities to attain at least one industry-recognized credential
5. A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program

More information on pre-apprenticeships is found in ADWS Policy No. WIOA 1-B – 3.5 (Registered Apprenticeships).

Public assistance - Federal, state, or local government cash payments for which eligibility is determined using a needs or income test [WIOA § 3(50)].

Relative - For the purposes of nepotism, “relative” is defined as husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, stepdaughter, stepson, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew, or niece [A.C.A. § 25-16-1001(3)].

Registration – The process for collecting information to support a determination of eligibility under WIOA Title I [20 CFR 680.110 & 675.300]

Reportable individual – An individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including an individual who [20 CFR 677.150; TEGL 10-16]:

1. Provides identifying information
2. Uses only the self-service system
3. Receives only information-only services or activities

An individual who completes and submits an application for Title I-B services is considered a reportable individual, and information about that individual must be reported in AJL, whether or not the person is eligible for services or receives other services [TEGL 10-16]. Applications must be kept for monitoring purposes.

Runaway youth – A person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of his or her family. A runaway youth is categorized as homeless [TEGLs 22-15; 19-16].

School status at participation – For reporting purposes, “school status at participation” is divided into six categories. Status is actually determined at the time of eligibility determination, and not necessarily at the date of participation, especially for Youth. Because the process of Youth program enrollment can occur over a period of time, school status must be based on the applicant’s status at the time the eligibility-determination portion of program enrollment is made [TEGL 21-16]. The six categories are [ETA 9172 – DOL PIRL #409]:

1. In-school, secondary school or less – the individual has not received a secondary school diploma or its recognized equivalent and is attending any primary or secondary school (including

elementary, intermediate, and junior high school, whether full-time or part-time, or is between school terms and intends to return to school.

2. In-school, alternative school – the individual has not received a secondary school diploma or its recognized equivalent and is attending an alternative high school or an alternative course of study approved by the local educational agency, whether full-time or part-time, or is between school terms and intends to return to school.
3. In-school, postsecondary school – the individual has received a secondary school diploma or its recognized equivalent and is attending a postsecondary school or program, whether full-time or part-time, or is between school terms and intends to return to school. Any credit-bearing postsecondary education classes, including credit-bearing community college classes and credit-bearing continuing education classes, are considered “school” [TEGL 21-16].
4. Not attending school /secondary school dropout – the individual is not within the age of compulsory school attendance, is no longer attending any school, and has not received a secondary school diploma or its recognized equivalent.
5. Not attending school / high-school graduate – the individual is no longer attending any school and either has graduated from high school or has attained a secondary school equivalency. An individual who is enrolled in only non-credit-bearing postsecondary classes is not considered as attending postsecondary school [TEGL 21-16].
6. Not attending school / within age of compulsory school attendance – the individual is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter and has not received a secondary school diploma or its recognized equivalent. (See “Age of compulsory school attendance” in this policy for the definition of and the exemptions to the “age of compulsory school attendance” in Arkansas.)

Second Chance Act – The Second Chance Act of 2007 authorizes federal funding for programs that help people leaving prison reenter their communities so that they do not reoffend. Entities administering the reintegration of offender program authorized under Section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532) are required one-stop partners [WIOA § 103(a)(2)(K); 20 CFR 361.400(b)(12); 20 CFR 463.400(b)(12); 20 CFR 678.400(b)(12)].

Secondary school diploma – A high school diploma recognized by a State and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) [TEGL 10-16].

Self-attestation, self-certification, participant statement, or applicant statement – These terms may be used interchangeably to mean a document by an individual stating his or her status in a particular situation or attesting that the information submitted for eligibility is true and accurate. The document must include [20 CFR 675.300; TEGL 22-15]:

1. The individual’s identifying his or her status for permitted elements, and

2. The individual's signing and dating a form attesting to this self-identification.

The form and signature may be either on paper with a written signature or in the state management system with an online signature. A signed and dated application is also considered self-attestation, although more details may be needed for particular circumstances. As appropriate, the statement (or attestation or certification) should indicate details of particular situations or information.

Self-certification - See **Self-attestation, self-certification, participant statement, or applicant statement** in this policy

Self-sufficiency – Local Workforce Development Boards must develop the definition of “self-sufficiency” or the process to determine self-sufficiency for the particular areas [WIOA § 134(d)(1)(A)(x)].

Service connected disability or death – The disability was incurred or aggravated or the death resulted from a disability incurred or aggravated, while an individual was in the line of duty in the active military, naval, or air service [TEGL 19-16].

Sex – A characteristic assigned at birth based on a combination of an infant's biological characteristics [TEGL 37-14].

Substantial layoff – In compliance with the Worker Adjustment and Retraining Notification (WARN) Act and for the purpose of determining eligibility as a dislocated worker, the State of Arkansas defines a “substantial layoff” or “mass layoff” as 50 or more employees or 33% of the workforce, whichever is less – not including employees who have worked for less than 6 months in the last 12 months and those who work an average of less than 20 hours a week.

Supportive services – Services that are necessary to enable an individual to participate in WIOA Title I-B activities [WIOA 3(59)]. For more details, see ADWS Policies No. WIOA I-B – 3.1 (*Services for Adults and Dislocated Workers*), WIOA I-B – 3.2 (*Services for Youth*), and WIOA I-B – 3.9 (*Supportive Services*).

SNAP Employment and Training Program - A program administered by the Arkansas Department of Human Services, Division of County Operations, Office of Program Planning and Development, SNAP Section, and implemented under individual contracts with adult education centers, public schools, vocational schools and community colleges. The program consists of one or more work, training, education or job search components [Arkansas WIOA Combined State Plan].

Transgender – A term that refers to people whose gender identity, expression, or behavior is different from that typically associated with their assigned sex at birth. Transgender is a broad term and an

acceptable descriptive term for non-transgender people to use. “Transgender” is correctly used as an adjective, not as a noun; thus “transgender people” is appropriate, but “transgenders” is often viewed as disrespectful [TEGL 37-14].

Transgender woman – A term that refers to a person whose assigned sex at birth was male but whose gender identity is female [TEGL 37-14].

Transgender man – A term that refers to a person whose assigned sex at birth was female but whose gender identity is male [TEGL 37-14].

Temporary Assistance for Needy Families (TANF) – Federal funds provided to states under part A of title IV of the Social Security Act – 42 U.S.C. 1381 et seq. The purposes of the funds are to:

- Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives
- End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage
- Reduce the incidence of out-of-wedlock pregnancies
- Encourage the formation and maintenance of two-parent families

Income-based TANF programs in Arkansas are TEA, Work Pays, and Career Pathways, but only TEA and Work Pays give cash assistance [<http://dws.arkansas.gov/Programs/TANF/>].

Transitional Employment Assistance (TEA) – Arkansas program funded by TANF and administered by ADWS. TEA provides time-limited cash assistance to needy families with (or expecting) children. TEA also provides parents with training and other supportive services needed to attain permanent self-sufficiency. In addition, TEA provides assistance to children being cared for by non-parental guardians [<http://dws.arkansas.gov/Programs/TANF/>].

Transitional Job – A time-limited work experience that is wage-paid and subsidized. Subsidized employment is provided in the public, private or non-profit sector for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history, as determined by the Local Workforce Development Board. Transitional jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment [20 CFR 680.190; TEGL 19-16]. For more information, see ADWS Policy No. WIOA I-B – 3.8 (*Work Experience*).

Transitioning service member – A person who is on active military duty status (including separation leave) with the U.S. armed forces and is within 24 months of retirement or is within 12 months of separation from the armed forces [ETA 9172 – DOL PIRL - #305].

Underemployed individual – Using the guidance given in TEGL 19-16, Arkansas defines an “underemployed individual” as someone who meets one of the following criteria:

1. Employed less than full-time and seeking full-time employment
2. Employed in a position that is inadequate with respect to their skills and training
3. Employed and meets the definition of a low-income individual
4. Meets the definition of a dislocated worker and is currently employed, but whose earnings in the current job are less than the earnings in the job from which the individual was terminated. The State does not set a time limit for the time between termination and eligibility determination for Dislocated Worker services, but the individual must have been unemployed or underemployed during this entire interval.

For WIOA Title I-B purposes, the definition of “underemployed” generally applies to the Dislocated Worker program. Underemployed Adults must meet low-income or basic-skills deficiency guidelines to meet statutory priorities for services [TEGL 19-16].

Unemployed – See **Employment status**.

Unliquidated obligations – For financial reports prepared on a cash basis, “unliquidated obligations” are obligations incurred, but not paid. For reports prepared on an accrual expenditure basis, “unliquidated obligations” are obligations incurred, but for which an expenditure has not been recorded [20 CFR 675.300].

Unobligated balance – The amount computed by subtracting the cumulative amount of the non-Federal entity’s unliquidated obligations and expenditures of funds under the Federal award from the cumulative amount of the funds that the Federal awarding agency or pass-through entity authorized the non-Federal entity to obligate [20 CFR 675.300].

Unsubsidized employment – employment in the private sector or public sector for which the employer does not receive a subsidy from public funds to offset all or part of the wages and costs of employing an individual [TEGL 10-16].

Veteran – For the purposes of implementing priority of service, a “veteran” is a person who served at least one day in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable [WIOA 3(63)(A); 38 U.S.C. 101(2); 38 U.S.C. 4215(a)(1)(A)]. 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 (i.e., that which often is 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, such as mobilization in response to events such as natural disasters [TEGL 10-9].

Work Experience (or Internship) – A planned, structured learning experience that takes place in a workplace for a limited period of time. Internships and other work experiences may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. An internship or other work experience may be arranged within the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists. Transitional Jobs are a type of work experience [20 CFR 680.180; TEGL 19-16].

Work Pays – An Arkansas post-employment program funded by TANF. Work Pays provides post-employment assistance to prior TEA participants. Participating families are eligible for supportive services and assistance as they transition into self-sufficiency [<http://dws.arkansas.gov/Programs/TANF/>].

Workforce preparation activities – Workforce preparation activities include activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in using resources, using information, working with others, understanding systems, as well as skills necessary for successful transition into and completion of postsecondary education/training or employment and other employability skills that increase an individual's preparation for the workforce [34 CFR 463.34; TEGL 19-16].