

## Attachment H

### WIOA Definitions for Title I Eligibility

**Adult** - a person who is age 18 or older.

**Age** – the term age means an adult age 18 or older; for an in-school youth whose age is not less than 14 and not more than 21 and for out-of-school youth not less than 16 and not more than 24 years of age.

**Basic Skills Deficient** - The term “basic skills deficient” means, with respect to a person

- Is 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 or
- Is a youth or adult 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.

**Citizenship/Eligible to Work** - Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

**COBRA** - Consolidated Omnibus Budget Reconciliation Act; passed by Congress in 1985 as a means for people to continue health insurance coverage for a period of time after losing group coverage due to termination of employment.

**Corroborative Witness** – a person who knows or can identify the WIOA applicant and who is reasonably likely to be able to verify the applicant’s statement on the Statement of Family Size/Family Income Form. The witness signing the Statement of Family Size/Family Income Form may accomplish such verification.

**Dislocated Worker** - a person who

- Has been terminated or laid off, or who has received a notice of termination or layoff, from employment
- is eligible for or has exhausted entitlement to unemployment compensation; or
- has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; **and**
- is unlikely to return to a previous industry or occupation
- 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
- is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; **or**
- for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close
- was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the person resides or because of natural disasters

- is a displaced homemaker; **or**
- is the spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; **or**
- is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

**Displaced Homemaker** – a person who has been providing unpaid services to family members in the home and who

- has been dependent on the income of another family member but is no longer supported by that income; **or**
- is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; **and**
- is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

**Documentation** – to maintain physical evidence in participant files that is obtained during the verification process. Such evidence is copies of documents, completed telephone/document inspection forms and signed self-certification statements.

**English Language Learner** – a person who has limited ability in reading, writing, speaking, or comprehending the English language, **and**

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

**Family** – two or more persons related by blood, marriage or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- a husband, wife, and dependent\* children
- a parent or guardian and dependent\* children
- a husband and wife
  - The definition of family and the phrase “husband and wife” includes same-gender married couples.

\*A dependent child is defined as a child

- Under age 19 at the end of the previous calendar year; or
- Under age 24 at the end of the previous calendar year and was a student
- A dependent child is a student if he or she:
  - Was enrolled as a full-time student at a school during any 5 months of the previous calendar year or took a full-time, on-farm training course during any 5 months of the previous calendar year. The course had to be given by a school or a state, county or local government agency. A school includes technical, trade and mechanical schools. It does not include on-the-job training courses or correspondence schools.
  - Also, regardless of residence and/or citizenship, anyone claimed as a dependent on another person’s Federal Income Tax return for the previous year shall be presumed to be part of the person’s family for the current year. To negate this assumption, the person who was claimed as a dependent for income tax purposes would be required to provide information that demonstrates the person is no longer financially dependent.

In applying the definition of family, runaway youth, emancipated youth, and court adjudicated youth separated from the family through involuntary temporary residence elsewhere (e.g., institutionalized, incarcerated, or placed as a result of a court order) shall not be classified as dependent children.

**Family Income** - for the purpose of determining WIOA income eligibility:

- **Inclusions for Family Income:**

1. **Gross wages and salaries before deductions:** Total money earnings received from work performed as an employee. If a family's only source of income was from wages and salary payments, family income would be equal to gross wages and salary received.

2. **Income from non-farm self-employment:** Net income (gross receipts minus operating expenses) from a business or other non-farm enterprise in which a person is engaged on his/her own account. If the business or enterprise has suffered a loss, this loss will be allowed to offset wage earnings.

3. **Income from farm self-employment:** Net receipts from farm self-employment (receipts from a farm which operates as an owner, renter, or sharecropper, after deductions for farm operating expenses). If the farm has suffered a loss, this loss will be allowed to offset wage earnings. Money received under the Agricultural Crop Stabilization Program is considered income.

4. **WIOA, WIOA and Title V Older Americans Act Program Participation:** Wages paid to participants in WIOA/WIOA OJT and the Title V Older Americans Program placements count as income.

5. **Social Security Disability Insurance (SSDI):** pays benefits to you and certain members of your family if you are "insured" meaning that you worked long enough and paid Social Security taxes.

6. **Money received from such sources:**

- Net rents;
- Governmental and non-governmental pensions;
- Railroad retirement benefits;
- Strike benefits from union funds;
- Worker's compensation;
- Training stipends;
- Alimony;
- Military family allotments or other regular support from an absent family member or someone not living in the household; (except for military payments indicated below which are excluded from family income calculations)
- Regular insurance or annuity payments;
- College or university scholarships, grants (excluding Pell grants), fellowships, and assistantships;
- Dividends and interest;
- Net royalties;
- Periodic receipts from estates and trusts; and
- Net gambling or lottery winnings.

- **Exclusions for Family Income**

1. Unemployment Compensation;

2. Child support payments;

3. Old age and survivors' insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)

4. Military Pay or Allowances: Are there special rules that apply to veterans when income is a factor in eligibility determinations? (Sec. 667.255) Yes, under 38 U.S.C. 4213, when past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or

allowances by any person who served on active duty, and certain other specified benefits must be disregarded. This applies when determining if a person is a “low-income individual” for eligibility purposes (for example, in the WIOA/WIOA youth, Job Corps or NFJP programs) and applies if income is used as a factor in applying the priority of service. Questions regarding the application of 38 U.S.C. 4213 should be directed to the Veterans Employment and Training Service.

*Excluded income for **eligible veterans** under WIOA:*

Any (1) amounts received as pay or allowances by any person while serving on active duty, (2) period of time during which such person served on such active duty, and (3) amounts received under chapters 11, 13, 30, 31, 35, and 36 of this title by an eligible veteran, any amounts received by an eligible person under chapters 13 and 35 of such title, and any amounts received by an eligible person under chapter 106 of title 10, shall be disregarded in determining eligibility under any public service employment program, any emergency employment program, any job training program assisted under the Economic Opportunity Act of 1964, any employment or training program carried out in Title I of the Workforce Innovation and Opportunity Act, or any other employment or training (or related) program financed in whole or in part with Federal funds.

Title 38:

Chapter 11 - Compensation for Service-Connected Disability or Death

Chapter 13 - Dependency and Indemnity Compensation for Service-Connected Deaths

Chapter 30 - All-Volunteer Force Educational Assistance Program

Chapter 31 - Training and Rehabilitation for Veterans with Service-Connected Disabilities

Chapter 35 - Survivors’ and Dependents’ Educational Assistance

Chapter 36 – Administration of Educational Benefits

US Code: Title 10, Chapter 106 – Educational Assistance for Members of the Selected Reserve

1. Federal non-cash benefits such as: Medicare, Medicaid, food stamps, school lunches, and housing assistance;
2. Capital gains and losses;
3. Assets drawn down as withdrawals from a bank;
4. Public Assistance payments: Payments received under TANF (Temporary Assistance to Needy Families), Supplemental Security Income, General Assistance, Refugee Cash Assistance;
5. The sale of property, house, or an automobile;
6. Tax refunds;
7. One-time gifts;
8. Loans;
9. Lump-sum inheritances;
10. One-time insurance payments, or compensation for injury;
11. Cash value of employer-paid or union-paid portion of health insurance or other employee fringe benefit;
12. Cash value of food or housing received in lieu of wages;
13. Cash value of food and fuel produced and consumed on farms;
14. Imputed value of rent from owner-occupied non-farm or farm housing;
15. Amounts received as pay or allowances by any person while serving on active duty;
16. Payments received under the Trade Readjustment Act of 1974;
17. Black Lung payments received under the Benefits Reform Act of 1977;
18. Needs-based scholarship assistance;

19. Financial assistance under Title IV of the Higher Education Act, i.e., PELL Grants, BEOG Grants, Federal Supplemental Educational Opportunity Grants and Federal Work Study, PLUS, Stafford, and Perkins loans like any other kind of loan are debt and not income.
20. Terminal leave pay: Severance pay or a cash out of accrued vacation leave;
21. Stipends received in the following programs: Peace Corps, Senior Corps or AmeriCorps Programs;
22. Foster care payments.

**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.

## Homeless

### **The McKinney-Vento Homeless Assistance Act as amended by S. 896**

### **The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009**

- lacks a fixed, regular, and adequate nighttime residence;
- a person or family with 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, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- a person or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
- a person who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;
- a person or family who:
- will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by
  - a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days
  - the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
  - credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from a person or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;
- has no subsequent residence identified; and
- lacks the resources or support networks needed to obtain other permanent housing; and
- unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who have experienced a long term period without living independently in permanent housing,
- have experienced persistent instability as measured by frequent moves over such period and
- can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

**DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS** — Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

## **Violence Against Women Act of 1994 - Homeless:**

- lacks a fixed, regular, and adequate nighttime residence, meaning:
  - A person or family with 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, including a car, park, abandoned building, bus or train station, airport, or camping ground;
  - A person or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
  - A person who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
  - A person or family who will imminently lose their primary nighttime residence, provided that:
    - The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
    - No subsequent residence has been identified; and
    - The individual or family lacks the resources or support networks, *e.g.*, family, friends, faith-based or other social networks, needed to obtain other permanent housing;
  - Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
    - Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C.11434a);
    - Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
    - Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
    - Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or
- Any person or family who:
  - Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
  - Has no other residence; and
  - Lacks the resources or support networks, *e.g.*, family, friends, faith based or other social networks, to obtain other permanent housing.

## **In-Demand Industry Sector or Occupation –**

- 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; or

- 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.
- DETERMINATION - the determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the State board or local board, as appropriate, using State and regional business and labor market projections, including the use of labor market information.

**Individual with a Barrier to Employment** - a member of one or more of the following populations:

- Displaced homemakers.
- Low-income individuals.
- Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.
- Persons with disabilities, including youth who with disabilities.
- Older individuals.
- Ex-offenders.
- Homeless individuals as defined in the Violence Against Women Act of 1994, or homeless children and youths as defined in the McKinney-Vento Homeless Assistance Act
- Youth who are in or have aged out of the foster care system.
- Person who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- Eligible migrant and seasonal farmworkers, as defined in section 167(i).
- Persons within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
- Single parents including single pregnant women
- Long-term unemployed persons
- Such other groups as the Governor involved determines to have barriers to employment.

**Individual Employment Plan (IEP)** – an ongoing strategy jointly developed by the participant and the case manager that identifies the participant’s employment goals, the appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals.

**Individual with a Disability.**—

- a person with a disability as defined in section 3 of the Americans with Disabilities Act of 1990
- Disability means, with respect to a person, a physical or mental impairment that substantially limits one or more of the major life activities of such person; a record of such an impairment; or being regarded as having such an impairment.
- *physical or mental impairment* means
  - any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine
  - any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities
  - physical or mental impairment includes, but is not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. The phrase “physical or mental impairment” does not include homosexuality, bisexuality or transgendered.
- *major life* activities means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**Literacy** - a person's ability to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.

**Low-Income Individual** - a person who

- receives, or in the past 6 months has received, or is a member of a family that is receiving, or in the past 6 months has received SNAP and/or TANF and/or SSI and/or General Relief
- is in a family with total family income that does not exceed the higher of—
  - the poverty line; or 70 percent of the lower living standard income level;
- is homeless as defined in the Violence Against Women Act of 1994
- U.S.C. 14043e-2(6)), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act
- is a foster child on behalf of whom State or local government payments are made; or
- is a person with a disability whose own income meets the income requirement but who is a member of a family whose income does not meet this requirement.

**Offender** - an adult or juvenile

- who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or
- who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

**Older Individual** - a person age 55 or older.

**Public Assistance** - Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

**Rapid Response Activity** - an activity provided by a State, or by an entity designated by a State, with funds provided by the State in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—

- the establishment of onsite contact with employers and employee representatives—
- immediately after the State is notified of a current or projected permanent closure or mass layoff;
- or
- in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;
- the provision of information on and access to available employment and training activities;
- assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;
- the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and
- the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.

**School Dropout** - a person who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

**Underemployed Individual**- may include:

- Individuals employed less than full-time who are seeking full-time employment;
- Individuals who are employed in a position that is inadequate with respect to their skills and training;



- Individuals who are employed who meet the definition of low-income definition in WIOA sec. 3(36); and
- Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment, per State and/or local policy.

**Unemployed Individual** - a person who is without a job and who wants and is available for work.

**Veteran; Related Definitions.—**

- VETERAN.—The term “veteran” means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.
- RECENTLY SEPARATED VETERAN.—The term “recently separated veteran” means any veteran who applies for participation under WIOA within 48 months after the discharge or release from active military, naval, or air service.

**Youth: In-School** - a person who is

- attending school as defined by State law
- not younger than age 14 or unless a person with a disability who is attending school under State law, or older than age 21
- a low-income individual; **and** one or more of the following
  - Basic skills deficient
  - An English language learner
  - An offender
  - A homeless person as defined in the Violence Against Women Act of 1994, a homeless child or youth as defined in the McKinney-Vento Homeless Assistance, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act or in an out-of-home placement
  - Pregnant or parenting
  - A youth with a disability
  - A person who requires additional assistance to complete an educational program or to secure or hold employment.

**SPECIAL RULE:** - For the purpose of eligibility, the term “low-income” also includes a youth living in a high-poverty area

**EXCEPTION FOR YOUTH WHO ARE NOT LOW-INCOME**

In each local area, not more than 5 percent of the youth assisted under this section may be persons who would be covered, except that they are not low-income but may be eligible because they are in-school youth. In providing this assistance to a youth who is required to attend school under State compulsory school attendance laws, the priority in providing the assistance shall be for the youth to attend school regularly.

**Youth: Out-of-School** a person who is

- not attending any school as defined under State law
- not younger than age 16 or older than age 24; **and**
- one or more of the following
  - A school dropout
  - 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
  - A recipient of a secondary school diploma or its recognized equivalent who is a low-income person and is
    - basic skills deficient; or
    - an English language learner
  - subject to the juvenile or adult justice system

- A homeless person as defined in the Violence Against Women Act of 1994, a homeless child or youth as defined in the McKinney-Vento Homeless Assistance, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement
- is pregnant or parenting
- a person with a disability
- A low-income youth who requires additional assistance to enter or complete an educational program or to secure or hold employment

NOTE: What does “school” refer to in the “not attending or attending any school” in the out-of-school and in-school definitions?

In general, the applicable State law for secondary and post-secondary institutions defines “school.” However, for purposes of WIOA, the Department does not consider providers of Adult Education under title II of WIOA, YouthBuild programs, and Job Corps programs to be schools. Therefore, WIOA youth programs may consider a youth to be out-of-school youth for purposes of WIOA youth program eligibility if they are attending Adult Education provided under title II of WIOA, YouthBuild, or Job Corps.

Some GED training is funded under Adult Education under title II of WIOA.