

# Arkansas

## WIOA Title I-B Policy Manual and Forms

Arkansas Workforce Development Board



## Introduction

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014 and became effective July 1, 2015. The passage of WIOA provides new authorizing legislation for programs previously authorized under the Workforce Investment Act (WIA). The WIOA is landmark legislation designed to strengthen and improve our nation's public workforce system and to help put Americans back to work. The WIOA presents an extraordinary opportunity to improve job and career options for our nation's workers and jobseekers through an integrated, job-driven public workforce system that links diverse talent to businesses through continuous improvement supported through evaluation, accountability, identification of best practices, and data-driven decision-making.

The vision of the Arkansas workforce development system is that Arkansas will have a world-class workforce that is well educated, skilled, and working in order to keep Arkansas's economy competitive in the global marketplace. The mission is to promote and support a talent development system in Arkansas that offers employers, individuals, and communities the opportunity to achieve and sustain economic prosperity.

WIOA Title I-B is a key component of the Arkansas workforce development delivery system. Title I-B includes the WIOA Adult, Dislocated Worker, and Youth programs. The vision for this delivery system is a quality focused, employer-driven, customer-centered system, tailored to meet the needs of regional economies. It is designed to increase access to, and opportunities for, the employment, education, training, and supportive services that individuals need in order to succeed in the labor market, particularly those individuals with barriers to employment. It aligns workforce development, education, and economic development programs with regional economic development strategies to meet the needs of local and regional employers, to provide a comprehensive, accessible and high-quality workforce development system. This is accomplished by providing all customers access to high-quality workforce development centers that connect them with the full range of services available in their communities, whether they are looking to find jobs, building basic educational or occupational skills, earning a postsecondary certificate or degree, obtaining guidance on how to make career choices, or are businesses and employers seeking skilled workers.

The purpose of the WIOA Title I-B Manual is to provide policy guidance and interpretation of Federal and State workforce laws, Federal regulations, and Federal guidance. Procedural guidance is also provided to assure consistency. It is not intended to provide comprehensive, step-by-step direction; such guidance should be developed at the local level. The manual is intended for use in conjunction with Federal and State laws and regulations. Every effort has been made to match this document to existing State and Federal policies and guidelines; however, if a conflict is identified, State and Federal laws, Federal regulations, and Federal technical guidance take precedence over the information in this manual.

This manual is intended for WIOA Title I-B only. The information in this manual may or may not apply to other titles and subtitles.

Staff should use this manual as a guide to provide clarity, information, and resources that can enhance and improve service delivery and performance at the local area. This document is a living document that will be updated and expanded regularly, especially as new Federal guidance is issued.

# WIOA Title I-B Policy Manual and Forms

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## Acronyms and Abbreviations

### **PURPOSE:**

The purpose of this section is to clarify acronyms and abbreviations used in Arkansas in connection with Title I-B of the Workforce Innovation and Opportunity Act of 2014.

### **ACRONYMS AND ABBREVIATIONS:**

AEFLA – Adult Education and Family Literacy Act

A.C.A. – Arkansas Code Annotated

ACC – Arkansas Community Colleges, formerly AATYC – Arkansas Association of Two-Year Colleges

ADHE – Arkansas Department of Higher Education

ADWS – Arkansas Department of Workforce Services (also sometimes referred to as DWS)

AHECB – Arkansas Higher Education Coordinating Board

ARC – Arkansas Research Center

AJL – Arkansas Job Link

AWDB – Arkansas Workforce Development Board

ARS – Arkansas Rehabilitation Services

BLS – Bureau of Labor Statistics

CBO – Community-based organization

CEO – Chief elected official

CFR – Code of Federal Regulations (Department of Labor regulations for WIOA are 20 CFR XXX.XXX, and Department of Education regulations for WIOA are 34 CFR XXX.XXX).

CTT – Career Technical Training

CPI or CP – Career Pathways Initiative (Sometimes called Career Pathways)

DLW – Dislocated Worker

DHS – Arkansas Department of Human Services

DOL – U.S. Department of Labor

ED – U.S. Department of Education  
EO – Equal opportunity  
ES – Wagner-Peyser Act Employment Service  
ESEA – Elementary and Secondary Education Act of 1965  
ESL – English-as-a-second language  
ESSA – Every Student Succeeds Act  
ETA – Employment and Training Administration of the U.S. Department of Labor [20 CFR 675.300]  
ETP – Eligible training provider  
ETPL – Eligible training provider list  
IEP – Individual Employment Plan  
FASFA – Free Application for Federal Student Aid (Required for most college financial aid, including Pell Grants)  
FERPA – Family Educational Rights and Privacy Act  
GED – General Educational Development  
GPA – Grade point average  
HEARTH – Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009  
HHS – Department of Health and Human Services (Arkansas Department of Human Services is DHS)  
HUD – U.S. Department of Housing and Urban Development  
ISY – In-school youth  
ITA – Individual Training Account  
LEP – Limited English proficiency  
LLSIL – Lower living standard income level, determined annually for individual areas by the Secretary of Labor  
LMI – Labor market information  
LWDA – Local Workforce Development Area  
LWDB – Local Workforce Development Board  
MOU – Memorandum of Understanding  
MSFW – Migrant and Seasonal Farmworker  
NEG – National Emergency Grant  
OA – Office of Apprenticeship  
OJT – On-the-job training  
OMB – Office of Management and Budget

OSY – Out-of-school youth

PIRL – WIOA Participant Individual Record Layout

PY – Program year

RA – Registered Apprenticeship Program

RFP – Request for Proposals

RFQ – Request for Qualifications

SCA – Second Chance Act

SDA – Service Delivery Area

SNAP – Supplemental Nutrition Assistance Program (often called food stamps) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)

SNAP E&T – SNAP Employment and Training Program

SSA – Social Security Administration or Social Security Act

SSDI – Social Security disability income

SSI – Supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.)

SSN – Social Security Number

State Board – State Workforce Development Board

TAA – Trade Adjustment Assistance

TANF – Temporary Assistance for Needy Families (part A of title IV of the Social Security Act – 42 U.S.C. 1381 et seq.). Programs funded in Arkansas by TANF are TEA, CPI, Work Pays, and Community Investment Initiative, but only TEA and Work Pays provide cash assistance  
*[<http://dws.arkansas.gov/Programs/TANF/>].*

TEA – Transitional Employment Assistance, an Arkansas program funded by TANF and administered by ADWS – Arkansas Department of Workforce Services. 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. TEA also provides assistance to children being cared for by non-parental guardians *[<http://dws.arkansas.gov/Programs/TANF/>].*

TEGL – Training and Employment Guidance Letter

TEN – Training and Employment Notice

UC – Unemployment compensation

UI – Unemployment insurance

U.S.C. – United States Code

VA – Department of Veterans Affairs

VETS – Veterans Employment and Training Service

VR – Vocational rehabilitation (In Arkansas, services are divided into DSB – Division of Services for the Blind and ARS – Arkansas Rehabilitation Services)

Wagner-Peyser – Wagner-Peyser Act of 1933. In Arkansas, this program is administered by ADWS.

WDB – Workforce Development Board (Forms of this acronym are AWDB – Arkansas Workforce Development Board, LWDB – Local Workforce Development Board, and the individual names of local workforce development boards)

WIA – Workforce Investment Act of 1998

WIOA – Workforce Innovation and Opportunity Act of 2014

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## 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, 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 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 are 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 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 8<sup>th</sup> 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 postsecondary 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, funded by TANF, and administered by ADHE & ADWS. Program helps Arkansas parents attend two-year colleges [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 college from either the FASFA statement or the website for the National Center of Education Statistics (NCES; [nces.ed.gov/ipeds](http://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 colleges, for full-time students for Fall and Spring semester. Information is often categorized by on-campus and off-campus students and by living with parents or not [[nces.ed.gov/ipeds](http://nces.ed.gov/ipeds)]. The FASFA 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, and/or for dependent care and/or excessive transportation expenses.

A third way is to obtain the cost of attendance or the unmet need of the participant from the college'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 FASFA total, amounts can be adjusted for part-time students, for one semester, for required equipment for a program, and/or for dependent care and/or excessive transportation expenses.

**Credential** – for the purposes of performance indicators, a credential is either a recognized postsecondary credential or a secondary school diploma or its recognized equivalent. A recognized postsecondary credential is defined as a credential consisting of an industry-recognized certificate or

certificate, a certificate of completion of an apprenticeship, a license recognized by a department of the State 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 21-16]. 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 conducted with the commitment by the employer to employ successful completers [WIOA § 3(14)]. For more information, see ADWS Policy No. WIOA 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 a qualifying child. 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

**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.

member. If a widow or widower remarries, however, 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 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 supports and services that incubate and help youth develop their own businesses, helping youth access small loans or grants needed to begin business operation and providing 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 a qualifying child. 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 and in other ways 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 the 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 set every 5 years using 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)(III); TEGL 19-16].

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

1. Displaced homemakers, as defined in ADWS Policy No. WIOA I-B – 2.4 (*Eligibility for Dislocated Worker Program*)
2. Low-income individuals, as defined in this policy
3. 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)
4. Individuals with disabilities, including youth who are individuals with disabilities, as defined in this policy
5. Older individuals, defined as age 55 or older [WIOA § 3(39)]
6. Ex-offenders or offenders [TEGL 19-16], as defined in this policy
7. Homeless individuals, including homeless children and youth, as defined in this policy
8. Youth who are in or have aged out of the foster care system
9. Individuals who are:
  - a. English language learners, as defined in this policy;
  - b. Individuals who have low levels of literacy (i.e. Basic Skills deficient [TEGL 19-16]); and

- c. Individuals facing substantial cultural barriers to employment, as defined in this policy
- 10. Eligible migrant and seasonal farmworkers, as defined in this policy
- 11. Individuals within 2 years of exhausting lifetime eligibility under TANF (See 42 U.S.C. 601 et seq.)
- 12. Single parents (custodial and non-custodial, mothers and fathers) and single pregnant women [TEGLs 19-16 & 21-16] *Although TEGL 21-16 involves youth, comments made in the Final Rule concerning youth indicate that DOL considers both custodial and non-custodial criteria to apply to all ages.*)
- 13. 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].
- 14. Such other groups as the Governor determines to have barriers to employment

**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 imply 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 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].

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
  - 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)
- Stipend received in the following programs: VISTA, Peace Corps, Foster Grandparent Program, YouthWorks/AmeriCorps Program, and Retired Senior Volunteer Program

All other income is included, 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 this policy and 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 whole 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).

**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 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 enrolls 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, or 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 of 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 and 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. I-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, as 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 enrollment date is the date an individual becomes a participant (i.e. receives first service after eligibility determination for a particular program.) 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- 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 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 occupational skills training 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].

**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 (also categorized as homeless) [TEGLs 22-15; 19-16].

**School status at participation** – For reporting purposes, “school status at participation” is divided into the following categories at program entry [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, 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. Any

individual 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 (17 in Arkansas [A.C.A. §6-15-501]), 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 definition of “Age of compulsory school attendance” for exceptions to 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
2. 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 board 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:

- 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 gives 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. TEA also 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, and is 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 criteria below:

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 meet 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 be meet statutory priorities for services [TEGL 19-16].

**Unemployed** – See **Employment status**.

**Unobligated 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].

**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 utilizing resources, using information, working with others, understanding systems, 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].

Policy Number: WIOA I-B – 1.3

Effective Date: August 1, 2017

## Acceptable Documentation

**PURPOSE:** The purpose of this policy is to describe and to detail the Arkansas regulations concerning acceptable documentation various aspects of the WIOA Title I-B Adult, Dislocated Worker, and Youth programs, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

**BACKGROUND:** Under JTPA states and local areas were given specific eligibility documentation guidelines. Under WIA, states and local areas were given authority to establish their guidelines concerning eligibility documentation [20 CFR 661.120; TEGL 12-01], but they were encouraged to use the JTPA TAG as a reference. Few documentation guidelines have been given for WIOA, although DOL and DOE are expected to issue some guidelines in the future [DOL and DOE concerning 20 CFR 677]. Until further guidance is given by DOL, the State is issuing WIOA guidelines concerning eligibility and need for particular programs, activities and services consistent with other laws, regulations, TAGS, and TEGLs. When further guidance is provided by DOL, such regulations will supersede any information in this policy.

### REFERENCE:

U.S. Department of Labor, *JTPA: A Technical Assistance and Training Series*, 1993 (JTPA TAG)  
TEGL 24-91 (JTPA TEGL)

State of Arkansas Employment Security Department, *Employment Assistance Issuance PY 01-17*, 2002  
TEGLs 10-09 & 22-15

### POLICY:

All eligibility must be documented in participant files, but local areas should not require more documentation than is necessary to prove eligibility for programs and eligibility / need for particular activities and services. In addition, local areas should not burden applicants with provision of particular documents when other documents are available and acceptable. After eligibility is determined, other barriers to employment may be self-attested to if documentation is not readily available. In an ideal situation, all documentation of a participant should tell the same story. But when conflict arises, case managers should weigh all evidence to determine true situation. In such cases, official documentation outweighs self-attestation [TEGL 22-15].

The following tables indicate acceptable documentation, and are not intended to list eligibility requirements. For eligibility requirements, refer to particular policies detailing eligibility for each program. The requirements are grouped for convenience, but documents are intended to be lists for documentation, and not an eligibility reference.

In order to limit the documentation burden to the applicant, local areas should require the minimum documentation required to adequately document eligibility or need while obtaining documentation required for DOL data validation. To the extent possible, excessive documentation requirements should not discourage valid participation in WIOA programs and case managers should assist applicants in obtaining needed documentation [TEBL 22-15].

The terms “self-attestation”, “self-certification”, “participant statement”, and “applicant statement 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
2. 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.

See ADWS Policy No. WIOA I-B – 1.2 (*Definitions*) for specific definitions of terms. See appropriate policies for eligibility requirements and more detailed information. For each documentation requirement, information is given for both eligibility and data validation, if appropriate. In each case, documentation for data validation must be kept. However, if the condition documented is for reporting purposes only, only the data validation document must be obtained, and not necessarily a document listed for eligibility.

<b>Common Eligibility Requirements</b>	<b>Acceptable Documentation</b> (One of the following for each criterion unless otherwise indicated)
Age / Birthday	<p><u>Acceptable for Eligibility and DOL Data Validation (TEGL 22-15)</u></p> <ul style="list-style-type: none"> <li>• Driver’s License</li> <li>• Baptismal record</li> <li>• Birth certificate</li> <li>• DD-214</li> <li>• Report of Transfer or Discharge Paper</li> <li>• Federal, state or local ID card with birthday</li> <li>• Passport</li> <li>• Hospital record of birth</li> <li>• Public assistance/ social service record</li> <li>• School records</li> <li>• Work permit</li> <li>• Tribal Records</li> <li>• Cross-match of name &amp; SSN with Department of Vital Statistics</li> </ul>

<p>Social Security Number</p>	<p><u>Data Validation from TEGL 22-15 &amp; Eligibility</u></p> <ul style="list-style-type: none"> <li>• Social Security card</li> <li>• Military ID with SSN</li> <li>• State or Federal ID with SSN</li> </ul> <p><u>Eligibility:</u> Because giving the SSN is not a requirement for eligibility, but a convenience for performance purposes, the following documents may be used to verify SSN <u>if the documents listed in TEGL 22-15 are not available at time of enrollment.</u> New documentation listed in TEGL 22-15 should be ordered and a copy should be placed in the file when available.</p> <ul style="list-style-type: none"> <li>• W-2 form with name and address</li> <li>• Income tax return (must be signed by taxpayer to indicate acknowledgement that return is accurate)</li> <li>• Letter or form from Social Services agency</li> <li>• Pay stub containing SSN</li> <li>• Social Security benefits letter/form/card</li> <li>• Statement on application, supported by documents or statements from public assistance</li> </ul> <p>Note: Although TEGL 22-15 lists passports as acceptable data validation, the SSN is not on a passport.</p>
<p>Selective Service Compliance</p> <p>See ADWS Policy No. WIOA I-B – 2.1 (<i>Common Eligibility Requirements</i>) for details, as needed.</p>	<p><u>Eligibility:</u></p> <p><u>Registered:</u></p> <ul style="list-style-type: none"> <li>• Registration verification from <a href="http://www.sss.gov">www.sss.gov</a></li> <li>• Selective Service registration card</li> <li>• Selective Service registration acknowledgement letter</li> <li>• Selective Service status Information Letter</li> <li>• Stamped Post Office Receipt of Registration</li> <li>• Selective Service Registration Record (Form 3A)</li> <li>• Selective Service Verification Form</li> </ul> <p><u>Exempt:</u></p> <ul style="list-style-type: none"> <li>• Checked Female sex at birth on signed &amp; dated application (self-attestation)</li> <li>• Document verifying date of birth: _____</li> <li>• DD-214 showing military service during full time between age 18 to age 26</li> <li>• Other document (not self-attestation) verifying exemption, with notes stating how the document verifies exemption.</li> </ul> <p><u>Not “willful and knowing”:</u></p> <p>See ADWS Policy No. WIOA I-B – 2.1 <i>Common Eligibility Requirements</i>, p. 3 for information needed to document that</p>

	failure to register was not “willful and knowing”. Explain situation and how documentation presented explains that failure was not “willful and knowing.” Also see TEGL 11-11 Change 2 for more information, if needed.
Ability to work in the United States	<p>Documentation required is the same as required for USCIS Form I-9. Although applicants are not required to complete an I-9 unless they will be placed in employment, completing the I-9 at time of registration is acceptable. See USCIS Form I-9 in this manual for instructions, documentation requirements, and a fillable pdf form, or use the checklist on page 3 of ADWS FORM WIOA I-B – 2.1 (<i>Common Eligibility Documentation</i>).</p> <p>Note: Local areas may not discriminate against work-authorized individuals by specifying which of the allowed documents will be accepted from the applicant. They may ascertain the authenticity of documents suspected to be fake. However, if the documentation presented appears to be genuine, documentation requirements have been met [8 USC 1324a].</p>

Veterans’ Priority and Adult Priority	Acceptable Documentation (One document in each of the appropriate categories)
<p>Veteran or eligible spouse (Documentation required at point of determining eligibility or veterans’ priority for benefits [TEGL 10-09])</p>	<p><b>Veteran:</b> <u>Eligibility Documents from TEGL 10-09:</u></p> <ul style="list-style-type: none"> <li>• DD 214 issued following separation from active duty</li> <li>• Official notice issued by the VA that establishes entitlement to a disability rating that meets eligibility requirements or an award of compensation to a dependent that meets eligibility requirements</li> <li>• An official notice issued by the state veterans’ service agency that documents veteran’s status</li> </ul> <p><b>Eligible Spouse:</b> <u>Eligibility Documents from TEGL 10-09:</u></p> <ul style="list-style-type: none"> <li>• Official notice issued by the VA that establishes entitlement to a disability rating that meets eligibility requirements or an award of compensation to a dependent that meets eligibility requirements [TEGL 10-09]</li> <li>• An official notice issued by the Department of Defense that documents the eligibility of an individual, based on the missing or detained status of that individual’s active duty spouse [TEGL 10-09]</li> <li>• An official notice issued by the state veterans’ service agency that documents veterans status or spousal rights [TEGL 10-09]</li> </ul>

	<p><b>Both</b></p> <p>If veteran status is for reporting only and not used for eligibility or priority of services, cross match of name &amp; SSN with veterans data is acceptable for data validation [TEGL 22-15]</p>
Low income	See <b>Low-Income Eligibility Requirements</b> section below
<p>Basic Skills Deficient</p> <p>An English language learner, as defined in WIOA WIOA § 203(7), meets the criteria for “basic skills deficient” for both Adults and Youth. To document eligibility as an English language learner, documentation must be provided for #1 <u>and</u> either #2 or #3 at the right.</p>	<p><u>Eligibility &amp; Data Validation:</u></p> <p>Score of 8.9 or below on a standardized test appropriate to the population and approved by LWDB and administered in the last 6 months according to policies of local area, a similar instrument administered by an American Job Center partner, or a standardized test with grade equivalency given by school [WIOA § 3(5); 20 CFR 681.290; TEGL 19-16; ADWS Policy No. WIOA I-B – 1.2 (Definitions)]</p> <p>(1) Limited ability to read, write, speak or comprehend the English language:</p> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Observation, documented by case manager</li> <li>• Other documentation for statement</li> </ul> <p>(2) Native language is a language other than English</p> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Observation, documented by case manager</li> <li>• Other documentation for statement</li> </ul> <p>(3) Lives in a family or community environment where a language other than English is the dominant language</p> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Observation, documented by case manager</li> <li>• Other documentation for statement</li> </ul>
Member of priority population identified by LWDB	<p>See <b>Individual with Barriers to Employment</b> below</p> <p>OR</p> <p>Other documentation identified by Local Area</p>

<p><b>Low-Income Eligibility Requirements</b></p>	<p><b>Acceptable Eligibility Documentation</b> (Only one criterion need be documented to determine eligibility. If an element is reported only, either Data validation document <u>or</u> applicant statement is the acceptable documentation.)</p>
<p>Receives SNAP, SSI, or other state or local income-based cash public assistance</p>	<p><u>Eligibility &amp; Data Validation:</u></p> <ul style="list-style-type: none"> <li>• Verification of Public Assistance Form with assistance provided within last 6 months</li> <li>• Refugee assistance or other public assistance records</li> <li>• Copy of public assistance check</li> <li>• Other official letter, or other official document verifying that the applicant or his/her family received services within last 6 months</li> </ul> <p>If assistance is received by a family member and not the applicant, family connection must be included in document or documented in another way.</p>
<p>Receives cash assistance from TANF program</p>	<p><u>Eligibility &amp; Data Validation:</u></p> <p>Cross-match of name and SSN with State TANF public assistance records</p> <p>Until cross-match can be obtained, verification of public assistance form with assistance provided within last 6 months <u>OR</u></p> <p>Other official letter, or other official document verifying that the applicant or his/her family (with verification of connection, as defined as “family”) with services within last 6 months</p> <p>If TANF is received by a family member and not the applicant, family connection must be included in document or documented in another way.</p>
<p>Receives or is eligible to receive free or reduced-price lunches or an OSY who is a parent living in the same household as a child who is eligible for free/reduced lunches [TEGL 21-16].</p>	<p><u>Eligibility &amp; Data Validation:</u></p> <ul style="list-style-type: none"> <li>• Notification letter from school</li> <li>• Statement from school</li> <li>•</li> </ul> <p>Note: documenting residence in a school district that receive 100% free lunches under the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111-296, December 13, 2010, 124 Stat. 3183) is not sufficient documentation to this criterion. Documentation must be provided that the student receives or qualifies free or reduced-price lunches [DOL comments in Final Rule concerning §681.270]</p>

<p>Family below poverty line or 70% of LLSIL</p> <p>See ADWS Policy No. WIOA I-B – 1.2 (<i>Definitions</i>) for definition of “family” for information concerning what income is excluded and included in the calculations</p> <p>Excluded in income calculations are:</p> <ul style="list-style-type: none"> <li>• Cash payments from federal, state, or local income-based public assistance program</li> <li>• Most military pay and allowances, except pensions</li> <li>• One-time payments</li> <li>• Needs-based scholarships</li> <li>• Other income sources listed as excluded under “Low-income individual” in ADWS Policy No. WIOA 1-2 (<i>Definitions</i>)</li> </ul> <p>Included in calculations are income sources not excluded, including:</p> <ul style="list-style-type: none"> <li>• Social Security old-age and survivor’s benefits</li> <li>• Unemployment compensation</li> <li>• Child support payments</li> <li>• Gross wages, tips, salary, commissions, or fees</li> <li>• Net self-employment income</li> <li>• Other income listed in the above policy</li> </ul>	<p><u>Need one item in Group A plus as many documents as required to document family income in Group B</u></p> <p>Group A: Documentation of number of people in family (see definition of family): Self-attestation of name, age, and relationship of family members, combined with one or more of the following documentation:</p> <ul style="list-style-type: none"> <li>• Income tax return listing members of family plus birth documentation for any child born after taxes were filed (Income tax must be signed by taxpayer)</li> <li>• Court document listing all members of family</li> <li>• DHS statement listing all members of family</li> <li>• Birth certificates of children in family</li> <li>• Public Housing Authority Statement</li> <li>• Statement by landlord or other knowledgeable individual (at the discretion of the case manager) to support applicant statement</li> </ul> <p>Group B: Self-attestation of family income sources, supported by documented income of all members of family for 6 months prior to application. Documents depend on family situation. Documentation may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Enough pay stubs to verify six months’ employment</li> <li>• Employer statements</li> <li>• UI Wage statements to document employers, supported by pay stubs or employer statements from those employers</li> <li>• Quarterly statements for self-employed individuals</li> <li>• Financial statements from self-employed individuals</li> <li>• Bank statement to document income sources, supported by pay stubs or employer statements of gross income</li> <li>• Pension statements</li> <li>• Social Security letter</li> <li>• Court documents</li> <li>• Other:</li> </ul> <p>Note: If family shows little or no income, applicant must write a statement as to how expenses are being met.</p>
<p>Homeless individual</p> <p>See definition of homeless in See ADWS Policy No. WIOA I-B – 1.2 (<i>Definitions</i>)</p>	<p><u>Eligibility &amp; Data Validation :</u></p> <ul style="list-style-type: none"> <li>• Written statement or telephone verification from shelter, social service agency, school social service officer, or individual providing temporary shelter, detailing the where the applicant sleeps at night</li> </ul>

	<ul style="list-style-type: none"> <li>• If no such statement is available, applicant may complete self-attestation document explaining where he/she sleeps at night</li> </ul>
Is a foster child on behalf of whom state or local government payments are made	<p><u>Eligibility and DOL Data Validation:</u></p> <p>Written or telephone verification from social services agency, children’s home, or similar agency</p>
<p>Individual with a disability who meets low-income guidelines even though the family does not</p> <p>(must also document income of individual)</p> <p><u>(Documentation must be kept confidential)</u></p>	<p><u>Eligibility &amp; Data Validation:</u></p> <p><u>Income of individual:</u> Use appropriate documentation as listed above.</p> <p><u>Disability:</u></p> <ul style="list-style-type: none"> <li>• Statement, records, or referral from representative of Arkansas Rehabilitation Services or Division of Services for the Blind</li> <li>• Self-attestation if disability is observable, supported by statement from case manager</li> <li>• Statement or letter from drug or alcohol rehabilitation agency</li> <li>• Medical records</li> <li>• School records</li> <li>• Physician’s Statement</li> <li>• Statement from school counselor or ADA official</li> <li>• Psychiatrist’s diagnosis</li> <li>• Psychologist’s diagnosis</li> <li>• Statement from local school, housing, or work area for individuals with disabilities</li> <li>• Social service records, referral, or statement</li> <li>• Social Security Administration disability letter or records</li> <li>• Veterans Administration letter or records</li> <li>• Workers compensation record</li> </ul>
<p>Youth programs only – lives in a high-poverty area. Must document residency in a county or census tract determined by the U.S. Censuses Bureau to be a High-Poverty Area.</p> <p>See ADWS Form WIOA I-B – 1.3 (Low-Income Documentation) for information concerning determining census tracts from addresses and appropriate ADWS Issuance for poverty areas.</p>	<p>Document residency in area of youth or parent/guardian, if minor. Documentation must support the address given on the application, and it must contain name of youth or parent/guardian, if youth is a minor:</p> <ul style="list-style-type: none"> <li>• Postmarked mail from government, organization, school, or business addressed to applicant or parent/guardian</li> <li>• School record or identification card</li> <li>• Drivers’ license</li> <li>• Utility bill in name of applicant or parent/guardian</li> <li>• Payroll stub or W-2 with address</li> <li>• Verification of address from employer, landlord, or such, at the discretion of the case manager</li> <li>• Rent receipt</li> <li>• Property tax record</li> <li>• Insurance card or policy with name and address of applicant or parent/guardian</li> <li>• Most recent income tax return of individual or parent/guardian</li> </ul>

	<p>(Income tax returns must be signed by taxpayer. Return must list name of applicant.)</p> <ul style="list-style-type: none"> <li>• Verification by official of Housing Authority, DHS, school, one-stop partner, or social service agency</li> </ul>
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<b>Dislocated Worker</b>	<b>Acceptable Eligibility Documentation</b> (Only one category need be documented to determine eligibility, and only one document is required for each criteria within the category.)
<p>Category A – Laid off and unlikely to return to previous occupation OR separating service member</p> <p>See ADWS Policy No. 2.4 Eligibility for Dislocated Worker Program for required information to be documented.</p>	<p><u>Eligibility &amp; Data Validation:</u></p> <ul style="list-style-type: none"> <li>• Laid off: <ul style="list-style-type: none"> <li>○ Layoff notice or termination notice from employer</li> <li>○ Telephone verification by last employer (with name, position, and date of contact)</li> <li>○ Letter from employer confirming layoff status</li> <li>○ Self-attestation supported by UI statement, document, or form showing receipt of UI benefits after leaving employment</li> </ul> </li> <li>• Eligible for or has exhausted entitlement to UI compensation: Any form or statement from ADWS that documents that the individual has been determined monetarily and non-monetarily eligible for benefit payments under one or more state or federal UI compensation programs, that the individual has or has not exhausted benefit rights or benefit period has not ended. These may include: <ul style="list-style-type: none"> <li>○ UI payment records</li> <li>○ Monetary determination records</li> <li>○ Telephone confirmation (documented by certifier) from ADWS local office</li> <li>○ Other documentation from employer or ADWS that applicant qualifies for or will qualify for UI compensation</li> </ul> </li> <li>• Employed for a duration sufficient to demonstrate attachment to the workforce Any document that applicant has worked in at least 1 quarter in the last year immediately prior to eligibility determination. These may include, but are not limited to: <ul style="list-style-type: none"> <li>○ Pay check stub</li> <li>○ Written verification by last employer</li> <li>○ Phone verification by last employer (with name, position, and date of contact, and signed by person making verification contact)</li> <li>○ UI wage records</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Not eligible for UI compensation due to insufficient earnings or employment not covered by state UI law: Any form or statement from DWS that documents that earnings were insufficient or that employment was not covered, such as: <ul style="list-style-type: none"> <li>○ Monetary determination record</li> <li>○ Written or phone verification by DWS</li> </ul> </li>   <li>• Unlikely to return to previous occupation (choose A or B): <ul style="list-style-type: none"> <li>A. The industry or occupation shows no growth or a decline in available job opportunities, as determined by ADWS or the LWDB: <ul style="list-style-type: none"> <li>▪ Labor Market Information</li> <li>▪ ADWS or LWDB labor analysis</li> </ul> </li> <li>B. The applicant has been seeking employment since termination, but is unable to find employment in his/her previous industry or occupation due to economic conditions and/or skill limitations <ul style="list-style-type: none"> <li>▪ Application with AJL or ADWS local office and no refusal to accept a reasonable job offer</li> <li>▪ Lack of job offers or rejection letters from employers in the local area</li> <li>▪ Applicant is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation, as documented through the assessment of the individual's educational achievement levels, testing, or other suitable means</li> <li>▪ Statement from doctor, ARS, or DSB indicating that the applicant's inability to return to previous industry/occupation is due to physical limitations</li> </ul> </li> </ul> </li>   <li>• Separating service member [20 CFR 680.660(a); TEGL 3-15]: <ul style="list-style-type: none"> <li>○ DD-214 with separation date</li> <li>○ Other documentation that shows separation or imminent separation from the Armed Forces</li> </ul> </li> </ul>
<p>Category B – Unemployed because of business closure or substantial layoff.</p> <p>Must document either permanent closure/substantial layoff or general announcement that facility will close in 180 days AND that applicant was employed at the facility.</p>	<p><u>Eligibility &amp; Data Validation:</u></p> <p>Permanent Closure /Substantial Layoff or General Announcement Plant will Close in 180 days: Any document verifying or announcing the specific situation to be verified, which includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Letter or statement from employer</li> <li>• Newspaper article</li> <li>• News media printed article</li> <li>• Document from Governor's Dislocated Worker Task</li> </ul>

<p>See ADWS FORM WIOA I-B – 2.4 (<i>Dislocated Worker Eligibility</i>) or ADWS Policy No. WIOA I-B – 2.4 (<i>Eligibility for Dislocated Worker Program</i>) or ADWS Policy No. WIOA 1.2 (<i>Definitions</i>) for more information</p>	<ul style="list-style-type: none"> <li>Force</li> <li>• WARN notice</li> <li>• Business’ Internet web site report</li> <li>• Correspondence from a Union or Elected Official</li> <li>• Eligibility certificate to receive TAA</li> <li>• Rapid response list of affected employees from layoff</li> <li>• Phone verification by last employer (with name, position, and date of contact, and signed by person making verification contact)</li> </ul> <p>Worker was employed at the facility Any document that verifies that the applicant is/was employed at the facility, which includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Current employee list from employer</li> <li>• Employer list of laid-off employees</li> <li>• Recent check stub from employer</li> <li>• Wage file for UI claimants</li> <li>• Layoff/closure letter to employee from employer or union representative</li> <li>• Phone verification by last employer (with name, position, and date of contact, and signed by person making verification contact)</li> <li>• Eligibility certificate to receive TAA</li> <li>• Rapid response list of affected employees from layoff</li> </ul>
<p>Category C – Self-employed individual who is unemployed because of natural disaster or community economic conditions</p> <p>Must document both self-employment status AND either natural disaster or economic conditions</p> <p>Local area must define “unemployed as result of general economic conditions in the community in which an individual resides or because of natural disasters.” Documents are given as guidelines to document local definition, and local areas may adjust the documentation, if needed, to comply with their definition.</p>	<p><u>Eligibility &amp; Data Validation:</u></p> <p>Self-Employed:</p> <ul style="list-style-type: none"> <li>• Tax Return with business name and applicant’s name</li> <li>• Business license with applicant’s name</li> <li>• Statement from bank linking applicant to business</li> <li>• Other document showing applicant as owner of business</li> </ul> <p>Natural Disaster: <u>Self-attestation of reason for closing, including how the natural disaster caused the business to close, supported with documentation of the disaster</u>, such as:</p> <ul style="list-style-type: none"> <li>• Newspaper article discussing the disaster</li> <li>• Government information concerning the disaster</li> <li>• Information from local Chamber of Commerce, Economic Development organization, or other such entity concerning the disaster</li> <li>• Other documentation of the natural disaster that caused the business to close</li> </ul>

<p>Must document both self-employment status AND either natural disaster or economic conditions</p>	<p>Economic Conditions within the community</p> <p>Must document with <u>self-attestation how the economic conditions caused the business to close, supported with documentation of the economic conditions</u>. Economic conditions could be, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Depressed prices or markets for the articles produced or services rendered by the self-employed individual</li> <li>• Failure of one or more businesses to which the self-employed individual supplied a substantial portion of products or services</li> <li>• Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products and services</li> <li>• Substantial layoff(s) from or permanent closures of plants, facilities or enterprises that support a significant portion of the state or local economy</li> <li>• Reduction in number of residents in local community for other reason.</li> </ul> <p>Document the economic condition that caused the business to close. Appropriate documentation includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Labor market information</li> <li>• Documentation of drop in market price of goods and services produced</li> <li>• U.S. Census population or demographics data</li> <li>• Honored checks from applicant's business to failed business</li> <li>• Copies of cancelled orders or invoices</li> <li>• Signed letter or statement from purchaser of services</li> <li>• Other documentation of closure or layoff of applicable business supplying or receiving services or supporting local economy</li> <li>• Newspaper articles</li> <li>• Information from local Chamber of Commerce, Economic Development organization, or other such entity concerning economic conditions</li> </ul>
<p>Category D - Displaced homemaker</p> <p><u>See ADWS Policy No. WIOA – 2.4 (Eligibility for Dislocated Worker Program) or ADWS FORM WIOA I-B – 2.4 (Dislocated Worker Eligibility Determination) for required information to be</u></p>	<p><u>Eligibility &amp; Data Validation:</u></p> <p>Has been providing unpaid services to family members in the home</p> <ul style="list-style-type: none"> <li>• Recent tax return showing family members</li> <li>• Self-attestation</li> <li>• Other document showing applicant has been providing unpaid services to family members</li> </ul>

<p><u>documented.</u></p> <p>See definition of “family” in <u>ADWS Policy No. WIOA – 1.2 (Definitions)</u></p>	<p>Dependency on income of family member, but no longer supported by that income OR applicant is a spouse of a members of the armed service and family income is significantly reduced because of deployment, call or order to active duty, permanent change of state, or the service-connected death or disability of member (continued on next page)</p> <p>Self-attestation concerning situation PLUS appropriate documentation, including, but not limited to:</p> <ul style="list-style-type: none"> <li>○ Death certificate</li> <li>○ Divorce papers</li> <li>○ Legal separation document</li> <li>○ Insurance records</li> <li>○ Bank records</li> <li>○ Court records</li> <li>○ Disability declaration</li> <li>○ Layoff or termination notice of family member</li> <li>○ Military Document</li> <li>○ Written statement from supporting family member stating that he/she no longer supports applicant and reason why the support has been withdrawn</li> </ul> <p>Unemployed or Underemployed Self-attestation concerning situation PLUS appropriate documentation, including, but not limited to:</p> <ul style="list-style-type: none"> <li>○ AJL or ADWS verification that applicant registered for work and has not been able to find appropriate work</li> <li>○ Appropriate documentation that applicant meets the definition of “underemployed”</li> </ul>
<p>Category E – Unemployed spouse of active duty member of Armed Forces</p> <p>See <u>ADWS Policy No. WIOA – 2.4 (Eligibility for Dislocated Worker Program) or ADWS FORM WIOA I-B – 2.4 (Dislocated Worker Eligibility Determination) for required information to be documented.</u></p>	<p><u>Eligibility &amp; Data Validation:</u></p> <p>Applicant statement (self-attestation) concerning situation AND</p> <p>Documentation to support <u>each</u> of the following criteria mentioned in the applicant statement (Local area and case manager may use discretion in the selection of documentation to support the criteria):</p> <ul style="list-style-type: none"> <li>▪ Spouse of active duty member of Armed Forces</li> <li>▪ Lost employment</li> <li>▪ Loss due to permanent change in duty station of spouse:</li> <li>▪ Unemployed or underemployed</li> <li>• Experiencing difficulty in obtaining or upgrading employment</li> </ul>
<p>Date of actual dislocation – date of last day of employment at the dislocation job</p>	<p><u>Data Validation from TEGL 22-15:</u></p> <ul style="list-style-type: none"> <li>• Self-attestation</li> </ul>

	<ul style="list-style-type: none"> <li>• Verification from employer</li> <li>• Rapid response list</li> <li>• Notice of layoff</li> <li>• Public announcement with follow-up cross-match of name &amp; SSN with UI wage data or employer’s list of laid-off workers</li> </ul>
<b>Employment Status for Dislocated Worker</b>	<b>Acceptable Eligibility Documentation</b> (Only one category need be documented to determine eligibility, and only one document is required for each criteria within the category.)
<p><b>Unemployed</b> (must document both criteria) [WIOA § 3(61); TEGL 10-16; ETA 9172 – DOL ]:</p> <ul style="list-style-type: none"> <li>• Is <u>not</u> working in a paid, unsubsidized job (including self-employment, military, or Registered Apprenticeship) and is <u>not</u> working 15 hours a week or more in an unpaid job on a farm or business operated by a family member or the participant</li> <li>• Is available for work and has been making specific efforts to find a job</li> </ul>	<p>Self-attestation supported by appropriate documentation (one or more) that individual has been making specific efforts to find a job, including, but not limited to, having an open application in AJL and not having refused to accept a reasonable job offer.</p>
<p><b>Underemployed</b> – Employed less than full-time and seeking full-time employment (must meet both criteria):</p> <ol style="list-style-type: none"> <li>1. Employed part-time</li> <li>2. Seeking full-time work</li> </ol>	<p>Self-attestation supported by appropriate documentation (document both part-time work and seeking full-time work):</p> <p>Part-time work</p> <ul style="list-style-type: none"> <li>• Pay stub or report, if working less than 30 hours per week</li> <li>• Statement or phone verification with employer that work is part-time</li> </ul> <p>Seeking full-time work</p> <ul style="list-style-type: none"> <li>• Application in AJL and has not refused to accept a reasonable full-time job offer</li> <li>• Other documentation that applicant is seeking full-time work</li> </ul>
<p><b>Underemployed</b> – Employed in a position that is inadequate with respect to applicant’s skills and training:</p>	<p>Self-attestation supported by appropriate documentation of each of the following. Specific documents are at the discretion of local areas:</p> <ol style="list-style-type: none"> <li>1. Documentation of applicant’s skills, training, or education</li> <li>2. Documentation that applicant has sought work using his/her skills, training, or education</li> <li>3. Documentation of applicant’s inability to find appropriate work using those skills and training</li> </ol>

<b>Underemployed</b> – Employed and meets the definition of a low-income individual	Complete FORM WIOA I-B – 1.3 ( <i>Low-Income Determination</i> )
<b>Underemployed</b> – A Dislocated Worker who, <u>for the entire time since layoff</u> , has been either unemployed or earning less than at the job at which he/she was laid off	Self-attestation of the situation, supported by appropriate documentation of unemployment or employment with less earnings than in job at which he/she was laid off. Specific documentation is at the discretion of the local area. It may include, but is not limited to, documentation concerning the income at time of layoff and the income in each of the jobs since layoff.

<b>In-school Youth Eligibility</b> (Must also document low-income)	<b>Acceptable Documentation</b>
Attending school	<u>Eligibility &amp; Data Validation:</u> Self-attestation PLUS supporting documentation from school, including but not limited to: report card, schedule, and written or telephone verification from the school
<b>Barriers:</b>	(Only one barrier need be documented to determine <u>eligibility</u> . Additional <u>reported</u> barriers may document with self-attestation.)
Basic skills deficient	<u>Eligibility &amp; Data Validation:</u> <ul style="list-style-type: none"> <li>Scoring Grade 8.9 or below on an appropriate standardized test administered within the last 6 months</li> <li>School documents giving current grade-level equivalency of youth’s abilities (in last 6 months)</li> </ul>
English language learner  Document eligibility as an English language learner, documentation must be provided for #1 <u>and</u> either #2 or #3 at the right.  (An English language learner is also Basic skills deficient)	(1) Limited ability to read, write, speak or comprehend the English language: <ul style="list-style-type: none"> <li>Self-attestation</li> <li>Observation, documented by case manager</li> <li>Other documentation for statement</li> </ul> (2) Native language is a language other than English <ul style="list-style-type: none"> <li>Self-attestation</li> <li>Observation, documented by case manager</li> <li>Other documentation for statement</li> </ul> (3) Lives in a family or community environment where a language

	<p>other than English is the dominant language</p> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Observation, documented by case manager</li> <li>• Other documentation for statement</li> </ul>
Offender or ex-offender (See definition in <u>ADWS Policy No. WIOA – 1.2 (Definitions)</u> )	<p><u>Eligibility &amp; Data Validation:</u></p> <ul style="list-style-type: none"> <li>• Documentation from criminal justice system</li> <li>• Written or telephone verification with court or probation representatives</li> <li>• Self-attestation with sufficient information to describe situation</li> </ul>
Homeless individual	See <b>Homeless in Low-Income Eligibility Requirements</b>
Runaway	See <b>Homeless in Low-Income Eligibility Requirements</b>
Foster care or aged out of foster care	See <b>Foster care in Low-Income Eligibility Requirements</b>
Pregnant or parenting:  (Custodial parent, non-custodial parent, or pregnant woman)	<p><u>Eligibility &amp; Data validation:</u> Self-attestation combined with supporting documentation appropriate to the situation. Documentation may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Birth certificate</li> <li>• Hospital record</li> <li>• Income tax return</li> <li>• Custody papers</li> <li>• Statement from TANF, DHS, or other social services agency</li> <li>• Written or telephone confirmation from physician, nurse, or midwife</li> <li>• Observation of pregnancy status</li> </ul>
Individual with a disability	See <b>Individual with a disability in Low-Income Eligibility Requirements</b>
“Requires additional assistance” barrier	<p><u>Eligibility &amp; Data Validation:</u> Documentation must be detailed in the local plan or in local policy [20 CFR 681.310]</p>

<b>Out-of-school Youth Eligibility</b>	<b>Acceptable Documentation</b> (Out-of-school status and one barrier need be documented to determine eligibility. Data validation needed for all criteria reported)
Not attending school	<p><u>Eligibility &amp; Data Validation:</u></p> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Other appropriate documentation if available</li> </ul>

<b>Barriers:</b>	Only one barrier need be documented to determine eligibility. (Additional reported barriers may document with self-attestation.)
School dropout	<p><u>Eligibility &amp; Data Validation:</u></p> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Other appropriate documentation if available</li> </ul>
<p>Age of compulsory school attendance but not attended school in complete quarter</p> <ul style="list-style-type: none"> <li>• Under age 17</li> <li>• Has not attended school for 1 quarter</li> <li>• Is not exempt</li> </ul>	<p><u>Eligibility &amp; Data Validation:</u></p> <p><b>See Age/Birthday in Common Eligibility Requirements</b> section of this policy</p> <p>Self-attestation supported by written or telephone documentation from school</p> <p>Document by self-attestation that applicant meets <u>all</u> the following conditions:</p> <ul style="list-style-type: none"> <li>• Has not received a high school diploma or equivalent</li> <li>• Is not enrolled in a postsecondary institution</li> <li>• Does not regularly attend an adult education program</li> <li>• In not enrolled in the Arkansas National Guard Youth Challenge Program</li> </ul>
Low-income recipient of high school diploma or GED, but basic skills deficient <u>or</u> English language learner	<p>Documentation of low-income status, see <b>Low-Income Eligibility Requirements</b> section</p> <p>Documentation of high school diploma or recognized equivalent: Self-attestation with details concerning place of graduation</p> <p>Documentation of basic skills deficient: Score of 8.9 or below on an appropriate standardized test administered within the last 6 months</p> <p>Documentation of English language learner: See English language learner in <b>In-school Youth Eligibility</b> section</p>
Offender	See <b>Offender</b> in <b>In-school Youth Eligibility</b> section
Homeless	See <b>Homeless</b> in <b>Low-Income Eligibility Requirements</b> section
Runaway	See <b>Runaway</b> in <b>In-school Youth Eligibility</b> section
Foster care or aged out or left for other allowed reasons	See <b>Foster care</b> in <b>Low-Income Eligibility Requirements</b> section

Pregnant or parenting	See <b>Pregnant or parenting</b> in <b>In-school Youth Eligibility</b> section
Individual with a disability	See <b>Individual with a disability</b> in <b>In-school Youth Eligibility</b> section
“Requires additional assistance” barrier (must also document low-income)	Documentation must be detailed in the local plan or in local policy [20 CFR 681.310]

<b>Individual with a Barrier to Employment</b>	<b>Acceptable Documentation</b> (Unless otherwise stated, Self-attestation is adequate documentation if barrier is reported only, and not used for eligibility)
Displaced homemaker	See <b>Category D or E of Dislocated Worker</b> , as appropriate
Low-income individual	See <b>Low-Income Eligibility Requirements</b>
Indian, Alaska Native, Native Hawaiian	Self-attestation (All race and ethnicity are self-attested and do not require documentation.)
Individual with a disability	See <b>Individual with a disability</b> in <b>Low-Income Eligibility Requirements</b>
Older individual	Document for <b>Age/Birthday</b> indicating individual is age 55 or older
Ex-offender or offender	Any one of the following: <ul style="list-style-type: none"> <li>• Self-attestation with sufficient information to describe situation</li> <li>• Written or telephone verification with court or probation representatives</li> <li>• Documentation from criminal justice system</li> </ul>
Homeless individual	See <b>Homeless</b> in <b>Low-Income Eligibility Requirements</b>
Youth in or aged out of foster care system	See <b>Foster care</b> in <b>Low-Income Eligibility Requirements</b>
English language learner	See <b>English language learner</b> in <b>In-school Youth Eligibility</b>
Individuals with low levels of literacy	See <b>Basic skills deficient</b> in <b>Veterans’ Priority and Adult Priority</b> or <b>In-School Youth Eligibility</b>
Individuals facing substantial cultural barriers	Self-attestation the individual’s perceives that his or her attitudes, beliefs, customs, or practices pose a hindrance to employment. Specifics should be given in the statement.
Eligible Migrant and Seasonal farmworker	Verification from Migrant and Seasonal farmworker program official
Within 2 years of exhausting lifetime eligibility under TANF	TEA Printout from State (Self-attestation is not allowed for data validation)
Single parent	Self-attestation combined with supporting documentation that the individual is single and that the individual is a parent. Documentation may include, but is not limited to: <ul style="list-style-type: none"> <li>• Income tax return</li> <li>• Birth certificate</li> <li>• Hospital record</li> <li>• Custody papers</li> <li>• Statement from TANF, DHS, or other social services agency</li> </ul>
Pregnant woman	Self-attestation, combined with supporting documentation that may

	<p>include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Written or telephone confirmation from physical, nurse, or midwife</li> <li>• Observation of pregnancy status by case manager</li> </ul>
Long-term unemployed	<p>Must document that individual was unemployed for at least 27 consecutive weeks, that he/she was available for work during that time, and that he/she was making specific efforts to find a job <i>[[WIOA § 3(61); TEGLS 10-16 &amp; 19-16; ETA 9172 – DOL ]</i>:</p> <p>Self-attestation that individual has been unemployed for 27 or more consecutive weeks, supported as possible by documentation such as:</p> <ul style="list-style-type: none"> <li>• UI Records</li> <li>• Employer information</li> <li>• Individual’s resume and stated work history</li> <li>• Having an open application in AJL and not having refused to accept a reasonable job offer</li> </ul>
Other group(s) as the LWDB determines to have barriers to employment	Documentation identified by LWDB

Performance Accountability Requirements	Documentation required in TEGl 26-16 Only one document required in each category unless stated otherwise
<p>Employment-related data</p> <p>Note: For any given quarter, the same method must be used for determining employment status and amount of wages.</p>	<p>Primary method of documentation is matching SSN against quarterly UI wage record information.</p> <p>When participants’ employment-related data cannot be obtained through the State UI data system (such as federal employees, military employees, individual who are self-employed, or individuals who are working out of state and records cannot be obtained through the Wage Record Interchange System [WRIS]), supplementary data may be obtained from:</p> <ul style="list-style-type: none"> <li>• Federal employment records, such as military employment records, or records from the U.S. Department of Defense, U.S. Postal Service, and U.S. Office of Personnel Management</li> <li>• State New Hires Registry</li> <li>• State Department of Revenue or Taxation</li> <li>• Railroad Retirement System</li> <li>• Tax documents, payroll records, and employer records, such as:</li> </ul>

	<ul style="list-style-type: none"> <li>○ Copies of quarterly tax payment forms to IRS</li> <li>○ Copies of pay stubs (minimum of two pay stubs)</li> <li>○ Signed letter or document from employer on company letterhead attesting to an individual's employment status and earnings</li> <li>● Follow-up survey (self-reported) from program participant</li> <li>● Record of income earned from commission in sales or other similar positions</li> <li>● Detailed case notes verified by employer and signed by case manager</li> <li>● Automated database systems or data matching with other partners with whom data sharing agreements exist</li> <li>● One-Stop operating systems' administrative records, such as current records of eligibility for programs with income-based eligibility (such as, TANF or SNAP)</li> <li>● Self-employment worksheets signed and attested to by program participants (Net profits)</li> </ul>
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DRAFT

Policy Number: WIOA I-B – 2.1 Effective Date: August 1, 2017

## Common Eligibility Requirements

### PURPOSE:

The purpose of this policy is to describe and explain the eligibility requirements common to all WIOA Title I-B programs in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCES:

WIOA §§ 188(a) & 189(h);  
20 CFR 655.5  
20 CFR 675.300, 677.160, 677.175, 680.110, & 683.285  
Comments in WIOA Final Rule concerning §§ 677.155, 677.175 & §683.105  
TEGLs 11-11 Change 2, 37-14, & 19-16  
5 U.S.C. 552a (Privacy Act of 1974)  
8 U.S.C. 1324a (Immigration Reform and Control Act of 1987, Public Law 99-603)  
20 U.S.C. 1681 et seq. (Title IX of the Education Amendments of 1972)  
29 U.S.C. 794 (Rehabilitation Act of 1973)  
42 U.S.C. 2000d et seq. (Title IV of the Civil Rights Act of 1964)  
42 U.S.C. 6101 et seq. (Age Discrimination Act of 1965)  
50 U.S.C 3801 et seq. (Formerly 50 U.S.C. App 451; Military Selective Service Act)  
[www.sss.gov](http://www.sss.gov)

### POLICY:

In order to be enrolled in WIOA Title I-B activities, an individual must or should (depending on the requirement) provide documentation of eligibility in four areas: age/birthday, Social Security number (SSN), compliance with the Military Selective Service Act, and eligibility to work in the United States. An overview of the requirements and documentation is given in this policy. Additional requirements for specific programs are given in policies for those programs (ADWS Policies No. WIOA I-B – 2.3 *Eligibility for Adult Program*, 2.4 *Eligibility for Dislocated Worker Program*, 2.5 *Eligibility for In-School Youth Program*, and 2.6 *Eligibility for Out-of-School Youth Program*). Additional information concerning acceptable documentation is given in ADWS Policy No. WIOA – 2.7 (*Acceptable Documentation*). Documentation of age/birthday, Social Security number (SSN), compliance with the Military Selective Service Act, and eligibility to work in the United States is not required for individuals seeking only basic career service that do not require enrollment in WIOA Title I-B [20 CFR680.110]. See TEGL 19-16, Appendix II, or ADWS Policy No. WIOA I-B – 3.1 (*Services for Adults and Dislocated Workers*) for a list of Basic Career Services that trigger participation.

Under WIOA, State laws and policies determine if residency requirements are allowed for local areas [Comments in WIOA Final Rule concerning §683.105]. Arkansas State policy is that residency may not be a local requirement or a local preference.

Certain equal opportunity (EO) data must be collected on every individual who is interested in being considered for WIOA Title I-B services [20 CFR 675.300 & 680.110(c)]. Individuals may not be discriminated against because of the EO information given or other demographic information given, except as required for particular programs [WIOA § 188(a)(2)].

## **Age**

Being a specific age is a requirement for eligibility for all WIOA Title I-B programs. In addition, WIOA regulations require that age be reported for every person who requests WIOA services [20 CFR 680.110 & 675.300] and that the age of participants be reported in state performance reports [20 CFR 677.160(a)(2)(iii)]. Therefore, proof of age must be provided in the registration process for all WIOA Title I-B programs.

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

Computation of program performance indicators is done through social security numbers (SSNs) [20 CFR 677.175]. Therefore, proof of social security number must be requested for participation in any WIOA Title I-B program, but the SSN cannot be required unless/until the individual goes to work for an employer that uses E-verify or prepares for occupational training in a postsecondary program that qualifies for a Federal Pell Grant [8 USC 1324a; www.fasfa.gov]. It is unlawful to deny services other than employment to an individual simply because the individual is unwilling or unable to disclose a SSN, but some services may be limited if a SSN is not provided, such as work services [8 USC 1324a] and training services [www.fasfa.gov]. Case managers must notify applicants that the use of the SSN is used for program performance purposes [Privacy Act of 1974 (5 U.S.C. 552a) § 7(a)(1) & (2)]; 8 U.S.C. 1324a; TEGL 5-08; Comments in WIOA Final Rule concerning §§677.155 & 677.175].

## **Selective Service**

Each individual who participates in a WIOA Title I-B program must be in compliance with the Military Selective Service Act [WIOA § 189(h)]. This means that, with certain exceptions, each male must have enrolled for the Selective Service System (SSS) within 30 days of his 18<sup>th</sup> birthday and before he reaches the age of 26. In general, a man age 26 or older who was not exempt from SSS registration cannot receive WIOA I-B services [50 U.S.C 3801 et seq.].

A man who has reached the age of 26 and who did not register for Selective Service when required may present evidence to document an exception described below, may contact the Selective Service System to request a Status Information Letter for possible exception, or may provide documentation establishing that his failure to register was not knowing and willful [50 U.S.C 3801 et seq.; TEGL 11-11 Change 2]. The evidence must describe in detail the circumstances that prevented him from registering and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances [TEGL 11-11 Change 2]. All appropriate documentation must be maintained in participant file.

If the Status Information Letter indicates that an individual was not required to register for Selective Service, then the individual is eligible to enroll in WIOA Title I-B services. If the Status Information Letter

indicates that the individual was required to register and did not register, the individual is presumed to be disqualified from participation in WIOA Title I-B activities and services until it can be determined that his failure to register was not knowing and willful. Any costs associated with grant-funded services provided to non-eligible individuals may be disallowed [TEGL 11-11 Change 2].

If an individual over the age of 26 was required to register and failed to register, as determined by the Status Information Letter or by other admission or evidence, the individual may receive services only if he can establish by a preponderance of the evidence that the failure to register was not knowing and willful [50 U.S.C 3801 et seq.]. The WIOA Title I-B program provider is responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure. Both conditions of “knowing” and “willful” must be met to deny services [TEGL 11-11 Change 2].

In determining whether the failure to register was “knowing”, the program provider should consider the following questions [TEGL 11-11 Change 2]:

1. Was the individual aware of the requirement to register?
2. 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 26<sup>th</sup> birthdays are occasionally told that they did not need to register)?
3. On which date did the individual first learn that he was required to register?
4. Where did the individual live when he was between the ages of 18 and 26?
5. 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 program provider should consider the following questions [TEGL 11-11 Change 2]:

1. Was the failure to register done deliberately and intentionally?
2. Did the individual have the mental capacity to choose whether or not to register and decided not to register?
3. What actions, if any, did the individual take when he learned of the requirement to register?

Common documentation to support a claim that failure to register was not knowing and willful are [TEGL 11-11 Change 2]:

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

If the program provider determines that the individual’s failure to register was not knowing and willful and the individual is otherwise eligible, appropriate documentation and notes should be placed in participant’s file and WIOA Title I-B services may be provided. If the program provider determines that evidence shows that the individual’s failure to register was both knowing and willful, WIOA Title I-B services must be denied. Individuals denied services must be advised of the service provider’s and local board’s grievance and complaint procedures. Whether services are allowed or denied, the program provider must keep documentation related to evidence presented in determinations relative to Selective Service [TEGL 11-11 Change 2].

Males seeking WIOA Title I-B services who are not registered for Selective Service and who have not yet reached the age of 26 must register through the Selective Serve website at [www.sss.gov](http://www.sss.gov) before

receiving services. A male who turns 18 while participating in WIOA Title I-B services must register no later than 30 days after his 18<sup>th</sup> birthday. If a male under age 26 refuses to register, WIOA Title I-B services must be suspended until he registers [TEGL 11-11 Change 2].

Men not required to register [50 U.S.C 3801 et seq.; TEGL 11-11 Change 2]:

1. Men born before 1960 are not required to be registered with Selective Service to be eligible for federal grant programs such as WIOA.
2. Members of the Armed Forces who were on active duty during the full time of age 18 to age 26 are not required to register. Any member who is discharged before the age of 26 must register within 30 days of discharge.
3. Cadets and Midshipmen at Service Academies or Coast Guard Academy during the full time of age 18 to age 26 are not required to register. Any student who leaves the academy and is discharged from service before the age of 26 must register within 30 days of separation.
4. Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, and Virginia Polytechnic Institute and State University during the full time of age 18 to age 26 are not required to register. Any student who leaves the institution and is discharged from service before the age of 26 must register within 30 days of separation.
5. Lawful non-immigrants on visas (such as diplomatic and consular personnel and families, foreign students, tourists with unexpired Form I-94, or Border Crossing Document DSP-150) are not required to register.
6. Immigrants who maintained valid visas described above from age 18 (or the time they entered the U.S., whichever is later) until age 26, and remained in the United States after the age of 26 are not required to register.
7. Immigrants who did not enter the United States until after they were 26 years old are not required to register.
8. Seasonal agricultural workers on H-2A Visas are not required to register.
9. Individuals who were incarcerated, hospitalized, or institutionalized for medical reasons during the full time of age 18 to age 26 are not required to register. Any individual who leaves confinement before the age of 26 must register within 30 days of release.
10. Individuals who were born female and have changed their gender to male are not required to register.

Note that undocumented immigrants, dual national U.S. citizens, and refugee, parolee, and asylee immigrants who are/were ages 18 to 26 during this status are required to register. In addition, U.S. citizens or immigrants (except those described above) who were born male and changed their gender to female are required to register [50 U.S.C 3801 et seq.].

At this time, females are not required to register for Selective Service.

### **Ability to Work in the United States**

Participation in WIOA programs and activities, including receipt of funds, is available only 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, the Secretary of Homeland Security or the Secretary's designee to work in the United States [WIOA § 188(a)(5); 20 CFR 655.5; 20 CFR 683.285(a)(5)].

Specific information required and acceptable documentation can be found on the USCIS I-9 Form (OMB No. 1615-0047) and in ADWS Policy No. WIOA I-B – 2.7 (*Acceptable Documentation*). Local boards and program providers may not make policies or procedures specifying which documents from the Lists of Acceptable Documents the potential participant must present to document ability to work in the United States [8 USC 1324a].

### **Equal Opportunity Data and Nondiscrimination**

Equal opportunity (EO) data must be collected during registration for every individual who applies for WIOA Title I-B financially assisted aid, benefits, services, or training [20 CFR 680.110(c)]. These data are race and ethnicity, age, sex, and disability [20 CFR 675.300].

Individuals may not be discriminated against because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, except as required by federal law for particular programs [WIOA § 188(a)(1); 29 U.S.C. 794; 42 U.S.C. 6101 et seq.; 20 U.S.C. 1681 et seq.; 20 U.S.C. 2000d et seq.]. Some local laws also explicitly prohibit discrimination based on sexual orientation or gender identity [TEGL 37-14].

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Policy Number: WIOA I-B – 2.2 Effective Date: August 1, 2017

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## Veterans' Priority of Service

### PURPOSE:

The purpose of this policy is to clarify the priority of service for veterans in WIOA Title I-B programs and services in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCES:

WIOA §§ 3(63), & 511  
20 CFR 680.230, 680.610, 680.650 & 683.230  
20 CFR part 1010  
TEGSs 10-09 & 19-16  
38 U.S.C. Sections 101, 4102A, 4213 & 4215 (Veterans' Benefits)  
PL 107-288 (Jobs for Veterans Act)  
Arkansas State Plan  
ADWS Policy WIOA I-B – 1.2 (Definitions)

### POLICY:

Veterans and eligible spouses, as defined in ADWS Policy No. WIOA I-B – 1.2 (*Definitions*), WIOA §§ 3(63), 38 U.S.C. Sections 101, PL 107-288, and TEGL 10-09, receive priority of service for all USDOL-funded job training programs, which include WIOA programs [*Arkansas State Plan; TEGLs 19-16 & 10-09; 38 U.S.C. 4215; PL 107-288;*]. A veteran or eligible spouse must meet each program's eligibility criteria to receive services [*38 U.S.C. 4215; 38 U.S.C. 4102A(d); WIOA § 511(gg)(2)(A); 20 CFR 680.650 & 683.230; TEGL 19-16*]. Additional details concerning priority are given with the eligibility requirements for each program.

Other notes concerning veteran preference and status of military-based funds in determining eligibility:

1. Veterans and eligible spouses should identify themselves at the point of entry into the system or program to take full advantage of the priority of service [*TEGL 10-09*]. If veteran or eligible spouse identity is not identified at the point of entry, the status may be identified during the interview and registration process.
2. When an individual is identified as a veteran or eligible spouse, the WIOA Title I-B Service Provider must notify the applicant of his or her priority of service, the full array of employment,

training, and placement services available, and the applicable eligibility requirements for programs and services [TEGL 10-09].

3. For income-based eligibility determinations, military pay or allowances paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income. This policy applies for both the “low-income individual” requirement of Youth programs, and for the priority of services for “low-income individuals” for Adult funds. [20 CFR 680.650; 20 CFR 683.230; 38 U.S.C. 4213; TEGs 10-09 & 19-16].
4. VA benefits for education and training services are not included in the category of “other sources of training grants” listed in 20 CFR 680.230(b) [Comments concerning §680.230 in the WIOA Final Rule; TEGs 10-09 & 19-16]. Veterans or spouses who are eligible for the GI Bill or other forms of VA-funded education or training are not required to coordinate their entitlement to those benefits with their eligibility for WIOA-funded training. VA-funded training does not need to be exhausted before the veteran or eligible spouse can be enrolled in WIOA-funded training [TEGL 19-16].
5. 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].
6. Specific details concerning priority for Adult eligibility are given in ADWS Policy No. WIOA I-B – 2.3 (Eligibility for Adult Program).
7. Veterans priority of services applies to all WIOA Title I-B programs, although each veteran must meet particular eligibility requirements for each program in which he or she is enrolled [20 CFR 680.610 & 680.650; 38 U.S.C. 4215; 20 CFR part 1010; DOL comments concerning 20 CFR 680.610; TEGL 19-16]. In addition, special rules for veterans and their spouses apply in determining the eligibility of dislocated workers (See ADWS Policy No. WIOA I-B – 2.4 Eligibility for Dislocated Worker Program).
8. Each LWDB must develop policies and procedures to implement priority of service, including priority for veterans [TEGLs 10-08 & 19-16]. Written copies of local priority of service should be maintained at all service delivery points and, to the extent practicable, should be posted in a way that makes it possible for members of the general public to easily access them [TEGL 10-09].

Policy Number: WIOA I-B – 2.3

Effective Date: August 1, 2017

## Eligibility for Adult Program

### PURPOSE:

The purpose of this policy is to outline the eligibility requirements for the WIOA Adult program in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCES:

WIOA § 134(c)(3)(E)  
20 CFR 680.120, 680.600, & 680.650  
Comments in WIOA Final Rule concerning §683.105  
TEGLs 10-09 & 19-16  
38 U.S.C. 4215 (Veterans' Benefits)  
Arkansas WIOA Combined State Plan  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)  
ADWS Policy No. WIOA I-B – 2.2 (Veterans Priority of Service)  
ADWS Policy No. WIOA I-B – 2.9 (*Priority of Services Policy*)  
ADWS Policy No. WIOA 1-B – 3.1 (Services for Adults and Dislocated Workers)

### POLICY:

To be eligible for the Adult program, an individual must be at least 18 years old [20 CFR 680.120] and must meet all requirements in ADWS Policy No. WIOA I-B 2.1 (*Common Eligibility Requirements*). Eligibility for the Adult program, however, does not make an individual eligible for all services in the program. Priority for receipt must follow the local area's priority of services. In addition, the individual must demonstrate need for services given, and the individual must meet eligibility requirements applicable to the receipt of some services. See ADWS Policy No. WIOA I-B – 2.3 (*Services for Adults and Dislocated Workers*) for eligibility requirements for specific requirements for particular services.

Availability of services is based on eligible funding of local areas and needs of participants. Nothing in this policy implies that an individual who qualifies for the Adult program is guaranteed receipt of all individualized career services and training services.

Statutory Priority for individualized career services and training activities provided by WIOA Title I-B Adult funds is given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, as defined in ADWS Policy No. WIOA I-B – 1.2 (*Definitions*) [WIOA § 134(c)(3)(E); 20 CFR 680.600 & 680.650; TEGLs 19-16 & 10-09; 38 U.S.C. 4215; Arkansas WIOA Combined State Plan]. Under WIOA, Adult priority of services must be implemented regardless of the amount of fund available to provide services in the local areas [TEGL 19-16]. Eligibility and priority applies whether the applicant is employed or unemployed [TEGL 19-16].

Priority of services does not necessary mean that services may be provided only to Adults who meet the statutory priority requirements. Local boards must establish a process that meets the statutory requirements and also gives priority of service to veterans, eligible spouses, and other individuals identified by the local areas to be in need of being placed in a priority situation [TEGL 19-16].

More information concerning eligibility guidelines for veterans and their spouses is contained in ADWS Policy No. WIOA I-B – 2.2 (*Veterans Priority of Service*). Information concerning individuals who have barriers to employment and guidelines for the local board’s priority policies is contained in ADWS Policy No. WIOA I-B – 2.8 (*Priority of Services Policy*).

The order of priority of services for Adult formula funds is [TEGLs 10-09 & 19-16]:

1. First priority of service is veterans and eligible spouses (see ADWS Policy No. 1.2 for definition) who are also included in the groups given statutory priority for WIOA Title I-B Adult formula funds. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or are individuals who are basic skills deficient would receive first priority for services with WIOA Adult formula funds for individualized career services and training services.
2. Second priority of service is individuals who are not veterans or eligible spouses, but who are recipients of public assistance, other low-income individuals, or are individuals who are basic skills deficient.
3. Third priority of service is given to veterans and eligible spouses who are not recipients of public assistance, are not other low-income individuals, and are not basic skills deficient. Local areas must make policies and procedures that prioritize individuals in this category based on priority populations identified by the LWDB.
4. Fourth priority of service is individuals who do not meet the statutory requirements for priority, are not veterans or eligible spouses, but are members of priority populations identified by the LWDB.
5. The last priority of service is given to individuals who are not veterans, eligible spouses, recipients of public assistance, other low-income individuals, basic-skills deficient, or members of the priority population identified by the LWDB.

Local areas must establish written policies and procedures to ensure that the above priority for participants served in the WIOA Title I-B Adult program is followed [20 CFR 680.600(b), TEGL 19-16]. Additional guidance concerning these policies is contained in ADWS Policy No. WIOA I-B – 2.9 (*Priority of Services Policy*). The State must monitor to ensure that local areas have developed and implemented such policies [TEGL 19-16]. Note that WIOA does not require or address residency, and Arkansas State policy is that local areas cannot make residency a priority of service [Comments in WIOA Final Rule concerning §683.105].

Policy Number: WIOA I-B – 2.4

Effective Date: August 1, 2017

## Eligibility for Dislocated Worker Program

### PURPOSE:

The purpose of this policy is to outline the eligibility requirements for the Dislocated Worker (DLW) program in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCES:

WIOA § 3(15 & 16)  
WIOA § 134(c)(2)(A)(xii)  
WIOA § 134(c)(3)  
20 CFR 680.130, 680.610, 680.630, & 680.650  
20 CFR part 1010  
Comments in WIOA Final Rule concerning §§680.610 & 680.650  
Introduction to Part 680 of WIOA Final Rule  
TEGL 19-16  
10 U.S.C. 101 & 991(b)  
38 U.S.C. 101(16)  
38 U.S.C. 4215  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)  
ADWS Policy No. WIOA I-B – 2.2 (Veterans Priority of Service)  
ADWS Policy No. WIOA I-B – 2.9 (*Priority of Services Policy*)  
ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers)

### POLICY:

Dislocated workers are individuals who have lost jobs through no fault of their own. The goal of services to dislocated workers is to help them find appropriate jobs in in-demand industries [Introduction to Part 680 of WIOA Final Rule].

To be eligible for the Dislocated Worker program, an individual must be at least 18 years old [20 CFR 680.120], must meet all criteria in ADWS Policy No. WIOA I-B – 2.1 (*Common Eligibility Requirements*), and must meet the eligibility criteria in one of the categories given below [WIOA § 3(15 & 16)]. As with all WIOA Title I-B programs, priority for services is given to veterans (see ADWS Policy No. WIOA I-B – 2.2

*Veterans Priority of Service*) [20 CFR 680.650; 38 U.S.C. 4215; 20 CFR part 1010]. Priority should also be given to dislocated workers in targeted populations selected by the LWDB (see ADWS Policy No. WIOA I-B – 2.8 Priority Policy) [TEGL 19-16].

Eligibility for the Dislocated Worker program does not make an individual eligible for all services available through the program. Certain eligibility requirements apply to some services, and the individual must demonstrate need for any services given. See ADWS Policy No. WIOA I-B – 3.1 (*Services for Adults and Dislocated Workers*) for eligibility requirements for specific services. Although there is no low-income priority of services for the Dislocated Worker program [20 CFR 680.610], income may be a consideration in determining needed services.

Availability of services is based on eligible funding of local areas and needs of participants. Nothing in this policy implies that an individual who qualifies for the Dislocated Worker program is guaranteed receipt of all individualized career services and training services provided through the program.

The State of Arkansas places no limits on the time between an individual's separation from a job and the determination of eligibility for the Dislocated Worker program. Local areas may develop policies creating such limits. To be eligible for Dislocated Worker services, the individual must have been unemployed and/or underemployed (as defined in the **Employment Status Clarification** section below) during the entire interval between the qualifying separation and the eligibility determination.

### Categories of Eligibility

A person is classified as a dislocated worker (DLW) for the purposes of WIOA Title I-B if the individual meets the criteria in **one** of the following categories [WIOA § 3(15 & 16); 20 CFR 680.130]:

**Category A** – Individual Lay-off. The applicant must meet all three of the numbered conditions [WIOA 3(15)(A)]:

1. Has been terminated or laid off or has received a notice of termination or layoff, from employment
2. Meets one of the following conditions concerning unemployment compensation
  - a. Is eligible for or has exhausted entitlement to unemployment compensation
  - b. Has been employed long enough to demonstrate attachment to the workforce (that is, has received wages in at least one (1) quarter in the last year immediately prior to eligibility determination [ADWS Policy No. WIOA I-B – 1.2 Definitions]), but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer not covered under a state unemployment compensation law
3. Is unlikely to return to a previous industry or occupation (In compliance with TEGL 19-16, it is Arkansas state policy that local areas must define “unlikely to return to a previous industry or occupation.”)

Special rules for service members: A separating service member qualifies as a dislocated worker under Category A if the separation is anything other than dishonorable, whether or not he or she receives or is eligible for Unemployment Compensation. A DD-214 from the Department of Defense or other appropriate documentation that shows a separation or imminent separation from the Armed Forces qualifies as the notice of termination or layoff to meet the dislocated worker definition. ETA policy dictates that a separating service member meets the Dislocated

Worker requirement that an individual is unlikely to return to his or her previous industry or occupation. A separating service member may be provided career services while he or she is still part of the Active Duty military if the service member has an imminent separation date and the discharge will be anything other than dishonorable [TEGL 19-16].

**Category B** – Business closure or substantial layoff. The applicant must meet one of the following conditions [WIOA § 3(15)(B)]:

1. 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
2. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days

Notes: An applicant who is employed at a facility at which the employer has made a general announcement that such facility will close, with no specific date or a date greater than 180 days in the future, may receive services other than training services described in WIOA § 134(c)(3), career services described in WIOA § 134(c)(2)(A)(xii), or supportive services. The person may qualify for these services when one of the above numbered conditions is met [WIOA § 3(15)(B)].

In compliance with TEGL 19-16, it is Arkansas state policy that local areas must define “general announcement of a plant closing.”

Arkansas state policy defines “substantial layoff” as 50 employees or 33% of the facility workforce, whichever is less, not including employees who have worked less than 6 months in the last 12 months and those who work an average of less than 20 hours a week.

**Category C** – Self-employed individuals. An individual who was previously 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 qualifies as a dislocated worker [WIOA § 3(15)(C)]. In compliance with TEGL 19-16, it is Arkansas state policy that local areas must define “unemployed as a result of general economic conditions in the community to which an individual resides or because of natural disasters.”

**Category D** – Displaced homemaker. To qualify as a displaced homemaker, an individual must meet all three of the numbered conditions [WIOA § 3(15)(D); WIOA § 3(16); 20 CFR 680.630]:

1. Has been providing unpaid services to family members in the home (See ADWS Policy No. WIOA I-B – 1.2 for definition of “family”)
2. Meets one of the conditions of losing the income of another family member:
  - a. Has been dependent on the income of another family member, but is no longer supported by that income (See ADWS Policy No. WIOA I-B – 1.2 for definition of “family”)
  - b. Is the dependent spouse of a member of the Armed Forces on active duty, and the family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of state, or the service-connected death or disability of the member (See 10 U.S.C. 101 & 991(b), 38 U.S.C. 101(16), and ADWS Policy No. WIOA I-B – 1.2 for definitions of these terms)
3. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading

employment

**Category E** – Spouse of an active-duty member of the Armed Forces who meets of one of the following conditions [WIOA § 3(15)(E); 20 CFR 680.630; TEGL 19-16]:

1. Has lost employment as a direct result of a relocation due to a permanent change in the duty station of such member
2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment

### Employment Status Clarification

An individual who meets one of the categories to be eligible for the Dislocated Worker program may be unemployed or underemployed at the time of application [TEGL 19-16]. The intent of this rule is to allow dislocated workers to take lower-paying employment in order to meet financial obligations while looking for appropriate employment.

ETA encourages states to develop policies for determining the criteria for an individual to be considered “underemployed” [TEGL 19-16]. The Arkansas state policy for the definition of “underemployed” is someone who meets one of the criteria below:

1. Employed less than full-time and seeking full-time employment (Arkansas state policy defines “less than full-time” as either working less than 30 hours per week or working part-time as defined by employer’s policies.)
2. Employed in a position that is inadequate with respect to his or her 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.

Policy Number: WIOA I-B – 2.5

Effective Date: August 1, 2017

## Eligibility for In-School Youth Program

### PURPOSE:

The purpose of this policy is to outline the eligibility requirements for the WIOA In-school Youth (ISY) program in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA § 129  
20 CFR 681  
Comments in WIOA Final Rule concerning §861.210  
TEGLs 23-14, 8-15, & 21-16  
42 U.S.C. 677 (sec. 477 of the Social Security Act)  
A.C.A §6-1-201  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)

### POLICY:

In-school or Out-of-school Youth status is determined at the time of enrollment. Eligibility for the program does not end if a participant enrolls in school or reaches an age greater than the age of the program, as long as the participant needs the services and activities of the Youth program [20 CFR 681.210(b); 20 CFR 681.220(b); 20 CFR 681.240; Comments in WIOA Final Rule concerning §681.210; TEGL 21-16].

No more than 25 percent of the youth funds (after administrative costs) granted to a local area may be spent on ISY.

If an eligible youth applies for a WIOA Youth program and either does not meet the enrollment requirements for that program or cannot be served by that program, the youth program provider must ensure that the youth is referred for further assessment, if necessary, or referred to appropriate programs to meet the basic skills and training needs of the applicant [WIOA § 129(c)(3)(B); 20 CFR 681.420(e & f)].

To be eligible for ISY Services, an applicant must meet all of the numbered requirements [WIOA §129(a)(1)(C); 20 CFR 681.220; TEGL 23-14; TEGL 21-16]:

1. Meet all applicable common requirements, as given in ADWS Policy No. WIOA I-B – 2.1 (*Common Eligibility Requirements*)
2. Be attending any school at the time of enrollment. “School” refers to an approved private, public, parochial secondary school, or home school that meets the requirements for legal operation [A.C.A §6-1-201] or a postsecondary school. Adult education, YouthBuild, Job Corps, high school equivalency, and dropout re-engagement programs do not qualify as a “school” for the purposes of WIOA Title I-B Youth eligibility [20 CFR 681.230]. Any credit-bearing postsecondary education classes, including community college classes and credit-bearing continuing education classes, are considered “school” [TEGL 21-16]. (Exception: any youth attending a high school equivalency program, including those considered to be dropout re-engagement programs, funded by the public K-12 school system that are classified by the school system as still enrolled in school are considered ISY [TEGL 21-16]. An individual is considered an In-school Youth if he or she is enrolled in school but is not attending only because the school is not in session. If eligibility is determined during the summer and the youth is in between school years, the youth is considered an ISY if the applicant is enrolled to continue school in the fall (or summer, if applicable). “Enrollment” in postsecondary education is defined as “registered for classes.” If the applicant is between high school graduation and postsecondary education, the youth is considered an ISY if he or she is registered for postsecondary education classes, even if the youth has not yet begun postsecondary classes at the time of eligibility determination. If a high school graduate does not follow through with plans to attend postsecondary education, then the youth would be considered an OSY if the eligibility is determined after the youth decided not to attend postsecondary school [TEGL 21-16].
3. Be not younger than age 14 or older than age 21 at time of enrollment (unless an individual with a disability who is attending school under State law). Participants may continue to receive services beyond the age of 21 once they are enrolled in the program. The exception to the 21-year-old age limit is an youth with a disability who has an Individualized Education Program and is allowed by State law to be served by the K-12 public school system beyond the age of 21. Such youth may be enrolled as ISY only up to the age allowed by their state to receive secondary education services [TEGL 21-16].
4. Be a low-income individual (see ADWS Policy No. WIOA I-B – 1.2 for definition)
5. Be one of the following:
  - a. Basic skills deficient (see ADWS Policy No. WIOA I-B – 1.2 for definition)
  - b. An 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])
  - c. An offender (see ADWS Policy No. WIOA I-B – 1.2 for definition)
  - d. A homeless individual (see ADWS Policy No. WIOA I-B – 1.2 for definition)
  - e. A runaway (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 [also categorized as homeless [TEGL 19-16]])
  - f. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption or a

child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677) or in an out-of-home placement

- g. Pregnant or parenting (An individual who is parenting may be a mother or father, custodial or non-custodial. A pregnant individual can be only the expectant mother [TEGL 21-16].)
- h. An individual with a disability (see ADWS Policy No. WIOA I-B – 1.2 for definition)
- i. An individual who requires additional assistance to complete an educational program or secure or hold employment, as defined by the local board in the Local Plan approved by the State Board [20 CFR 681.310(a)] (limited to 5% of the ISY participants [WIOA § 129(a)(3)(B)]; 20 CFR 681.310(b)). The definition in the Local Plan must include required documentation to establish eligibility for this barrier [20 CFR 681.310(a)].

Low-income Exception: WIOA Title I-B allows an exception to the low-income requirement for no more than 5% of WIOA Title I-B Youth (both ISY and OSY combined, and based on newly enrolled youth in a given program year) who ordinarily would be required to be low-income for eligibility purposes. Excepted individuals must meet other eligibility requirements [WIOA § 129(a)(3)(A)(ii); TEGL 22-16].

Policy Number: WIOA I-B – 2.6

Effective Date: August 1, 2017

## Eligibility for Out-of-School Youth Program

### PURPOSE:

The purpose of this policy is to outline the eligibility requirements for the WIOA Out-of-school Youth program in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA § 129  
20 CFR 681  
Comments in WIOA Final Rule concerning 681.210  
TEGL 21-16  
42 U.S.C. 677 (sec. 477 of the Social Security Act)  
A.C.A §6-1-201  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)

### POLICY:

In-school or Out-of-school Youth status is determined at the time of enrollment. Eligibility for the program does not end if a participant enrolls in school or reaches an age greater than the age of the program, as long as the participant needs the services and activities of the Youth program [20 CFR 681.210(b); 20 CFR 681.220(b); 20 CFR 681.240; Comments in WIOA Final Rule concerning §681.210; TEGL 21-16].

If an eligible youth applies for a WIOA Youth program and either does not meet the enrollment requirements for that program or cannot be served by that program, the youth program provider must ensure that the youth is referred for further assessment, if necessary, or referred to appropriate programs to meet the basic skills and training needs of the applicant [WIOA § 129(c)(3)(B); 20 CFR 681.420(e & f)].

To be eligible for Out-of-school-Youth Services, an applicant must meet all of the following numbered requirements [WIOA §129(a)(1)(B); 20 CFR 681.210]:

1. Meet all applicable common requirements, as given in ADWS Policy No. WIOA I-B – 2.1 (*Common Eligibility Requirements*)

2. Not attending any school at the time of enrollment. . “School” refers to an approved private, public, parochial secondary school, or home school that meets the requirements for legal operation [A.C.A §6-1-201] or a postsecondary school. Adult education, YouthBuild, Job Corps, high school equivalency, and dropout re-engagement programs do not qualify as a “school” for the purposes of WIOA Title I-B Youth eligibility [20 CFR 681.230]. Any credit-bearing postsecondary education classes, including community college classes and credit-bearing continuing education classes, are considered “school” [TEGL 21-16]. (Exception: any youth attending a high school equivalency program, including those considered to be dropout re-engagement programs, funded by the public K-12 school system that are classified by the school system as still enrolled in school are considered ISY [TEGL 21-16]. An individual is considered an In-school Youth if he or she is enrolled in school but is not attending only because the school is not in session. If eligibility is determined during the summer and the youth is in between school years, the youth is considered an ISY if the applicant is enrolled to continue school in the fall (or summer, if applicable). “Enrollment” in postsecondary education is defined as “registered for classes.” If the applicant is between high school graduation and postsecondary education, the youth is considered an ISY if he or she is registered for postsecondary education classes, even if the youth has not yet begun postsecondary classes at the time of eligibility determination. If a high school graduate does not follow through with plans to attend postsecondary education, then the youth would be considered an OSY if the eligibility is determined after the youth decided not to attend postsecondary school [TEGL 21-16].
3. Not younger than age 16 or older than age 24 at the time of enrollment. Because eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program
4. Meet one or more of the following criteria at the time of eligibility determination:
  - a. A school dropout (an individual who is not attending any school and who has not received a secondary school diploma or its equivalent)
  - b. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter session of school, however the local school defines a quarter. In cases where schools do not use quarters, local programs must use calendar year quarters. Arkansas age of compulsory school attendance is generally until age 17 [A.C.A. §6-15-501], but see “Age of compulsory school attendance” in Policy No. WIOA 1-B – 1.2 (*Definitions*) for more information.
  - c. A recipient of a secondary school diploma or its recognized equivalent who is low-income and is also either basic skills deficient or an English language learner
  - d. An offender (see ADWS Policy No. WIOA I-B – 1.2 for definition)
  - e. A homeless individual (see ADWS Policy No. WIOA I-B – 1.2 for definition)
  - f. A runaway (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 [also categorized as homeless [TEGL 19-16]])
  - g. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption or a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677) or in an out-of-home placement

- a. An individual who is pregnant or parenting (An individual who is parenting may be a mother or father, custodial or non-custodial. A pregnant individual can be only the expectant mother [TEGL 21-16].)
- h. An individual with a disability (see ADWS Policy No. WIOA I-B – 1.2 for definition)
- i. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment, as defined by the LWDB in the Local Plan [20 CFR 681.300]. The definition in the Local Plan must include required documentation to establish eligibility for this barrier [20 CFR 681.300].

Low-income Exception: WIOA Title I-B allows an exception to the low-income requirement for no more than 5% of WIOA Title I-B Youth (both ISY and OSY combined, and based on newly enrolled youth in a given program year) who ordinarily would be required to be low-income for eligibility purposes. Excepted individuals must meet other eligibility requirements [WIOA § 129(a)(3)(A)(ii); TEGL 22-16].

DRAFT

Policy Number: WIOA I-B – 2.7 Effective Date: August 1, 2017

## Co-Enrollment and Co-Funding

### PURPOSE:

The purpose of this policy is to describe the requirements and regulations concerning co-enrollment and/or co-funding of WIOA Title I-B participants with various WIOA Title I-B programs, with other WIOA programs, with Arkansas Job Center partners, and with other appropriate entities, in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA §§ 3, 108, 129, 134, 188 & 189.  
20 CFR 681.430 - 450  
20 CFR 680.230(b)  
20 CFR 680.350  
TEGL 19-16  
A.C.A. 15-4-3711(a)(10)(D)

### POLICY:

Under WIOA I-B, participants may be eligible for youth, adult, and/or dislocated worker services. The participant may also be eligible for the services of other one-stop partners, as well as services for non-one-stop partners. WIOA I-B case managers must be informed about the services of all WIOA funding streams (including other titles and subtitles). Case managers must coordinate with other agencies as appropriate to provide the full array of services documented as needed by the participant. [WIOA § 134(b)(2)(A)(v); 20 CFR 680.230]. Co-enrollment (or dual-enrollment) and/or co-funding with other entities is encouraged in order to give participants the best array of services [TEGL 19-16].

### Co-enrollment within WIOA Title I Adult, Dislocated Worker, and Youth programs

Individuals who meet the respective program and service eligibility requirements may participate in Adult, Dislocated Worker and/or Youth programs concurrently. Local programs operators may determine the appropriate level and balance of services under the Youth and Adult/Dislocated Worker programs. This determination depends not only on the eligibility requirements of each program, but also on the services needs of the participant. [TEGL 19-16].

Services available under each funding stream will depend on eligibility for services under that funding stream. Local program operators may determine the appropriate level and balance of services for each individual under each program. Local program operators must identify and track the funding streams which pay the costs of services and ensure no duplication of services [20 CFR 681.430]. On the other hand, if it is determined that only the Youth or the Adult program array of services is appropriate for an individual aged 18 – 24, then the local program provider may enroll that participant in only that service [20 CFR 681.450].

### **Co-enrollment and Co-funding with Other Programs**

WIOA Title I-B program providers are encouraged to work with other Workforce Center partners and other entities to provide a full array of needed services to participants. Not only does this strategy provide more services, it provides more case management to the participant, thus providing greater probability for success.

WIOA funding for training is limited to participants who are unable to obtain grant assistance from other sources to pay the costs of their training or require assistance beyond that available under grant assistance from other sources to pay the costs of such training. WIOA Title I-B Service Providers must not only ensure that participants apply for Pell Grants and other appropriate grants, but they must also coordinate funding with other one-stop partners and other entities for which the participant is eligible [20 CFR 680.230]. In order to appropriately coordinate funding and co-enrollment, case managers must be trained in programs and eligibility requirements of other one-stop partners and other local and state entities providing services needed by their participants so they can leverage the funding of other sources to provide all services needed by WIOA Title I-B participants [A.C.A. 15-4-3711(a)(10)(D)]. Some of these potential entities are:

1. Career Pathways Initiative for custodial parents attending Arkansas two-year colleges
2. Single Parent Scholarship Funds for each county ([www.aspsf.org/scholarships](http://www.aspsf.org/scholarships))
3. Arkansas Rehabilitation Services and Division of Services for the Blind
4. TEA / Work Pays
5. TAA
6. Veterans' Services
7. State and institutional scholarships
8. Department of Human Services
9. Food Stamp Employment and Training Programs
10. Arkansas Human Development Corporation (National Farmworker Jobs Program)
11. American Indian Center of Arkansas
12. Local housing authority
13. Local homeless shelter(s)

14. Local food banks and distribution centers
15. Local provider of assistance with utilities
16. Local provider of older worker services (Title V of the Older Americans Act of 1965, 42 U.S.C. § 3056 et seq.)
17. Community Service Block Grants
18. Programs funded by the Second Chance Act

WIOA Title 1-B Adult, Dislocated Worker, and Youth participants should be referred to and co-enrolled (or co-funded) with these services and other available services as appropriate. Local areas should have policies and procedures in place to ensure that other funds are leveraged [A.C.A. 15-4-3711(a)(10)(D), 20 CFR 680.230(b)].

WIOA Title I-B funds may support adult education and literacy activities of the Arkansas Department of Career Education, Arkansas Literacy Council, and other programs providing adult education and literacy activities if the participant is also engaged in one of the following [20 CFR 680.350]:

1. Occupational skills training, including training for nontraditional employment
2. OJT
3. Incumbent worker training, as described in ADWS Policy No. WIOA I-B – 3.6 (*Incumbent Worker Training*)
4. Programs that combined workplace training and related instruction, which may include cooperative education programs
5. Training programs operated by the private sector
6. Skill upgrading and retraining
7. Entrepreneurial training

Local boards must ensure that services are not duplicated for individuals enrolled in multiple programs.

Policy Number: WIOA I-B – 2.8

Effective Date: August 1, 2017

## Priority for Individuals with Barriers to Employment

### PURPOSE:

The purpose of this policy is to describe and detail the requirements for local policies concerning the priorities of service for applicants in WIOA Title I-B programs and services in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA §§ 3, 166(b), 167(i)(1-3), 203(7)  
20 U.S.C 7517  
25 U.S.C 450b  
42 U.S.C. 601 et seq.  
43 U.S.C 1602(b),(r)  
TEGLs 19-16 & 21-16  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 2.4 (Eligibility for Dislocated Worker Program)

### POLICY:

In addition to statutory requirements concerning eligibility and priority for particular programs (including veterans priority for all programs), all programs of WIOA Title I-B must focus on serving individuals with barriers to employment, as detailed below [TEGL 19-16]. This does not mean that these individuals are the only ones who can be served, but that priority must be given to individuals identified as having barriers to employment after individuals who meet statutory priority requirements. Of course, all levels of priority must meet program eligibility criteria.

Each local area must develop policies and procedures to ensure priority access to services for individuals with barriers to employment for all programs, while conforming to statutory regulations concerning each program. LWDBs may consider the unique populations of their areas when creating these policies and procedures, and they may identify other populations who should be included as “individuals with barriers to employment,” as allowed in (p) below. The local Priority Policy must be approved by the LWDB.

Local areas must consider the following “individuals with barriers to employment” when writing policies and procedures [WIOA § 3(24); TEGL 19-16]:

- a) Displaced homemakers, as defined in WIOA § 3(24) and ADWS Policy No. WIOA I-B – 2.4 (*Eligibility for Dislocated Worker Program*)
- b) Low-income individuals, as defined in WIOA § 3(36) and ADWS Policy No. WIOA I-B – 1.2 (*Definitions*)
- c) Indians (as defined in WIOA § 166(b) and 25 U.S.C 450b), Alaska Natives (as defined in WIOA § 166(b) and 43 U.S.C 1602(b),(r)), and Native Hawaiians (as defined in WIOA § 166(b) and 20 U.S.C 7517)
- d) Individuals with disabilities, including youth who are individuals with disabilities, as defined in WIOA § 3(25) and ADWS Policy No. WIOA I-B – 1.2 (*Definitions*) and including individuals who are recipients of Social Security Disability Insurance [TEGL 19-16]
- e) Older individuals, defined as age 55 or older [WIOA § 3(39)]
- f) Ex-offenders or offenders [TEGL 19-16], as defined in WIOA § 3(38) and ADWS Policy No. WIOA I-B – 1.2 (*Definitions*)
- g) Homeless individuals, including runaways and homeless children and youth, as defined in TEGL 19-16 and ADWS Policy No. WIOA I-B – 1.2 (*Definitions*)
- h) Youth who are in or have aged out of the foster care system
- i) Individuals who are English language learners, as defined in WIOA § 203(7) and ADWS Policy No. WIOA I-B – 1.2 (*Definitions*)
- j) Individuals who have low levels of literacy (i.e. Basic Skills deficient [TEGL 19-16]), as defined in ADWS Policy No. WIOA I-B – 1.2 (*Definitions*)
- k) Individuals facing substantial cultural barriers to employment, as defined in ADWS Policy No. WIOA I-B – 1.2 (*Definitions*)
- l) Eligible migrant and seasonal farmworkers, as defined in WIOA § 167(i)(1-3) and ADWS Policy No. WIOA I-B – 1.2 (*Definitions*)
- m) Individuals within 2 years of exhausting lifetime eligibility under TANF (See 42 U.S.C. 601 et seq.)
- n) Single parents (custodial and non-custodial, mothers and fathers) and single pregnant women [TEGLs 19-16 & 21-16]
- o) Long-term unemployed individuals, as defined in ADWS Policy No. WIOA I-B – 1.2 (*Definitions*)
- p) Such other groups as the LWDB determines to have barriers to employment

Policy Number: WIOA I-B – 3.1

Effective Date: August 1, 2017

## Services for Adults and Dislocated Workers

### PURPOSE:

The purpose of this policy is to describe and define the required and permitted services for adults and dislocated workers in the local areas in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB) and to detail eligibility requirements for receiving these services in accordance with the same law, regulations, and policies.

### REFERENCE:

WIOA §§ 3, 122(h); 129(b)(2)(D), & 134  
20 CFR 678.430  
20 CFR 680  
20 CFR 683.500 – 683.530  
20 U.S.C. 1001 & 1002(a)(1)  
Comments in WIOA Final Rule concerning §680.150  
20 U.S.C. 796 et seq. (Title VII of the Rehabilitation Act of 1973)  
42 U.S.C. 651 et seq. (Title IV of the Social Security Act)  
TEGLs 16-16 & 19-16  
A.C.A. § 15-4-3711(a)(8) (codified from Arkansas Act 907 of 2015, the Arkansas Workforce Innovation and Opportunity Act)  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 2.3 (Eligibility for Adult Program)  
ADWS Policy No. WIOA I-B – 2.4 (Eligibility for Dislocated Worker Program)  
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)  
ADWS Policy No. WIOA I-B – 3.4 (On-the-job Training)  
ADWS Policy No. WIOA I-B – 3.5 (Registered Apprenticeships)  
ADWS Policy No. WIOA I-B – 3.6 (Incumbent Worker Training)  
ADWS Policy No. WIOA I-B – 3.7 (Customized Training)  
ADWS Policy No. WIOA I-B – 3.8 (Work Experience)  
ADWS Policy No. WIOA I-B – 3.9 (Supportive Services)

### POLICY:

Adult and Dislocated Worker services consist of two types: career services and training services, both of which must be provided through the American Job Center network, although they may also be available at other locations and through other entities [20 CFR 680.100 & 680.140(a)]. Career services consist of three

types: basic services, individualized services, and follow-up services [20 CFR 678.430; TEGL 19-16]. An individual becomes a participant in a particular program when the registered person is declared eligible for that program, and then receives his or her first service, other than self-service or information-only [20 CFR 680.110]. Eligibility requirements for the Adult program are found in ADWS Policy No. WIOA I-B – 2.3 (*Eligibility for Adult Program*). Eligibility requirements for the Dislocated Worker program are found in ADWS Policy No. WIOA I-B – 2.4 (*Eligibility for Dislocated Worker Program*). Some services require additional eligibility determine, as explained in this policy [20 CFR 140(a)].

Availability of services is based on eligible funding of local areas. Nothing in this policy implies that an adult or dislocated worker is guaranteed receipt of specific individualized career services or training services. The individual must demonstrate need for services before receiving them [TEGL 19-16].

## Required Activities

### Basic Career Services

Basic career services are universally accessible and must be made available to all adults seeking employment and training services. All basic services must be available in at least one comprehensive American Job Center per local area, but the individual may receive only those services appropriate to his or her situation. There is no correct order of services, and basic services may be given after individualized or training services or in combination with such services. Basic services must be provided by Employment Service staff in coordination with other American Job Center partners, including Adult and Dislocated Worker programs. Some of these services trigger participation, so they should be provided by WIOA Title I-B staff only to participants who have met eligibility requirements. These services are listed at the end of the full list [WIOA § 134(c)(3)(A); WIOA §134(c)(2)(C); 20 CFR 678.430(a); 20 CFR 680.100(b)(1); TEGL 16-16; TEGL 19-16].

Basic services are [WIOA §134(c)(2)(A)(i–xi); 20 CFR 678.430(a)]:

1. Determination of whether the individual is eligible to receive WIOA Title I-B Adult, Dislocated Worker, and/or Youth services
2. Outreach, intake (including identification through the state’s Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through the American Job Center network
3. Initial assessment of skill levels, including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps) and supportive services needs
4. Labor exchange services, including:
  - a. Job search, placement assistance, and, in appropriate cases, career counseling
  - b. Information concerning in-demand industry sectors and occupation
  - c. Information about nontraditional employment
  - d. Recruitment on behalf of employers
5. Referrals to and coordination of activities with other programs and services, including American Job Center partners and other programs and services, as appropriate

6. Accurate workforce and labor market employment statistics information relating to local, regional, state, and national labor market areas, including
  - a. Job vacancy listings in labor market areas
  - b. Information about job skills necessary to obtain vacant jobs listed
  - c. Information concerning local in-demand occupations, as well as the wages, skill requirements, and opportunities for advancement for those occupations.
7. Performance information and program costs of eligible training providers, provided by program and type of providers
8. Easy-to-understand information concerning local performance measures
9. Easy-to-understand information about supportive services and assistance, including, but not limited to, child care, child support, medical or child health assistance, SNAP, earned income tax credit, TANF programs (including TEA, Work Pays, and the Career Pathways Initiative, as appropriate), HUD housing counseling and assistance, and any other available program of supportive services and transportation
10. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA
11. Information and assistance in filing claims for unemployment compensation

Several basic services trigger inclusion in program participation, so applicants must be determined eligible for a WIOA Title I-B Adult or Dislocated Worker program before receiving any of the following services from WIOA Title I-B staff [TEGL 19-16 (Appendix II)]:

- Initial assessment of skill levels and supportive service needs
- Staff-assisted job search
- Staff-assisted referral to employment and placement assistance
- Staff-assisted career guidance and counseling
- Meaningful assistance in filing for UI
- Assistance in establishing eligibility for financial aid

### **Individualized Career Services**

For the purposes of WIOA Title I-B, individualized career services may be given only to individuals who are eligible for Adult and/or Dislocated Workers program(s) and are determined to need such services in order to obtain or retain employment [20 CFR 678.430(b); 20 CFR 680.110; TEGL 19-16]. Program eligibility requirements are given in ADWS Policies No. WIOA I-B – 2.3 (*Eligibility for Adult Program*) and WIOA I-B – 2.4 (*Eligibility for Dislocated Worker Program*). Eligibility requirements to receive particular services is included in this policy. All required activities and services must be available, but the provision of individualized services must be based on the employment needs of the individual as determined jointly by the individual and the case manager, and may be identified through an individual employment plan (IEP). Eligible participants must receive individualized career services required to retain or obtain employment [TEGL 19-16].

Individualized Career Services may be provided by Employment Services staff, WIOA Title I-B staff, or by another American Job Center partner [TEGL 19-16]. There is no required order of services. A participant does not have to receive basic career services before receiving individualized career services, and he or she may receive basic services after receiving individualized services [TEGL 19-16]. As appropriate, participants should be co-enrolled with other service providers (including American Job Center partners) to create the best array of services for the participant.

Individual services required to be available to qualified individuals who need these services are [WIOA §134(c)(2)(A)(xii); 20 CFR 678.430(b); TEGL 19-16]:

1. Comprehensive and special assessments of the skill levels and service needs of the participant. The WIOA Title I-B service provider may use the assessments, interviews, and evaluations of other entities, if appropriate [WIOA § 134(c)(2)(B); WIOA § 134(c)(3)(A)(ii)]. Assessments may include:
  - a. Diagnostic testing and use of other assessment tools
  - b. In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals
2. Development of an individual employment plan (IEP) to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers
3. Group and/or individual counseling and mentoring
4. Career planning (e.g. case management)
5. Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term pre-vocational services
6. Internships and work experiences that are linked to careers identified in the individual employment plan [20 CFR 678.430(b)(7) & 680.170], including transitional jobs [20 CFR 680.190; TEGL 19-16, Sec. 5] (see ADWS Policy No. WIOA I-B – 3.8 Work Experience)
7. Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education or training or employment
8. Financial literacy services, such as training for [WIOA §§ 129(b)(2)(D)]:
  - a. Creating a budget, initiating a savings plan, and making informed decisions about education, retirement, home ownership, wealth building, or other savings goals
  - b. Managing spending, credit, and debt (including credit cards)
  - c. Checking a credit report, increasing the score, and correcting any errors or problems on a report
  - d. Understanding, evaluating, and comparing financial products, services, and opportunities

- e. Understanding financial situations as a non-English speaker
- 9. Out-of-area job search assistance and relocation assistance
- 10. English language acquisition and integrated education and training programs

LWDBs must identify the assessments to be used to determine eligibility, but they may use recent previous interviews, evaluations, or assessments by partner programs to determine if individualized career services would be appropriate. For the purposes of assessments, Arkansas defines “recent” as within the last six months.

### **Follow-Up Services**

Follow-up services, including counseling regarding the workplace, must be made available by a American Job Center partner, as determined appropriate by the LWDB, for at least 12 months after the first day of employment, to participants who are placed in unsubsidized employment [WIOA § 134(c)(2)(A)(xiii); 20 CFR 678.430(c); 20 CFR 680.150(c); Comments in WIOA Final Rule concerning §680.150; TEGL 19-16].

Local areas must establish policies concerning appropriate follow-up services for adults and dislocated workers, as well as policies for identifying when to provide such follow-up services [20 CFR 680.150(c); TEGL 19-16]. Follow-up may include other services that will help the former-participant be successful in the workplace, including counseling regarding the workplace [WIOA § 134(c)(2)(A)(xiii); TEGL 19-16], financial literacy education, mentoring, and information concerning community agencies or organizations that might assist with supportive services.

Follow-up services may not include supportive services listed in 20 CFR 680.900 [20 CFR 680.910; TEGL 19-16]. Follow-up career services are not a qualifying service for the receipt of supportive services [WIOA § 134(d)(2)(A); TEGL-19-16]. Therefore, an individual who is only receiving follow-up services may not receive supportive services [TEGL 19-16].

Arkansas uses a common exit date for participants in WIOA Title I-B and Title III core programs (WIOA Adult, Dislocated Worker, and Youth formula programs and Wagner-Peyser Employment Service program), the Trade Adjustment Assistance program (TAA), and the Title I-D National Dislocated Worker Grant program. An individual who is employed is not required to exit the Adult and Dislocated Worker programs simply because he or she is employed. If the participant is enrolled in other common-exit programs or if he or she needs additional career services (other than follow-up services or self-service, and information-only services and activities), training services, or both, the participant is not exited until these services are no longer needed. Supportive services, however, may be given only when necessary to participate in Title I career services or training services and only when funding is not available through other sources [TEGL 19-16].

### **Training Services**

Training services are required to be available for eligible adults and dislocated workers, but the local areas have options concerning the types of training available to participants. Training services selected must meet the educational and career goals, as well as the abilities and skill gaps of the participants. The need for training services must be documented in case management files [20 CFR 680.220(b)].

To receive Training Services a participant must meet all of the following numbered eligibility criteria:

1. Meet all eligibility requirements for the Adult or Dislocated Worker program. Is determined eligible in accordance with the local priority system in effect for adults if training services are provided through the Adult formula funding stream [TEGL 19-16].
2. Has been determined after an interview, evaluation, or assessment, and after career planning that the individual meets all of the following criteria [WIOA § 134(c)(3)(A)(i)(I); 20 CFR 680.210(a) & 680.220(a); TEGL 19-16]:
  - a. Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency, as determined by the LWDB, or wages comparable to or higher than wages from previous employment, through career services alone
  - b. Is in need of training services to obtain or retain employment leading to economic self-sufficiency, as determined by the LWDB, or to wages comparable to or higher than wages from previous employment
  - c. Has the skills and qualifications to participate successfully in training services

Where appropriate, a recent interview, evaluation, or assessment may be used for the assessment purpose [WIOA § 134(c)(2)(B); 20 CFR 680.220(a); TEGL 19-16]. Arkansas defines “recent” as within the last six months.

The case file must contain a determination of need for training services as determined through the interview, evaluation, or assessment, career planning using local labor market information and training provider performance information, or other career service received. If career services are not provided before training, the case manager must document the circumstances that justified the determination to provide training without first providing career services [20 CFR 680.220(b)].

3. Select a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in geographic areas to which the individuals are willing to commute or relocate [WIOA § 134(c)(3)(A)(i)(II); 20 CFR 680.210(b); TEGL 19-16].
4. Is unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Federal Pell Grants, and TANF; or requires WIOA Title I-B assistance in addition to these other sources. In making the determination, WIOA programs may take into account the full cost of participating in training services, including the cost of support services and other appropriate costs [WIOA § 134(c)(3)(B)(i)(I); 20 CFR 680.210(c); 20 CFR 680.230; TEGL 19-16]. WIOA partners and other entities must coordinate funds available to pay for training. [20 CFR 680.230].

A WIOA participant may enroll in WIOA-funded training while his or her application for a Pell Grant is pending as long as the American Job Center has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded. In that case, the training provider must reimburse the WIOA funds used to underwrite the training for the amount the Pell Grant covers, including any education fees the training provider charges to attend training. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the WIOA participant for education-related expenses [20 CFR 680.230].

If the applicant is a member of a worker group covered under a petition filed for Trade Adjustment Assistance (TAA) and is awaiting a determination, training may be provided under WIOA Title I-B if all other eligibility requirements are met. If the petition is certified, the worker will then transition to TAA approved training. If the petition is denied, the worker will continue training under WIOA Title I-B [TEGL 19-16].

Training services provided by local boards may include, but is not limited to, [WIOA § 134(c)(3)(D); 20 CFR 680.200; 20 CFR 680.350]; TEGL 19-16]:

1. Occupational skills training, including training for nontraditional employment (see ADWS Policy No. WIOA I-B – 3.3 *Occupational Skills Training*)
2. On-the-job training (OJT), including Registered Apprenticeship (RA) training (see ADWS Policies No. WIOA I-B – 3.4 *On-the-job Training* & 3.5 *Registered Apprenticeships*)
3. Incumbent working training (limited to no more than 20% of the funds granted to a local area for Adult and Dislocated Worker training [WIOA § 134(d)(4)]; see ADWS Policy No. WIOA I-B – 3.6 *Incumbent Worker Training*)
4. Programs that combine workplace training with related instruction, which may include cooperative education programs
5. Training programs operated by the private sector
6. Skill upgrading and retraining
7. Entrepreneurial training
8. Job readiness training if it is provided in combination with training listed in 1-7 above or transitional jobs.
9. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, if they are provided concurrently or in combination with training listed in 1-7 above
10. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training (see ADWS Policy No. WIOA I-B – 3.7 *Customized Training*)

The selection of training services should be conducted in a manner that maximizes customer choice [20 CFR 680.340(a)], is linked to in-demand employment opportunities in the local area or planning region or in a geographic area in which the adult or dislocated worker is willing to commute or relocate, and is coordinated to the extent possible with other sources of assistance [TEGL 19-16]. Each LWDB must make available to customers the list of eligible training providers, a description of the programs through which the providers may offer the training services, and the performance and cost information about those providers [20 CFR 680.340(b)]

Each local board must work with representatives of secondary and postsecondary education programs to lead in the development and implementation of career pathways by aligning local employment, training, education, and supportive services needed by adults and youth, particularly individuals with barriers to employment [A.C.A. 15-4-3711(a)(8)].

Training services, when determined appropriate, must be provided through either Individual Training Accounts (ITAs) or through training contracts. Except under the conditions listed below, training

services must be provided by an approved eligible training provider (ETP) is an individual training account (ITA) [WIOA §134(c)(3)(G)(i); TEGL 19-16] (see ADWS Policy No. WIOA I-B – 3.3 *Occupational Skills Training*). Contracts for services are used instead of ITAs only when one or more of the following five exceptions apply and the consumer choice requirement described above has been fulfilled [WIOA § 122(h); WIOA § 134(c)(G)(ii); 20 CFR 680.320(a); TEGL 19-16]:

1. When the services provided are on-the-job-training (OJT), which may include the on-the-job training part of an Registered Apprenticeship (RA) program, customized training, incumbent worker training, or transitional jobs
2. When the LWDB determines that there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs. (The determination process must include a public comment period for interested providers of at least 30 days and must be described in the Local Plan.)
3. When the LWDB determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment (see list and definitions in ADWS Policy No. WIOA I-B – 1.2 *Definitions*) [WIOA §3(24); 20 CFR 680.320(b)]:

If the LWDB uses this method of training, the LWDB must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the individuals with barriers to employment to be served. The criteria may include [20 CFR 680.320(a)(3); TEGL 19-16]:

- a. Financial stability of the organization
  - b. Demonstrated performance in the delivery of services to individuals with barriers to employment through such means as program completion rate, attainment of the skills, certificates or degrees the program is designed to provide, placement after training in unsubsidized employment, and retention in employment
  - c. How the specific program relates to the workforce investment needs identified in the local plan
4. When the LWDB determines that (a) it would be most appropriate to contract with an institution of higher education (see definition in 20 U.S.C. 1001, 1002(a)(1)) or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations and (b) such contract does not limit customer choice
  5. When the LWDB determines that a pay-for-performance contract is suitable consistent with 20 CFR 683.500. If the LWDB enters into a pay-for-performance contract, the contract must be consistent with 20 CFR 683.510. No more than 10% of the local funds may be spent on pay-for-performance contract strategies, as they are defined in WIOA § 3(47) and ADWS Policy No. WIOA I-B – 1.2 (*Definitions*).

A local board may determine that providing training through a combination of ITAs and contracts is the most effective approach. This approach might be appropriate in placing participants in programs such as registered apprenticeships, and similar types of training [TEGL 19-16]. If the LWDB plans to contract for training services, the Local Plan must describe the process to be used in selecting the providers [20 CFR 680.320(c)].

## Permitted Activities and Services

Some adult and dislocated worker services are not required, but are permissible to provide as appropriate. The following services are permitted activities and services [WIOA § 134(d); 20 CFR 680.140(b); TEGL 19-16]:

1. Job seeker services, such as:
  - a. Customer support to enable individuals with barriers to employment (including individuals with disabilities) and veterans, to navigate among multiple services and activities for each population (See ADWS Policy No. WIOA I-B – 1.2 for definitions)
  - b. Training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local areas (See ADWS Policy No. WIOA I-B – 1.2 for definitions)
  - c. Work support activities for low-wage workers, in coordination with American Job Center partners, which will provide opportunities for these workers to retain or enhance employment. These activities may include any activities available under the WIOA Adult and Dislocated worker programs in coordination with activities and resources available through partner programs. These activities may be provided in a manner that enhances the worker's ability to participate, for example by providing them at nontraditional hours or providing on-site child care.
  - d. Supportive services that are necessary to enable an individual to participate in WIOA Title I activities [WIOA 3(59); 20 CFR 680.910(b); TEGL 19-16]. Supportive services may be provided only to individuals who are (a) participating in WIOA career (other than follow-up) or training services and (b) are unable to obtain supportive services through other programs providing such services [20 CFR 680.910(a); TEGL 19-16]. Supportive services are not stand-alone services, do not make an individual a participant, and do not extend participation [TEGL 19-16]. If funding is spent on supportive services, the need for such services, including inability to obtain services from other sources, must be documented in the participant's case notes. Supportive services may include, but are not limited to [WIOA § 3(59); 20 CFR 680.900; TEGL 19-16]:
    - i. Linkages to community services
    - ii. Assistance with transportation
    - iii. Assistance with child care and dependent care
    - iv. Assistance with housing
    - v. Needs-related payments to participants enrolled in training services
    - vi. Assistance with educational testing
    - vii. Reasonable accommodations for individuals with disabilities
    - viii. Legal aid services
    - ix. Referrals to health care
    - x. Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear

- xi. Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes
- xii. Payments and fees for employment and training-related applications, tests, and certifications.

See ADWS Policy No. WIOA-I-B – 3.9 (*Supportive Services*) for more information concerning supportive services.

- e. Transitional jobs to individuals with barriers to employment and who are chronically unemployed or have an inconsistent work history (See ADWS Policy No. WIOA-I-B – 3.8 *Work Experience* for more information)
2. Employer services, such as:
- a. Customized screening and referral of qualified participants in WIOA Title I-B training services to employers
  - b. Customized employment-related services to employers, employer associations, or other such organizations on a fee-for-service basis that are in addition to labor exchange services available to employers under the Wagner-Peyser Act Employment Service
  - c. Activities to provide business services and strategies that meet the workforce development needs of area employers, as determined by the LWDB and consistent with the Local Plan. These services [WIOA 134(d)(1)(A)(ix)]:
    - i. May be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the LWDB
    - ii. May include:
      - 1. Developing and implementing industry sector strategies (including strategies involving industry partnerships, regional skills alliances, industry skill panels, and sectoral skills partnerships)
      - 2. Developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, apprenticeship, and other effective initiatives for meeting the workforce development needs of area employers and workers
      - 3. Assistance to area employers in managing reductions in force in coordination with allowed rapid response activities (see WIOA § 134(a)(2)(A)) and with strategies for the aversion of layoffs, which strategies may include early identification of firms at risk of layoffs, use feasibility studies to assess the needs of and options for at-risk firms, and the delivery of employment and training activities to address risk factors
      - 4. The marketing of business services offered on a fee-for-service basis to appropriate area employers, including small and mid-sized employers

3. Coordination activities, such as:
  - a. Employment and training activities provided in coordination with child support enforcement activities, as well as child support services and assistance activities, of the state and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.)
  - b. Employment and training activities in coordination with cooperative extension programs carried out by the Department of Agriculture
  - c. Employment and training activities in coordination with activities to facilitate remote access to services provided through the American Job Center network, including facilitating access through the use of technology
  - d. Improving coordination between workforce investment activities and economic development activities carried out within the local area involved, and to promote entrepreneurial skills training and microenterprise services
  - e. Improving services and linkages between the local workforce development system and employers, including small employers, in the local areas
  - f. Strengthen linkages between the American Job Center network and the unemployment insurance programs
  - g. Improving coordination between employment and training activities and programs carried out in the local area for individuals with disabilities, including programs carried out by state agencies relating to intellectual disabilities and development disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)
4. Implementing a Pay-for-Performance contract strategy for training services in accordance with 20 CFR 683.500 – 683.530 (limited to no more than 10% of adult and dislocated worker funds allotted to the local area)
5. Technical assistance for American Job Center partners, and eligible providers of training services, regarding the provision of services to individuals with disabilities in local areas, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, the coordination of services across providers and programs, and the development of performance accountability measures
6. Activities to adopt, calculate, or commission for approval, economic self-sufficiency standards for the local areas that specify the income needs of families, by family size, the number and ages of children in the family, and local geographic considerations.
7. Implementation of promising services to workers and businesses, which may include support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising
8. Incumbent worker training programs, as described in ADWS Policy No. WIOA I-B – 3.8 (*Work Experience*).

Policy Number: WIOA I-B – 3.2

Effective Date: August 1, 2017

## Services for Youth

### PURPOSE:

The purpose of this policy is to describe and define the required and permitted services for Youth in the local areas in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB) and to detail eligibility requirements for receiving these services in accordance with the same law, regulations, and policies.

### REFERENCE:

WIOA §§ 3(59), 116(b)(2)(A)(ii), 123, 129, & 681  
2 CFR part 200  
20 CFR 681  
DOL comments in Final Rule concerning §§681.210 & 681.640  
TEGLs 23-14, 8-15, & 21-16  
A.C.A. §§ 6-1-201 & 6-15-501  
ADWS Policy No. WIOA I-B – 2.3 (Eligibility for Adult Program)  
ADWS Policy No. WIOA I-B – 2.5 (Eligibility for In-School Youth Program)  
ADWS Policy No. WIOA I-B – 2.6 (Eligibility for Out-of-School Youth Program)  
ADWS Policy No. WIOA I-B – 2.7 (Co-enrollment)  
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)  
ADWS Policy No. WIOA I-B – 3.4 (On-the-Job Training)  
ADWS Policy No. WIOA I-B – 3.8 (Work Experience)  
ADWS Policy No. WIOA I-B – 3.9 (Supportive Services)

### POLICY:

Both in-school youth (ISY) and out-of-school youth (OSY) are eligible for Youth services [20 CFR 681.200]. Local WIOA Title I-B Youth program providers must work with other one-stop partners and providers of services to assist youth in obtaining the full array of needed services [WIOA §129(c)(3)(A); 20 CFR 681.420(c & d)]. Youth service providers should also work with other appropriate entities in assessing the needs of participants and creating strategies to meet those needs. Assessments and service strategies developed for the participant by other entities should be used as appropriate [WIOA § 129(c)(1)(A & B); 20 CFR 681.420(h)].

Youth must register and be declared eligible for services before receiving any services other than self-service or information-only [681.320(a)]. In addition, all of the following activities must occur for a youth to be a participant for reporting purposes [20 CFR 681.320(b)]:

1. The collection of documentation to support an eligibility determination (ADWS Title I-B Form 2.4 *In-School Youth Eligibility Determination* or 2.5 *Out-of-School Youth Eligibility Determination*)
2. The provision of an objective assessment (may be a recent assessment by another entity [WIOA § 129(c)(1)(A); 20 CFR 681.420(h)]). Arkansas defines “recent assessment” as within the last six months.
3. The development of an individual service strategy (may be a recent individual service strategy developed by another entity [WIOA § 129(c)(1)(B); 20 CFR 681.420(h)] (ADWS Title I-B Form 3.2 *Individual Service Strategy*). Arkansas defines “recent Individual Service Strategy” as within the last six months.
4. Participation in any of the 14 WIOA Youth program elements

Not less than 75% of all local WIOA Title I-B Youth funds beyond administrative costs must be spent on OSY activities [WIOA §129(a)(4)(A); 20 CFR 681.410(d)], unless an exception is granted under WIOA § 129(a)(4)(B).

If a student is required to attend school under state compulsory school attendance laws, the priority in providing assistance is for the individual to attend school regularly [WIOA §129(a)(5)]. Arkansas law requires attendance at a private, public, parochial or home school each day the school is open for individuals age 5 through 17 unless one of the following applies [A.C.A. § 6-1-201; A.C.A. § 6-15-501]:

- The child has received a high school diploma or its equivalent as determined by the State Board of Education
- The child is 16 years or older and enrolled in a postsecondary vocational-technical institution, a community college, or two-year or four-year institution of higher education
- The child is 16 years or older and enrolled in either an adult education program or the Arkansas National Guard Youth Challenge Program

More information concerning eligibility for ISY and OSY programs may be found in ADWS Policy No. WIOA I-B – 2.5 (*Eligibility for In-School Youth Program*) and ADWS Policy No. WIOA I-B – 2.6 (*Eligibility for Out-of-School Youth Program*).

### **Design of Youth Programs**

Local Workforce Development Boards must design WIOA Youth programs that meet the following guidelines [WIOA § 129(c)(1); 20 CFR 681.420; TEGL 21-16]:

1. Program Expenditures Prior to Participation: In limited instances, WIOA Youth funds may be expended on costs related to individuals who are not yet participants in the WIOA youth program. Youth funds may be expended on outreach and recruitment or assessment for eligibility determination (such as assessing basic skills level) prior to determination, but they cannot be spent on Youth program services, such as the 14 elements, described below [TEGL 21-16]
2. The design framework of service must:

- a. Provide for an objective assessment of the academic levels, skill levels, and service needs of each participant that includes a review of basic skills, occupational skills, prior work experience, employability, interests and aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of each participant for the purpose of identifying appropriate services and career pathways for participants. Assessments must consider a youth's strengths in addition to areas of needed improvements. In assessing basic skills, programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities [20 CFR 681.290]. New assessments may not be required if appropriate assessments conducted by another educational or training entity within the past six months are available. More information concerning assessment requirements can be found in TEGL 21-16, Section 5.
  - b. Develop and update as needed an individual service strategy (ISS) based on the needs, interests, and aptitudes indicated in the assessments and also based on one or more of the youth performance measures [WIOA §116(b)(2)(A)(ii)]:
    - i. Obtaining employment through education or training activities
    - ii. Retaining employment through education or training activities
    - iii. Increasing earnings in unsubsidized employment
    - iv. Obtaining a recognized postsecondary credential
    - v. Obtaining a high school diploma or its recognized equivalent and either obtaining and retaining employment or continuing education or training in a postsecondary school
    - vi. Obtaining measurable skills gains toward a postsecondary credential program or employment

The ISS must also identify career pathways that include education and employment goals, that considers career planning and the results of the objective assessment, and that prescribes achievement objectives and services for the participant [20 CFR 681.420].
  - c. Provide case management of youth participants, including follow-up services
3. The local area must follow the design framework described in the local plan concerning how the 14 program elements will be made available within that framework.
  4. LWDBs must ensure appropriate links to entities that will foster participation of eligible local area youth. Such links may include, but are not limited to:
    - a. Local area justice and law enforcement officials
    - b. Local public housing authorities
    - c. Local education agencies
    - d. Local human service agencies
    - e. WIOA title II adult education providers
    - f. Local disability-serving agencies and providers and health and mental health providers

- g. Job Corps representatives
  - h. Representatives of other area youth indicatives, such as YouthBuild, entities that serve homeless youth, and other public and private youth initiatives
5. LWDBs must ensure that WIOA youth program providers refer all youth participants to appropriate other entities where they can receive needed services [WIOA § 129(c)(3)(A)], including:
    - a. Providing these participants with information about the full array of applicable or appropriate services through the one-stop system and other appropriate providers
    - b. Referring these participants to appropriate training and educational programs that have the capacity to serve them either on a sequential or concurrent basis.
  6. If a youth applies for enrollment in a WIOA youth program and either does not meet the enrollment requirements for that program or cannot be served by that program, the youth program provider must ensure that the youth is referred for further assessment, if necessary, or referred to appropriate programs to meet the skills and training needs of the youth.
  7. In order to meet the basic skills and training needs of applicants who do not meet the eligibility requirements of a particular program or who cannot be served by the program, each youth provider must ensure that these youth are referred for further assessment, as necessary, and to appropriate programs who might be able to meet the needs of the youth.
  8. LWDBs must ensure that parents, youth participants, and other members of the community with experience relating to youth programs are involved in both the design and implementation of its youth programs.
  9. The required objective assessment or the required individual service strategy is not required if the program provider determines that it is appropriate to use a recent objective assessment or individual service strategy (within the last six months) that was developed under another education or training program.
  10. The LWDB may implement a WIOA Pay-for-Performance contract strategy for the 14 program elements. Not more than 10% of the total youth funds may be used for this strategy. Additional regulations for the WIOA Pay-for-Performance contract strategies are in 20 CFR 683.500.

#### **14 Program Elements**

Fourteen program elements must be available to all Youth participants. WIOA Youth funds are not required to be spent on these services. Local programs are encouraged to partner with existing local, state, and national entities that can provide program elements at no cost to the local Youth program [20 CFR 681.460(c); 20 CFR 681.470]. The local area, however, must ensure that if a program element is not funded with WIOA title I Youth funds, the local program has an agreement in place with a partner organization to ensure that the program element will be offered. The LWDB must ensure that program elements provided by other entities are closely connected and coordinated with the WIOA Youth program [20 CFR 681.470].

Local programs have the discretion to determine what specific program services a youth participant receives based on each participant's objective assessment and individual service strategy. Local programs are not required to provide all program services to each participant [20 CFR 681.460(b)].

Local programs must make each of the following 14 program elements available to Youth participants [WIOA § 129(c)(2); 20 CFR 681.460(a); TEGL 23-14; TEGL 21-16]. Local area youth programs should ensure that services received are reported in AJL. Documenting receipt of program elements is critical to ensure that youth who are actively participating in programs do not get unintentionally exited due to 90 days of no services. Note that case management (the act of connecting youth to appropriate services) is not a program element, and should not be reported as one of the 14 youth program elements [TEGL 21-16].

**Program Element 1: Tutoring, study skills training, instruction, and dropout prevention services**

that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential [20 CFR 681.460(a)(1); TEGL 21-16].

The following services and activities are reported under Program Element 1 [TEGL 21-16]:

- a. Tutoring, study skills training, and instruction that lead to a high school diploma. Such services focus on providing academic support, helping a youth identify areas of academic concern, assisting with overcoming learning obstacles, and providing tools and resources to develop learning strategies. Tutoring, study skills training, and instruction can be provided one-on-one, in a group setting, through resources and workshops.
- b. Secondary school dropout prevention intended to lead to a high school diploma. Such services include services and activities that keep a young person in school and engaged in a formal learning and/or training setting. Strategies include, but are not limited to, tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction.

The following strategies are listed in 20 CFR 681.460(a)(1), (Program Element 1), but they overlap with other program elements and are reported under other program elements [TEGL 21-16]:

- a. Dropout recovery strategies that are aimed at getting a youth who has dropped out of secondary education back into a secondary school or alternative secondary/high school equivalency program and preparing them for high school equivalency attainment are reported in Program Element 2.
- b. Services, including training services, leading to recognized postsecondary credentials are reported in Program Element 4.

**Program Element 2: Alternative secondary school services or dropout recovery services** [20 CFR

681.460(a)(2); TEGL 22-16]. Alternative secondary school services, such as basic education skills training, individualized academic instruction, and English as a Second Language training, are those that assist youth who have struggled in traditional secondary education. Dropout recovery services, such as credit recovery, counseling, and educational plan development, are those that assist youth who have dropped out of school [TEGL 21-16]

**Program Element 3: Paid and unpaid work experiences** that have academic and occupational education as a component of the work experience. Work experience as a planned, structured learning experience that takes place in a workplace for a limited period of time. The types of work experiences may include the categories of [20 CFR 681.460(a)(3) & 681.600(c)]:

- a. Summer employment opportunities and other employment opportunities available throughout the school year;
- b. Pre-apprenticeship programs;
- c. Internships and job shadowing; and
- d. On-the-job training opportunities.

A pre-apprenticeship is a program designed to prepare individuals to enter and succeed in a registered apprenticeship program. It includes all of the following elements [20 CFR 681.480; TEGL 21-16]:

- a. Training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved
- b. Access to educational and career counseling and other supportive services, directly or indirectly
- c. 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
- d. Opportunities to attain at least one industry-recognized credential
- e. 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

Job shadowing is a work experience option where youth learn about a job by walking through the work day as a shadow to a competent worker. It is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant, where the youth experiences firsthand the work environment, occupational skills in practice, the value of professional training, and potential career options. It is designed to increase career awareness, help model youth behavior through examples, and reinforce in the youth the link between academic classroom learning and occupational work requirements [TEGL 21-16].

Although OJT is a training service for Adults/Dislocated Workers and a work experience for Youth, the guidelines and policies for both are the same [20 CFR 681.600(c)(4)]. Each youth who has been determined eligible either as an In-school Youth or an Out-of-school Youth may receive OJT if appropriate, as determined by the local area. The appropriateness of this program element for a eligible youth is established through the participant's objective assessment and individual service strategy [20 CFR 681.460(b)]. Out-of-school Youth may participate in Registered Apprenticeship Programs (RA) [TEGL 13-16]. RAs provide the required occupational and academic component required for Program Element 3. [TEGL 21-16].

A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists [20 CFR 681.600(a)]. Additional information on the employer/employee relationship may be found on DOL's Wage and Hour Division website [TEGL 21-16]. For additional guidance concerning work experience regulations in general, see ADWS Policy No. WIOA I-B – 3.8 (*Work Experience*). For additional guidance concerning on-the-job training, see ADWS Policy No. WIOA I-B – 3.4 (*On-the-Job Training*).

Not less than 20% of the youth funds allocated to a local area (minus area administrative costs) must be spent to provide ISY and OSY with paid and unpaid work experiences. Local youth programs must

track program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work expenses, and report such expenditures as part of the local youth financial reporting. The percentage of funds spent on work experience is calculated as the total amount spent on ISY and OSY work experience divided by the total allocated youth funds (minus administrative costs) [WIOA § 129(c)(4); 20 CFR 681.590; TEGL 23-14; TEGL 21-16]. Leveraged resources cannot be used to fulfill any part of the 20% minimum [TEGL 21-16].

Allowable work experience expenditures that may be included in the 20% minimum are [TEGLs 23-14, 8-15, & 21-16]:

- a. Wages/stipends paid for participation in a work experience (including employment costs such as FICA match and workers' compensation insurance)
- b. Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience
- c. Staff time spent working with employers to ensure a successful work experience, including staff time spent managing the work experience
- d. Staff time spent evaluating the work experience
- e. Participant work experience orientation sessions
- f. Employer work experience orientation sessions
- g. Classroom training or the required academic education component directly related to the work experience
- h. Incentive payments directly tied to the completion of work experience
- i. Employability skills/job readiness training to prepare youth for a work experience

Supportive services are a separate program element, and funds spent for supportive services cannot be counted toward the 20% work experience work expenditure requirement, even if supportive services assist the youth in participating in the work experience [TEGL 21-16].

The academic and occupational education component that must be included with work experiences refers to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries and/or occupations. The component may include learning the general duties of workers in the occupation, specific knowledge related to the occupation, specific skills needed to work in the occupation, or such. The component is not general education, such as GED classes. The component may occur concurrently or sequentially with the work experience, inside or outside the work site. The work experience employer may provide the academic and occupational component, or such components may be provided separately in the classroom or through other means [20 CFR 681.600(b); TEGL 21-16].

**Program Element 4: Occupational skill training**, which includes priority consideration for training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the local area involved, if the LWDB determines that the programs meet the quality criteria for eligible providers of Youth workforce investment activities described in WIOA § 123 [20 CFR 681.460(a)(4) & 681.540(b); TEGL 21-16]. Occupational skills training is defined as 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 [20 CFR 681.540].

Occupational skills training for youth must meet all of the following requirements [20 CFR 681.540(a); TEGL 21-16]:

- a. Be outcome-oriented and focused on an occupational goal specified in the individual service strategy
- b. Be of sufficient duration to impart the skills needed to meet the occupational goal
- c. Lead to the attainment of a recognized postsecondary credential

Individual Training Accounts (ITAs) may be provided to Out-of-School Youth (OSY) ages 16 to 24 with Youth funds [20 CFR 681.550; TEGL 21-16]. Youth funds may not be used to provide ITAs to In-School Youth (ISY), but ISY between the ages of 18 and 21 may co-enroll in the WIOA Adult program if the youth's needs, knowledge, skills, and interests align with the WIOA adult program, the youth meets priority requirements, and the ITA is funded by the Adult program [TEGL 21-16]. More information may be found in ADWS Policy No. WIOA I-B – 2.3 (*Eligibility for Adult Program*), ADWS Policy No. WIOA I-B – 2.7 (*Co-enrollment*), and ADWS Policy No. WIOA I-B – 3.3 (*Occupational Skills Training*).

**Program Element 5: Education offered concurrently with workforce preparation and training for a specific occupation** or occupational cluster [20 CFR 681.460(a)(50); TEGL 21-16]. This program element reflects an integrated education and training model that describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or pathway [20 CFR 681.630].

Program Element 5 is the concurrent delivery of Program Element 2, Program Element 3, and Program Element 4 to create an integrated education and training model. When the program elements occur concurrently to train for a particular occupation, occupational cluster, or career pathways, the services are reported in Program Element 5. When the activities occur separately and at different times, they are reported in the Program Element 2, 3, or 4, as appropriate [TEGL 21-16].

**Program Element 6: Leadership development opportunities**, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors [20 CFR 681.460(a)(6)]. Leadership development opportunities are opportunities that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors, such as [20 CFR 681.520; TEGL 21-16]:

- a. Exposure to postsecondary educational possibilities
- b. Community and service learning projects
- c. Peer-centered activities, including peer mentoring and tutoring
- d. Organizational and team work training, including team leadership training
- e. Training in decision-making, including determining priorities and problem solving
- f. Citizenship training, including life skills training, such as parenting and work behavior training
- g. Civic engagement activities that promote the quality of life in a community
- h. Other leadership activities that place youth in leadership roles, such as serving on youth leadership committees, such as a Standing Youth Committee

**Program Element 7: Supportive services** that are necessary to enable an individual to participate in Youth activities [WIOA 3(59); 20 CFR 681.46], including, but not limited to [20 CFR 681.460(a)(7) & 681.570; TEGL 21-16]:

- a. Linkages to community services
- b. Assistance with transportation
- c. Assistance with child care and dependent care
- d. Assistance with housing
- e. Needs-related payments
- f. Assistance with educational testing
- g. Reasonable accommodations for youth with disabilities
- h. Legal aid services
- i. Referrals to health care
- j. Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear
- k. Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes
- l. Payments and fees for employment and training-related applications, tests, and certifications

For more information concerning supportive services, see ADWS Policy No. WIOA I-B – 3.9 (*Supportive Services*).

**Program Element 8: Adult mentoring** for a duration of at least 12 months, which may occur both during and following exit from the program. It must be a formal relationship between a youth participant and an adult mentor. There must be structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee. Group mentoring and mentoring through electronic means are allowed as part of the mentoring activities, the local youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis. Mentoring may include workplace mentoring where the local program matches a youth participant with an employer or employee of a company [20 CFR 681.460(a)(8) & 681.490; TEGL 21-16]. Local programs should ensure appropriate policies and processes are in place to adequately screen and select mentors [TEGL 21-16]. DOL strongly prefers that case managers not serve as mentors, but case managers may serve as mentors in areas where adult mentors are sparse [TEGL 21-16].

**Program Element 9: Follow-up services** for not less than 12 months after completion of participation [20 CFR 681.460(a)(9)], to ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include, as appropriate [20 CFR 681.580]:

- a. Regular contact with a youth participant's employer
- b. Assistance in addressing work-related problems that arise

- c. Supportive services, as described in Program Element 7
- d. Adult mentoring, as described in Program Element 8
- e. Financial literacy education , as described in Program Element 11
- f. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services
- g. Activities that help youth prepare for and transition to postsecondary education and training

When these services are given as follow-up services (after the expected exit date), they should be coded in AJL as follow-up services, as opposed to program services provided prior to exit. In addition, follow-up services should be documented in case files that they were provided as follow-up services post exit [TEGL 21-16].

Follow-up services may begin immediately following the last expected date of service in the programs included in the Common Exit date, when no future services are scheduled [TEGL 21-16]. Once 90 days of no services, other than follow-up services, self-service, and information-only services and activities, has elapsed and the participant has an official exit date applied retroactively to the last date of service, the program continues to provide follow-up services for the remaining 275 days of the 12-month follow-up requirement. The 12-month follow-up requirement is completed upon one year from the date of exit [TEGL 21-16].

All youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies. Follow-up services do not have to be provided if the participant declines to receive services or if the participant cannot be located or contacted. Follow-up services may be provided beyond 12 months at the discretion of the LWDB and the program provider. The types of services provided and the duration of the services must be determined based on the needs of the individual. Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome [20 CFR 681.580(c)].

Youth should be informed at the time of enrollment that follow-up services will be provided for 12 months following exit. Local programs should have policies in place to establish how to document and record when a participant cannot be located or contacted. Documentation must be placed in the case file if a youth requests not to receive or continue follow-up services [TEGL 21-16]

**Program Element 10: Comprehensive guidance and counseling**, which may include drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate to the needs of the individual youth. When referring participants to necessary counseling that cannot be provided by the local youth program or its program providers, the local youth program must coordinate with the organization it refers to in order to ensure continuity of service [20 CFR 681.510]. When resources exist within the local program or its service providers, it is allowable to provide counseling services directly to participants rather than refer youth to partner programs [TEGL 21-16].

**Program Element 11: Financial literacy education**, which may include the following activities [20 CFR 681.460(a)(11) & 681.500; TEGL 21-16]:

- a. Support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions
- b. Support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards
- c. 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
- d. Support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions
- e. Educate participants about identity theft, ways to protect themselves from identity theft, and how to resolve cases of identity theft and in other ways understand their rights and protection related to personal identity and financial data
- f. Support activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials
- g. 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
- h. 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.

**Program Element 12: Entrepreneurial skills training** [20 CFR 681.460(a)(12)], which is training that develops the skills associated of starting and operating a small business. Such skills may include, but are not limited to, the ability to [20 CFR 681.560(a)]:

- a. Take initiative
- b. Creatively seek out and identify business opportunities
- c. Develop budgets and forecast resource needs
- d. Understand various options for acquiring capital and the trade-offs associated with each option
- e. 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); TEGL 21-16]:

- a. Entrepreneurship education that provides an introduction to the values and basics of starting and running a business. Entrepreneurship education programs often guide youth through the development of a business plan and may also include simulations of business start-up and operation.

- b. Enterprise development, which provides support and services that incubate and help youth develop their own businesses. Enterprise development programs go beyond entrepreneurship education by helping youth access small loans or grants needed to begin business operation and by providing individualized attention to the development of viable business ideas.
- c. Experiential programs that provide youth with experience in the day-to-day operation of a business. Some of these programs may involve the development of a youth-run business that young people participating in the program work in and manage. Other experiential programs may facilitate placement in apprentice or internship positions with adult entrepreneurs in the community.

**Program Element 13: Services that provide labor market and employment information** about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services [20 CFR 681.460(a)(13)]. Workforce and labor market information is the body of knowledge that describes the relationship between labor demand and supply [20 CFR 651.10]. Youth program providers should be familiar with state Labor market information (LMI) tools. LMI tools identify in-demand industries and occupations and employment opportunities and provide knowledge of job market expectations. LMI also provides information about education, skill requirements, and potential earnings. Such information can help youth make appropriate decisions about education and careers [TEGL 21-16].

Career awareness begins the process of developing knowledge of the variety of careers and occupations available, their skill requirements, working conditions, training prerequisites, and job opportunities across a wide range of industry sectors. Career exploration is the process in which youth choose an educational path and training or a job that fits their interests, skills and abilities. Career counseling or guidance provides advice and support in making decisions about what career paths to take. Career counseling services may include providing information about resume preparation, interview skills, potential opportunities for job shadowing, and the long-term benefits of postsecondary education and training [TEGL 21-16].

**Program Element 14: Postsecondary preparation and transition activities** [20 CFR 681.460(a)(14)]. Postsecondary preparation and transition activities and services prepare youth for advancement to postsecondary education after attaining a high school diploma or its recognized equivalent, although the services may be given before a youth earns the diploma or GED. These services include exploring postsecondary education options, such as technical schools, two-year colleges, four-year colleges and universities, and registered apprenticeships. Additional services include, but are not limited to, assisting youth to prepare for SAT/ACT tests, assisting with college admission applications, searching and applying for scholarships and grants (including the FASFA), and connecting youth to postsecondary education programs [TEGL 21-16].

### **Incentive Payments**

Incentive payments to youth participants are permitted for recognition and achievement directly tied to training activities and work experiences [20 CFR 681.640]. Any incentive payments must be in compliance with the Cost Principles in Uniform Guidance at 2 CFR part 200. Incentives may not include entertainment, such as movie or sporting tickets or any other venues whose sole purpose is

entertainment. All requirements concerning the control of cash also refer to gift cards, which are essentially cash [TEGL 21-16].

Incentives paid for with WIOA funds must be connected to recognition of achievement of milestones in the program tied to work experience, education, or training, such as the acquisition of a credential or other successful outcome [TEGL 21-16]. WIOA funds may not be used for incentives for recruitment and eligibility documentation, although local areas may leverage private funds for such incentives [Comments in WIOA Final Rule concerning §681.640; TEGL 21-16]

If incentive payments are to be used, local youth program providers must have written policies and procedures in place governing the award of incentives and must ensure that incentive payments meet all of the following requirements [20 CFR 681.640; TEGL 21-16]:

1. Tied to the goals of the specific program
2. Outlined in writing before the commencement of the program that may provide incentive payments
3. Align with the local program's organizational policies
4. Are in accord with the requirements contained in 2 CFR part 200

### **Program Exit**

Local Youth programs must provide service to a participant for the amount of time necessary to ensure successful preparation to enter postsecondary education and/or unsubsidized employment. There is no minimum or maximum time an individual can participate in the Youth program. Programs must link participation time to the individual service strategy and not the timing of youth service provider contracts or program years [20 CFR 681.450]. A youth need not exit the program if he or she reaches the maximum age or if an OSY enrolls in school. [20 CFR 681.210(b); 20 CFR 681.220(b); 20 CFR 681.240; Comments in WIOA Final Rule concerning §681.210].

The exit date is determined when the participant has not received services in the Youth program or any other program included in a common-exit program in which the participant is co-enrolled for 90 days, and no additional services are scheduled. At that point, the date of exit is applied retroactively to the last date of service [20 CFR 677.150(c)].

Policy Number: WIOA I-B – 3.3

Effective Date: August 1, 2017

## Occupational Skills Training

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations concerning occupational skills training, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA §§ 3(24), 3(47), 122(h), 123, 129(c)(2), 134(c),  
20 CFR 680.200-230  
20 CFR 680.320-330  
20 CFR 681.540-550  
20 CFR 683.500-510  
Comments in WIOA Final Rule concerning 20 CFR 680.150  
TEGLs 10-09, 19-16 & 21-16  
20 U.S.C. 1001, 1002(a)(1)  
A.C.A. 15-4-3711(a)(8)  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 3.1 (Service for Adults and Dislocated Workers)

### POLICY:

Occupational skills training is one of the training services available to Adults, Dislocated Workers and Youth [WIOA §§ 134(c)(3)(D)(i) & 129(c)(2)(D); 20 CFR 680.200 & 681.540; TEGL 21-16]. The training is 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 [20 CFR 681.540].

#### Adults and Dislocated Workers

To receive Occupational Skills Training an Adult or Dislocated Worker must meet all of the following numbered eligibility criteria, which are listed more concisely in ADWS Policy No. WIOA I-B – 3.1 (*Service for Adults and Dislocated Workers*):

1. Meet all eligibility requirements for the Adult or Dislocated Worker program. Is determined eligible in accordance with the local priority system in effect for adults if training services are provided through the Adult formula funding stream [TEGL 19-16].

2. Has been determined after an interview, evaluation, or assessment, and after career planning that the individual meets all of the following criteria [*WIOA § 134(c)(3)(A)(i)(I)*; *20 CFR 680.210(a)* & *680.220(a)*; *TEGL 19-16*]:
  - a. Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency, as determined by the LWDB, or wages comparable to or higher than wages from previous employment through career services alone
  - b. Is in need of training services to obtain or retain employment leading to economic self-sufficiency, as determined by the LWDB, or to wages comparable to or higher than wages from previous employment
  - c. Has the skills and qualifications to participate successfully in training services

Where appropriate, a recent interview, evaluation, or assessment may be used for the assessment purpose [*WIOA § 134(c)(2)(B)*; *20 CFR 680.220(a)*; *TEGL 19-16*]. LWDBs may create policies concerning the appropriate use of recent interviews [*Comments in WIOA Final Rule concerning 20 CFR 680.150*].

The case file must contain a determination of need for occupational training services as determined through the interview, evaluation, or assessment, and career planning or any other method through which the one-stop center or partner can obtain enough information to make an eligibility determination. There is no requirement that career service be provided as a condition to receive occupational skills training. If the recommended services are not provided before occupational training, however, case files must document the circumstances that justified the determination to provide training without any of these recommended career services [*20 CFR 680.220*].

3. Select a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in geographic areas to which the individuals are willing to commute or relocate. This is done by choosing a program on the Eligible Training Provider List (ETPL) [*WIOA § 134(c)(3)(A)(i)(II)*; *20 CFR 680.210(b)*; *TEGL 19-16*].
4. The selection of training services should be conducted in a manner that maximizes customer choice [*20 CFR 680.340(a)*], is linked to in-demand employment opportunities in the local area or planning region or in a geographic area in which the adult or dislocated worker is willing to commute or relocate, and is coordinated to the extent possible with other sources of assistance [*TEGL 19-16*]. Each LWDB must make available to customers the list of eligible training providers, a description of the programs through which the providers may offer the training services, and the performance and cost information about those providers [*20 CFR 680.340(b)*]

Each local board must work with representatives of secondary and postsecondary education programs to lead in the development and implementation of career pathways by aligning local employment, training, education, and supportive services needed by adults and youth, particularly individuals with barriers to employment [*A.C.A. 15-4-3711(a)(8)*].

4. Is unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Federal Pell Grants, and TANF; or requires WIOA Title I-B assistance in addition to these other sources. In making the determination, WIOA programs may take into account the full cost of participating in training services, including the cost of support services and other appropriate costs [*WIOA § 134(c)(3)(B)(i)(I)*; *20 CFR 680.210(c)*; *20 CFR*

680.230; TEGL 19-16]. WIOA partners and other entities must coordinate funds available to pay for training. [20 CFR 680.230].

In order to determine if a participant is able to obtain grant assistance from other sources, the participant must either apply for a Federal Pell Grant or must submit documentation that he or she is unable to get obtain the grant. ADWS FORM WIOA I-B – 3.3 (*Verification of Educational Grant Assistance*) or other official documentation from the Financial Aid Office of the college or from the Federal Student Aid office of the U.S. Department of Education can be used to verify eligibility for a Pell Grant.

Such documentation can also document the amount of assistance expected to be given, which can be used in determining the participant's unmet need. To determine a participant's unmet need, subtract the amount of scholarships and grants from the cost of attendance. Methods of determining a participant's cost of attendance, is found under "cost of attendance" in ADWS Policy No. WIOA I-B – 1.2 (*Definitions*).

One-stop partners and other entities must coordinate funding of occupational skills training. The availability of funding from other programs, grants, and scholarships should be sought, so that WIOA funds supplement other sources [20 CFR 680.230(b)]. VA benefits for education and training services should not be included in "other grant assistance" in determining the amount of funding WIOA Title I-B can provide. Veterans and eligible spouses are not required to coordinate their entitlement to VA benefits for education and training with any concurrent eligibility that they may have for other training sources. Also, WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to receive WIOA funds for training [TEGL 10-09].

A WIOA participant may enroll in WIOA-funded training while his or her application for a Pell Grant is pending as long as the American Job Center has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded. In that case, the training provider must reimburse the WIOA funds used to underwrite the training for the amount the Pell Grant covers, including any education fees the training provider charges to attend training. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the WIOA participant for education-related expenses [20 CFR 680.230].

If the applicant is a member of a worker group covered under a petition filed for Trade Adjustment Assistance (TAA) and is awaiting a determination, training may be provided under WIOA Title I-B if all other eligibility requirements are met. If the petition is certified, the worker will then transition to TAA approved training. If the petition is denied, the worker will continue training under WIOA Title I-B [TEGL 19-16].

Occupational Skills Training is typically provided through Individual Training Accounts (ITAs). Except under the conditions listed below, training services must be provided by an approved eligible training provider (ETP) is an individual training account (ITA) [WIOA §134(c)(3)(G)(i)]; TEGL 19-16]. Contracts for services are used instead of ITAs only when one or more of the following exceptions apply and the consumer choice requirement described above has been fulfilled [WIOA § 122(h); WIOA § 134(c)(G)(ii); 20 CFR 680.320(a); TEGL 19-16]:

1. When the LWDB determines that there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs. (The determination process

must include a public comment period for interested providers of at least 30 days and must be described in the Local Plan.)

2. When the LWDB determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment (see list and definitions in ADWS Policy No. WIOA I-B – 1.2 *Definitions*) [WIOA §3(24); 20 CFR 680.320(b)]:

If the LWDB uses this method of training, the LWDB must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the individuals with barriers to employment to be served. The criteria may include [20 CFR 680.320(a)(3); TEGL 19-16]:

- a. Financial stability of the organization
  - b. Demonstrated performance in the delivery of services to individuals with barriers to employment through such means as program completion rate, attainment of the skills, certificates or degrees the program is designed to provide, placement after training in unsubsidized employment, and retention in employment
  - c. How the specific program relates to the workforce investment needs identified in the local plan
3. When the LWDB determines that (a) it would be most appropriate to contract with an institution of higher education (see definition in 20 U.S.C. 1001, 1002(a)(1)) or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations and (b) such contract does not limit customer choice
  4. When the LWDB determines that a pay-for-performance contract is suitable consistent with 20 CFR 683.500. If the LWDB enters into a pay-for-performance contract, the contract must be consistent with 20 CFR 683.510. No more than 10% of the local funds may be spent on pay-for-performance contract strategies, as they are defined in WIOA § 3(47) and ADWS Policy No. WIOA I-B – 1.2 (*Definitions*).

Occupational skills training can be combined with workplace training or work experience in several different situations. ITAs may be used with or without OJT contracts for registered apprentices [20 CFR 680.330 (a)]. Registered apprenticeship programs (RA) automatically qualify to be on a State's ETPL [20 CFR 680.330; TEGL 19-16]. Examples of RA sponsors who can be eligible training providers (ETP) are [TEGL 19-16]:

- Employers who provide related instruction. The employer is the ETP.
- Employers who use an outside educational provider, such as a postsecondary institution, technical training school, or online courses. In this case, the employer is the ETP.
- Joint apprenticeship training programs administered by a union. The union is the ETP.
- Intermediaries, such as postsecondary institutions, technical schools, industry associations, and community-based organizations, that administer the program, and either provide the training or work with other entities to provide the training. The Intermediary is the ETP.

## Youth

Occupational skills training is Youth Program Element 4. As a Program Element, occupational skills training must be available to all youth if their assessments of academic levels, skill levels, and service needs indicate that they are prepared for such training and that the training meets their employment goals [TEGL 21-16]. Occupational skills training for youth must:

- (a) be outcome-oriented and focused on an occupational goal specified in the ISS
- (b) be of specific duration to impart the skills needed to meet the occupational goal, and
- (c) lead to the attainment of a recognized postsecondary credential [20 CFR 681.540(a); TEGL 21-16].

Occupational skills training for youth award grants or contracts on a competitive basis to entities to provide occupational skills training to youth. If the local board determines there is an insufficient number of eligible providers of youth occupational skills training in a local area, such as a rural area, grants or contracts may be awarded on a sole-source basis [WIOA §123; 20 CFR 681.540(a); TEGL 21-16].

ITAs may be used to provide occupational skills training to OSY, using youth funds to provide training with an ETP [20 CFR 681.550; TEGL 21-16]. ISY cannot use ITAs using youth funds, but ISY age 18 or older may co-enroll in the WIOA Adult program if the youth's individual needs, knowledge, skills, and interests align with the WIOA adult program. The co-enrollment would allow the ISY to receive occupational skills training through an ITA funded by the Adult program [TEGL 21-16].

Policy Number: WIOA I-B – 3.4

Effective Date: August 1, 2017

## On-the-Job Training

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations concerning on-the-job training (OJT), in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA §§ 3(24), 3(44), 134(c)(3), & 188(a)(3)  
20 CFR 680, 681, & 683  
Comments in WIOA Final Rule concerning §680.320  
29 CFR part 2, subpart D  
TEGL 19-16  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 2.8 (Priority for Individuals with Barriers to Employment)  
ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers)  
ADWS Policy No. WIOA I-B – 3.6 (Incumbent Worker Training)  
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)  
ADWS Policy No. WIOA I-B – 3.5 (Registered Apprenticeships)  
ADWS Policy No. WIOA I-B – 3.7 (Customized Training)  
ADWS Policy No. WIOA I-B – 3.8 (Work Experience)  
ADWS Certification of Local Workforce Development Boards

### POLICY:

On-the-job training (OJT) is occupational training that is provided through a contract [20 CFR 680.700(a)]. It is considered a training service for Adults and Dislocated Workers and a work experience for Youth [20 CFR 681.460(a)(3); 681.600(c)]. As a youth work experience, OJT qualifies for the 20% minimum that local areas must spend on work experience [20 CFR 681.590(a)]. Although on-the-job training is classified as a work experience for the Youth program, the guidelines and policies for Youth follow those for Adults and Dislocated Workers [20 CFR 681.600(c)(4)].

OJT is training provided by an employer to a paid participant who is engaged in productive work in a job that:

- (a) provides knowledge or skills essentially to the full and adequate performance of the job;
- (b) is made available through a program that provides reimbursement to the employer of up to 50% of the wage rate of the participant (except in some cases where it may be as high as 75%)

for the extraordinary costs of providing the training and additional supervision related to the training; and

(c) is limited in duration as appropriate to the occupation for which the participant is being training, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate [WIOA § (3)(44); WIOA § 134(c)(3)(H)].

Employers are not required to document the extraordinary costs [20 CFR 680.720(b)].

### **Adult and Dislocated Worker Participant Requirements for OJT**

For adults and dislocated workers, eligibility for this training is the same as for all other training services. The individual must have met all requirements to become a participant in the particular program. The participant must have been determined after an interview, evaluation, or assessment, and career planning to be

- (a) unable or unlikely to obtain or retain employment leading to self-sufficiency or wages comparable to or higher than wages from previous employment without the training,
- (b) in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment (and the OJT can do that),
- (c) has the skills and qualifications to participate successfully in training services, and
- (d) is unable to obtain assistance from other sources to pay the costs of the training [20 CFR 680.210].

See ADWS Policy No. WIOA I-B – 3.1 (*Services for Adults and Dislocated Workers*) or 20 CFR 680.210 for complete eligibility requirements.

Special rules apply if an OJT contract is written for an employed worker. An OJT contract may be written for an eligible employed worker (an employed worker who meets eligibility criteria for the particular program) only when all other program eligibility requirements, other OJT requirements are met (as described in this policy), and when the employee meets all of the following requirements [20 CFR 680.210 & 680.710]:

1. The employee meets basic requirements to receive training services, as listed above, in 20 CFR 680.210, and in ADWS Policy No. WIOA I-B – 3.1 (*Services for Adults and Dislocated Workers*)
2. The employee is not earning a self-sufficient wage, as determined by the LWDB, or wages compared to or higher than wages from previous employment
3. The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the LWDB

For the purpose of determining eligibility for OJT, “employment status” is determined at the time of eligibility determination for the training, and is defined in ADWS Policy No. WIOA I-B – 1.2 (*Definitions*). Eligibility for OJT may be determined at the time of program entry, or it may be made after other services or activities have been provided and participant needs OJT. Note that an individual who is in the military, is in a Registered Apprenticeship program, or is self-employed is considered as employed [TEGLs 10-16 & 13-16].

An OJT contract may be entered into with registered apprenticeship program sponsors or participating employers in registered apprenticeship programs for some or all of the OJT portion of the registered apprenticeship program, consistent with the guidelines of this policy [TEGL 19-16]. Depending on the length of the registered apprenticeship and local policies, the OJT may last for some or all of the registered apprenticeship training [20 CFR 680.740(a)]. Some information concerning the connection between an OJT and a registered apprenticeship (RA) are included in this policy. Additional information is contained in ADWS Policy No. WIOA I-B – 3.5 (*Registered Apprenticeships*).

When an OJT contract is written for participation in a registered apprenticeship program, all eligibility requirements and other OJT requirements must be met. This means that if the apprentice is employed at the time of participation in the OJT:

- (a) He or she must not be receiving a wage leading to self-sufficiency (or wages lower than wages from previous employment) before the OJT contract;
- (b) He or she must expect to receive a wage leading to self-sufficiency (or wages comparable to or higher than wages from previous employment) because of the OJT;
- (c) The OJT must be related to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the LWDB;
- (d) The participant is unable to obtain or retain employment without the training; and
- (e) The participant is unable to obtain assistance from other sources to pay the costs of the training [20 CFR 680.210, 680.720, & 680.740].

Incumbent worker training may be an option for upskilling apprentices who already have an established working/training relationship with the RA program [TEGL 19-16]. See ADWS Policy No. WIOA I-B – 3.6 (*Incumbent Worker Training*) for more information.

More information concerning options for participants in a Registered Apprenticeship program may be found in ADWS Policy No. WIOA I-B – 3.5 (*Registered Apprenticeships*).

### **Participant Requirements for Youth**

OJT is classified as a paid work experience under Program Element 3 for Youth. Each youth who has been determined eligible either as an In-school Youth or an Out-of-school Youth may receive OJT if appropriate, as determined by the local area. The appropriateness of this program element for an eligible youth is established through the participant's objective assessment and individual service strategy [20 CFR 681.460(b)]. Although OJT is a training service for Adults/Dislocated Workers and a work experience for Youth, the guidelines and policies for both are the same [20 CFR 681.600(c)(4)].

### **Employer Requirements for OJT**

An OJT may be provided under contract with an employer or RA sponsor in the public, private non-profit, or private sector [20 CFR 680.700(a)]. More information concerning the entities with which RA contracts are written is found in ADWS Policy No. WIOA I-B – 3.5 (*Registered Apprenticeships*).

Providers of on-the-job training are not subject to the requirements applicable to entities listed on the eligible training provider list and they are not included on the state list of eligible training providers and programs [20 CFR 680.530], unless they are included for other reasons, such as being registered apprenticeship programs [20 CFR 680.470]. If the State, however, decides to impose performance regulations, local areas must collect required performance data and identify providers that meet required performance levels [20 CFR 680.530].

OJT contracts under Title I must not be entered into with an employer who has received payments under WIOA or WIA and has established a pattern of not providing OJT participants with continued long-term employment and the same wages, benefits, and working conditions as other employees working a similar length of time and doing the same type of work [20 CFR 680.700(b)].

### **Training Requirements**

An OJT contract must be limited to the period of time required for the participant to become proficient in the occupation for which the training is being provided, considering the skill requirements of the occupation, the academic and occupational skill level of the participant, the participant's prior work experience of the participant, and the individual employment plan of the participant [20 CFR 680.700(c)].

When OJT contracts are written with RA sponsors or participating employers in RA programs for the OJT portion of the RA program, the length of the OJT is limited to the time requirements given in the previous paragraph and the policies of the local area. Depending on the length of the RA and local OJT policies, these funds may cover some or all of the registered apprenticeship training. All other regulations concerning OJT participants and contracts apply [20 CFR 680.740].

In some cases a combination of ITAs and contracts is the most effective approach to serve participants [TEGL 19-16]. There is no prohibition on the combination of ITAs with OJTs if conditions for both services are met [20 CFR 680.750]. An OJT may be combined with an ITA to support a participant in a registered apprenticeship program if conditions for all three programs are met (See ADWS Policy No. WIOA I-B – 3.3 *Occupational Skills Training* or 20 CFR 680.330 for additional information concerning using an ITA to support participants in registered apprenticeship) [20 CFR 680.750].

An OJT contract may also be written for the on-the-job training portion of customized training, incumbent worker training, or transitional jobs [TEGL 19-16]. When this is done, regulations concerning both types of services must be met. See ADWS Policies No. WIOA I-B – 3.7 (*Customized Training*), 3.6 (*Incumbent Worker Training*), and 3.8 (*Work Experience*) for more information.

### **Reimbursement Guidelines**

Through the OJT contract, occupational training is provided for the WIOA participant in exchange for the reimbursement, typically up to 50% of the wage rate of the participant, to compensate for the extraordinary costs of providing the training and supervision and the decreased productivity of the participant, the employer is normally reimbursed up to 50% of the wage rate of the participant [WIOA § (3)(44); 20 CFR 680.700(a); 20 CFR 680.720; TEGL 19-16]. The employer does not have to document the extraordinary costs [20 CFR 680.720(c)]. This rate may be increased to an amount of up to 75% if the LWDB approves the increase, taking into account the following factors [WIOA § 134(c)(3)(H); 20 CFR 680.700(a); 20 CFR 680.720(b); 20 CFR 680.730(a); TEGL 19-16]:

1. The characteristics of the participants, especially individuals with barriers to employment. See WIOA § 3(24), ADWS Policy No. WIOA I-B – 1.2 (*Definitions*), or ADWS Policy No. WIOA I-B – 2.8 (*Priority for Individuals with Barriers to Employment*) for more information concerning individuals with barriers to employment.
2. The size of the employer, with an emphasis on small businesses
3. The quality of employer-provided training and advancement opportunities, for example if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential
4. Other such factors as the LWDB may determine to be appropriate, which may include the number of employees participating in the training, wage and benefit levels of those employees (comparing pre-participation and post-participation earnings), and relation of the training to the competitiveness of a participant

LWDBs must document the factors used when deciding to increase the wage reimbursement levels above 50% up to 75% [20 CFR 680.730(b); TEGL 19-16].

### **Other Guidelines and Requirements**

The participant may not be employed to construct, operate, or maintain any part of a facility used for sectarian instruction or as a place for religious worship, with the exception of maintenance of facilities that are not used primarily for sectarian instruction or worship and are operated by organizations providing services to WIOA participants [WIOA § 188(a)(3); 20 CFR 683.255(a); 20 CFR 683.285(b)]. Special rules concerning training administered by religious organizations can be found in 29 CFR part 2, subpart D (*Equal Treatment in Department of Labor Programs for Religious Organizations, Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries*) [20 CFR 683.255(b); 20 CFR 683.285(b)].

No funds may be provided to employers for work-based training and other work experiences to be used directly or indirectly to assist, promote, or deter union organizing [20 CFR 680.830]. No funds may be provided to employers for work-based training and other work experiences to be used directly or indirectly to aid in the filling of a job opening which is vacant because the former employee is on strike, the former employee is being locked out in the course of a labor dispute, or the job is vacant because of an issue in a labor dispute involving a work stoppage [20 CFR 680.840].

WIOA funds may not be used for the encouragement or inducement of a business or part of a business to relocate from any location in the United States if the relocation results in any employee losing his or her job at the original location. No individual may be placed in work experience in any business or part of a business that has relocated from any location in the United States until the company has operated at that location for 120 days if the relocation has resulted in any employee losing his or her job at the original location. To verify that a business that is new or expanding and is not relocating, in fact, relocating employment from another area, a standardized Arkansas pre-award review criteria must be completed and documented jointly by the local area and the business (FORM WIOA I-B – 4.1 *Standardized Pre-Award Review Criteria*) [20 CFR 683.260].

A participant in any workforce training activity must not displace any currently employed employee (as of the date of the participation). This includes a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits. The workforce training activity must not impair existing contracts for services or collective bargaining agreements unless the appropriate labor

organization and the employer provide written concurrence before the activity begins. The participant may not replace an unsubsidized employee who was laid off from the same or any substantially equivalent job or who was terminated with the intention of hiring the participant. The participant may not be placed in a promotional line that infringes in any way on the promotional opportunities of currently employed workers as of the date of the participation [20 CFR 683.270]

No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual [20 CFR 683.200(g)]. The Arkansas State definition of "immediate family" is (1) a spouse and (2) any other person residing in the same household as the participant, who is a dependent of the participant or of whom the participant is a dependent. Dependent means any person, whether or not related by blood or marriage, which receives from the participant, or provides to the participant, more than one-half of his/her financial support [ADWS Certification of Local Workforce Development Boards]. (This definition is different from the definition of "family" used for eligibility purposes.)

Participants must receive benefits and working conditions at the same level as other trainees or employees working a similar length of time and doing the same type of work [20 CFR 683.275]. Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants. To the extent that a State workers' compensation law applies, workers' compensation must be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment [20 CFR 683.280].

Policy Number: WIOA I-B – 3.5

Effective Date: August 1, 2017

## Registered Apprenticeships

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations concerning registered apprenticeships, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA §§ 129(c)(2) & 134(c)(3)(A)(i)(I)  
20 CFR 680 & 681  
TEGLs 10-16, 13-16, 19-16, & 21-16  
29 U.S.C. 50 et seq. (National Apprenticeship Act of 1937)  
[www.workforce.arkansas.gov/ACRS/ETPApPrenticeShipList.aspx](http://www.workforce.arkansas.gov/ACRS/ETPApPrenticeShipList.aspx)  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 2.3 (Eligibility for Adult Program)  
ADWS Policy No. WIOA I-B – 2.4 (Eligibility for Dislocated Worker Program)  
ADWS Policy No. WIOA I-B – 2.6 (Eligibility for Out-of-School Program)  
ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers)  
ADWS Policy No. WIOA I-B – 3.2 (Services for Youth)  
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)  
ADWS Policy No. WIOA I-B – 3.4 (On-the-Job Training)  
ADWS Policy No. WIOA I-B – 3.9 (Supportive Services)

### POLICY:

A registered apprenticeship program (RA) is one of the training services that may be provided with Adult and Dislocated Worker funds [TEGL 19-16]. RA may also be provided for out-of-school Youth (OSY) when the local area determines that the work experience (Program Element 3) is appropriate [TEGL 13-16].

RA combines paid on-the-job training with related instruction to progressively increase workers' skill levels and wages. It is also a business-driven model that provides a way for employers to recruit, train, and retain skilled workers [TEGL 13-16]. The U.S. Registered Apprenticeship System is authorized through the National Apprenticeship Act of 1937 (29 U.S.C. 50 et seq.). The Office of Apprenticeship (OA) in conjunction with State apprenticeship agencies is responsible for registering apprenticeship programs that meet Federal and State standards, issuing certificates of completion to apprentices, encouraging

the development of new programs, protecting the safety and welfare of apprentices, and assuring that all programs provide high-quality training [TEGL 13-16]. The list of WIOA approved apprenticeship programs in Arkansas can be found at [www.workforce.arkansas.gov/ACRS/ETPApPrenticeshipList.aspx](http://www.workforce.arkansas.gov/ACRS/ETPApPrenticeshipList.aspx).

A pre-apprenticeship, designed to prepare an individual to enter and succeed in an apprenticeship program, is category of work experience (Program Element 3) for Youth [WIOA § 129(c)(2)(C)(ii); 20 CFR 681.480; TEGL 21-16]. Both activities will be discussed in this policy, including components, eligibility, and allowed assistance for participants.

### **Components of Registered Apprenticeship Programs**

All Registered Apprenticeship (RA) programs consist of the following five core components [TEGL 13-16]:

- **Business involvement** – Businesses are the foundation of every RA and are involved in their design and execution [TEGL 13-16].
- **On-the-job training (OJT)** – Every RA includes a structured OJT conducted by an experienced mentor. The training is developed by mapping the skills and knowledge the apprentices must learn over the course of the programs to be fully proficient at the jobs [TEGL 13-16]. This training may or may not be supported with WIOA Title I-B contracts, as discussed below.
- **Related instruction** – Classroom-style training complements the OJT and helps refine the technical and academic skills that apply to the job. Related instruction may be provided by colleges (2-year and 4-year), technical schools, apprenticeship training schools, or by the businesses themselves. Instruction may be provided at the school, online, or at the work site. Entities that carry out programs registered under the National Apprenticeship Act (29 U.S.C. 50 et seq.) qualify to be on the state Eligible Training Provider (ETP) Lists [TEGL 13-16; 20 CFR 680.330, 680.410, 680.450, & 680.470]. This training may or may not be supported with WIOA Title I-B contracts or ITAs, as discussed below.
- **Rewards for skill gains** – Apprentices are considered to be employed when they begin their RA training. Apprentices receive pay increases as their skills and knowledge increase. Progressive wage gains reward and motivate apprentices as they advance through training and become more productive and skilled in their jobs [TEGL 13-16].
- **National occupational credential** – Every graduate of a Registered Apprenticeship program receives a nationally-recognized credential, referred to as a Certificate of Completion, which is issued by the DOL or a federally-recognized State apprenticeship agency. Many programs offer interim credentials as apprentices master skills as part of a career pathway [TEGL 13-16].

The length of training and the skills and competencies required for mastery of an occupation are set by industry. RAs may be time-based and require a specific number of hours of OJT and related instruction. Programs may also be competency-based and reflect mastery of key skills, allowing workers to progress at their own pace. Some programs may be a hybrid of time-based and competency-based [TEGL 13-16].

#### **On-the-job training**

On-the-job training (OJT) contracts may be entered into with registered apprenticeship program sponsors or participants employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship programs. When such contracts are written, all federal, state, and local

policies and guidelines concerning OJTs must be adhered to, including local policies concerning OJT reimbursements and the maximum allowable length of OJT assignments [20 CFR 680.330(d) & 740; TEGL 13-16]. See ADWS Policy No. WIOA I-B – 3.4 (*On-the-Job Training*) and local policies concerning OJTs for more information.

An OJT contract may be entered into with registered apprenticeship program sponsors or participating employers in registered apprenticeship programs for some or all of the OJT portion of the registered apprenticeship program, consistent with the guidelines of this policy [TEGL 19-16]. Depending on the length of the registered apprenticeship and local policies, the OJT may last for some or all of the registered apprenticeship training [20 CFR 680.740(a)].

Even though the cost of training may be subsidized by WIOA funds, a participant in a RA is considered to be employed [TEGLs 10-16 & 13-16].

#### Related instruction

ITAs may be used to support the related instruction component of the registered apprenticeship for eligible apprentices [20 CFR 680.330(a); TEGL 13-16]. Registered apprenticeship programs automatically qualify to be on a State's eligible training provider list (ETPL) [20 CFR 680.330 & 680.450(b)], although each must consent to be on the list [20 CFR 680.470(a)]. See 20 CFR 680.330 for more information concerning the process for a program's being put on the list and for being removed from the list. For more information concerning ITAs, see ADWS Policy No. WIOA I-B – 3.3 (*Occupational Skills Training*).

#### **Eligibility of Participant for Registered Apprenticeship Program**

To be eligible for RA, the individual must first qualify for the respective WIOA Title I-B program: Adult, Dislocated Worker, or Out-of-school Youth (In-school Youth will be discussed in the pre-apprenticeship program below) [TEGL 19-16]. General eligibility information is listed in ADWS Policies No. WIOA I-B – 2.3 (*Eligibility for Adult Program*), 2.4 (*Eligibility for Dislocated Worker Program*), and 2.6 (*Eligibility for Out-of-School Program*).

Adults and Dislocated Workers must also meet eligibility requirements for training services, listed in ADWS Policy No. WIOA I-B – 3.1 (*Services for Adults and Dislocated Workers*) and summarized below for RA:

- Be determined after an interview, evaluation, or assessment, and after career planning that the individual,
- Is unlikely or unable to obtain or retain employment that leads to self-sufficiency, or wages comparable to or higher than wages from previous employment, through career services alone;
- Is in need of training services to obtain or retain employment leading to self-sufficiency, or wages comparable to or higher than wages from previous employment; and
- Has the skills and qualifications to participate successfully in training services criteria [WIOA § 134(c)(3)(A)(i)(I); 20 CFR 680.210(a) & 680.220(a); TEGL 19-16].

The case file must contain a determination of need for training services as determined through the interview, evaluation, or assessment, career planning using local labor market information and training provider performance information, or other career service received. If career services are not provided

before training, the case manager must document the circumstances that justified the determination to provide training without first providing career services [20 CFR 680.220(b)].

A contract for the OJT portion of a RA may be written for an unemployed individual as long as the general and training eligibility requirements are met and the employer and the contract meet the guidelines in ADWS Policy No. WIOA I-B – 3.4 (*On-the-Job Training*) and the local OJT policies.

When an OJT contract is written for an employed worker to participate in a registered apprenticeship program, eligibility requirements for employed workers must be met. This means that if the apprentice is employed at the time of participation in the OJT:

- (a) He or she must not be receiving a wage leading to self-sufficiency (or wages lower than wages from previous employment) before the OJT contract;
- (b) He or she must expect to receive a wage leading to self-sufficiency (or wages comparable to or higher than wages from previous employment) because of the OJT, and
- (c) The OJT must be related to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the LWDB [20 CFR 680.210, 680.720, & 680.740].

For the purpose of determining eligibility for workplace training or services, “employment status” is determined at the time of eligibility determination for the training, and is defined in ADWS Policy No. WIOA I-B – 1.2 (*Definitions*). Note that an individual who is in the military, is in a Registered Apprenticeship program, or is self-employed is considered as employed [TEGLs 10-16 & 13-16].

The Final Rule makes no distinction between an applicant who is working at another location and wants WIOA help to enter an RA and an applicant who is already participating in an RA and wants WIOA assistance to continue. However, an applicant or participant who is employed in RA training at the time of application is usually either working in a job that leads to self-sufficiency, or the RA job does not lead to a job that provides economic self-sufficiency because it is the same job. Therefore, that applicant/participant does not qualify for WIOA training, and supportive services cannot be given unless the participant is participating in a WIOA-approved activity or service. If the applicant does not qualify for a particular service, then it is not WIOA-approved for that person.

Customized training has the same guidelines for employed workers as OJT, but incumbent worker training may be an option for upskilling apprentices who already have an established working/training relationship with the RA program [TEGL 19-16]. See ADWS Policy No. WIOA I-B – 3.6 (*Incumbent Worker Training*) for more information.

### **Allowed Assistance for Apprenticeship Programs**

Supportive services may be provided for participants in RA and who demonstrate a need for such services [20 CFR 680.330(b); TEGL 13-16]. See ADWS Policy No. WIOA I-B – 3.9 (*Supportive Services*) for eligibility requirements and more information.

There is conflicting information in the Final Rule and TEGL 13-16 concerning providing needs-related payments for individuals participating in RA. 20 CFR 680.330(c) specifically states that needs-related payments may be provided to adults and dislocated workers in registered apprenticeship programs, as described in 20 CFR 680.930 – 970. 20 CFR 680.940 -950 state that needs-related payments may not be

provided to employed participants. TEGs 10-16 and 13-16 state that participants in registered apprenticeship programs are considered to be employed from the first day of their RA training. Because of this conflict, it is recommended that local areas not give needs-related payments to individuals in registered apprenticeship programs.

## Youth

Local programs must make each of the 14 Program Elements available, as appropriate, to youth who have the skill level, academic level, and interest to participate in that activity [20 CFR 681.460]. Pre-apprenticeship is a category of Program Element 3, work experience [WIOA § 129(c)(2)(C)(ii); 20 CFR 681.460(a)(3)(ii)]. Local programs have the discretion to determine what specific program services a youth participant receives, based on each participant's objective assessment and individual service strategy [20 CFR 681.460(b)]. See ADWS Policy No. WIOA I-B – 3.2 (*Services for Youth*) for more information.

A pre-apprenticeship is a program designed to prepare individuals to enter and succeed in a registered apprenticeship program. It includes the following elements [20 CFR 681.480].

- Training and curriculum that aligns with the skill needs of employers in the economy of the State or region involved
- Access to educational and career counseling and other supportive services, directly, or indirectly
- 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
- Opportunities to attain at least one industry-recognized credential
- 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.

Pre-apprenticeship programs provide gateways to RA. The requirement that 20% of youth funds must be spent on paid and unpaid work experiences that have academic and occupational education components may include pre-apprenticeship programs [TEGL 13-16].

As with registered apprenticeship programs, ITAs may be used to support the related instruction component of the pre-apprenticeship program [20 CFR 680.330(a)]. Before pre-apprenticeship programs may receive WIOA Title I-B funds, they must be on the State eligible training provider list (ETPL). Pre-apprenticeship programs are not automatically on the ETPL, as registered apprenticeship programs are, but pre-apprenticeship programs may follow the Arkansas State process to be included on the list [20 CFR 680.470(f)].

Registered apprenticeship programs also provide the required occupational and academic component required for Program Element 3 [TEGL 21-16]. Out-of-school Youth may participate in RA [TEGL 13-16]. Although OJT is a training service for Adults/Dislocated Workers and a work experience for Youth, the guidelines and policies for both are the same [20 CFR 681.600(c)(4)]. Each youth who has been determined eligible either as an In-school Youth or an Out-of-school Youth may receive OJT if appropriate, as determined by the local area. OSY may also receive ITAs for the occupational training part of RA [20 CFR 681.550; TEGL 21-16].

All Youth may receive supportive services, as needed, appropriate, and within local policies, as Program Element 7 [WIOA § 129(c)(2)(C); 20 CFR 681.460 & 681.570]. See ADWS Policy No. WIOA I-B – 3.9 (*Supportive Services*) for more information.

DRAFT

Policy Number: WIOA I-B – 3.6

Effective Date: August 1, 2017

## Incumbent Worker Training

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations concerning incumbent worker training contracts, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA §§ 188(a)(3), 134(c)(3)(G), & 134(d)(4)  
20 CFR 680 & 683  
Comments in WIOA Final Rule concerning §§677.150(a), 680.320 & 680.790  
29 CFR part 2, subpart D  
TEGLs 10-16 & 19-16  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)

### POLICY:

Incumbent worker training (IWT) is training designed to meet the needs of an employer or group of employers to retain a skilled workforce or avert layoffs. It is conducted with a commitment by the employer(s) to retain or avert the layoffs of the incumbent worker(s) trained [20 CFR 680.790; TEGL 19-16]. IWT is not permitted to be used to provide the occupational training a new hire needs [TEGL 19-16]. It may be used to either:

- Help avert potential layoffs of employees, or
- Obtain the skills necessary to retain employment, such as increasing the skill levels of employees so they can be promoted within the company and create backfill opportunities for less-skilled employees [TEGL 19-16].

Incumbent worker training is unique in that individuals receiving incumbent worker training are not considered participants in the Adult or Dislocated Worker program unless the participant receives other services under the Adult or Dislocated Worker program. Individuals who want to receive other services must be declared eligible for the Adult or Dislocated Worker program, enrolled in the appropriate program, and included in performance indicators. Individuals who do not receive other services do not have to be declared eligible for Adult or Dislocated Worker services, and they are not included in performance indicators [TEGLs 10-16 & 19-16]. Local areas, however, must use Arkansas Job Link to report

demographic information concerning individuals receiving incumbent worker training, as well as information needed to calculate employment in the 2<sup>nd</sup> and 4<sup>th</sup> quarters after exit, Median earnings in the 2<sup>nd</sup> quarter after exit, and Credential Attainment [TEGLs 10-16 & 19-16]. (See TEGL 10-16, Attachment 8 for more information.) For the purposes of calculating performance indicators, the exit date for an individual who has received only incumbent worker training will be the last date of training, as indicated in the training contract [20 CFR 680.780; TEGLs 10-16 & 19-16]. State and local boards may require additional elements to be reported to collect additional information on incumbent workers, which, if collected, should be reported through AJL [20 CFR 680.780; TEGL 10-16].

Local areas may use up to 20% of the combined total of their Adult and Dislocated Worker allocations for incumbent worker training [WIOA § 134(d)(4)(A)(i); 20 CFR 680.800(a); TEGLs 10-16 & 19-16]. The 20% may be used only for IWT activities that are programmatic in nature; administrative activities must be paid out of the Board's administrative funds [TEGL 19-16].

Incumbent worker training may be used for upskilling apprentices or journey workers who already have an established working/training relationship with the RA program [TEGL 19-16]. There is no prohibition on the combination of ITAs with incumbent worker training [Comments in WIOA Final Rule concerning §680.320], but participants receiving any training or other services other than incumbent worker training must be declared eligible for the appropriate training and services [Comments in WIOA Final Rule concerning §680.790]. See ADWS Policy No. WIOA I-B – 3.3 (*Occupational Skills Training*) for information concerning ITAs.

Incumbent worker training is provided through contracts instead of through ITAs [WIOA 134(c)(3)(G)(ii)(III); TEGL 19-16]. Providers of incumbent worker training are not subject to the requirements applicable to entities listed on the eligible training provider list, and they are not included on the state list of eligible training providers and programs. If the State, however, decides to impose performance regulations, local areas must collect required performance data and identify providers that meet required performance levels [20 CFR 680.530].

- Before a local area may provide incumbent worker training, the area must establish policies to determine which workers or groups of workers are eligible for incumbent worker services. IWT policies must be consistent with State and Local plans, as well as with career pathway and sector strategy approaches for in-demand occupations [TEGL 19-16]. The LWDB determines whether an employer is eligible to have its employees receive incumbent worker training rather than determining separate eligibility for particular employees to receive training [Comments in WIOA Final Rule concerning §677.150(a)]. The following conditions must be included in the policies [20 CFR 680.780; TEGL 10-16 & 19-16]:
- The worker must be employed in a situation that meets the Fair Labor Standards Act requirements for an employer-employee relationship [TEGL 19-16].
- The worker must have an established employment history with the employer for at least 6 months, unless the training is being given to a cohort of employees. In that case, not every worker must have been an employee for at least 6 months, but the majority of those being trained must have been employed for at least 6 months. The 6 months may include time spent as a temporary or contract worker performing work for the employer receiving IWT funds. The LWDB must develop a process for documenting the 6-month work history requiring. In addition, the contract between the LWDB and the employer must include this requirement as a term of the contract [TEGL 19-16].

- An incumbent worker does not have to meet the eligibility requirements for career and training services for WIOA Title I-B Adults or Dislocated Worker program, unless he or she is also enrolled as a participant in one of those two programs.

In determining the eligibility of an employer or group of employers to provide incumbent worker training, a local area must take into account the following factors: *[WIOA § 134(d)(4)(A)(ii); 20 CFR 680.810; TEGL 19-16]*:

1. The characteristics of the participants in the program (e.g. individuals with barriers to employment)
2. Whether the training improves the labor market competitiveness of the employees or both the employees and the employer
3. Other such factors as the LWDB may determine to be appropriate, which may include:
  - a. The number of employees participating in the training
  - b. The wage and benefit levels of those employees (at present and anticipated upon completion of the training)
  - c. The existence of other training and advancement opportunities provided by the employer
  - d. Credentials and skills gained as a result of the training
  - e. Layoffs averted as a result of the training
  - f. Utilization as part of a larger sector and/or career pathway strategy
  - g. Employer size

Generally, IWT should be provided in private sector employers, but there may be instances where non-profit and local government entities may be the recipients of IWT funds. For example, IWT may be used in the health care industry where hospitals are operated by non-profit or local government entities and a nursing upskilling opportunity is available *[TEGL 19-16]*.

IWT may be used for underemployed workers, such as workers who are working part-time but would prefer full-time employment. Although these workers are employed, they may have accepted reduced hours or low pay in order to have employment. The IWT may focus on increasing skills for underemployed frontline workers in an effort to advance these workers to more-skilled positions with the same employer or industry sector, leading to an increase in earnings through more work hours or increase in rates of pay. LWDBs are encouraged to develop contracts such that once incumbent workers advance with the employer, the employer then provides an opportunity to the LWDB to fill the vacant positions with local WIOA participants *[TEGL 19-16]*.

No funds may be provided to employers for work-based training and other work experiences to be used directly or indirectly to assist, promote, or deter union organizing *[20 CFR 680.830]*. No funds may be provided to employers for work-based training and other work experiences to be used directly or indirectly to aid in the filling of a job opening which is vacant because the former employee is on strike, the former employee is being locked out in the course of a labor dispute, or the job is vacant because of an issue in a labor dispute involving a work stoppage *[20 CFR 680.840]*.

No funds may be used to pay a participant to construct, operate, or maintain any part of a facility used for sectarian instruction or as a place for religious worship, with the exception of maintenance of facilities that are not used primarily for sectarian instruction or worship and are operated by organizations providing services to WIOA participants [WIOA § 188(a)(3); 20 CFR 683.255(a)]. Special rules concerning training administered by religious organizations can be found in 29 CFR part 2, subpart D (*Equal Treatment in Department of Labor Programs for Religious Organizations, Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries*) [20 CFR 683.255(b); 20 CFR 683.285(b)].

WIOA funds may not be used for the encouragement or inducement of a business or part of a business to relocate from any location in the United States if the relocation results in any employee losing his or her job at the original location. No individual may be placed in work experience in any business or part of a business that has relocated from any location in the United States until the company has operated at that location for 120 days if the relocation has resulted in any employee losing his or her job at the original location. To verify that a business that is new or expanding and is not relocating, in fact, relocating employment from another area, a standardized Arkansas pre-award review criteria must be completed and documented jointly by the local area and the business (FORM WIOA I-B – 4.1 *Standardized Pre-Award Review Criteria*) [20 CFR 683.260].

No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual [20 CFR 683.200(g)]. See ADWS Policy No. WIOA I-B – 1.2 (*Definitions*) for the definition of "immediate family."

Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants. To the extent that a State workers' compensation law applies, workers' compensation must be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment [20 CFR 683.280].

The employer(s) participating in the Incumbent Worker training program must pay the non-Federal share of the cost of providing training to their incumbent workers [WIOA § 134(d)(4)(C); 20 CFR 680.820]. The LWDB must establish the non-Federal percentage share of the cost of training, taking into consideration such factors as the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities [WIOA § 134(d)(4)(D)(i)]. The non-Federal share must not be less than the following percentages of the cost of training [WIOA § 134(d)(4)(D)(ii); 20 CFR 680.820; TEGL 19-16]:

1. 10% of the cost for employers with not more than 50 employees
2. 25% of the cost for employers with more than 50 employees and not more than 100 employees
3. 50% of the cost for employers with more than 100 employees

The cost of training may include the amount of the wages paid by the employer to a worker while the worker is attending the incumbent training. The employer's payment for the non-federal share can be cash payments, fairly evaluated in-kind contributions, or both [WIOA § 134(d)(4)(D)(iii); TEGL 19-16]. The employer's share of the costs of training must be reported on the ETA-9130 quarterly financial report [TEGL 19-16].

Policy Number: WIOA I-B – 3.7

Effective Date: August 1, 2017

## Customized Training

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations concerning customized training, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA §§ 3(14), 188(a)(3), & 134(c)(3)(G)(ii)(II)  
20 CFR 680 & 683  
Comments in WIOA Final Rule concerning §680.320  
29 CFR part 2, subpart D  
TEGLs 10-16 & 19-16  
ADWS Certification of Local Workforce Development Boards  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)

### POLICY:

Customized training is training that meets all of the following requirements [WIOA § 3(14); 20 CFR 680.760; TEGL 10-16; TEGL 19-16]:

1. Training is designed to meet the specific requirements of an employer or group of employers.
2. Training is conducted with a commitment by the employer to employ an individual upon successful completion of the training.
3. The employer or employers pay(s) a significant portion of the cost of the training.
  - a. If the training is to be conducted by an employer or employers in one local area, the LWDB determines the portion of the cost of training to be paid by the employer or employers, taking into account the size of the employer and other appropriate information, such as:
    - i. The number of employees participating in the training
    - ii. The wage and benefit levels of those employees (present and anticipated upon completion of the training)
    - iii. The relation of the training to the competitiveness of a participant

- iv. Other employer-provided training
  - v. Advancement opportunities
- b. If the training is to be conducted by an employer or employers in multiple local areas of the state, the Governor of the state will determine the amount to be paid by the employer, using the criteria mentioned in (a) above.

Customized training, as described above, may be provided for an employed individual when all of the following conditions apply [20 CFR 680.770]:

1. The employee is not earning a self-sufficient wage, as defined by the LWDB, or wages comparable to or higher than wages from previous employment
2. Other requirements for training are met, including the requirements that (a) the individual is unable or unlikely to obtain or retain employment leading to self-sufficiency or wages comparable to or higher than wages from previous employment without the training, and (b) the training leads to a job that provides economic self-sufficiency or pays wages comparable to or higher than wages from previous employment.
3. The customized training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, instruction in workplace literacy, or other appropriate purposes identified by the LWDB

Customized training is provided through contracts instead of through ITAs [WIOA 134(c)(3)(G)(ii)(III)]. Providers of customized training are not subject to the requirements applicable to entities listed on the eligible training provider list, and they are not included on the state list of eligible training providers and programs. If the State, however, decides to impose performance regulations, local areas must collect required performance data and identify providers that meet required performance levels [20 CFR 680.530]. There is no prohibition on the combination of ITAs with customized training [Comments in WIOA Final Rule concerning §680.320]. See ADWS Policy No. WIOA I-B – 3.3 (*Occupational Skills Training*) for information concerning ITAs.

No funds may be provided to employers for work-based training and other work experiences to be used directly or indirectly to assist, promote, or deter union organizing [20 CFR 680.830]. No funds may be provided to employers for work-based training and other work experiences to be used directly or indirectly to aid in the filling of a job opening which is vacant because the former employee is on strike, the former employee is being locked out in the course of a labor dispute, or the job is vacant because of an issue in a labor dispute involving a work stoppage [20 CFR 680.840].

A participant in any workforce training activity must not displace any currently employed employee (as of the date of the participation). This includes a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits. The workforce training activity must not impair existing contracts for services or collective bargaining agreements unless the appropriate labor organization and the employer provide written concurrence before the activity begins. The participant may not replace an unsubsidized employee who was laid off from the same or any substantially equivalent job or who was terminated with the intention of hiring the participant. The participant may not be placed in a promotional line that infringes in any way on the promotional opportunities of currently employed workers as of the date of the participation [20 CFR 683.270]

WIOA funds may not be used for the encouragement or inducement of a business or part of a business to relocate from any location in the United States if the relocation results in any employee losing his or her job at the original location. No individual may be placed in work experience in any business or part

of a business that has relocated from any location in the United States until the company has operated at that location for 120 days if the relocation has resulted in any employee losing his or her job at the original location. To verify that a business that is new or expanding and is not relocating, in fact, relocating employment from another area, a standardized Arkansas pre-award review criteria must be completed and documented jointly by the local area and the business (FORM WIOA I-B – 4.1 *Standardized Pre-Award Review Criteria*) [20 CFR 683.260].

No funds may be used to pay a participant to construct, operate, or maintain any part of a facility used for sectarian instruction or as a place for religious worship, with the exception of maintenance of facilities that are not used primarily for sectarian instruction or worship and are operated by organizations providing services to WIOA participants [WIOA § 188(a)(3); 20 CFR 683.255(a)]. Special rules concerning training administered by religious organizations can be found in 29 CFR part 2, subpart D (*Equal Treatment in Department of Labor Programs for Religious Organizations, Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries*) [20 CFR 683.255(b); 20 CFR 683.285(b)].

No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual [20 CFR 683.200(g)]. The Arkansas State definition of "immediate family" is (1) a spouse and (2) any other person residing in the same household as the participant, who is a dependent of the participant or of whom the participant is a dependent. Dependent means any person, whether or not related by blood or marriage, which receives from the participant, or provides to the participant, more than one-half of his/her financial support [ADWS *Certification of Local Workforce Development Boards*]. (This definition is different from the definition of "family" used for eligibility purposes.)

Participants must be paid at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. Rates of pay must not be less than the higher of the applicable Federal, State or local minimum wage. Participants must receive benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work [20 CFR 683.275].

Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants. To the extent that a State workers' compensation law applies, workers' compensation must be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment [20 CFR 683.280].

Customized training is excluded from the credential attainment performance indicator because the training usually does not result in a credential, although participants are being trained in valuable skills. ETA, however, encourages LWDBs to consider customized training that does result in an industry-recognized credential [TEGL 19-16].

Policy Number: WIOA I-B – 3.8

Effective Date: August 1, 2017

## Work Experience

### PURPOSE:

The purpose of this policy is to describe and to detail the regulations concerning work experiences for adults and youth, including internships and transitional jobs for adults and various types of work experiences for youth, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA §§129(c)(2)(C), 129(c)(4), 134, 181(d), & 188(a)(3)  
20 CFR 680, 681, & 683  
Comments in WIOA Final Rule concerning §§ 680.140, 680.180, 680.190, 680.195, & 680.320  
TEGL 19-16  
29 CFR part 2, subpart D  
Fair Labor Standards Act  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)  
ADWS Policy No. WIOA Title I-B –3.4 (On-the-Job Training)  
ADWS Certification of Local Workforce Development Boards

### POLICY:

Work experiences (including internships) that are linked to individualized careers are career services that are required to be available for adults and dislocated workers if these services are determined to be appropriate in order for individuals to obtain or retain employment [*WIOA § 134(c)(2)(A)(xii)(VII)*; *20 CFR 680.150(b)*] Although the Workforce Innovation and Opportunities Act (WIOA) lists transitional jobs with training activities in WIOA § 134(c)(3)(D)(viii), transitional jobs are also individualized career services because the activity is a type of work experience [*20 CFR 680.180*; *20 CFR 680.190*; *Comments in WIOA Final Rule concerning §680.140*]. Paid and unpaid work experience, including internships, is one of the 14 required program elements for youth [*WIOA § 129(c)(2)(C)*; *20 CFR 681.460(3)*]. At least 20% of the funds allocated to a local area for youth must be spent for work experience [*WIOA § 129(c)(4)*; *20 CFR 681.590*]. Some work experience activities for adults and youth have particular required components.

## Work Experience for Adults and Dislocated Workers

Work experiences, including internships and transitional jobs, are planned, structured learning experiences that take place in workplaces for limited periods 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 [20 CFR 680.180; TEGL 19-16].

Transitional jobs are a type of work experience LWDBs may provide under WIOA. A transitional job is a time-limited, subsidized, wage- paid work experience for an individual who has barriers to employment and who is either chronically unemployed or has inconsistent work history, as defined by the LWDB. Wages may be subsidized up to 100%. Transitional jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship (although the program provider may act as the employer [Comments in WIOA Final Rule concerning §680.190]), and develop the skills that lead to unsubsidized employment. Transitional jobs are available only to individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, as determined by the LWDB [WIOA § 134(d)(5); 20 CFR 680.190; TEGL 19-16].

Unlike on-the-job training (OJT), there is no requirement that the employer retain the individual upon completion of the transitional job. Where appropriate, however, retention is preferred for the benefit of the worker and employer [TEGL 19-16].

Transitional jobs must be combined with comprehensive career services and supportive services [WIOA § 134(d)(5); 20 CFR 680.195]. Comprehensive career services may include both basic and individualized career services and are based on the needs of the participant. Local areas determine which career and supportive services are appropriate for each individual [Comments in WIOA Final Rule concerning §680.195]. The local area may use no more than 10% of their combined total of Adult and Dislocated Worker allocations for transitional jobs [WIOA § 134(d)(5); 20 CFR 680.195; TEGL 19-16]. Comprehensive career and supportive services need not be included in determining the 10% cap [Comments in WIOA Final Rule concerning §680.195].

If the LWDB uses transitional jobs as part of its service delivery strategy, it must adopt policies and identify appropriate employers (public, private, or nonprofit). These policies must include plans on the amount of reimbursements for the jobs (up to 100% of the wage), what supportive services must be included, and the limits on the duration of the transitional job. They must also develop policies for defining and identifying individuals who are “chronically unemployed” or “have an inconsistent work history.” The Department of Labor (the Department) encourages targeting individuals who are long-term unemployed, ex-offenders, and individuals who are currently receiving or have exhausted TANF benefits when developing these policies. The Department also encourages using job readiness training in combination with transitional jobs if determined appropriate by the LWDB [TEGL 19-16].

Unlike transitional jobs, internships and other types of work experience for adults and dislocated workers do not require other particular career or supportive services. In addition, there is no cap on the percent of adult and dislocated funds that may be spent for other work experiences, including internships [Comments in WIOA Final Rule concerning §680.180].

## Work Experience for Youth

Paid and unpaid work experience is one of the 14 program elements that must be available for youth [20 CFR 681.460(a)]. As with adults, a work experience for youth is a planned structured learning experience that takes place in a workplace for a limited period of time [20 CFR 681.600(a)]. Work experience for youth may be in the form of summer employment, employment during the school year, a pre-apprenticeship program, an internship, job shadowing, or on-the-job training. As with adults, work experience for youth may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. Work experiences provide youth participants with opportunities for career exploration and skill development [WIOA § 129(c)(2)(C); 20 CFR 681.460(3); 20 CFR 681.600-630].

Each Youth work experience must include an academic and occupational education component. The academic and occupational component refers to contextual learning that accompanies a work experience. The component includes the information necessary to understand and work in specific industries and/or occupations. The educational component may occur concurrently or sequentially with the work experience. Academic and occupational education may occur inside or outside the work site. The education component may include workforce preparation activities, basic academic skills, and/or hands-on occupational skills training connected to a specific occupation, occupational cluster, or career pathway. Local areas have the flexibility to decide the appropriate type of academic and occupational education necessary for a specific work experience and who provides the educational component for the work experience. [20 CFR 681.600; TEGL 21-16].

The pre-apprenticeship program is a work experience designed to prepare a youth to enter a registered apprenticeship program. The experience includes five major components [20 CFR 681.480; TEGL 21-19]:

- Training and curriculum that aligns with the skill needs of employers in the economy of the State or region
- Access to educational and career counseling and other supportive services, directly or indirectly
- Hands-on, meaningful career options 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
- Opportunities to attain at least one industry-recognized credential
- 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

Job shadowing is a work experience option that is designed to increase career awareness, help model youth behavior through examples, and reinforce in the youth the link between academic classroom learning and occupational work requirements. Job shadowing work experience is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. The experience may last from a few hours to a few weeks. The youth learns about a job by walking through the work day as a shadow to a competent worker. Youth witness firsthand the work environment, employability and occupational skills in practice, the value of professional training, and potential career options [TEGL 21-16].

Although on-the-job training is defined as work experience for youth and as training for adults, the guidelines and policies for Youth OJT follow those for OJTs for adults and dislocated workers. See ADWS

Policy No. WIOA Title I-B –3.4 (*On-the-Job Training*) for more information concerning this category of work experience for youth.

Not less than 20% of the youth funds allocated to a local area (minus area administrative costs) must be spent to provide ISY and OSY with paid and unpaid work experiences. Local youth programs must track program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work expenses, and report such expenditures as part of the local youth financial reporting. The percentage of funds spent on work experience is calculated as the total amount spent on ISY and OSY work experience divided by the total allocated youth funds (minus administrative costs) [WIOA § 129(c)(4); 20 CFR 681.590].

The following expenditures may be counted toward the 20% work experience requirement [TEGL 21-16]:

- Wages/stipends paid for participation in a work experience (including employment costs such as FICA match and workers' compensation insurance)
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience
- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience
- Staff time spent evaluating the work experience
- Participant work experience orientation sessions
- Employer work experience orientation sessions
- Classroom training or the required academic education component directly related to the work experience
- Incentive payments directly tied to the completion of work experience
- Employability skills/job readiness training to prepare youth for a work experience.

Leveraged resources cannot be used to fulfill any part of the 20% minimum. Supportive services are a separate program element and cannot be counted toward the work experience expenditure requirement, even if supportive e services assist the youth in participating in the work experience [TEGL 21-19]

### **General Requirements for Adults, Dislocated Workers, and Youth**

Work experiences of all types 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 [20 CFR 680.180; 20 CFR 681.600].

Providers of internships, paid or unpaid work experience, or transitional jobs are not subject to the requirements applicable to entities listed on the eligible training provider list, and they are not included on the state list of eligible training providers and programs. If the State, however, decides to impose performance regulations, local areas must collect required performance data and identify providers that meet required performance levels [20 CFR 680.530]. There is no prohibition on the combination of ITAs with any type of work experience, with the exception of ISY. In-school youth may not use youth

program-funded ITA, but ISY between the ages of 18 and 21 may co-enroll in the Adult program and may receive training services through an ITA funded by the Adult program, if the youth's individual needs, knowledge, skills, and interests align with the Adult program [Comments in Final Rule concerning §680.320; TEGL 21-19]. See ADWS Policy No. WIOA I-B – 3.3 (*Occupational Skills Training*) for information concerning ITAs.

No funds may be provided to employers for work-based training and other work experiences to be used directly or indirectly to assist, promote, or deter union organizing [20 CFR 680.830]. No funds may be provided to employers for work-based training and other work experiences to be used directly or indirectly to aid in the filling of a job opening which is vacant because the former employee is on strike, the former employee is being locked out in the course of a labor dispute, or the job is vacant because of an issue in a labor dispute involving a work stoppage [20 CFR 680.840; 20 CFR 681.600].

WIOA funds may not be used for the encouragement or inducement of a business or part of a business to relocate from any location in the United States if the relocation results in any employee losing his or her job at the original location. No individual may be placed in work experience in any business or part of a business that has relocated from any location in the United States until the company has operated at that location for 120 days if the relocation has resulted in any employee's losing his or her job at the original location. To verify that a business that is new or expanding and is not relocating, in fact, relocating employment from another area, a standardized Arkansas pre-award review criteria must be completed and documented jointly by the local area and the business (FORM WIOA I-B – 4.1 *Standardized Pre-Award Review Criteria*) [WIOA § 181(d); 20 CFR 683.260].

A participant in any workforce training activity must not displace any currently employed employee (as of the date of the participation). This includes a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits. The workforce training activity must not impair existing contracts for services or collective bargaining agreements unless the appropriate labor organization and the employer provide written concurrence before the activity begins. The participant may not replace an unsubsidized employee who was laid off from the same or any substantially equivalent job or who was terminated with the intention of hiring the participant. The participant may not be placed in a promotional line that infringes in any way on the promotional opportunities of currently employed workers as of the date of the participation [20 CFR 683.270]

No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual [20 CFR 683.200(g)]. The Arkansas State definition of "immediate family" is (1) a spouse and (2) any other person residing in the same household as the participant, who is a dependent of the participant or of whom the participant is a dependent. Dependent means any person, whether or not related by blood or marriage, which receives from the participant, or provides to the participant, more than one-half of his/her financial support [ADWS Certification of Local Workforce Development Boards]. (This definition is slightly different from the definition of "family" used for eligibility purposes.)

No funds may be used to pay a participant to construct, operate, or maintain any part of a facility used for sectarian instruction or as a place for religious worship, with the exception of maintenance of facilities that are not primarily used for sectarian instruction or worship and are operated by organizations providing services to WIOA participants [WIOA § 188(a)(3); 20 CFR 683.255(a)]. Special rules concerning training administered by religious organizations can be found in 29 CFR part 2, subpart D (*Equal Treatment in Department of Labor Programs for Religious Organizations, Protection of Religious*

*Liberty of Department of Labor Social Service Providers and Beneficiaries) [20 CFR 683.255(b); 20 CFR 683.285(b)].*

Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants. To the extent that a State workers' compensation law applies, workers' compensation must be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment. If a State workers' compensation law does not apply to a participant in work experience, insurance coverage must be secured for injuries suffered by the participant in the course of such work experience [20 CFR 683.280].

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Policy Number: WIOA I-B – 3.9

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## Supportive Services

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations and requirements concerning supportive services, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA § 3(59); 134(c)(2)(A)(iv); 134(d)(2)  
20 CFR 679.430, 680 & 681  
TEGLs 19-16 & 21-16

### POLICY:

Supportive services are designed to provide a participant with the resources necessary to enable an individual to participate in WIOA Title I-B Adult, Dislocated Worker, or Youth activities [WIOA § 3(59); 20 CFR 680.910(b) 681.570; TEGLs 19-16 & 21-16]. Local areas are not required to provide supportive services to Adults and Dislocated Workers, but such services are permitted for participants who need such services and meet eligibility requirements. Supportive services are Program Element 7 of the Youth program, and such services must be available to Youth as when needed, appropriate, and in accordance with the local Supportive Service Policy. Local programs have the discretion to determine what specific program services a youth participant receives based on each participant's objective assessment and individual service strategy [WIOA §129(c)(2); 20 CFR 681.460].

Each local area, in consultation with the American Job Center partners and other community service providers, must develop a policy, including procedures on support services that ensure resource and service coordination in the local area. Local areas have the discretion to provide the supportive services they deem appropriate, subject to WIOA's limitations. The policy should address procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources. The policy may establish limits on the provision of supportive services, including a maximum amount of funding and maximum length of time for supportive services to be available to participants. The policy may also describe procedures for determining exceptions to these limits. The policy and procedures must ensure that supportive services are WIOA-funded only when these services are not available through other agencies and that the services are necessary for the individual to participate in Title I-B authorized activities. The provision of accurate information about the availability of supportive services in each local area, as well as referral to such services, must be available a Basic Career Service [WIOA § 134(c)(2)(A)(iv); 20 CFR 678.430 & 680.900; 680.920; TEGL 19-16].

If funding is spent on supportive services, the need for such services, including eligibility determination as listed below and the inability to obtain services from other sources must be documented in the participant's case notes. Supportive services may include, but are not limited to *[WIOA § 3(59); 20 CFR 680.900, 681.460(a), & 681.570; TEGLs 19-16 & 21-16]*:

- Linkages to community services
- Assistance with transportation
- Assistance with child care and dependent care
- Assistance with housing
- Needs-related payments
- Assistance with educational testing
- Reasonable accommodations for individuals with disabilities
- Legal aid services
- Referrals to health care
- Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear
- Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes
- Payments and fees for employment and training-related applications, tests, and certifications.

WIOA Title I-B program providers are encouraged to partner with American Job Center partners and other entities that can provide supportive services to participants *[WIOA § 134(d)(2); 20 CFR 680.910; 20 CFR 681.460(c); 20 CFR 681.470; TEGLs 19-16 & 21-16]*. The WIOA case manager must work with the other entities to ensure that participants receive coordinated service to create an appropriate total package *[20 CFR 681.470; TEGLs 19-16 & 21-16]*.

### **Eligibility for Supportive Services**

For any individual to receive supportive services, he or she must meet all eligibility requirements for a WIOA Title I-B program. The need for supportive services may be determined through an interview, an evaluation or assessment, or the development of either an individual service strategy (ISS) or and individual employment plan (IEP). Documentation of the need for supportive services must be maintained in the participant file.

#### **Adults & Dislocated Workers**

The primary requirements for an Adult or Dislocated Workers to receive a supportive service are *[WIOA § 3(59) & 134(d)(2); 20 CFR 680.140, 680.900 & 680.910; TEGL 19-16]*:

- The participant is participating in an activity authorized as a WIOA Title I-B Adult or Dislocated Worker (DLW) career (except follow-up) or training service. (There is no requirement that WIOA fund the service or activity, but it must be an authorized by WIOA § 134 or the appropriate sections of the Final Rule.)

- The supportive services must be necessary to enable the participant to participate in the activity or training service.
- The participant is unable to obtain the needed supportive services through another program providing such services [WIOA § 134(d)(2) 20 CFR 680.910(a)].

## Youth

The primary requirements for a Youth to receive a supportive service are [WIOA § 3(59); 20 CFR 681.570 & 681.580; TEGL 21-16]:

- The participant is participating in an activity authorized as a WIOA Title I-B Youth activity or service, including follow-up services. (There is no requirement that WIOA fund the service or activity, but it must be one of the 14 program elements or a follow-up service.)
- The supportive services must be necessary to enable the participant to participate in the activity or training service.
- The participant is unable to obtain the needed supportive services through another program providing such services.

**Needs-related payments** may be provided to Adults and Dislocated Workers to enable them to participate in training services. Needs-related payments may not be provided for participation in Career Services [WIOA § 134(d)(3)(A); 20 CFR 680.930].

Eligibility requirements for an Adult to receive needs-related payments are [WIOA § 134(d)(3)(A); 20 CFR 680.940]:

- Be unemployed
- Not qualify for, or have ceased qualifying for, unemployment compensation
- Be enrolled (registered for classes) in a WIOA Title I-B training service

Eligibility requirements for a Dislocated Worker to receive needs-related payments in one of the following two numbered ways [WIOA § 134(d)(3)(A); 20 CFR 680.950]:

1. For DLWs who qualified for unemployment benefits or trade readjustment allowance under TAA
  - Be unemployed
  - Have ceased qualifying for, unemployment compensation or trade readjustment allowance under TAA
  - Be enrolled(registered for classes) in a program of WIOA Title I-B training service by the end of the 13<sup>th</sup> week after the most recent layoff that resulted in a determination of the worker's eligibility for the DLW program, OR if later, by the end of the 8<sup>th</sup> week after the worker is informed that a short-term layoff will exceed 6 months
2. For DLWs who did not qualify for unemployment benefits or trade readjustment assistance under TA [WIOA § 134(d)(3)(A); 20 CFR 680.950].
  - Be unemployed

- Did not qualify for unemployment benefits or trade readjustment assistance under TAA
- Be enrolled (registered for classes) in a WIOA Title I-B training service

Needs-related payments may be paid while a participant is waiting to start training classes, provided he or she has been accepted into a training program and enrolled in (registered for) classes, and provided the classes will begin within 30 days. The Governor may authorize local areas to extend the 30-day period to address appropriate circumstances [20 CFR 680.960].

The local level of needs-related payments made to eligible Adults must be established by the LWDB supportive services policy [20 CFR 680.970(a)]. The level of a needs-related payment made to an eligible Dislocated Worker may not exceed the greater of

- (a) the applicable level of unemployment compensation; or
- (b) if the DLW did not qualify for unemployment compensation, an amount equal to the poverty line for an equivalent period, adjusted to reflect changes in total family income, as determined by the LWDB policies [WIOA § 134(d)(3)(C); 20 CFR 680.970].

20 CFR 680.330(c) specifically states that needs-related payments may be provided to adults and dislocated workers in registered apprenticeship programs, as described in 20 CFR 680.930 – 970. 20 CFR 680.940 -950 state that needs-related payments may not be provided to employed participants. TEGLs 10-16 and 13-16 state that participants in registered apprenticeship programs are considered to be employed from the first day of their RA training. Because of this conflict, it is recommended that local areas not give needs-related payments to individuals in registered apprenticeship programs.

Although needs-related-payments is listed as a potential supportive service for Youth in WIOA § 3(59), 20 CFR 681.570, and TEGL 21-16, there are no specific eligibility requirements given for youth. If a local area plans to provide needs related payments to Youth, guidelines must be given in the local Supportive Service Plan.

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## Confidentiality

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations concerning occupational skills training, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and the policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA § 116(i)(3)  
TEGL 7-16  
20 CFR 677(c)(3)  
20 U.S.C. 1232g (Family Education Rights and Privacy Act)  
29 CFR 38  
ADWS Information Security Policy Manual

### POLICY:

Information is critical to the WIOA Title I-B programs. Case managers and other WIOA Title I-B employees have access to personal information that must remain confidential or that may be dispersed only to certain other entities. Every individual with access to such personal information must comply with the Family Education Rights and Privacy Act (20 U.S.C. 1232g) [WIOA §116(i)(3)]. Additional security measures are required for information concerning disabilities and other information provided by vocational rehabilitation agencies [TEGL 7-16] and for state unemployment compensation information [20 CFR part 603].

Any person with access to personal information must read and understand the Family Education Rights and Privacy Act (FERPA) and must receive training on the local confidentiality policy. A signed confidentiality agreement with knowledge and acceptance of the requirements of the FERPA and local policies and the penalties for violation of the requirements, must be maintained in the local files. Confidentiality agreements also must be signed by non-ADWS user of ADWS confidential information [ADWS Information Security Policy Manual].

Written agreements are executed between ADWS and other entities that are allowed access to ADWS confidential information. When a local area uses an ADWS Local Area Network (LAN), written instructions for telecommunications security must be included as part of the agreement. All servers that are connected to the statewide ADWS network must be configured to automatically download and install critical and security updates for the operating system and updates to the anti-virus software on a daily basis, unless otherwise approved by the ADWS Information Security Officer [ADWS Information Security Policy Manual].

Local areas must develop confidentiality policies and procedures to promote the security and confidentiality of personal information. These policies and procedures may be modeled after the appropriate section of ADWS Information Security Policy Manual. The policies and procedures may include, but are not limited to:

- What information must be kept confidential and what information can be disclosed
- To whom confidential information may be given
- Information may be disclosed only on a “need to know” basis
- The manner for storing confidential information that must be maintained for reporting reasons [29 CFR 38.41(b)(2)]
- All medical or disability-related information obtained about a particular individual must be collected on forms separate from other information collected from the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection) [29 CFR 38.41(b)(2)].
- Forms signed by individuals allowing WIOA to release appropriate information to other entities that might be helpful to the participant
- A process for individuals who request that normally-public information not be disclosed (for example, address of a person who is escaping an abusive ex-spouse)
- Regulations concerning the security of laptop computers when not in use, when taken home, and when traveling
- All computers must be password protected
- All computers must have screen savers with password protection or keyboard locking program activated on them
- Penalties for misuse, mishandling, or unauthorized disclosure of confidential information
- Sensitive personally identifiable information (information that could result in harm to the individual whose name or identity is linked to the information) may not be electronically transmitted unless it is specifically protected by secure methodologies. Sensitive information includes, but is not limited to, place of birth, date of birth, mother’s maiden name, driver’s license number, biometric information, medical information (except brief references to absences from work), personal financial information, Social Security numbers (including only the last four digits), credit card or debit card account numbers, passport numbers, potentially sensitive employment information (e.g., personnel ratings, disciplinary actions, and results of background investigations), criminal history, and any information that may stigmatize or adversely affect an individual [ADWS Information Security Policy Manual].
- Non-sensitive personal identifiable information that may be transmitted electronically without protection include work phone numbers, work addresses, work and personal e-mail addresses, resumes that do not include a Social Security number or where the Social Security number has been redacted [ADWS Information Security Policy Manual].
- Procedure for disaster recovery of paper and electronic information
- Prohibition on downloading or installing any software or program without consent
- Background checks may be required for individuals with access to confidential information
- The use of the internet is confined to official business only
- The use of network activity may be monitored without an employee’s knowledge or consent
- A confidentiality notice that must be appended to all e-mail messages

- Confidential information cannot be discussed or disclosed in telephone conversations unless it is certain that the other party has authorized access to the information
- Prohibition on recording telephone conversations without the consent of the individuals being recorded
- Paper documents must be secured in a manner so that unauthorized access (such as by individuals walking into the room) is unlikely
- Computer monitors must be positioned such that unauthorized viewing is unlikely
- Documents and papers containing confidential information must be shredded personally or taken to a secure storage place to be shredded.
- Computers may be used for business use only
- All servers must contain anti-virus software that is updated automatically

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## Case Management and Participant Files

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations concerning case management and participant files, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA §§ 129(c)(3)(B) & §134(c)(2)(A)(xii)  
20 CFR 380.220(b)  
20 CFR 678.430(b)  
20 CFR 681.420(e & f)  
TEGL 19-16

### POLICY:

“Case manager” is a generic term used in this manual to indicate anyone working directly with participants. Case managers are essential front-line staff who are the core of the WIOA Title I-B programs. They welcome applicants and make them feel comfortable. They determine eligibility for programs, as well as for particular services. They evaluate the assessments, skills, interests, and aptitudes of participants to help the participants receive the services they need to obtain or retain appropriate employment. They have regular contact with participants and serve as career counselors, progress monitors, cheerleaders, and coaches. After participants exit, they identify appropriate follow-up services to help former-participants be successful in their chosen occupations.

To best serve potential participants, case managers must read and understand the policies and forms in this manual, as well as local policies, procedures, and forms. Case managers should regularly review all policies so that they are familiar with services and requirements and can, therefore, give individuals all needed services for which the participant qualifies. They are responsible for appropriately serving individuals in their local areas while being good stewards of the funds entrusted to them for service. They, more than any other WIOA employee, is responsible for helping the participant to be successful.

To avoid potential disallowed costs, each case manager should know eligibility requirements for all WIOA Title I-B programs and services. In determining eligibility, the case manager must use the eligibility determination form, as well as the priority procedure established by the local area.

In order to serve participants appropriately, the case manager must be knowledgeable about the requirements and services of Arkansas Workforce Center partners and other local entities. The eligibility requirements and services should be kept in mind when writing the ISS or IEP and in otherwise helping

participants with needed services. The case manager must use the IEP or ISS to determine need for services.

Every individual who submits a WIOA application is a reportable individual. Information for every reportable individual must be entered into AJL, including all demographic information given [20 CFR 677.150; TEGL 10-16]. After an applicant has been determined eligible for a program, entering all appropriate information into AJL is part of the enrollment process. AJL is also part of the case management process, and appropriate information should be entered as events happen or information is available.

If an eligible youth applies for a WIOA Youth program and either does not meet the enrollment requirements for that program or cannot be served by that program, the youth program provider must ensure that the youth is referred for further assessment, if necessary, or referred to appropriate programs to meet the basic skills and training needs of the applicant [WIOA § 129(c)(3)(B); 20 CFR 681.420(e & f)].

Adults should also be referred to other appropriate services, especially if they cannot be served by the WIOA Title I-B program. In addition, participants should be co-enrolled with partner programs as applicable.

Case notes should be made when the participant is enrolled, at least once each month while the individual is a participant, and at any time something significant happens. The case note must be more than an attempt to contact with no answer. Although the case manager should maintain contact with the participant, the note does not have to be in response to direct contact with the participant. The note could be contact with the participant, but it can also be updated information from an employer, a case manager in a partner program, a school representative, or other such individual who can update the case manager.

Forms and notes must be written in ink, not pencil. No white-out may be used in files. If you make a mistake, cross through it once or twice, initial it, and put the correction beside it. Forms must be dated when they are completed and signed. Applicants cannot be allowed to sign blank forms.

The case file (electronic or on paper) must contain a determination of need for training services as determined through the interview, evaluation, or assessment, career planning using local labor market information and training provider performance information, or other career service received. If career services are not provided before training, the case manager must document the circumstances that justified the determination to provide training without first providing career services [20 CFR 680.220(b)].

All documentation and notes concerning determination of eligibility must be kept in a participant's file, including notes concerning details of determination of eligibility and need for particular services. The case file must contain a determination of need for training services as determined through the interview, evaluation, or assessment, career planning using local labor market information and training provider performance information, or other career service received. If career services are not provided before training, the case manager must document the circumstances that justified the determination to provide training without first providing career services [20 CFR 680.220(b)].

Case notes and other information may be entered into AJL or written on paper. Paper notes and documentation must be placed in a 6-tab folder in the order below. The categories of each tab are given, along with examples of what goes in that file. The name of the documents and the determination of which information is kept electronically and which is kept on paper is at the discretion of the local area.

- TAB 1 (Front left): Data Validation & Enrollment & Eligibility Information  
Information in tab: Data Validation Checklist on top, with other information in the number order on the checklist AND all documents collected related to enrollment for eligibility information  
Examples: Application, eligibility documentation, barrier information, low-income documentation, dislocated worker documentation
- TAB 2 (Front right): Notes, if printed  
Information in tab: Program notes, and enrollment notes in chronological order with most recent on top
- TAB 3 (Middle left): Case Management Information  
Information in tab: ISS/IEP on top, followed by assessments, testing, and other case management information in chronological order with most recent on top
- TAB 4 (Middle right): Miscellaneous Documents and AJL Printouts not in another Tab  
Examples: Referral forms, Photo & Story Release Form, Exit Form, Partner Provided Form
- TAB 5 (Back Left): Training Information  
Information in tab: All training information, including occupational skills training, RA (educational component), high school, and Youth occupational training accompanying work experience  
Examples: ITA, transcripts, degree plans, financial aid information, class schedule, attendance documents, and supportive services related to training
- TAB 6 (Back right): Work Experience and Workforce Training Information  
Information in tab: All information related to work experience or workforce training, including OJT and work component of RA  
Examples: Contract for work, work permit, work evaluations, I-9, job description, time sheets, supportive services relating to work

The individual employment plan (IEP) and Individual Service Strategy (ISS) should be used to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers[WIOA §134(c)(2)(A)(xii); 20 CFR 678.430(b); TEGL 19-16]

All required activities and services must be available, but the provision of individualized career services and training services must be based on the employment and service needs of the individual as determined jointly by the individual and the case manager, and should be identified through an individual employment plan (IEP) or Individual service strategy. The list of permitted services may also be provided if the need is demonstrated, funding is available, and the service is permitted by local policy. [TEGL 19-16; TEGL 21-16].

All 14 Program Elements must be available for Youth who need them, but not all services within each element must be available. Those services which cannot be provided by the case manager or local program provider (or would be provided better by an outside entity) may be provided by another entity. Note that training services must be available for eligible adults and dislocated workers who demonstrate a need for such services, but the local area has to option to determine which training services will be provided [20 CFR 380.220(b); TEGL 19-16]. Local WIOA Title I-B Youth program providers must work with other one-stop partners and providers of services to assist youth in obtaining the full array of needed services

*[WIOA §129(c)(3)(A); 20 CFR 681.420(c & d)].* DOL strongly prefers that case managers not serve as mentors, but case managers may serve as mentors in areas where adult mentors are sparse *[TEGL 21-16]*. Youth service providers should also work with other appropriate entities in assessing the needs of participants and creating strategies to meet those needs. Assessments and service strategies developed for the participant by other entities should be used as appropriate *[WIOA § 129(c)(1)(A & B); 20 CFR 681.420(h)]*.

DRAFT

Policy Number: WIOA I-B – 4.3

Effective Date: August 1, 2017

## Grievance and Complaint Procedures

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations concerning the Title I-B grievance and complaint procedures as they progress to the local level, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA § 181(c)(1)  
WIOA 20 CFR 683.600

### POLICY:

Each Title I-B program provider must have a written procedure to address grievance and complaints for allocations concerning WIOA Title I [WIOA § 181(c)(1); 20 CFR 683.600]. The procedure for filing a grievance or complaint must be easily available to each person seeking to apply for services, and the procedure must be written in such a way as to be easily understood by all applicants and participants. Reasonable efforts must be made to help youth and those who are limited-English speakers understand the procedure [20 CFR 683.600(b)].

The procedure must include:

- A process for dealing with the grievance or complaint at as low a level as possible, and continuing to the Local Board Grievance and Complaint Procedure [20 CFR 683.600(c)(1)].
- The opportunity for an informal resolution and a hearing to be completed at the local level within 60 days of the filing of the grievance or complaint [WIOA § 181(c)(1); 20 CFR 683.600(c)(2)].
- A process to submit the grievance to a binding arbitration procedure if the individual alleges a labor standards violation and a collective bargaining agreement covering the parties provides for such procedure [20 CFR 683.600(c)(2)].

The Local Board Grievance and Complaint Procedure will include the opportunity for the grievance or complaint to be appealed to the State if conditions in 20 CFR 683.600(c)(4) are not met. The Arkansas State Grievance and Complaint Procedure will include the process for resolving appeals from the local level, for remanding to the local area complaints and grievances that have not been through the local process, and for appealing to the Secretary of Labor if appropriate [20 CFR 683.600(d)].

Policy Number: WIOA I-B – 4.4

Effective Date: August 1, 2017

## Nepotism

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations nepotism, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

20 CFR 683.200(g)  
A.C.A. § 25-16-1001  
ADWS Certification of Local Workforce Development Boards

### POLICY:

Local areas must refrain from the appearance of favoritism in decisions made concerning individuals, especially decisions concerning eligibility and services provided. For this reason, this policy contains rules concerning nepotism in WIOA Title I-B activities.

No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual [20 CFR 683.200(g)]. As related to nepotism, the State of Arkansas defines supervisor as any individual having authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, discipline, or exercise other such authority over the individual [A.C.A. § 25-16-1001(5)]. The Arkansas State definition of "immediate family" is (1) a spouse and (2) any other person residing in the same household as the participant, who is a dependent of the participant or of whom the participant is a dependent. For this situation, "dependent" means any person, whether or not related by blood or marriage, which receives from the participant, or provides to the participant, more than one-half of his/her financial support [ADWS Certification of Local Workforce Development Boards]. (This definition is different from the definition of "family" used for eligibility purposes.)

No individual may make decisions involving eligibility or services or otherwise provide case management for a relative. For this rule, "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)].



## Application – Adult & Dislocated Worker Programs Workforce Innovation and Opportunity Act (WIOA)

FORM WIOA I-B – 1.1

### For Adult and Dislocated Worker Programs

If you are age 18 or older and need help in obtaining employment that will lead to adequate wages so that you can support yourself and/or your family, we may be able to help you. If you qualify, we offer many career and training services and assistance that can help you obtain your employment goals. If you are interested in determining eligibility and services available, we invite you to complete the attached information and return it to:

You may also call for an appointment at:

If you are 24 years old or younger, you may also qualify for the Youth program. A case manager will help you determine which program (or both) best fits your educational and employment needs.

You will be asked to document certain information you provide on the application. We can help you obtain such information, if needed, but your application will be processed more quickly if you could bring the information with you. We suggest you bring the following documentation if applicable (alternate documentation can be arranged, if needed):

- Drivers' license, passport, or other government-issued ID that has your picture
- Signed Social Security card
- U. S. birth certificate, if you have one (If you don't, there is other documentation we can use.)
- If you are not a U. S. Citizen, a permanent resident card or other card stating authority to work in the United States
- If you are a veteran, your DD-214
- If you are a disabled veteran, widow or widower of a veteran or an "eligible spouse," bring VA documentation of your status if you have it
- Selective Service registration card or letter, if applicable (We can obtain the information online, if needed.)
- If you have received a lay-off notice, bring it
- If you are attending college, bring a transcript and a degree plan
- If you have been accepted into a college program (such as nursing), bring your acceptance letter
- Bring documentation of a disability, if you have one and there is documentation
- If you are low-income, you may bring documentation, or we will help you obtain it. Low-income includes receiving cash public assistance (SNAP, TEA, Work Pays, or SSI), and being homeless. If you do not meet any of these criteria, you may need documentation of the number of people in your household and the income of all individuals in the home. If you're not sure what to bring, we can help you after we talk with you.

**PERSONAL INFORMATION**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Physical Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone \_\_\_\_\_ Cell Phone \_\_\_\_\_ Do you accept texts?  Yes  No

Message phone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Relative's Name: \_\_\_\_\_ Tele. # \_\_\_\_\_

Social Security Number (used for program performance purposes) \_\_\_\_\_ County: \_\_\_\_\_

Birthdate: \_\_\_\_\_ Age: \_\_\_\_\_ Sex (at birth):  Male  Female

Are you Hispanic or Latino?  Yes  No  Prefer not to answer

What is your Race? (Select one or more):

White or Caucasian  Asian or Asian American  Black or African American

Hawaiian or Other Pacific Islander  American Indian or Alaska Native

More than one race  Prefer not to answer

Do you acknowledge a disability that substantially limits one or more major life activity?  Yes  No

If yes, do you need special accommodations for the disability?  Yes  No

If yes, what accommodations do you need? \_\_\_\_\_

Do you receive Social Security Disability Insurance?  Yes  No

Do you have trouble solving problems OR reading, writing, and speaking English at a level necessary to function on the job?  Yes  No

Is English your primary language?  Yes  No

Do you live in a family or community where English is not the primary language spoken?  Yes  No

Are you registered with Selective Service?  Yes  No

Are you a U.S. Citizen?  Yes  No If no, are you a permanent resident alien?  Yes  No

If no for both above, are you a lawfully admitted refugee, asylees, parolee, or other immigrant authorized to work in the United States?  Yes  No  N/A

Are you a veteran?  Yes  No Are you the spouse of a veteran?  Yes  No

Are you a widow or widower of a veteran?  Yes  No

Have you registered with Arkansas Job Link?  Yes  No

Are you an Arkansas Works referral from the state Medicaid expansion program?  Yes  No  
(Arkansas Works is a Governor's initiative DHS program that refers DHS clients to DWS job service staff for employment assistance)

Have you been subject to any stage of the criminal justice process for committing an offense or delinquent act, OR do you have trouble obtaining or keeping a job because of an arrest or conviction?  Yes  No

Are you a single parent (custodial or non-custodial), or a pregnant woman?  Yes  No

Do your customs, beliefs, or practices serve as a hindrance to employment (cultural barrier)?  Yes  No

**INCOME**

Some of our services have income requirements. We, therefore, need the following information to help determine need for particular services:

Do you or a family member currently receive (or received in the last 6 months) any of the following (check all that apply):

SNAP  TEA  Work Pays  Supplemental Security Income (SSI)

Are you within 2 years of exhausting your lifetime TANF eligibility?  Yes  No

Are you homeless (lack a fixed, regular, and adequate nighttime residence)?  Yes  No

List all members who live in the household at any time in the last 6 months, their relationship to you, and their sources of income for the last 6 months:

Family is defined 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 married couple and dependent children
- A parent or guardian and dependent children
- A married couple

Ask for the definition of a dependent child if needed

Name	Relationship to you	Age	All sources of Income
	Self		

(If needed, place information about additional household members on back or on additional pages)

Do you certify that the income sources above are all the sources of income for your family?

Yes  No

If No, Explain:

**EMPLOYMENT INFORMATION**

Which best describes your current employment status? (Check all that apply)

- Employed working for wages, self-employed, or working 15+ hours per week unpaid in family business. "Employed" includes if you are away from job because of vacation, leave, etc.)
  - Part-time       Full-time      (PT is less than 30 hrs/wk or considered PT by your employer)
  - Self-employed
- Employed, but received termination notice from employer/military
- Not employed (not working, but available for work and looking for work)
- Exhausted Unemployment Benefits, and don't have an appropriate job
- Have been unemployed for 27 or more consecutive weeks, but have been looking for work and was available for work during the entire time
- Not in labor force (not employed and have not actively been looking for work)

Are you a migrant or seasonal farm worker?  Yes  No

Do you currently receive Unemployment Benefits?  Yes  No

Have you received Unemployment Benefits in the past?  Yes  No If yes, when? \_\_\_\_\_

Have you recently been laid off or given notice that you will be laid off?  Yes  No

If so, where? \_\_\_\_\_ Layoff date (mm/dd/yyyy): \_\_\_\_\_

Did you own a business that recently closed because of a disaster or local economic reasons?  Yes  No

If so, name of business: \_\_\_\_\_ Closure date (mm/dd/yyyy): \_\_\_\_\_

Why did it close? \_\_\_\_\_

Are you a displaced homemaker (a person who has been providing unpaid services to family members in the home and has been dependent on the income of a family member, but is no longer supported by that income and is unemployed or underemployed and is experiencing difficulty obtaining or upgrading employment)?

Yes  No

If yes, give details:

Are you (or were you) the dependent spouse of a member of armed forces on active duty, and the family income is significantly changed because of a deployment, a call or order to active duty, a permanent change of state, or the service-connected death or disability of the member?  Yes  No

If yes, give details:

**WORK HISTORY** (list current or most recent first. Please list dates as completely as possible.)

Employer Name: _____	Start: _____	End: _____
Address: _____	City: _____	State: _____
Job title: _____	# Hours per week: _____	Hourly wage: _____
Reason for leaving: [ ] Quit [ ] Laid off [ ] Moved from area [ ] Fired [ ] Other: _____		
Employer Name: _____	Start: _____	End: _____
Address: _____	City: _____	State: _____
Job title: _____	# Hours per week: _____	Hourly wage: _____
Reason for leaving: [ ] Quit [ ] Laid off [ ] Moved from area [ ] Fired [ ] Other: _____		
Employer Name: _____	Start: _____	End: _____
Address: _____	City: _____	State: _____
Job title: _____	# Hours per week: _____	Hourly wage: _____
Reason for leaving: [ ] Quit [ ] Laid off [ ] Moved from area [ ] Fired [ ] Other: _____		
Employer Name: _____	Start: _____	End: _____
Address: _____	City: _____	State: _____
Job title: _____	# Hours per week: _____	Hourly wage: _____
Reason for leaving: [ ] Quit [ ] Laid off [ ] Moved from area [ ] Fired [ ] Other: _____		

**EDUCATION**

Do you have a high school diploma or GED? [ ] Yes [ ] No

If no, what is the highest grade you completed? \_\_\_\_\_

Do you have a college degree or certificate? [ ] Yes [ ] No

If yes, what is your highest degree or certificate? \_\_\_\_\_

What was your major? \_\_\_\_\_

Do you have college work toward an unfinished certificate? [ ] Yes [ ] No

If so, where? \_\_\_\_\_

Why did you stop? \_\_\_\_\_

Are you currently enrolled in postsecondary education (college, technical school, etc.)? [ ] Yes [ ] No

If yes, where? \_\_\_\_\_

What is your major? \_\_\_\_\_

**Certification of Truth of Application, Release of Information, Acknowledgement, & Consent**

\_\_\_\_\_ I authorize \_\_\_\_\_, the local provider of WIOA Title I-B Adult and Dislocated Worker Programs (hereafter called WIOA) to use the information in this application to help me reach my goals. I also authorize them to exchange pertinent personal information with other service providers as appropriate to help meet my needs and reach my goals. I understand that all exchanged information shall remain private and confidential in accordance with the confidentiality policies of each agency receiving or sharing information.

\_\_\_\_\_ I authorize the Social Security Administration, the Arkansas Department of Workforce Services, the Arkansas Department of Human Services, the Arkansas Department of Career Services, the Arkansas Department of Higher Education, the Arkansas Department of Corrections, the local and state police and sheriff departments, appropriate WIOA One-Stop partners, employers (past and present), educational entities, and other appropriate entities to share with WIOA information that can help me establish eligibility for services, reach my goals, and document my successes. Information shared may include, but is not limited to, information that could help me become eligible for appropriate programs; assessments; benefits received from SNAP, TANF, Social Security, SSI, and/or Unemployment Insurance; grants, scholarships, and loans received for training; grades, attendance records, and credentials for training or work experiences provided by (or for which supportive services are provided by) WIOA, and other information that could help me meet my goals and document my outcomes.

\_\_\_\_\_ I agree to hold harmless the Arkansas Workforce Center, the Local Workforce Development Board, WIOA, or entities releasing information to WIOA, for information released according to the confidentiality guidelines of such agencies.

\_\_\_\_\_ I agree that a copy of this authorization may be used as an original.

\_\_\_\_\_ This authorization shall continue for one (1) year from the date of exit from the WIOA program or until such time that WIOA is notified in writing by the applicant that the authorization is canceled.

\_\_\_\_\_ I understand that submission of this application and/or eligibility determination does not guarantee enrollment.

\_\_\_\_\_ I certify that I have read and fully understand all questions asked on this application, and that I should ask for clarifications if needed before I sign this application.

\_\_\_\_\_ I certify this information to be true to the best of my knowledge, and there is no intent to commit fraud. I am aware that if I am found ineligible after starting the program, I will not be allowed to continue in the program. I am also aware that legal action may be taken against me if it is found that I knowingly provided false information or fraudulent documentation during the eligibility process.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date



## Application – Youth Programs Workforce Innovation and Opportunity Act (WIOA)

FORM WIOA I-B – 1.2

For Youth Programs

If you are age 14 - 24 and need help in learning skills that will help you obtain an appropriate education and employment, we may be able to help you. If you qualify, we offer assistance in getting a high school diploma (or equivalent) and in obtaining workplace and classroom training that leads to employment. If you are interested in such training, we invite you to complete the attached information and return it to:

You may also call for an appointment at:

If you are 18 years old or older, you may also qualify for the Adult program. A case manager will help you determine which program (or both) best fits your educational and employment needs.

You will be asked to document certain information you provide on the application. We can help you obtain such information, if needed, but your application will be processed more quickly if you could bring the information with you. We suggest you bring the following documentation if applicable (alternate documentation can be arranged, if needed):

- Drivers' license, passport, school ID, or other government-issued ID that has your picture
- Signed Social Security card
- U. S. birth certificate, if you have one (If you don't, there is other documentation we can use.)
- If you are not a U. S. Citizen, a permanent resident card or other card stating authority to work in the United States
- If you are a veteran, your DD-214
- If you are a disabled veteran, widow or widower of a veteran or an "eligible spouse," bring VA documentation of your status if you have it
- Selective Service registration card or letter, if applicable (We can obtain the information online, if needed.)
- Bring documentation of a disability, if you have one and there is documentation
- If you are low-income, you may bring documentation, or we will help you obtain it. Low-income includes receiving cash public assistance (SNAP, TEA, Work Pays, or SSI), being homeless, qualifying for free or reduced lunches, or having a child who qualifies for free or reduced-price lunches. You may also qualify if you live in an area that has high poverty. If you do not meet any of these criteria, you may need documentation of the number of people in your household and the income of all individuals in the home. If you're not sure what to bring, we can help you after we talk with you.

**PERSONAL INFORMATION**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Physical Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone \_\_\_\_\_ Cell Phone \_\_\_\_\_ Do you accept texts?  Yes  No

Message phone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Relative's Name: \_\_\_\_\_ Tele. # \_\_\_\_\_

Social Security Number (used for program performance purposes) \_\_\_\_\_ County: \_\_\_\_\_

Birthdate: \_\_\_\_\_ Age: \_\_\_\_\_ Sex (at birth):  Male  Female

Are you Hispanic or Latino?  Yes  No  Prefer not to answer

What is your Race? (Select one or more):

White or Caucasian  Asian or Asian American  Black or African American

Hawaiian or Other Pacific Islander  American Indian or Alaska Native

More than one race  Prefer not to answer

Do you acknowledge a disability that substantially limits one or more major life activity?  Yes  No

If yes, do you need special accommodations for the disability?  Yes  No

If yes, what accommodations do you need? \_\_\_\_\_

Do you receive Social Security Disability Insurance?  Yes  No

Do you have trouble solving problems OR reading, writing, and speaking English at a level necessary to function on the job or at school?  Yes  No

Is English your primary language?  Yes  No

Do you live in a family or community where English is not the primary language spoken?  Yes  No

Are you registered with Selective Service?  Yes  No

Are you a U.S. Citizen?  Yes  No If no, are you a permanent resident alien?  Yes  No

If no for both, are you a lawfully admitted refugee, asylees, parolee, or other immigrant authorized to work in the United States?  Yes  No

Are you a veteran?  Yes  No Are you the spouse of a veteran?  Yes  No

Are you a widow or widower of a veteran?  Yes  No

Have you registered with Arkansas Job Link?  Yes  No

Are you an Arkansas Works referral from the state Medicaid expansion program?  Yes  No  
(Arkansas Works is a Governor's initiative DHS program that refers DHS clients to DWS job service staff for employment assistance)

Have you been subject to any stage of the youth or adult criminal justice process for committing an offense or delinquent act, OR do you have trouble obtaining or keeping a job because of an arrest or conviction?  
 Yes  No

**EDUCATION**

Do you currently attend school (including college or technical education)?  Yes  No

If so, where? \_\_\_\_\_

Are you working toward a GED?  Yes  No

Do you have a high school diploma or GED?  Yes  No

If yes, where? \_\_\_\_\_

If no, what is the highest grade you completed? \_\_\_\_\_

Do you have a college degree or certificate?  Yes  No

If yes, what is your highest degree or certificate? \_\_\_\_\_

What was your major? \_\_\_\_\_

Do you have college work toward an unfinished certificate?  Yes  No

If so, where? \_\_\_\_\_

Why did you stop? \_\_\_\_\_

**WORK HISTORY** (list current or most recent first. Please list dates as completely as possible.)

Employer Name: _____	Start: _____	End: _____
Address: _____	City: _____	State: _____
Job title: _____	# Hours per week: _____	Hourly wage: _____
Reason for leaving: <input type="checkbox"/> Quit <input type="checkbox"/> Laid off <input type="checkbox"/> Moved from area <input type="checkbox"/> Fired <input type="checkbox"/> Other: _____		
Employer Name: _____	Start: _____	End: _____
Address: _____	City: _____	State: _____
Job title: _____	# Hours per week: _____	Hourly wage: _____
Reason for leaving: <input type="checkbox"/> Quit <input type="checkbox"/> Laid off <input type="checkbox"/> Moved from area <input type="checkbox"/> Fired <input type="checkbox"/> Other: _____		
Employer Name: _____	Start: _____	End: _____
Address: _____	City: _____	State: _____
Job title: _____	# Hours per week: _____	Hourly wage: _____
Reason for leaving: <input type="checkbox"/> Quit <input type="checkbox"/> Laid off <input type="checkbox"/> Moved from area <input type="checkbox"/> Fired <input type="checkbox"/> Other: _____		

Which best describes your current employment status? (Check all that apply)

- Employed (working for wages, self-employed, or working 15+ hours per week unpaid in family business. "Employed" includes if you are away from job because of vacation, leave, etc.)
  - Part-time  Full-time (PT is less than 30 hrs/wk or considered PT by your employer)
  - Self-employed
- Employed, but received termination notice from employer/military
- Not employed (not working, but available for work and looking for work)
- Exhausted Unemployment Benefits, and don't have an appropriate job
- Have been unemployed for 27 or more consecutive weeks, but have been looking for work and was available for work during the entire time
- Not in labor force (not employed and have not actively been looking for work)

**INCOME**

Some of our services have income requirements. We, therefore, need the following information to help determine need for particular services:

Do you or a family member currently receive (or received in the last 6 months) any of the following (check all that apply):

- SNAP                     TEA                     Work Pays                     Supplemental Security Income (SSI)

Are you within 2 years of exhausting your life-time TEA eligibility?  Yes  No  N/A

List all members who live in the household at any time in last 6 month, their relationship to you, and their sources of income for last 6 months:

Family is defined 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 married couple and dependent children
- A parent or guardian and dependent children
- A married couple

Ask for the definition of a dependent child if needed

Name	Relationship to you	Age	All sources of Income
	Self		

(If needed, place information about additional household members on back or on additional pages)

Do you certify that the income sources above are all the sources of income for your family?

- Yes  No

If No, Explain:

**Barriers to Employment** (some barriers are included in the information already asked)

Check any of the following that you think may apply to you:

- A homeless individual (lack a fixed, regular, and adequate nighttime residence)
- A runaway (under the age of 18 and has left home without the permission of your parents/ guardians)
- In foster care, aged out of foster care, or attained the age of 16 and left foster care for kinship guardianship or adoption or an out-of-home placement
- Pregnant female or a parenting male or female (custodial or non-custodial)  
If checked, are you single?  Yes  No
- Face cultural barriers to employment because your beliefs, customs, or practices serve as a hindrance to employment

**Release of Information Acknowledgement & Consent**

\_\_\_\_\_ I authorize \_\_\_\_\_, the local provider of WIOA Title I-B Adult and Dislocated Worker Programs (hereafter called WIOA) to use the information in this application to help me reach my goals. I also authorize them to exchange pertinent personal information with other service providers as appropriate to help meet my needs and reach my goals. I understand that all exchanged information shall remain private and confidential in accordance with the confidentiality policies of each agency receiving or sharing information.

\_\_\_\_\_ I authorize the Social Security Administration, the Arkansas Department of Workforce Services, the Arkansas Department of Human Services, the Arkansas Department of Career Services, the Arkansas Department of Higher Education, the Arkansas Department of Corrections, the local and state police and sheriff departments, appropriate WIOA One-Stop partners, employers (past and present), educational entities, and other appropriate entities to share with WIOA information that can help me establish eligibility for services, reach my goals, and document my successes. Information shared may include, but is not limited to, information that could help me become eligible for appropriate programs; assessments; benefits received from SNAP, TANF, Social Security, SSI, and/or Unemployment Insurance; grants, scholarships, and loans received for training; grades, attendance records, and credentials for training or work experiences provided by (or for which supportive services are provided by) WIOA, and other information that could help me meet my goals and document my outcomes.

\_\_\_\_\_ I agree to hold harmless the Arkansas Workforce Center, the Local Workforce Development Board, WIOA, or entities releasing information to WIOA, for information released according to the confidentiality guidelines of such agencies.

\_\_\_\_\_ I agree that a copy of this authorization may be used as an original.

\_\_\_\_\_ This authorization shall continue for one (1) year from the date of exit from the WIOA program or until such time that WIOA is notified in writing by the applicant that the authorization is canceled.

\_\_\_\_\_ I understand that submission of this application and/or eligibility determination does not guarantee enrollment.

\_\_\_\_\_ I certify that I have read and fully understand all questions asked on this application, and that I should ask for clarifications if needed before I sign this application.

\_\_\_\_\_ I certify this information to be true to the best of my knowledge, and there is no intent to commit fraud. I am aware that if I am found ineligible after starting the program, I will not be allowed to continue in the program. I am also aware that legal action may be taken against me if it is found that I knowingly provided false information or fraudulent documentation during the eligibility process.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent's Signature, if applicant is under 18 years old

\_\_\_\_\_  
Date



**Low-Income Documentation**  
**Workforce Innovation and Opportunity Act (WIOA)**  
 FORM WIOA I-B – 1.3

For Adult, Dislocated Worker, and Youth Programs

Name:	Participant No.:
<b>Low-income category/criterion</b> Document one	<b>Documentation for Eligibility</b> One document needed unless otherwise indicated Must maintain copies of all documents used
<input type="checkbox"/> <b>Public Assistance:</b> Either an individual or part of a family that receives or has received in the last 6 months assistance through: <ul style="list-style-type: none"> <li><input type="checkbox"/> SNAP (individual must be listed as the case head or in the caseload)</li> <li><input type="checkbox"/> SSI</li> <li><input type="checkbox"/> Other state or local income-based cash public assistance</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Verification of Public Assistance Form with assistance provided within last 6 months</li> <li><input type="checkbox"/> Refugee assistance records</li> <li><input type="checkbox"/> Copy of public assistance check</li> <li><input type="checkbox"/> Other official letter, or other official document verifying that the applicant or his/her family received services within last 6 months:</li> <li><input type="checkbox"/> If assistance is received by a family member and not the applicant, family connection must be included in document or documented in another way:</li> </ul>
<input type="checkbox"/> <b>TANF:</b> Either an individual or part of a family that receives or has received in the last 6 months assistance through TEA or Work Pays	<ul style="list-style-type: none"> <li><input type="checkbox"/> Cross-match of name and SSN with State TANF public assistance records</li> <li><input type="checkbox"/> Until cross-match can be obtained, verification of public assistance form with assistance provided within last 6 months OR</li> <li><input type="checkbox"/> Other official letter, or other official document verifying that the applicant or his/her family (with verification of connection, as defined as “family”) with services within last 6 months:</li> <li><input type="checkbox"/> If TANF is received by a family member and not the applicant, family connection to the applicant must be included in document or documented in another way:</li> </ul>
<input type="checkbox"/> <b>Receives or is eligible to receive free or reduced-price lunches</b> or an OSY who is a parent living in the same household as a child who is eligible for free/reduced lunches [TEGL 21-16].  (If appropriate, parental connection must be included in document or documented in another way)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Notification letter from school</li> <li><input type="checkbox"/> Statement from school</li> </ul> <p>Note: In schools where the whole school automatically receives free or reduced price lunch, documentation must be presented that the student is eligible to receive free or reduced price lunch based on family income</p>

<p><input type="checkbox"/> <b>Family below poverty line or 70% of LLSIL</b></p> <p>Note: A properly signed and dated application is considered a self-attestation or applicant statement of individuals in family and sources of income.</p> <p>Excluded in income calculations are:</p> <ul style="list-style-type: none"> <li>• Cash payments from federal, state, or local income-based public assistance program</li> <li>• Most military pay and allowances, except pensions</li> <li>• One-time payments</li> <li>• Needs-based scholarships</li> <li>• Other income sources listed as excluded under “Low-income individual” in ADWS Policy No. WIOA 1-2 (<i>Definitions</i>)</li> </ul> <p>Included in calculations are income sources not excluded, including:</p> <ul style="list-style-type: none"> <li>• Social Security old-age and survivor’s benefits</li> <li>• Unemployment compensation</li> <li>• Child support payments</li> <li>• Gross wages, tips, salary, commissions, or fees</li> <li>• Net self-employment income</li> <li>• Other income listed in the above policy</li> </ul>	<p>Need <u>one item in Group A</u> plus <u>as many documents as required to document family income in Group B</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Group A: Documentation of number of people in family (see definition of family): Self-attestation of name, age, and relationship of family members, combined with one or more of the following documentation: <ul style="list-style-type: none"> <li><input type="checkbox"/> Income tax return listing members of family plus birth documentation for any child born after taxes were filed (Income tax must be signed by taxpayer)</li> <li><input type="checkbox"/> Court document listing all members of family</li> <li><input type="checkbox"/> DHS statement listing all members of family</li> <li><input type="checkbox"/> Birth certificates of children in family</li> <li><input type="checkbox"/> Public Housing Authority Statement</li> <li><input type="checkbox"/> Statement by landlord or other knowledgeable individual (at the discretion of the case manager) to support applicant statement</li> </ul> </li> <li><input type="checkbox"/> Group B: Self-attestation of family income sources, supported by documented income of all members of family for 6 months prior to application. Documents depend on family situation, but they may include: <ul style="list-style-type: none"> <li><input type="checkbox"/> Enough pay stubs to verify six months’ employment</li> <li><input type="checkbox"/> Employer statements</li> <li><input type="checkbox"/> UI Wage statements to document employers, supported by pay stubs or employer statements from those employers</li> <li><input type="checkbox"/> Quarterly statements for self-employed individuals</li> <li><input type="checkbox"/> Financial statements from self-employed individuals</li> <li><input type="checkbox"/> Bank statement to document income sources, supported by pay stubs or employer statements of gross income</li> <li><input type="checkbox"/> Pension statements</li> <li><input type="checkbox"/> Social Security letter</li> <li><input type="checkbox"/> Court documents</li> <li><input type="checkbox"/> Other:</li> </ul> </li> </ul> <p>Note: If family shows little or no income, applicant must write a statement as to how expenses are being met.</p>
<p><input type="checkbox"/> <b>Homeless Individual /Runaway Youth</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason</li> <li><input type="checkbox"/> Is living in a motel, hotel, or campground due to the lack of alternative adequate accommodations</li> <li><input type="checkbox"/> Is living in an emergency or transitional shelter operated for temporary accommodation</li> <li><input type="checkbox"/> Is abandoned in a hospital</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Written statement or telephone verification from shelter, social service agency, school social service officer, or individual providing temporary shelter, detailing where the applicant sleeps at night</li> <li><input type="checkbox"/> If no such statement is available, applicant may complete self-attestation document explaining where he/she sleeps at night</li> </ul>

<ul style="list-style-type: none"> <li><input type="checkbox"/> Is waiting foster care placement</li> <li><input type="checkbox"/> Has a primary nighttime residence that is a public or private place not designated 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</li> <li><input type="checkbox"/> Is a migratory child living in circumstances described in this definition</li> <li><input type="checkbox"/> Has as a primary night time residence an institution providing temporary residence for individuals intended to be institutionalized</li> <li><input type="checkbox"/> 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. <b>runaway youth</b>)</li> <li><input type="checkbox"/> Other condition of the applicant's not having a fixed, regular, and adequate nighttime residence:</li> </ul>	
<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Is a foster child</b> on behalf of whom state or local government payments are made</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Written or telephone verification from social services agency</li> </ul>
<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Individual with a disability who meets low-income guidelines</b> even though the family does not  (Disability documents must be kept confidential)</li> </ul>	<p><u>Must document both disability and individual income criteria</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <u>Disability:</u> <ul style="list-style-type: none"> <li><input type="checkbox"/> Statement, records, or referral from representative of Arkansas Rehabilitation Services or Division of Services for the Blind</li> <li><input type="checkbox"/> Self-attestation if disability is observable, supported by statement from case manager</li> <li><input type="checkbox"/> Statement or letter from drug or alcohol rehabilitation agency</li> <li><input type="checkbox"/> Medical records</li> <li><input type="checkbox"/> School records</li> <li><input type="checkbox"/> Physician's Statement</li> <li><input type="checkbox"/> Statement from school counselor or ADA official</li> <li><input type="checkbox"/> Psychiatrist's diagnosis</li> <li><input type="checkbox"/> Psychologist's diagnosis</li> <li><input type="checkbox"/> Statement from local school, housing, or work area for individuals with disabilities</li> <li><input type="checkbox"/> Social service records, referral, or statement</li> <li><input type="checkbox"/> Social Security Administration disability letter or records</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li><input type="checkbox"/> Veterans Administration letter or records</li> <li><input type="checkbox"/> Workers compensation record</li> <li><input type="checkbox"/> <u>Low-Income – Use low-income section for individual instead of family (Do not need family size)</u></li> </ul>
<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Youth programs only – lives in a high-poverty area.</b> Must document residency in a county or census tract determined by the U.S. Censuses Bureau to be a High-Poverty Area  (Go to <a href="http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml">http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml</a> on the lower right side of the screen to determine the Census Tract associated with a particular address.)</li> </ul>	<p>Document residency in area of youth or parent/guardian, if minor. Documentation must support the address given on the application, and it must contain name of youth or parent/guardian, if youth is a minor:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Postmarked mail from government, organization, school, or business addressed to applicant or parent/guardian</li> <li><input type="checkbox"/> School record or identification card</li> <li><input type="checkbox"/> Drivers' license</li> <li><input type="checkbox"/> Utility bill in name of applicant or parent/guardian</li> <li><input type="checkbox"/> Payroll stub or W-2 with address</li> <li><input type="checkbox"/> Verification of address from employer, landlord, or such, at the discretion of the case manager</li> <li><input type="checkbox"/> Rent receipt</li> <li><input type="checkbox"/> Property tax record</li> <li><input type="checkbox"/> Insurance card or policy with name and address of applicant or parent/guardian</li> <li><input type="checkbox"/> Most recent income tax return of individual or parent/guardian (Income tax returns must be signed by taxpayer. Return must list name of applicant.)</li> <li><input type="checkbox"/> Verification by official of Housing Authority, DHS, school, one-stop partner, or social service agency</li> </ul>



**Verification of Public Assistance  
Workforce Innovation and Opportunity Act (WIOA)**  
FORM WIOA I-B – 1.4

TO WHOM IT MAY CONCERN:

Applicant: \_\_\_\_\_ has applied  
for training/employment under the Workforce Innovation and Opportunity

Act. This is your authorization to release information concerning my income. Please complete this form as soon as possible as it is required before I, or a member of my family can be determined eligible for the program.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
SSN (optional)

\_\_\_\_\_  
Signature of Parent/Guardian, if under 18

\_\_\_\_\_  
SSN (optional)

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**Please answer the Requested Information or Attach Signed and Stamped Printout**

1. Does the applicant receive or is a part of a family that receives SNAP (or has received SNAP in the last 6 months)? [ ] Yes [ ] No If yes, last date received: \_\_\_\_\_

If yes, please list the individuals on the case (use and sign back of page, if needed):

Head: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Does the applicant receive or is a part of a family that receives TEA or Work Pays (or has received TEA or Work Pays in the last 6 months)? [ ] Yes [ ] No If yes, last date received: \_\_\_\_\_

If yes, Name of recipient(s): \_\_\_\_\_

3. Does the applicant receive or is a part of a family that receives SSI (or has received SSI in the last 6 months)? [ ] Yes [ ] No

If yes, Name of recipient(s): \_\_\_\_\_

**Signature of Agency Staff:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

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Please return the completed form to:



**Common Eligibility Documentation**  
**Workforce Innovation and Opportunity Act (WIOA)**  
 FORM WIOA I-B – 2.1

**For Adult, Dislocated Worker, and Youth Programs**

Name:	Participant No.:
<p align="center"><b>Required Information</b> Give or check required information</p>	<p align="center"><b>Documentation</b>  <u>Documentation must support information being documented</u>          Check appropriate documentation used          Unless otherwise indicated, only one document required per eligibility criterion          Must maintain copies of all documents used</p>
Date of Birth:	<ul style="list-style-type: none"> <li><input type="checkbox"/> Driver's License</li> <li><input type="checkbox"/> Baptismal record</li> <li><input type="checkbox"/> Birth certificate</li> <li><input type="checkbox"/> DD-214</li> <li><input type="checkbox"/> Report of Transfer or Discharge Paper</li> <li><input type="checkbox"/> Federal, state or local ID card with birthday</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</li> <li><input type="checkbox"/> Work permit</li> <li><input type="checkbox"/> Tribal Records</li> <li><input type="checkbox"/> Cross-match of name &amp; SSN with Department of Vital Statistics</li> </ul>
<p>SSN:</p> <p>Not required, but requested for program performance purposes. If SSN is not given, details concerning alternate contact information should be provided.</p> <p>Do not enter SSN into AJL until Data Validation documents are available</p>	<p><b>Required for Data Validation:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Social Security card</li> <li><input type="checkbox"/> Military ID with SSN</li> <li><input type="checkbox"/> State or Federal ID with SSN</li> </ul> <p>If none of the above is available, the appropriate card should be ordered and placed in the file. One of the following may be used until an above card is received:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> W-2 form with name and address</li> <li><input type="checkbox"/> Income tax return (must be signed by taxpayer to indicate acknowledgement that return is accurate)</li> <li><input type="checkbox"/> Letter or form from Social Services agency</li> <li><input type="checkbox"/> Pay stub containing SSN</li> <li><input type="checkbox"/> Social Security benefits letter/form/card</li> <li><input type="checkbox"/> Statement on application, supported by documents or statements from public assistance</li> </ul>

<p>Selective Service:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Registered</li> <li><input type="checkbox"/> Not registered because: <ul style="list-style-type: none"> <li><input type="checkbox"/> Born female</li> <li><input type="checkbox"/> Not yet 18 years old</li> <li><input type="checkbox"/> Born before 1960</li> <li><input type="checkbox"/> Member of Armed Forces full time between age 18 and 26</li> <li><input type="checkbox"/> Immigrant with exempt VISA from age 18 to 26</li> <li><input type="checkbox"/> Immigrant who did not enter U.S. until after 26</li> <li><input type="checkbox"/> Incarcerated, hospitalized, or institutionalized for medical reasons during full time age 18 – 26</li> <li><input type="checkbox"/> Other allow exemption (see policy p. 4): _____</li> </ul> </li> <li><input type="checkbox"/> Not registered, but not “willful and knowing” (see ADWS Policy No. WIOA I-B – 2.1 <i>Common Eligibility Requirements</i>, p. 3)</li> <li><input type="checkbox"/> Not registered, and not eligible for services</li> </ul>	<p><u>Registered:</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Registration verification from <a href="http://www.sss.gov">www.sss.gov</a></li> <li><input type="checkbox"/> Selective Service registration card</li> <li><input type="checkbox"/> Selective Service registration acknowledgement letter</li> <li><input type="checkbox"/> Selective Service status Information Letter</li> <li><input type="checkbox"/> Stamped Post Office Receipt of Registration</li> <li><input type="checkbox"/> Selective Service Registration Record (Form 3A)</li> <li><input type="checkbox"/> Selective Service Verification Form</li> </ul> <p><u>Exempt:</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Checked Female sex at birth on signed &amp; dated application (self-attestation)</li> <li><input type="checkbox"/> Document verifying date of birth: _____</li> <li><input type="checkbox"/> DD-214 showing military service during full time between age 18 to age 26</li> <li><input type="checkbox"/> Other document (not self-attestation) verifying exemption: _____ (Add note to documentation how it verifies exemption)</li> </ul> <p><u>Not “willful and knowing”:</u> See ADWS Policy No. WIOA I-B – 2.1 <i>Common Eligibility Requirements</i>, p. 3 for information needed to document that failure to register was not “willful and knowing”. Explain situation and how documentation presented explains that failure was not “willful and knowing.” See TEGL 11-11 Change 2 for more information, if needed.</p>
<p>Ability to Work in the United States Completed I-9 or list acceptable documentation from I-9</p>	<p>Document(s) used from list of Acceptable Documents on Page 3:</p>

# Eligible to Work in the United States

## LISTS OF ACCEPTABLE DOCUMENTS From USCIS Form I-9

**All documents must be UNEXPIRED**

Applicants may present one selection from List A or a combination of one selection from List B and one selection from List C.

<b>LIST A</b> <b>Documents that Establish Both Identity and Employment Authorization</b>	<b>OR</b>	<b>LIST B</b> <b>Documents that Establish Identity</b>	<b>LIST C</b> <b>Documents that Establish Employment Authorization</b>
<ol style="list-style-type: none"> <li>1. U.S. Passport or U.S. Passport Card</li> <li>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</li> <li>4. Employment Authorization Document that contains a photograph (Form I-766)</li> <li>5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status:               <ol style="list-style-type: none"> <li>a. Foreign passport; and</li> <li>b. Form I-94 or Form I-94A that has the following:                   <ol style="list-style-type: none"> <li>(1) The same name as the passport; and</li> <li>(2) An endorsement of the alien's nonimmigrant status as long as that 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> </ol> </li> </ol> </li> <li>6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI</li> </ol>	<b>AND</b>	<ol style="list-style-type: none"> <li>1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</li> <li>2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</li> <li>3. School ID card with a photograph</li> <li>4. Voter's registration card</li> <li>5. U.S. Military card or draft record</li> <li>6. Military dependent's ID card</li> <li>7. U.S. Coast Guard Merchant Mariner Card</li> <li>8. Native American tribal document</li> <li>9. Driver's license issued by a Canadian government authority</li> <li style="text-align: center;"><b>For persons under age 18 who are unable to present a document listed above:</b></li> <li>10. School record or report card</li> <li>11. Clinic, doctor, or hospital record</li> <li>12. Day-care or nursery school record</li> </ol>	<ol style="list-style-type: none"> <li>1. A Social Security Account Number card, unless the card includes one of the following restrictions:               <ol style="list-style-type: none"> <li>(1) NOT VALID FOR EMPLOYMENT</li> <li>(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION</li> <li>(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</li> </ol> </li> <li>2. Certification of Birth Abroad issued by the Department of State (Form FS-545)</li> <li>3. Certification of Report of Birth issued by the Department of State (Form DS-1350)</li> <li>4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</li> <li>5. Native American tribal document</li> <li>6. U.S. Citizen ID Card (Form I-197)</li> <li>7. Identification Card for Use of Resident Citizen in the United States (Form I-179)</li> <li>8. Employment authorization document issued by the Department of Homeland Security</li> </ol>



**Veteran Priority Documentation**  
**Workforce Innovation and Opportunity Act (WIOA)**  
 FORM WIOA I-B – 2.2

For Adult, Dislocated Worker, and Youth Programs

Name:	Participant No.:
<p><b>Note:</b> When an applicant identifies himself/herself as a veteran or eligible spouse, the Service Provider must notify him/her of the priority of service, the full array of employment, training, and placement services available, and the applicable eligibility requirements for programs and services. Veteran status is then documented at the time of eligibility determination. Documents presented can support self-identification as the specific category of veteran to be entered into Arkansas Job Link (AJL)</p>	
<b>Required Information</b> Give or check required information	<b>Documentation</b> <u>Documentation must support information being documented</u> Check appropriate documentation used Unless otherwise indicated, only one document required per eligibility criterion Must maintain copies of all documents used
<u>Veteran</u> (for eligibility purposes, separation must be other than dishonorable)	<input type="checkbox"/> DD-214 issued following separation from active duty <input type="checkbox"/> Official notice or letter issued by the VA that establishes entitlement to a disability rating that meets eligibility requirements or an award of compensation to a dependent that meets eligibility requirements <input type="checkbox"/> Official notice or letter issued by the state veterans' service agency that documents veteran's status
<b>Classifications of veterans:</b>	
<input type="checkbox"/> <=180	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.
<input type="checkbox"/> 180 days / Eligible Veteran	Served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge
<input type="checkbox"/> Disabled/ Eligible Veteran	Was discharged or released because of a service-connected disability
<input type="checkbox"/> Campaign / Eligible Veteran	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.

Eligible Spouse / Other Eligible Person:

- Official notice or letter issued by the VA that establishes entitlement to a disability rating that meets eligibility requirements or an award of compensation to a dependent that meets eligibility requirements
- An official notice or letter issued by the Department of Defense that documents the eligibility of an individual, based on the missing or detained status of that individual's active duty spouse
- An official notice issued by the state veterans' service agency that documents veteran's status or spousal rights

Classifications of Eligible Spouse / Other Eligible Person:

- The spouse of any person who died on active duty
- The spouse of any person who died of a service-connected disability
- 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:
  - Missing in action
  - Captured in the line of duty by a hostile force
  - Forcibly detained or interned in the line of duty by a foreign government or power
- The spouse of any person who has a total (100%) disability permanent in nature resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs
- The spouse of a veteran who died while a total disability described 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 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, does not disqualify that individual from eligibility.



**Adult Eligibility Determination**  
**Workforce Innovation and Opportunity Act (WIOA)**  
 FORM WIOA I-B – 2.3

For Adult Program

Name:	Participant No.:
<b>Adult Eligibility</b> Applicant must meet age and common eligibility requirements PLUS priority as determined by Federal guidelines and local process	<b>Documentation</b> Check appropriate documentation used (Only one document required per eligibility criterion) Must maintain copies of all documents used
<input type="checkbox"/> At least 18 years old	See Date of Birth on FORM WIOA I-B – 2.1 <i>(Common Eligibility Documentation)</i>
<input type="checkbox"/> Meet common eligibility requirements	Use FORM WIOA I-B – 2.1 <i>(Common Eligibility Documentation)</i>
<p>All individuals who meet age and common eligibility requirements may receive adult services. Priority must be given, however, to veterans, low-income individuals, and individuals who are basic skills deficient, in the following order:</p> <ol style="list-style-type: none"> <li>1. The first priority of services is given to veterans and eligible spouses who are either low-income individuals or individuals who are basic skills deficient.</li> <li>2. Second priority of service is individuals who are not veterans or eligible spouses, but who are either low-income individuals or individuals who are basic skills deficient.</li> <li>3. Third priority of service is given to veterans and eligible spouses who are neither low-income individuals nor basic skills deficient.</li> <li>4. Fourth priority of service is given to individuals who do not meet the statutory requirements and are not veterans or eligible spouses, but are members of priority populations identified by the LWDB.</li> <li>5. The last priority of service is given to individuals who are not veterans, not eligible spouses, not other low-income individuals, not basic-skills deficient, and not members of priority populations identified by the LWDB.</li> </ol>	
<b>Use checklist below to document priority for services, as appropriate</b>	
<input type="checkbox"/> Veteran or eligible spouse	Use FORM WIOA I-B – 2.2 <i>(Veteran Priority Documentation)</i>
<input type="checkbox"/> Low-income individual	Use FORM WIOA I-B – 1.3 <i>(Low-Income Documentation)</i>

<input type="checkbox"/> Basic skills deficient (Document A or B) <ul style="list-style-type: none"> <li><input type="checkbox"/> (A) Score 8.9 or below on standardized test</li> <li><input type="checkbox"/> (B) English language learner (Document 1 <u>and</u> either 2 or 3) <ul style="list-style-type: none"> <li><input type="checkbox"/> (1) Limited ability to read, write, speak or comprehend the English language</li> <li><input type="checkbox"/> (2) Native language is a language other than English</li> <li><input type="checkbox"/> (3) Lives in a family or community environment where a language other than English is the dominant language</li> </ul> </li> </ul>	<input type="checkbox"/> Score of 8.9 or below on a standardized test approved by LWDB and administered in the last 6 months according to policies of local area, a similar instrument administered by an American Job Center partner, or a standardized test with grade equivalency given by a school in the last 6 months.  Test: _____ Given by: _____ Score: _____  (1) Documentation: <ul style="list-style-type: none"> <li><input type="checkbox"/> Self-attestation</li> <li><input type="checkbox"/> Observation, documented by case manager</li> <li><input type="checkbox"/> Other:</li> </ul> (2) Documentation: <ul style="list-style-type: none"> <li><input type="checkbox"/> Self-attestation</li> <li><input type="checkbox"/> Observation, documented by case manager</li> <li><input type="checkbox"/> Other:</li> </ul> (3) Documentation: <ul style="list-style-type: none"> <li><input type="checkbox"/> Self-attestation</li> <li><input type="checkbox"/> Observation, documented by case manager</li> <li><input type="checkbox"/> Other:</li> </ul>
<input type="checkbox"/> Member of priority population identified by LWDB	Use FORM WIOA I-B – 2.8 ( <i>Individual with Barriers to Employment Checklist</i> )  OR  Other form identified by Local Area
<input type="checkbox"/> Individual is not in Priority 1 or 2	Use local area procedure to determine eligibility to receive services



**Dislocated Worker Eligibility  
Determination**  
**Workforce Innovation and Opportunity Act (WIOA)**  
FORM WIOA I-B – 2.4  
For Dislocated Worker Program

Name:	Participant No.:
<p style="text-align: center;"><b>DLW Category</b></p> <p>Applicant must meet:</p> <ul style="list-style-type: none"> <li>• Age and common eligibility requirements</li> <li>• One DLW Category</li> <li>• Employment Status requirements</li> </ul>	<p style="text-align: center;"><b>Documentation</b></p> <p style="text-align: center;"><u>Documentation must support information being documented</u></p> <p style="text-align: center;">Check appropriate documentation used Unless otherwise indicated, only one document required per eligibility criterion Must maintain copies of all documents used</p>
<input type="checkbox"/> At least 18 years old	See Date of Birth on FORM WIOA I-B – 2.1 (Common Eligibility Documentation)
<input type="checkbox"/> Meet common eligibility requirements	See FORM WIOA I-B – 2.1 (Common Eligibility Documentation)
<input type="checkbox"/> Date of actual dislocation – date of last day of employment at the dislocation job (mm/dd/yyyy): _____	<input type="checkbox"/> Self-attestation <input type="checkbox"/> Letter, statement, or document, or phone verification from employer <input type="checkbox"/> Notice of layoff <input type="checkbox"/> Rapid response or other official list <input type="checkbox"/> Other:
<b>Dislocated Worker Categories</b>	
<input type="checkbox"/> <b>Category A</b> – Individual Layoff. The applicant must meet <u>all three</u> of the <u>numbered</u> criteria OR the special veteran’s’ criterion	
<input type="checkbox"/> 1. Has been terminated or laid off or has received a notice of termination or layoff, from employment	<input type="checkbox"/> Layoff notice or termination notice from employer <input type="checkbox"/> Telephone verification by last employer (with name, position, and date of contact, and signed by person making verification contact) <input type="checkbox"/> Letter from employer confirming layoff status <input type="checkbox"/> Self-attestation supported by UI statement, document, or form showing receipt of UI benefits after leaving employment
<input type="checkbox"/> 2. Meets <u>one</u> of the following conditions concerning unemployment compensation  <input type="checkbox"/> a. Is eligible for or has exhausted entitlement to unemployment compensation  <p style="text-align: center;">(See next page)</p>	<p>2.a. Eligible for or has exhausted entitlement to UI compensation:</p> <p>Any document, form, or statement from ADWS or other state’s UI agency that applicant has applied for and has been determined monetarily and non-monetarily eligible for benefit, has received benefit payments, has exhausted benefit, OR is still receiving benefit payments. These may include:</p> <input type="checkbox"/> UI payment record <input type="checkbox"/> Monetary determination record <input type="checkbox"/> Telephone verification by ADWS local office (with name, position, and date of contact, and signed by person making verification contact) <input type="checkbox"/> Other:

<p><input type="checkbox"/> b. (1) Has been employed long enough to demonstrate attachment to the workforce (has worked in 1 quarter in the last year immediately preceding eligibility determination), <u>AND</u> (2) is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer not covered under a state unemployment compensation law</p>	<p>2.b.(1) Any document that applicant has worked in at least 1 quarter in the last year immediately prior to eligibility determination. These may include:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Pay check stub</li> <li><input type="checkbox"/> Written verification by last employer</li> <li><input type="checkbox"/> Phone verification by last employer (with name, position, and date of contact, and signed by person making verification contact)</li> <li><input type="checkbox"/> UI wage records</li> <li><input type="checkbox"/> Other:</li> </ul> <p>2.b.(2) Any form or statement from ADWS documenting that denial was due to insufficient earnings or that employment was not covered under UI wages, such as:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Monetary determination record</li> <li><input type="checkbox"/> Written statement by ADWS local office</li> <li><input type="checkbox"/> Telephone verification by ADWS local office (with name, position, and date of contact, and signed by person making verification contact)</li> <li><input type="checkbox"/> Written statement from or telephone verification with employer that employment was not covered under UI</li> <li><input type="checkbox"/> Other:</li> </ul> <p>Note: if self-employed, applicant is not eligible for this category. Go to Category C.</p>
<p><input type="checkbox"/> 3. Is unlikely to return to a previous industry or occupation</p> <p>(Note: Local area must define “unlikely to return to a previous industry or occupation.” Documents are given as guidelines to document local definition, and local areas may adjust the documentation, if needed, to comply with their definition.)</p>	<p>Choose A or B</p> <p>A. The industry or occupation shows no growth or a decline in available job opportunities, as determined by ADWS or the LWDB:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Labor Market Information</li> <li><input type="checkbox"/> ADWS labor analysis</li> <li><input type="checkbox"/> LWDB list of in-demand occupations</li> <li><input type="checkbox"/> Other:</li> </ul> <p>B. The applicant has been seeking employment since termination, but is unable to find employment in his/her previous industry or occupation due to economic conditions, skill limitations, or physical limitations:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Application in AJL and has not refused to accept a reasonable job offer</li> <li><input type="checkbox"/> Lack of job offers or rejection letters from employers in the local area</li> <li><input type="checkbox"/> Documentation that the applicant is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation:</li> <li><input type="checkbox"/> Statement from doctor, ARS, or DSB indicating that the applicant’s inability to return to previous industry/occupation is due to physical limitations</li> <li><input type="checkbox"/> Other:</li> </ul>

<input type="checkbox"/> <b>Special Veteran's' Criterion:</b> A separating service member qualifies as a dislocated worker under Category A if the separation is anything other than dishonorable. A DD-214 from the Department of Defense <u>or other appropriate documentation that shows a separation or imminent separation</u> from the Armed Forces qualifies as the notice of termination or layoff to meet the dislocated worker definition. ETA policy mandates that a separating service member meets the Dislocated Worker requirement that an individual is unlikely to return to his or her previous industry or occupation [TEGL 19-16].	
<input type="checkbox"/> <b>Category B – Business Closure or Substantial Layoff.</b> The applicant must meet both closure/layoff and employed-at-business criteria	
<p style="text-align: center;"><b>Closure/Layoff</b> (select 1)</p> <input type="checkbox"/> Has been terminated or laid off or has received notice of termination or layoff permanent closure or substantial layoff (50 employees or 33% of workforce, whichever is less - not including employees who have worked less than 6 months in the last 12 months and those who work an average of less than 20 hours a week)	<p>Any document verifying or announcing the specific situation to be verified, including:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Letter or statement from employer</li> <li><input type="checkbox"/> Newspaper article</li> <li><input type="checkbox"/> News media printed article</li> <li><input type="checkbox"/> Document from Governor's Dislocated Worker Task Force</li> <li><input type="checkbox"/> WARN notice</li> <li><input type="checkbox"/> Business' Internet web site report</li> <li><input checked="" type="checkbox"/> Correspondence from a Union or Elected Official</li> <li><input type="checkbox"/> Eligibility certificate to receive TAA</li> <li><input type="checkbox"/> Rapid response list of affected employees from layoff</li> <li><input type="checkbox"/> Phone verification by last employer (with name, position, and date of contact, and signed by person making verification contact)</li> <li><input type="checkbox"/> Other:</li> </ul>
<input type="checkbox"/> Employer has made a general announcement that facility will close within 180 days	
<input type="checkbox"/> Employer has made a general announcement that a facility will close in more than 180 days or with no specific date ( <u>Employee may receive services other than training described in described in WIOA § 134(c)(3), career services described in WIOA § 134(c)(2)(A)(xii), or supportive services. The person may qualify for these services when one of the above other criteria is met.</u> )	
<p style="text-align: center;"><b>Employed at Business</b></p> <input type="checkbox"/> Applicant is/was employed at the facility	<p>Any document that verifies that the applicant is/was employed at the facility, including:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Current employee list from employer</li> <li><input type="checkbox"/> Employer list of laid-off employees</li> <li><input type="checkbox"/> Most current check stub from employer</li> <li><input type="checkbox"/> Wage file for UI claimants</li> <li><input type="checkbox"/> Layoff/closure letter to employee from employer or union representative</li> <li><input type="checkbox"/> Phone verification by last employer (with name, position, and date of contact, and signed by person making verification contact)</li> <li><input type="checkbox"/> Eligibility certificate to receive TAA</li> <li><input type="checkbox"/> Rapid response list of affected employees from layoff</li> <li><input type="checkbox"/> Other:</li> </ul>

<p><b>Category C</b> – Self-employed. The applicant must meet both self-employed and reason-for-closure criteria</p>	
<p><input type="checkbox"/> Self-employed</p>	<p><input type="checkbox"/> Tax Return with business name and applicant’s name</p> <p><input type="checkbox"/> Business license with applicant’s name</p> <p><input type="checkbox"/> Statement from bank linking applicant to business</p> <p><input type="checkbox"/> Other document showing applicant as owner of business:</p>
<p>Reason for closure:</p> <p><input type="checkbox"/> Natural Disaster</p> <p><input type="checkbox"/> Economic conditions in the community. Self-attest to what the economic conditions were, how they impacted the business closure, and document the economic conditions</p> <p>(Note: Local area must define “unemployed as result of general economic conditions in the community in which an individual resides or because of natural disasters.” Documents are given as guidelines to document local definition, and local areas may adjust the documentation, if needed, to comply with their definition.)</p>	<p><input type="checkbox"/> Natural Disaster  <u>Self-attestation of reason for closing, including how the natural disaster caused the business to close, supported with documentation of the disaster</u>, such as:</p> <p><input type="checkbox"/> Newspaper article discussing the disaster</p> <p><input type="checkbox"/> Government information concerning the disaster</p> <p><input type="checkbox"/> Information from local Chamber of Commerce, Economic Development organization, or other such entity concerning the disaster</p> <p><input type="checkbox"/> Other:</p> <p><input type="checkbox"/> Economic Conditions within the community  <u>Must document with self-attestation how the economic conditions caused the business to close, supported with documentation of the economic conditions.</u> Economic conditions could be:</p> <p><input type="checkbox"/> Depressed prices or markets for the articles produced or services rendered by the self-employed individual</p> <p><input type="checkbox"/> Failure of one or more businesses to which the self-employed individual supplied a substantial portion of products or services</p> <p><input type="checkbox"/> Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products and services</p> <p><input type="checkbox"/> Substantial layoff(s) from or permanent closures of plants, facilities or enterprises that support a significant portion of the state or local economy</p> <p><input type="checkbox"/> Reduction in number of residents in local community for other reason.</p> <p><input type="checkbox"/> Other:</p> <p>Appropriate Supporting documentation of the economic conditions:</p> <p><input type="checkbox"/> Labor market information</p> <p><input type="checkbox"/> Documentation of drop in market price of goods and services produced</p> <p><input type="checkbox"/> U.S. Census population or demographics data</p> <p><input type="checkbox"/> Honored checks from applicant’s business to failed business</p> <p><input type="checkbox"/> Copies of cancelled orders or invoices</p> <p><input type="checkbox"/> Signed letter or statement from purchaser of services</p> <p><input type="checkbox"/> Other documentation of closure or layoff of applicable business supplying or receiving services or supporting local economy</p> <p><input type="checkbox"/> Newspaper articles</p> <p><input type="checkbox"/> Information from local Chamber of Commerce, Economic Development organization, or other such entity concerning economic conditions</p> <p><input type="checkbox"/> Other:</p>

<b>Category D – Displaced homemaker. The applicant must meet <u>all three</u> of the <u>numbered</u> criteria</b>	
<input type="checkbox"/> 1. Has been providing unpaid services to family members in the home	<input type="checkbox"/> Most recent tax return showing family members <input type="checkbox"/> Applicant statement <input type="checkbox"/> Other:
<input type="checkbox"/> 2. Meets one of the following criteria concerning losing income of another family member:  <input type="checkbox"/> Has been dependent on the income of another family member, but is no longer supported by that income  OR <input type="checkbox"/> Dependent spouse of member of armed forces on active duty, and the family income is significantly changed because of a <u>deployment</u> , a <u>call or order to active duty</u> , a <u>permanent change of state</u> , or the <u>service-connected death or disability</u> of the member	<input type="checkbox"/> Applicant statement (self-attestation) concerning situation AND <input type="checkbox"/> At least one(1) document to support the statement: <input type="checkbox"/> Death certificate <input type="checkbox"/> Divorce papers <input type="checkbox"/> Legal separation document <input type="checkbox"/> Insurance records <input type="checkbox"/> Bank records <input type="checkbox"/> Court records <input type="checkbox"/> Disability declaration <input type="checkbox"/> Layoff or termination notice of family member <input type="checkbox"/> Military Document <input type="checkbox"/> Written statement from supporting family member stating that he/she no longer supports applicant and reason why the support has been withdrawn <input type="checkbox"/> Other:
<input type="checkbox"/> 3. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment	<input type="checkbox"/> Applicant statement (self-attestation) concerning situation AND <input type="checkbox"/> At least one(1) document to support the statement: <input type="checkbox"/> AJL or ADWS verification that applicant registered for work and has not been able to find appropriate work <input type="checkbox"/> Meets definition and documentation for “underemployed” <input type="checkbox"/> Other:
<b>Category E – Unemployed or underemployed military spouse. The applicant must meet <u>one</u> of the following criteria</b>	
<input type="checkbox"/> Has lost employment as a direct result of a relocation due to a permanent change in the duty station of spouse (a, b, & c)	<input type="checkbox"/> Applicant statement (self-attestation) concerning situation AND <input type="checkbox"/> Documentation to support each of the following criteria mentioned in the applicant statement (state supporting document used for each appropriate criteria, in addition to the self-attestation): <input type="checkbox"/> a. Spouse of active duty member of Armed Forces:  <input type="checkbox"/> b. Lost employment:  <input type="checkbox"/> c. Loss due to permanent change in duty station of spouse:  <input type="checkbox"/> d. Unemployed or underemployed:  <input type="checkbox"/> e. Experiencing difficulty in obtaining or upgrading employment:
<input type="checkbox"/> Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment (a, d, & e)	

Employment Status	Documentation
<p><u>Dislocated workers may be either unemployed or Underemployed</u></p> <p>Must meet one of the status criteria</p> <p><b>Note:</b> Individuals who are in the military or are in a Registered Apprenticeship program are considered employed [TEGL 10-16]</p>	<p><u>Documentation must support information being documented</u></p> <p>Check appropriate documentation used</p> <p>Unless otherwise indicated, only one document required per eligibility criterion</p> <p>Must maintain copies of all documents used</p>
<p><input type="checkbox"/> <b>Unemployed</b> (must meet both criteria) [WIOA § 3(61); TEGL 10-16; ETA 9172 – DOL ]:</p> <p><input type="checkbox"/> Is not working in a paid, unsubsidized job (including self-employment, military, or Registered Apprenticeship) and is not working 15 hours a week or more in an unpaid job on a farm or business operated by a family member or the participant (If individual is temporarily away from a job, he/she is considered to be working)</p> <p><input type="checkbox"/> Is available for work and has been making specific efforts to find a job</p>	<p><input type="checkbox"/> Self-attestation supported by appropriate documentation (one or more) that individual has been making specific efforts to find a job:</p> <p><input type="checkbox"/> Application in AJL and has not refused to accept a reasonable job offer</p> <p><input type="checkbox"/> Other documentation of efforts to find a job:</p>
<p><input type="checkbox"/> <b>Underemployed</b> – Employed less than full-time and seeking full-time employment (must meet both criteria):</p> <p><input type="checkbox"/> Employed part-time</p> <p><input type="checkbox"/> Seeking full-time work</p>	<p><input type="checkbox"/> Self-attestation supported by appropriate documentation (document both part-time work and seeking full-time work):</p> <p>Part-time work</p> <p><input type="checkbox"/> Pay stub or report, if working less than 30 hours per week</p> <p><input type="checkbox"/> Statement or phone verification with employer that work is part-time</p> <p>Seeking full-time work</p> <p><input type="checkbox"/> Application in AJL and has not refused to accept a reasonable full-time job offer</p> <p><input type="checkbox"/> Other:</p>
<p><input type="checkbox"/> <b>Underemployed</b> – Employed in a position that is inadequate with respect to applicant’s skills and training:</p>	<p><input type="checkbox"/> Self-attestation supported by appropriate documentation of (list documents used):</p> <p><input type="checkbox"/> Applicant’s skills, training, or education:</p> <p><input type="checkbox"/> Applicant has sought work using his/her skills, training, or education:</p> <p><input type="checkbox"/> Inability to find appropriate work using those skills and training:</p>
<p><input type="checkbox"/> <b>Underemployed</b> – Employed and meets the definition of a low-income individual</p>	<p><input type="checkbox"/> Complete FORM WIOA I-B – 1.3 (<i>Low-Income Determination</i>)</p>
<p><input type="checkbox"/> <b>Underemployed</b> – A Dislocated Worker who, for the entire time since layoff, has been either unemployed or earning less than at the job at which he/she was laid off</p>	<p><input type="checkbox"/> Self-attestation of the situation, supported by appropriate documentation of unemployment or employment with less earnings than in job at which he/she was laid off:</p>



**In-School Youth Eligibility Determination  
Workforce Innovation and Opportunity Act (WIOA)**

FORM WIOA I-B – 2.5

For In-School Youth Program

Name:	Participant No.:
<p align="center"><b>In-School Youth Eligibility</b>  <b>Applicant must meet age, common eligibility, low-income, school status requirements, and at least one barrier</b>  <b>In addition, priority is given to veterans and populations identified by local area</b></p>	<p align="center"><b>Documentation</b>  Check appropriate documentation used  (Only one document required per eligibility criterion)  Must maintain copies of all documents used</p>
<input type="checkbox"/> At least age 14, and not older than 21	See Date of Birth on FORM WIOA I-B – 2.1 <i>(Common Eligibility Documentation)</i>
<input type="checkbox"/> Meet common eligibility requirements	Use FORM WIOA I-B – 2.1 <i>(Common Eligibility Documentation)</i>
<input type="checkbox"/> Low-income individual	Use FORM WIOA I-B – 1.3 <i>(Low-Income Documentation)</i>
<input type="checkbox"/> Attending school Name of school:	<input type="checkbox"/> Self-attestation supported by information from school: <input type="checkbox"/> Report card <input type="checkbox"/> Schedule <input type="checkbox"/> Telephone verification <input type="checkbox"/> Other:
<input type="checkbox"/> Veteran or eligible spouse	Use FORM WIOA I-B – 2.2 <i>(Veteran Priority Documentation)</i>
<b>****Must provide documentation for at least one barrier for <u>eligibility</u>.</b> <b>Additional barriers may be <u>reported</u> using self-attestation ****</b>	
<input type="checkbox"/> Basic skills deficient <input type="checkbox"/> Eligibility	<input type="checkbox"/> Document scoring 8.9 or below on an appropriate standardized test administered within the last 6 months Test: _____ Given by: _____ Date: _____ Reading: _____ Math: _____ <input type="checkbox"/> School documents giving current grade-level equivalency of youth's abilities (in last 6 months) Document: _____ Date: _____ Reading: _____ Math: _____

<ul style="list-style-type: none"> <li><input type="checkbox"/> English language learner (Document 1 <u>and</u> either 2 or 3)</li> <li><input type="checkbox"/> (1) Limited ability to read, write, speak or comprehend the English language</li> <li><input type="checkbox"/> (2) Native language is a language other than English</li> <li><input type="checkbox"/> (3) Lives in a family or community environment where a language other than English is the dominant language</li> </ul> <p>Note: An English language learner is also Basic Skills Deficient [TEGL 21-16].</p>	<p>(1) Documentation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Self-attestation</li> <li><input type="checkbox"/> Observation, documented by case manager</li> <li><input type="checkbox"/> Other:</li> </ul> <p>(2) Documentation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Self-attestation</li> <li><input type="checkbox"/> Observation, documented by case manager</li> <li><input type="checkbox"/> Other:</li> </ul> <p>(3) Documentation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Self-attestation</li> <li><input type="checkbox"/> Observation, documented by case manager</li> <li><input type="checkbox"/> Other:</li> </ul>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Offender or ex-offender (Is or has been subject to any stage of criminal justice process for committing a status offense or delinquent act OR requires assistance in overcoming barriers to employment because of arrest or conviction)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Documentation from criminal justice system</li> <li><input type="checkbox"/> Telephone verification with court or probation representatives</li> <li><input type="checkbox"/> Self-attestation with sufficient information to describe situation</li> </ul>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Homeless individual</li> </ul>	<p>Document <b>Homeless Individual</b> in FORM WIOA I-B – 1.3 (<i>Low-Income Documentation</i>)</p>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Runaway</li> </ul> <p>Note: A runaway is also classified as homeless [TEGL 22-15].</p>	<p>Document under <b>Homeless Individual</b> in FORM WIOA I-B – 1.3 (<i>Low-Income Documentation</i>)</p>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Individual in foster care OR</li> <li><input type="checkbox"/> Has aged out of the foster care system OR</li> <li><input type="checkbox"/> Has attained 16 years of age and left foster care for kinship or guardianship or adoption OR</li> <li><input type="checkbox"/> Child eligible for assistance under sec 477 of the Social Security Act or in an out-of-home placement</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Written or telephone verification from DHS or other social services agency</li> <li><input type="checkbox"/> Written or telephone verification from children’s’ home</li> <li><input type="checkbox"/> Court order</li> <li><input type="checkbox"/> Other:</li> </ul>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Custodial parent</li> <li><input type="checkbox"/> Non-custodial parent</li> <li><input type="checkbox"/> Pregnant woman</li> </ul>	<p>Self-attestation combined with supporting documentation appropriate to the situation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Birth certificate</li> <li><input type="checkbox"/> Hospital record</li> <li><input type="checkbox"/> Income tax return</li> <li><input type="checkbox"/> Custody papers</li> <li><input type="checkbox"/> Statement from TANF, DHS, or other social services agency</li> <li><input type="checkbox"/> Written or telephone confirmation from physician, nurse, or midwife</li> <li><input type="checkbox"/> Observation of pregnancy status</li> <li><input type="checkbox"/> Other:</li> </ul>

<p><input type="checkbox"/> Individual with a disability</p> <p>(Disability documents must be kept confidential)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Statement, records, or referral from representative of Arkansas Rehabilitation Services or Division of Services for the Blind</li> <li><input type="checkbox"/> Self-attestation if disability is observable, supported by statement from case manager</li> <li><input type="checkbox"/> Statement or letter from drug or alcohol rehabilitation agency</li> <li><input type="checkbox"/> Medical records</li> <li><input type="checkbox"/> School records</li> <li><input type="checkbox"/> Physician's Statement</li> <li><input type="checkbox"/> Statement from school counselor or ADA official</li> <li><input type="checkbox"/> Psychiatrist's diagnosis</li> <li><input type="checkbox"/> Psychologist's diagnosis</li> <li><input type="checkbox"/> Statement from local school, housing, or work area for individuals with disabilities</li> <li><input type="checkbox"/> Social service records, referral, or statement</li> <li><input type="checkbox"/> Social Security Administration disability letter or records</li> <li><input type="checkbox"/> Veterans Administration letter or records</li> <li><input type="checkbox"/> Workers compensation record</li> </ul>
<p><input type="checkbox"/> Requires additional assistance to complete an educational program or secure or hold employment, as defined in Local Plan</p>	<p>Document as outlined in the local plan:</p>



## Out-of-School Youth Eligibility Determination

### Workforce Innovation and Opportunity Act (WIOA)

FORM WIOA I-B – 2.6

For Out-of-School Youth Program

Name:	Participant No.:
<p><b>Out-of-School Youth Eligibility</b>  <b>Applicant must meet age, common eligibility, school status requirements, and at least one barrier</b>  <b>In addition, priority is given to veterans and populations identified by local area</b></p>	<p><b>Documentation</b>  Check appropriate documentation used (Only one document required per eligibility criterion)  Must maintain copies of all documents used</p>
<input type="checkbox"/> At least age 16, and not older than 24	See Date of Birth on FORM WIOA I-B – 2.1 ( <i>Common Eligibility Documentation</i> )
<input type="checkbox"/> Meet common eligibility requirements	Use FORM WIOA I-B – 2.1 ( <i>Common Eligibility Documentation</i> )
<input type="checkbox"/> Not attending school	<input type="checkbox"/> Self-attestation <input type="checkbox"/> Other:
<input type="checkbox"/> Veteran or eligible spouse	Use FORM WIOA I-B – 2.2 ( <i>Veteran Priority Documentation</i> )
<p><b>***Must provide documentation for at least one barrier for <u>eligibility</u>. Additional barriers may be <u>reported</u> using self-attestation.***</b></p>	
<input type="checkbox"/> High school dropout (not received a secondary school diploma or its equivalent)	<input type="checkbox"/> Self-attestation <input type="checkbox"/> Other:
<input type="checkbox"/> Age of compulsory school attendance and not attending school. Must document all three criteria: <ul style="list-style-type: none"> <li><input type="checkbox"/> Under age 17</li> <li><input type="checkbox"/> Has not attended school for 1 quarter</li> <li><input type="checkbox"/> Is not exempt</li> </ul>	<input type="checkbox"/> See Date of Birth on FORM WIOA I-B – 2.1 ( <i>Common Eligibility Documentation</i> ) <input type="checkbox"/> Self-attestation supported by written or telephone documentation from school <input type="checkbox"/> Document by self-attestation that applicant meets <u>all</u> the following conditions <p style="text-align: center;">(continued on next page):</p>

	<input type="checkbox"/> Has not received a high school diploma or equivalent <input type="checkbox"/> Is not enrolled in a postsecondary institution <input type="checkbox"/> Does not regularly attend an adult education program <input type="checkbox"/> Is not enrolled in the Arkansas National Guard Youth Challenge Program
<input type="checkbox"/> Low-income high school graduate (or equivalent) who is also either basic skills deficient or an English language learner <ul style="list-style-type: none"> <li><input type="checkbox"/> Low-income</li> <li><input type="checkbox"/> High school graduate (or equivalent)</li> <li><input type="checkbox"/> Either basic skills deficient or English Learner <ul style="list-style-type: none"> <li><input type="checkbox"/> Basic Skills Deficient</li> </ul> </li> </ul> <p>Note: An English language learner is also Basic Skills Deficient [TEGL 21-16].</p> <input type="checkbox"/> English language learner (Document 1 <u>and</u> either 2 or 3) <ul style="list-style-type: none"> <li><input type="checkbox"/> (1) Limited ability to read, write, speak or comprehend the English language</li> <li><input type="checkbox"/> (2) Native language is a language other than English</li> <li><input type="checkbox"/> (3) Lives in a family or community environment where a language other than English is the dominant language</li> </ul>	<p>Use FORM WIOA I-B – 1.3 (<i>Low-Income Documentation</i>)</p> <input type="checkbox"/> Self-attestation with details concerning place of graduation
	<input type="checkbox"/> Document scoring 8.9 or below on an appropriate standardized test administered within the last 6 months. Test: _____ Given by: _____ Date: _____ Score: _____ <p>(1) Documentation:</p> <input type="checkbox"/> Self-attestation <input type="checkbox"/> Observation, documented by case manager <input type="checkbox"/> Other:
	<p>(2) Documentation:</p> <input type="checkbox"/> Self-attestation <input type="checkbox"/> Observation, documented by case manager <input type="checkbox"/> Other:
	<p>(3) Documentation:</p> <input type="checkbox"/> Self-attestation <input type="checkbox"/> Observation, documented by case manager <input type="checkbox"/> Other:

<input type="checkbox"/> Offender or ex-offender (Is or has been subject to any stage of criminal justice process for committing a status offense or delinquent act OR requires assistance in overcoming barriers to employment because of arrest or conviction)	<input type="checkbox"/> Documentation from criminal justice system <input type="checkbox"/> Telephone verification with court or probation representatives <input type="checkbox"/> Self-attestation with sufficient information to describe situation
<input type="checkbox"/> Homeless individual	Document <b>Homeless Individual</b> in FORM WIOA I-B – 1.3 ( <i>Low-Income Documentation</i> )
<input type="checkbox"/> Runaway Note: A runaway is also classified as homeless [TEGL 22-15].	Document under <b>Homeless Individual</b> in FORM WIOA I-B – 1.3 ( <i>Low-Income Documentation</i> )
<input type="checkbox"/> Individual in foster care OR <input type="checkbox"/> Has aged out of the foster care system OR <input type="checkbox"/> Has attained 16 years of age and left foster care for kinship or guardianship or adoption OR <input type="checkbox"/> Child eligible for assistance under sec 477 of the Social Security Act or in an out-of-home placement	<input type="checkbox"/> Written or telephone verification from social services agency <input type="checkbox"/> Written or telephone verification from children’s’ home <input type="checkbox"/> Court order <input type="checkbox"/> Other:
<input type="checkbox"/> Custodial parent OR <input type="checkbox"/> Non-custodial parent OR <input type="checkbox"/> Pregnant woman	Self-attestation combined with supporting documentation appropriate to the situation: <input type="checkbox"/> Birth certificate <input type="checkbox"/> Hospital record <input type="checkbox"/> Income tax return <input type="checkbox"/> Custody papers <input type="checkbox"/> Statement from TANF, DHS, or other social services agency <input type="checkbox"/> Written or telephone confirmation from physician, nurse, or midwife <input type="checkbox"/> Observation of pregnancy status <input type="checkbox"/> Other:
<input type="checkbox"/> Individual with a disability (Disability documents must be kept confidential)	<input type="checkbox"/> Statement, records, or referral from representative of Arkansas Rehabilitation Services or Division of Services for the Blind <input type="checkbox"/> Self-attestation if disability is observable, supported by statement from case manager <input type="checkbox"/> Statement or letter from drug or alcohol rehabilitation agency <input type="checkbox"/> Medical records <input type="checkbox"/> School records <input type="checkbox"/> Physician’s Statement <input type="checkbox"/> Statement from school counselor or ADA official <input type="checkbox"/> Psychiatrist’s diagnosis  (continued on next page)

	<ul style="list-style-type: none"> <li><input type="checkbox"/> Psychologist’s diagnosis</li> <li><input type="checkbox"/> Statement from local school, housing, or work area for individuals with disabilities</li> <li><input type="checkbox"/> Social service records, referral, or statement</li> <li><input type="checkbox"/> Social Security Administration disability letter or records</li> <li><input type="checkbox"/> Veterans Administration letter or records</li> <li><input type="checkbox"/> Workers compensation record</li> </ul>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Low-income youth who requires additional assistance to complete an educational program or secure or hold employment, as defined in Local Plan</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Document low-income using FORM WIOA I-B – 1.3 (<i>Low-Income Documentation</i>)</li> <li><input type="checkbox"/> Document additional assistance needed as outlined in the local plan:</li> </ul>

DRAFT



## Individual with Barriers to Employment Checklist

### Workforce Innovation and Opportunity Act (WIOA)

FORM WIOA I-B – 2.8

For Adult, Dislocated Worker, and Youth Programs

Name:	Participant No.:
<p style="text-align: center;"><b>Barrier</b></p>	<p style="text-align: center;"><b>Documentation</b></p> <p>In most cases, if barrier is reported only, documentation may be self-attestation, including application, if applicable. If barrier is used for eligibility (or priority), other documentation may be required Note: A properly signed and dated application is considered as a self-attestation.</p>
<p><input type="checkbox"/> Displaced homemaker</p> <p>See Category D in ADWS Policy No. WIOA – 2.4 (<i>Eligibility for Dislocated Worker Program</i>) for more information</p> <p>See definition of “family” in ADWS Policy No. WIOA – 1.2 (<i>Definitions</i>)</p>	<p><input type="checkbox"/> Reported: Self-attestation to all of the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Applicant provided unpaid services to family members in the home</li> <li><input type="checkbox"/> Applicant was dependent on income of family member but is no longer supported by that income OR was the dependent spouse of a member of the armed forces on active duty, and the family income significantly changed because of deployment, a call or order to active duty, a permanent change of state, or the service-connected death or disability of the member</li> <li><input type="checkbox"/> Applicant is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment</li> </ul> <p><input type="checkbox"/> Eligibility: Complete Category D of ADWS FORM WIOA I-B – 2.4 (<i>Dislocated Worker Eligibility Determination</i>)</p>
<p><input type="checkbox"/> Low-income individual</p> <p>See definition of “low-income individual” in ADWS Policy No. WIOA – 1.2 (<i>Definitions</i>) for more information</p>	<p><input type="checkbox"/> Reported: Self-attestation to any of the categories in ADWS FORM WIOA I-B – 1.3 (<i>Low-Income Documentation</i>)</p> <p><input type="checkbox"/> Eligibility: Complete ADWS FORM WIOA I-B – 1.3 (<i>Low-Income Documentation</i>), documenting one category/criterion.</p>
<p><input type="checkbox"/> Indian, Alaska Native, Native Hawaiian</p>	<p><input type="checkbox"/> Reported or Eligibility: Self-attested by checking on application</p>
<p><input type="checkbox"/> Individual with a disability</p>	<p><input type="checkbox"/> Reported: Self-attested by stating on the application that applicant receives Social Security Disability Insurance or by self-attestation of disability</p>

	<input type="checkbox"/> Eligibility: <ul style="list-style-type: none"> <li><input type="checkbox"/> Statement, records, or referral from representative of Arkansas Rehabilitation Services or Division of Services for the Blind</li> <li><input type="checkbox"/> Self-attestation if disability is observable, supported by statement from case manager</li> <li><input type="checkbox"/> Statement or letter from drug or alcohol rehabilitation agency</li> <li><input type="checkbox"/> Medical records</li> <li><input type="checkbox"/> School records</li> <li><input type="checkbox"/> Physician’s Statement</li> <li><input type="checkbox"/> Statement from school counselor or ADA official</li> <li><input type="checkbox"/> Psychiatrist’s diagnosis</li> <li><input type="checkbox"/> Psychologist’s diagnosis</li> <li><input type="checkbox"/> Statement from local school, housing, or work area for individuals with disabilities</li> <li><input type="checkbox"/> Social service records, referral, or statement</li> <li><input type="checkbox"/> Social Security Administration disability letter or records</li> <li><input type="checkbox"/> Veterans Administration letter or records</li> <li><input type="checkbox"/> Workers compensation record</li> </ul>
<input type="checkbox"/> Older individual	<input type="checkbox"/> Reported or Eligibility: Document age 55 or older on ADWS FORM WIOA I-B – 2.1 ( <i>Common Eligibility Determination</i> )
<input type="checkbox"/> Ex-offender or offender	Reported or Eligibility: Any one of the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> Self-attestation</li> <li><input type="checkbox"/> Written or telephone verification with court or probation representatives</li> <li><input type="checkbox"/> Documentation from criminal justice system</li> </ul>
<input type="checkbox"/> Homeless individual / Runaway youth  Note: a homeless individual is also low-income, by definition.	<input type="checkbox"/> Reported: Self-attestation to any of the homeless categories in ADWS FORM WIOA I-B – 1.3 ( <i>Low-Income Documentation</i> )  <input type="checkbox"/> Eligibility: Complete the “homeless individual” portion of ADWS FORM WIOA I-B – 1.3 ( <i>Low-Income Documentation</i> ), documenting one category/criterion.
<input type="checkbox"/> Youth in or aged out of foster care system  Note: a youth who is a foster child at time of eligibility determination is low-income, by definition.	<input type="checkbox"/> Reported: Self-attestation  <input type="checkbox"/> Eligibility: Written or telephone verification from social services agency
<input type="checkbox"/> English language learner  Note: An English language learner is also an individual with a low level of literacy	Reported or Eligibility: Either self-attestation or observation by case manager (documented by case notes) Item #1 <u>and</u> either #2 or #3: <ol style="list-style-type: none"> <li>1. Limited ability to read, write, speak or comprehend the English language <ul style="list-style-type: none"> <li><input type="checkbox"/> Self-attestation</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li><input type="checkbox"/> Observation, documented by case manager</li> <li>2. Native language is a language other than English <ul style="list-style-type: none"> <li><input type="checkbox"/> Self-attestation</li> <li><input type="checkbox"/> Observation, documented by case manager</li> </ul> </li> <li>3. Lives in a family or community environment where a language other than English is the dominant language <ul style="list-style-type: none"> <li><input type="checkbox"/> Self-attestation</li> <li><input type="checkbox"/> Observation, documented by case manager</li> </ul> </li> </ul>
<input type="checkbox"/> Individuals with low levels of literacy	<input type="checkbox"/> Reported or Eligibility: An English language learner as documented above OR <input type="checkbox"/> Reported: Self-attestation that the 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.  <input type="checkbox"/> Eligibility: One of the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> An adult or youth who scored Score of 8.9 or below on a standardized test approved by LWDB and administered in the last 6 months according to policies of local area, a similar instrument administered by an American Job Center partner, or a standardized test with grade equivalency given by a school in the last 6 months.   Test: _____  Given by: _____  Reading: _____ Math: _____</li> <li><input type="checkbox"/> For a youth, school documents giving current grade-level equivalency of the youth’s abilities (in last 6 months)  Document: _____  Date: _____  Reading: _____ Math: _____</li> </ul>
<input type="checkbox"/> Individuals facing substantial cultural barriers	Reported or Eligibility: Self-attestation the individual’s perceives that his or her attitudes, beliefs, customs, or practices pose a hindrance to employment. Specifics should be given in the statement.
<input type="checkbox"/> Eligible Migrant and Seasonal farmworker	<input type="checkbox"/> Reported: Self-attestation to the definition of “eligible migrant and seasonal farmworker” given in ADWS Policy No. WIOA – 1.2 ( <i>Definitions</i> )  <input type="checkbox"/> Eligibility: Verification from Migrant and Seasonal farmworker program case manager or other official

<input type="checkbox"/> Within 2 years of exhausting lifetime eligibility under TANF	Reported or Eligibility: TEA Printout from State (Self-attestation is not allowed for data validation)
<input type="checkbox"/> Single parent	<input type="checkbox"/> Reported: Self-attestation that the individual is a single parent <input type="checkbox"/> Eligibility: Self-attestation combined with supporting documentation that the individual is single and that the individual is a parent. Documentation may include, but is not limited to: <ul style="list-style-type: none"> <li><input type="checkbox"/> Income tax return</li> <li><input type="checkbox"/> Birth certificate</li> <li><input type="checkbox"/> Hospital record</li> <li><input type="checkbox"/> Custody papers</li> <li><input type="checkbox"/> Statement from TANF, DHS, or other social services agency</li> </ul>
<input type="checkbox"/> Pregnant woman	<input type="checkbox"/> Reported: Self-attestation that the individual is a pregnant woman <input type="checkbox"/> Eligibility: Self-attestation, combined with supporting documentation that may include, but is not limited to: <ul style="list-style-type: none"> <li><input type="checkbox"/> Written or telephone confirmation from physical, nurse, or midwife</li> <li><input type="checkbox"/> Observation of pregnancy status by case manager</li> </ul>
<input type="checkbox"/> Long-term unemployed	<input type="checkbox"/> Reported: Self-attestation that the individual has been unemployed for at least 27 consecutive weeks, that he/she was available for work during that time, and that he/she was making specific efforts to find a job <input type="checkbox"/> Self-attestation that individual has been unemployed for 27 or more consecutive weeks, supported as possible by documentation: <ul style="list-style-type: none"> <li><input type="checkbox"/> UI Records</li> <li><input type="checkbox"/> Employer information</li> <li><input type="checkbox"/> Individual's resume and stated work history</li> <li><input type="checkbox"/> Having an open application in AJL and not having refused to accept a reasonable job offer</li> <li><input type="checkbox"/> Other:</li> </ul>
<input type="checkbox"/> Other group(s) as the LWDB determines to have barriers to employment	Documentation identified by LWDB



**Individual Employment Plan**  
**Workforce Innovation and Opportunity Act (WIOA)**  
 FORM WIOA I-B – 3.1

**For Adult and Dislocated Worker Programs**

Note: This is a living document that may be modified or updated at any time

Name:	Participant No.:	Date:
<b>Assessment</b>		
Summarize prior work experience:	Summarize academic and occupational skills levels:	
Is participant currently employed? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, do the wages lead to economic self-sufficiency? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, can the participant probably find employment leading to economic self-sufficiency with current academic and occupational skills? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain reasoning for answers (why or why not?)		
List strengths:	List interests:	
List potential pathways or occupations: 1.  2.  3.  4.	Summarize steps to employment in occupation: 1.  2.  3.  4.	

<p>Is participant currently enrolled in postsecondary education?    <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>If yes, give details:</p>	<p>Is participant currently enrolled in any type of workplace training?    <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>If yes, give details:</p>
<p>Long term goal(s)</p>	<p>Short-term goal(s)</p>
<p>What are barriers to meeting these goals?</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p>	<p>How will these barriers be overcome?</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p>
<p>Are these goals probably realistic? <input type="checkbox"/> Yes   <input type="checkbox"/> No   Explain your answer:</p> <p>Will these goals probably lead to appropriate employment? <input type="checkbox"/> Yes   <input type="checkbox"/> No   Explain your answer:</p>	
<p><b>Training</b></p>	<p><b>Career Services</b></p>
<p>Does participant meet eligibility requirements for training?</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Unlikely to obtain or retain self-sufficient (or comparable to past) employment with present skills</li> <li><input type="checkbox"/> Training will lead to self-sufficiency (or comparable to past wages)</li> <li><input type="checkbox"/> Have skills to participant in training</li> <li><input type="checkbox"/> Desired program of study is on ETPL or is a work-based training</li> </ul> <p>Explain the answers to these questions:</p>	<p>Is work experience appropriate for participant?</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Cannot get appropriate employment through other career services</li> </ul> <p>Are other career services appropriate for participant? <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>Explain your answers:</p>

<b>Employment Plan</b>	
What is the primary goal?	What career services are needed to meet the goal?
What training services, if any, are needed to meet the goal?	What supportive services are needed to meet the goal?
Summarize the steps to meeting the primary goal:	To which partners or other entities should participant be referred (or co-enrolled) to meet the goal?
What are the participant responsibilities in meeting the goal?	What are the program provider's responsibilities in meeting the goal?

Signatures:

This IEP was jointly prepared by (participant) \_\_\_\_\_ and  
 (case manager) \_\_\_\_\_ on (date) \_\_\_\_\_.

It may be modified and/or updated at any time.

## Modified/Updated **Individual Employment Plan**

Name:	Participant No.:	Date:
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The following modifications/updates are made to Individual Employment Plan:

Signatures:

This IEP was jointly prepared by (participant) \_\_\_\_\_ and  
(case manager) \_\_\_\_\_ on (date) \_\_\_\_\_.



**Individual Service Strategy**  
**Workforce Innovation and Opportunity Act (WIOA)**  
 FORM WIOA I-B – 3.2

**For Youth Programs**

Note: This is a living document that may be modified or updated at any time

Name:	Participant No.:	Date:
<b>Assessment</b>		
Summarize prior work experience:	Summarize educational experiences and situation:	
List strengths:	List interests:	
List potential pathways or occupations: 1.  2.  3.  4.  5.	Does youth have any experiences in these pathways? 1.  2.  3.  4.  5.	

<p>Is youth currently enrolled in postsecondary education?    <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>If yes, give details:</p>	<p>Is youth currently enrolled in any type of workplace training?    <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>If yes, give details:</p>
<p>Long term goal(s) related to Youth performance measure(s):</p> <p>1. Education:</p> <p>2. Employment:</p>	<p>Short-term goals related to youth performance measure(s):</p> <p>1. Education:</p> <p>2. Employment:</p>
<p>What are barriers to meeting these goals?</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p>	<p>How will these barriers be overcome?</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p>
<p style="text-align: center;"><b>Program Elements Needed to Meet Goals</b></p> <p>Describe what, if any, services or activities are need within each Program Element to enable youth to meet goals. Explain why these program elements (or stated services or activities within the elements) are needed and how the services or activities will be provided. Include any entity or program to whom the Youth should be referred or with which the Youth should be co-enrolled:</p>	
<p>1. Tutoring, study skills training, instruction, and dropout prevention services:</p>	

2. Alternative secondary school services or dropout recovery services:
3. Paid and unpaid work experiences:
4. Occupational skill training:
5. Education offered concurrently with workforce preparation and training for a specific occupation:
6. Leadership development opportunities:

7. Supportive services:
8. Adult mentoring:
9. Follow-up services: (this information should not be entered until Youth is nearing exit):
10. Comprehensive guidance and counseling:
11. Financial literacy education:

12. Entrepreneurial skills training:	
13. Services that provide labor market and employment information:	
14. Postsecondary preparation and transition activities:	
What are the Youth's responsibilities in meeting the goals?	What are the program provider's responsibilities in meeting the goals?

Signatures:

This ISS was jointly prepared by (participant) \_\_\_\_\_ and

(case manager) \_\_\_\_\_ on (date) \_\_\_\_\_.

It may be modified and/or updated at any time.

## Modified/Updated **Individual Service Strategy**

Name:	Participant No.:	Date:
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The following modifications/updates are made to Individual Employment Plan:

Signatures:

This ISS was jointly prepared by (participant) \_\_\_\_\_ and  
(case manager) \_\_\_\_\_ on (date) \_\_\_\_\_.



**Verification of Educational Grant Assistance  
Workforce Innovation and Opportunity Act (WIOA)**

FORM WIOA I-B – 3.3

TO WHOM IT MAY CONCERN:

Applicant: \_\_\_\_\_ has applied for training under the WORKFORCE INNOVATION and OPPORTUNITY ACT (WIOA). This is your authorization to release information concerning grants or scholarships. Please complete this form as soon as possible, because it is required to determine eligibility or assistance in paying for training.

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Signature	Date	Student ID (Optional)
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Requested Information

Has the above student applied for a Pell Grant? [  ] Yes [  ] No

If yes, is the above student eligible for a Pell Grant? [  ] Yes [  ] No

If the student is eligible, what is the amount this semester? \_\_\_\_\_

(Or attach verification of amount)

If the student is not eligible, what is the reason?

- [  ] Over allowed number of hours
- [  ] Over allowed number of semesters
- [  ] Not making satisfactory progress
- [  ] Over income
- [  ] In default status
- [  ] Other: \_\_\_\_\_

To your knowledge, is student receiving any other grants or scholarships this semester? [  ] Yes [  ] No

If so, please attach list of grants and amounts.

Signature of School Staff: \_\_\_\_\_ Date: \_\_\_\_\_

Position: \_\_\_\_\_ Name of School: \_\_\_\_\_

Please return the completed form to:



**Arkansas Pre-Award Review Criteria**  
**Workforce Innovation and Opportunity Act (WIOA)**  
 FORM WIOA I-B – 4.1

**For Adult, Dislocated Worker, and Youth Programs**

The Arkansas Pre-Award Review Criteria is required when WIOA funds are used for workforce training (or work experiences) with a company that has operated at the work location for less than 120 days or if the facility has expanded in the last 120 days [WIOA 181(d); 20 CFR 683.260]. The form may also be used to review and document information concerning other employers or worksites.

**Section 1: Employer Information**

EMPLOYER LEGAL BUSINESS NAME:		FEIN #:
EMPLOYER WEBSITE:		
FORMER NAME(S) UNDER WHICH EMPLOYER CONDUCTED BUSINESS:		
CONTACT PERSON:		TITLE:
EMPLOYER ADDRESS:		
CITY:	STATE:	ZIP:
TELEPHONE:	EMAIL:	FAX:
TYPE OF ORGANIZATION: INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> LLC <input type="checkbox"/> NOT FOR PROFIT <input type="checkbox"/> NON-PROFIT: <input type="checkbox"/> GOVERNMENT: <input type="checkbox"/>		
OTHER:		
COMPANY NAICS CODE:	CURRENT # COMPANY EMPLOYEES: CURRENT # THIS FACILITY EMPLOYEES:	YEARS COMPANY IN EXISTENCE: YEARS THIS FACILITY IN EXISTENCE:
HAS THE BUSINESS BEEN SOLD OR MERGED WITH ANOTHER COMPANY IN THE LAST 120 DAYS? YES <input type="checkbox"/> NO <input type="checkbox"/>		
IS THE BUSINESS IN THE PROCESS OF POTENTIALLY BEING SOLD OR MERGING WITH ANOTHER COMPANY? YES <input type="checkbox"/> NO <input type="checkbox"/>		

**Section 2: Company Review**

*Please check the appropriate response for the following Employer information.*

- 1) Has the company operated at the current location for at least 120 days. Yes  No   
 If Yes, this form is not required, although it may be used as a general pre-award review.  
 If No and the business relocated from another area in the U.S., were employees laid off at the previous location as a result of the relocation? Yes  No
  
- 2) Has a WARN notice relating to the employer been filed within the last 120 days? Yes  No
  
- 3) Within the last 120 days, has WIOA helped with job losses at another facility of this company? Yes  No   
 If Yes, when?  
 Where?

- 4) Will the workforce training or work experience result in the displacement of any employed workers, including reduction in hours? Yes  No
- 5) With the exception of transitional jobs or youth work experience, has the company exhibited a pattern of failing to provide continued long-term employment to qualified WIOA participants? Yes  No
- 6) WIOA funds will **not** be used to directly or indirectly assist, promote or deter union organizing. Agree   
Disagree
- 7) WIOA funds will **not** be used to directly or indirectly aid in the filling of job openings which are vacant because the former employee is on strike, lockout in the course of a labor dispute, or other labor dispute. Agree   
Disagree

### Section 3: Signatures

#### *Authorized Signatures*

I hereby certify that the above information is, to the best of my knowledge, true and correct.

EMPLOYER SIGNATURE:

DATE:

TYPE/PRINT NAME:

TITLE:

ADDRESS:

Outcome of this pre-award interview:

Employer meets all requirements of the pre-award. YES  NO

PROGRAM PROVIDER SIGNATURE:

DATE:

TYPE/PRINT NAME:

TITLE:

ADDRESS: