



ICWDB One Stop Policy Oversight Committee Meeting

Wednesday, January 13, 2021

2799 S. 4th Street

El Centro, CA 92243

12:00 p.m.

Business and Planning Committee members please be advised: If an item on the meeting agenda relates to the provision of services by you, your immediate family, the entity you represent, or any person who has made \$250 in campaign contributions to you during the last 12 months, or if approval or disapproval of an agenda item would have a foreseeable material affect on an economic interest of you, your immediate family, or the entity you represent, then please follow these procedures: When the agenda item is first introduced, please immediately announce that you are recusing yourself from participating in the agenda item, and then refrain from discussing, voting on, or otherwise influencing the Committee’s consideration of the agenda item.

Supporting documentation is available for public review at the Imperial County Workforce Development Board Office.

- 1. Call to Order
 - a. Conflict of Interest Forms
- 2. Discussion of Agenda
 - a. Items to be pulled from Agenda
 - b. Approval of Meeting Agenda
- 3. Approval of Minutes
 - a. September 9, 2020..... p 2 - 4

ACTION AGENDA

- 4. Discussion/Action to approve revisions to the Adult and Dislocated Worker Eligibility Criteria and Priority of Services Policy.....p 5 - 19

INFORMATIONAL AGENDA

- 5. Public Comment: *This is an opportunity for members of the public to address the Committee on any subject matter within the Committee’s jurisdiction, but not an item on the agenda. Each speaker should complete and submit a “Public Comment Request to Speak” form to the Business and Planning Committee Chair. When addressing the Committee, state your name for the record prior to providing your comments. Individuals will be given three (3) minutes to address the Committee.*
- 6. Meeting adjournment



Next ICWDB One Stop Policy Oversight Committee Meeting, Wednesday, March 10, 2021, at 12:00 p.m.

This WIOA Title I financially assisted program or activity is an equal opportunity employer/program, and Auxiliary aids and services are available upon request to individuals with disabilities.

Imperial County Workforce Development Board
2799 S. 4th Street
El Centro, CA 92243
ICWDB One Stop Policy Oversight Meeting Minutes of September 9, 2020

Present: Erik Freeman, Reyna Gutierrez, Dania Luna, Efrain Silva

Absent: Karina Alvarez, Rosalina Blankenship

Staff: Priscilla Lopez, Timothy Druihet, Camilo Garcia, Jeff Burquist, Sabrina Rubin, Ana Lopez

Guests: None

AGENDA ITEMS

1. Call to Order Efrain Silva called the meeting to order at 12:05 p.m. with a quorum present.

1a. Conflict of Interest Forms Members were directed to turn in their Conflict of Interest Forms by verbal attestation.

2. Discussion of Agenda

No changes were made to the agenda.

2a. Approval of Meeting Agenda

Motion made by **Erik Freeman** and seconded by **Reyna Gutierrez** to approve the meeting agenda as presented. Motion carried.

3. Approval of Meeting Minutes for July 8, 2020 as amended

Motion made by **Dania Luna** and seconded by **Erik Freeman** to approve the meeting minutes of, July 8, 2020, as amended. Motion carried.

DISCUSSION/ACTION AGENDA

4. Discussion/Action to approve revisions to the Adult and Dislocated Worker Eligibility Criteria and Priority of Services Policy

ICWED Director, Priscilla Lopez, introduced the item and provided an overview of the policy. The Eligibility Criteria Policy and the Priority of Services Policy were already active separate policies. Per direction given by the One Stop Policy Oversight Committee, the two policies have been combined into one policy, as information in both original policies pertains to each other. There are no changes to the language or additions to the criteria in either one.

A motion was made by **Erik Freeman** and seconded by **Dania Luna** to approve revisions to the Adult and Dislocated Worker Eligibility Criteria and Priority of Services Policy. Motion carried.



5. Discussion/Action to approve the Work Related Injury Policy

ICWED Director, Priscilla Lopez, introduced the item and provided an overview of the policy. Work experience clients, on-the-job training clients or anybody enrolled in any ICWDO programs are covered under worker's compensation through the ICWDO. This policy outlines the protocol to follow when a work related injury occurs.

Efrain Silva asked how this information is provided to a client so they know what to do in case of work injury. Priscilla Lopez responded employers are the ones that need to provide the information on the security measures. Efrain Silva added that there are forms that IVC uses when a work injury occurs. Mr. Silva will share the forms with ICWDB staff, so they could implement a similar protocol. Priscilla Lopez added that a list of doctors that handle workers' compensation will be created for clients. Dania Luna mentioned they provide a form to the employee when there is a work related injury stating the State is going to cover care.

A motion was made by **Dania Luna** and seconded by **Erik Freeman** to approve the Work Related Injure Policy. Motion carried.

INFORMATIONAL AGENDA

Public Comment

Dania Luna- EDD has been seeing a huge increase in fraud relating to unemployment benefits.

6. ICWDO Director's Report-

Priscilla Lopez announced the creation of a Small Business COVID-19 Layoff Aversion Grant. This grant allows businesses to purchase PPE, as well as other items, in order to mitigate layoffs. The application is available online.

Erik Freeman asked how many restaurants in the Imperial Valley are expected to close. Priscilla responded that big restaurants are experiencing some difficulties but some local restaurants are doing well because changes were made to their business model and were creatives with changing their menus to cater family meals. Efrain Silva added that he spoke with the Chambers of Commerce regarding the percentage of businesses that were closing and, at the time, there was five businesses closing. Dania Luna shared the EDD Ag. Unit is working in procuring money for PPE to provide to farmworkers.



7. Committee Member's Report

None.

MEETING ADJOURNMENT

8. Meeting Adjournment

Meeting adjourned at 12:42 p.m.

A motion was made by **Erik Freeman** and seconded by **Dania Luna** to adjourn the meeting. Motion carried.

Next meeting: Wednesday, November 11, 2020, at 12:00 p.m.



IMPERIAL COUNTY WORKFORCE DEVELOPMENT BOARD

2799 S. Fourth Street - El Centro, CA 92243 - Tel: (442) 265-4974 - Fax: (760) 337-5005

POLICY	ORIGINAL DATE	LAST REVISION
WIOA Adult and Dislocated Worker Eligibility Criteria and Priority of Service Policy	FISCAL YEAR 2012-2013	September 16, 2020

POLICY OVERVIEW:

The purpose of this policy is to provide guidance and criteria to be used by the Imperial County Workforce Development Board (ICWDB), the Imperial County Workforce and Economic Development Office (ICWED) and America's Job Center of California (AJCC) staff in the application of Adult and Dislocated Worker Eligibility Criteria and Priority of Service served with Workforce Innovation and Opportunity Act (WIOA) Title I funds.

REFERENCES:

- WIOA (Public Law 113-128) Sections 3 and 134
- Title 20 Code of Federal Regulations (CFR) "WIOA, Notice of Proposed Rule Making" (NPRM), Sections 680.150, 680.600, 680.610, and 680.650
- Training and Employment Guidance Letter (TEGL) 06-14, Program Year 2013/Fiscal Year 2014 Data Validation and Performance Reporting Requirements and Associated Timelines
- TEGL 03-15, Guidance on Services Provided through the Adult and Dislocated under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services (July 1, 2015)
- Workforce Services Directive WSD08-10, Subject: Final Rule on Priority of Services for Veterans and Eligible Spouses (June 29, 2009)
- WIOA Final Rule 20 CFR Part 678.430

BACKGROUND:

WIOA Final Rule 20 CFT Part 680.110 provides that individuals are considered participants when they have received a Workforce Innovation and Opportunity Act (WIOA) services other than self-service or information-only activities and have satisfied on applicable programmatic requirements for the provision of services, such as eligibility and determination.

The Workforce Investment Act (WIA) established that priority of services would be provided to recipients of public assistance and other low-income individuals for intensive service and training services. The WIOA made several changes to the priority of service requirement by adding individuals who are basic skills deficient as a priority population, changing intensive services to career individualized services, and *removing the provision stating priority of service is only applied if funding is limited.*

Veterans and eligible spouses continue to receive priority of service for all DOL funded programs amongst all participants. These requirements were not affected by the passage of the WIOA and must still be applied in accordance with guidance previously issued by the DOL and Workforce Services Directive WSD08-10.

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DEFINITIONS:

For purposes of this directive, the following definitions apply:

Basic Skills Deficient – An individual that 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 (WIOA Section 3[5]). **Criteria used to determine whether an individual is basic skills deficient includes the following:**

- Lacks a high school diploma or high school equivalency and is not enrolled in postsecondary education. Enrolled in a Title II Adult Education/Literacy program.
- English, reading, writing, or computing skills at an 8.9 or below grade level. Determined to be Limited English Skills proficient through staff-documented observations.

Public Assistance Recipient – An individual that receives federal, state, or local government *cash* payments for which eligibility is determined by a needs or income test (WIOA Section 3[50]).

Self-sufficiency – The ability of an individual to earn a livable wage, in order to afford their family's basic expenses, without public or private assistance. Under WIOA, this amount must always be equal to or higher from previous employment.

Low-Income – An individual that meets one of the four criteria below:

1. Receives, or in the past six months has received, or is a member of a family that is receiving, or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance For Needy Families (TANF), program supplemental security income program, or state or local income-based public assistance.
2. In a family with total family income that does not exceed the higher of the following: a) the poverty line. b) 70 percent of the Lower Living Standard Income Level.
3. A homeless individual.
4. An individual with a disability whose own income does not exceed the income requirement, but is a member of a family whose total income does. (Reference WIOA Section 3[36])

Self-Attestation – When a participant states his or her status for a particular data element, such as low income, and then signs and dates a form acknowledging this status. The key elements for self-attestation are (1) the participant identifying his or her status for permitted elements, and (2) signing and dating a form attesting to this self-identification. (TEGL 06-14, Attachment A).

*Note that self-attestation is not to be used as the primary method of gathering documentation to verify data elements. Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third party corroboration are not available.

Case Notes – Paper or electronic statements by the case manager that identifies, at a minimum, (1) a participant's status for a specific data element, (2) the date on which the information was obtained, and (3) the case manager who obtained the information. If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of information verified.

Example:

A case manager verifies an individual is basic skills deficient by viewing school records, specifically, enrollment in a Title II Adult Education/Literacy program. The case notes must include auditable information, such as the name of the school and the date of enrollment, which could allow an auditor/monitor to later retrieve this information.

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POLICY AND PROCEDURES:

Career and Training Services

Under WIOA, core and intensive services are considered “career services.” The career services category includes basic career services, found at WIOA Section 134(c)(2)(A)(i)-(xi), and individualized career services, found at WIOA Section 134(c)(2)(A)(xii). *Basic career services are not subject to the priority of service requirement.* However, individualized career services and training services are subject to the requirement (Title 20 CFR NPRM Section 680.150). Follow up services are included in career services and can only be provided after exiting the program.

All basic career services must be made available to all individuals seeking services offered by the America’s Job Centers of California (AJCC) one stop delivery system. **If its determined that additional services are needed in order for an individual to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, individual career services or training services, as described in WIOA section 134(c)(2)(A)(xii) and WIOA Final Rule 20 CFR Part 678.430(b), may be made available to employed and unemployed individuals. Provision of these services will require prior determination of eligibility.**

Adults and Dislocated workers who receive services funded under WIOA Title I, other than basic services (self-service or information-only activities), must be registered and must be a participant. Registrations is the process for collecting information to support a deamination of eligibility. It is also the point at which performance accountability information begins to be collected. For an individual to be register into a WIOA program, the following must occur:

- 1. The individual must complete the application/eligibility determination process;**
- 2. The individual must provide the documentation required to substantiate his/her eligibility; and**
- 3. Appropriate activity code or the individual is entered into CALJOBS system.**

For adults and dislocated worker, registration occurs the first day in which the individual actually begins receiving staff-assisted basic, career or training services or subsidized employment.

Basic Career Services

Basic Career Services include the following:

- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs.
- 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 one-stop delivery system.
- Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs.
- Labor exchange services, including the following:
 - Job search and placement assistance, and, when needed by an individual, career counseling, including the following:
 - Provision of information on in-demand industry sectors and occupations [as defined in WIOA Section 3(23)].
 - Provision of information on nontraditional employment [as defined in WIOA Section 3(37) of].
- Provision of referrals to and coordination of activities with other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs.

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- Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including the following:
 - Job vacancy listings in labor market areas.
 - Information on job skills necessary to obtain the vacant jobs listed.
 - Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs.
- Provision of performance information and program cost information on eligible providers of training services by program and type of providers.
- Provision of information about how Imperial County is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system.
- Provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including (1) child care, (2) child support, (3) medical or child health assistance available through the state's Medicaid program and Children's Health Insurance Program, (4) benefits under the SNAP, (5) assistance through the earned income tax credit, (6) housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development, (7) and assistance under a state TANF program, and other supportive services and transportation provided through that program.
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.
- Provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals seeking assistance in filing a claim:
 - Meaningful assistance means providing assistance as follows:
 - On-site using staff who are properly trained in UI claims, filing, and/or the acceptance of information necessary to file a claim (note that, staff providing UI assistance may be UI, Wagner-Peyser, or other America's Job Center of CaliforniaSM (AJCC) partner staff members who have been properly trained to provide this type of assistance and service. Note that, questions, advice, or decisions that could affect a claimant's eligibility should only be handled by UI program staff).
 - By phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.
 - The costs associated in providing meaningful assistance may be paid for by the state's UI program, the WIOA adult or dislocated worker programs, the Wagner-Peyser Employment Service, or some combination thereof these funding sources.

Individualized Career Services

Individualized career services consist of the following:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include the following:
 - Diagnostic testing and use of other assessment tools.
 - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- Development of an individual employment plan, 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.
- Group and/or individual counseling and mentoring.

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- Career planning (e.g. case management).
- 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.
- Internships and work experiences that are linked to careers.
- 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.
- Financial literacy services.
- Out-of-area job search assistance and relocation assistance.
- English language acquisition and integrated education and training programs.

Training Services

Training services consist of the following:

- Occupational skills training, including training for nontraditional employment.
- On-the-job training.
- Incumbent worker training.
- Programs that combine workplace training with related instruction, which may include cooperative education programs.
- Training programs operated by the private sector.
- Skill upgrading and retraining.
- Entrepreneurial training.
- Transitional jobs.
- Job readiness training provided in combination with another training service.
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service.
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Eligibility Requirements

Eligibility requirements to receive career services in the adult and dislocated worker programs are summarize below:

Adult program Eligibility

1. 18 years or older
2. U.S. work authorization
3. Selective services registrations, if male applicant
4. Adults who are:
 - a. Unemployed
 - b. Determined to need individualized career services or training services to obtain employments
5. Adults who are:
 - a. Employed
 - b. Determined to need individual career services or training to obtain or retain employment that lead to self-sufficiency
6. Priority of services Status

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- a. This is established at the time of eligibility determination for WIOA Title I adult registrants and does not change during the period of participation.

Dislocated Worker Program Eligibility

1. U.S. work authorization
2. Selective Services Registration, if male applicant
3. Priority of Services Status determination is not required for Dislocated Worker
4. Eligibility or service income test is not required for DV eligibility for services
5. Client meets the definition of "dislocated worker" under WIOA section 3(15)

The following methods for determining eligibility for the Dislocated Worker program. An individual only needs to be determined eligible using one of the following methods.

General Dislocation:

The participant:

- (a) has been terminated or laid off, or has received a notice of termination or layoff, from employment; **AND**
- (b) is eligible for or has exhausted entitlement to unemployment compensation: **OR** has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earning or having performed services for an employer that was not covered under a state unemployment compensation law; **AND**
- (c) is unlikely to return to a previous industry or occupation.

Sufficient attachment to the workforce is defined as unsubsidized employment with the same employer for 13 consecutive weeks within the last 52 weeks.

Dislocation from Facility Closure/Substantial Layoff/Mass Layoff:

The individual meets one of the following:

- a. The individual has been terminated or laid off, or has receive 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

A "substantial layoff" is defiant as (a) one conducted by a company which has or is in the process of laying off at least one third of its local workforce or at least 50 employees, **OR** (b) one for which a Worker Adjustment and Retraining Notification (WARN) has been issued within the 12 months preceding the layoff.

- b. The individual is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days

A "general announcement" is defined as any announcement that can be documented. Documentation of a general announcement may include a written notice from the employer, a newspaper article or self-attestation.

- c. The individual is employed at a facility at which the employer has made a general announcement that such facility will close in more than 180 day or will close with no date given. In this case, the individual may receive only basic career services until they receive a specific date of termination for the employer or until the closure is schedule to occur within 180 days.

Note: If an individual has received **written** notice from the employer of an anticipated layoff

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date, even if that date is more than 180 days in the future or is subject to change, they are eligible for the full range of WIOA services (i.e., basic and individualized career services, training services, and supportive services).

Self-employed Dislocation:

The individual was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

“General economic conditions” are defined as any economic conditions that that can be documented and may include, among other condition, self-employment which has local demand or has been declining or the local economy is declining.

Dislocated/Separating Military Service Members

A non-retiree military service member who was discharged or released from service under other than dishonorable discharge or has received a notice of military separation.

Per 20 CFR 680.660, separating military service members automatically qualify as unlikely to return to a previous industry or occupation and as eligible for or exhausted entitlement to Unemployment Insurance. Designated timeframe in which transitioning service members may begin receiving services is 180 days prior to planned separation.

Spouses of Military Service Members:

The individual:

- (a) is the spouse of a member of the Armed Forces of active duty (as defined in section 101(d)(1) of title 10, United States Code) and who has experience a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member ; **OR**
- (b) is a spouse of a member of the Armed Forces on active duty and is unemployed or under employed and is experiencing difficulty in obtaining or upgrading employment.

Displaced Homemaker:

The individual is a displaced homemaker. The “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who:

- (a) has been dependent on the income of another family member but is no longer supported by that income; **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 Unites stated Code), and whose family income is significantly reduced because of a deployment (as defined in section 991(b) 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, Untied States Code) death or disability of the member; **AND**
- (b) is unemployed or under employed and is experiencing difficulty in obtaining or upgrading employment

Dislocated Worker Grant:

Individual does not meet criteria outlined for Dislocated Worker in the categories above, but is an individual that meets DWG eligibility outlined under WIOA Title ID National Programs, Sec. 170 National Dislocated Worker grants, relating to Sec 170(b)(1)(A) workers affected by major economic dislocations OR Sec 170(b)(1)(B) workers affected by an emergency or major disaster.

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Self-sufficiency:

The individual is an eligible dislocated worker (meets the general WIOA eligibility criteria and one of the criteria listed above) who, since dislocation and prior to application, has not been employed in a job that paid a wage defined by the local board as:

- (a) a self-sufficient dislocated worker wage; or,
- (b) leading to self-sufficient; or
- (c) providing more than stop gap employment

** For specific documentation examples, which can be used to provide of evidence, see the Dislocated Worker Eligibility Documentation Chart below.*

WIOA program service provider staff may enroll employed adults and dislocated workers when:

1. An applicant’s current wage/income does not provide self-sufficiency.
2. It is determined that WIOA services may assist the applicant in obtaining/progressing to a self-sufficient wage;
3. An individual is working part time but desires full time employment, or who is working in employment not commensurate with the individual’s demonstrated level of educations and/or skill achievement (underemployed). This also includes individuals who fall below the dislocated worker self-sufficiency threshold.

Imperial County has adopted a self-sufficiency model that is to be utilized in determining eligibility for WIOA Adult and Dislocated worker customers in need of services. Self-sufficiency is based on 200% of the Lower Living Standard Income Level (LLSIL)

- Household Salary for 200% of the LLSIL is as follow:

Family Size	6 Month	Annual
1	\$16,132	\$32,264
2	\$26,440	\$52,879
3	\$54,449	\$108,897
4	\$89,618	\$179,236
5	\$132,198	\$264,395
6	\$185,505	\$371,070
Each Additional Family Member	\$8,969	\$17,938

Please note: Required updates to the LLSIL chart will be done annually and automatically to reflect the adjusted LLSIL guidelines published by the Secretary of Labor and the Poverty guidelines published by the United States Department of Health and Human Services (HHS).

Priority of Service Requirement

As stated in the WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

*Priority of service status is established at the time of eligibility determination and does not change during the period of participation. **Priority does not apply to the dislocated worker population.***

Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E).

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As described in TEGl 10-09, when programs are statutorily required to provide priority, such as the WIOA adult program, then priority must be provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient;
2. Individuals who are the recipient of public assistance, other low income individuals, or individuals who are basic skills deficient;
3. Veterans and eligible spouses who are not included in WIOA's priority groups;
4. Other individuals not included in WIOA's priority groups:
 - Individual included in this group are older worker (55 and older), former foster youth, the disabled, school dropouts and offenders who are not economically disadvantaged (i.e. not recipients of public assistance or not low income individuals) [Reference – TEGl 3-15 Guidance on Services Provided through the Adult and Dislocated under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services];
5. Underemployed workers who do not fall under numbers 1 to 4 and are in need of WIOA individualized services.

Individuals who are underemployed may include, but are not limited to:

- a. Individuals whose family income does not exceed the self-sufficiency guidelines.
- b. Individuals employed less than full-time who are seeking full-time employment;
- c. Individuals who are employed in a position that is inadequate with the respect to their skills and training;
- d. Individuals who are employed who meet the definition of a low-income individual in WIOA Section 3(36):
- e. Individuals who are employed, but their current job's earnings are not sufficient compared to their previous earnings from their previous employment.

*Please note Individuals who are determined by the state and/or local policies to be underemployed, may be still be considered eligible to receive adult or dislocated worker services. For instance, an individual that is dislocated from a full-time job, who has found part-time employment, may still be considered a dislocated worker.

MONITORING

ICWED is responsible for ensuring oversight of the WIOA Title I funded programs. Monitoring shall take place by means of on-site visits to America's Job Center of California and contracted Service Providers. Site visits shall be performed at a minimum once a year to ensure that adherence to WIOA laws, regulations and policies are adhered.

Documentation

AJCC's shall use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA:

GENERAL ELIGIBILITY DOCUMENTATION	
Eligibility Criteria (Verify each eligibility criterion)	Acceptable Documentation (One documentation per eligibility criterion is required. Only the documentation sources listed below may be used.)
1. Birth Date/Age	<ul style="list-style-type: none"> • Baptismal record • Birth Certificate

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	<ul style="list-style-type: none"> • Form DD-214 "Report of Separation" • Driver's License • Federal, state or local government issued identification card • Hospital record of birth • Passport • Public assistance/social services record • School records or identification card • Work permit • Cross match with Department of Public Health vital records • Tribal records
<p>2. U.S. Work Authorization</p> <p>Note: For the list of acceptable verification documents included in the Form I-9, go to www.uscis.gov</p>	<ul style="list-style-type: none"> • Verification document(s) that satisfy List A of the Form I-9 • Verification document(s) that satisfy List B and C of the Form I-9
<p>3. Selective Services Registration</p>	<ul style="list-style-type: none"> • Selective Service acknowledgement letter • Form DD-214 "Report of Separation" • Screen printout of the Selective Service verification internet site: www.sss.gov/RegVer/wfVerification.aspx • Selective Service registration card • Selective Service verification form • Stamped post office receipt of registration • Selective Services status information letter • Evidence presented by an individual that his failure to register with the Selective Services was not knowing and willful (e.g., a written explanation accompanied by supporting documentation such as a third party affidavit or self-attestation)

DISLOCATED WORKER DOCUMENTATION	
Eligibility Criteria (Verify each eligibility criterion)	Acceptable Documentation (One documentation per eligibility criterion is required.)
<p>1.</p> <p>(A) Has been terminated or laid off, or who has received a notice of termination or lay off from employment:</p> <p>AND</p>	<p>(A)</p> <ul style="list-style-type: none"> • Worker Adjustment and Retraining Notification Act (WARN) notice • Photocopy of a printed media article or announcement describing the layoff. The photocopy must include the name of the medium in which published and the date of publication

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<p>(B)</p> <p>(a) Is eligible for or has exhausted entitlement to unemployment compensation;</p> <p>OR</p> <p>(b) Has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law:</p> <p>AND</p> <p>(C) Is unlikely to return to a previous industry or occupation,</p>	<ul style="list-style-type: none"> • Employer or union representative letter or statement • DE 8406 Personalized Job Search Assistance (PJSA) appointment notice form • DE 8530 Reemployment Eligibility Assistance (REA) letter • DE1106/Z Appointment notice of referral to an Initial Assistance Workshop (IAW) • Screen print of IAW schedule • Reemployment plan generated from IAW • Invitation letter to Self-Employment Assistance (SEA) orientation • Screen print of SEA schedule • Self-attestation <p>(B)(a)</p> <ul style="list-style-type: none"> • Statement by an Unemployment Insurance (UI) representative • UI records, including the DE 1180PH Claim Status and History form, DE 4581 Continued Claim Paper form, DE 8406 PHSA appointment notice form, DE 8530 REA letter, and Employment Development Department (EDD) Web-CertSM printout • DE 1106/Z Appointment notice of referral to an IAW • Screen print of IA schedule • Reemployment plan generated from IAW • Invitation letter to SEA orientation • Screen print o SEA schedule <p>(B)(b)</p> <ul style="list-style-type: none"> • Pay check stubs • W-2 and/or tax returns • UI records, including DE 429Z Notice of UI Award and DE 4581 Continued Claim Paper form • Statement by the employer or union representative • Statement by a UI representative • Self-attestation <p>(C)</p> <ul style="list-style-type: none"> • DE 1106/Z Appointment notice of referral to an IAW • Screen print of IAW schedule
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	<ul style="list-style-type: none"> • Reemployment plan generated from IAW • Invitation letter to SEA orientation • Screen print of SEA schedule • DE 8406 PJSA appointment notice form <p>Note: If one of the above is not available, documented telephone verification from the EDD field office will suffice.</p> <ul style="list-style-type: none"> • Internet site, such as CalJOBS that indicates lack of industry/occupation availability • Screen print of Labor Market Information Division screens that indicates lack of industry/occupation availability • Doctor statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Vocational rehabilitation counselor's statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Employment Specialist's determination • Self-attestation
<p>2. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of a permanent closure of, or any substantial layoff, a plant, facility or enterprise.</p> <p>Note: In the case of downsizing or workforce reduction when it is unclear which employees will be affected, a layoff notice is appropriate.</p>	<p><u>Closure or substantial layoff:</u></p> <ul style="list-style-type: none"> • Bankruptcy documents, if declared under <i>Chapter 7</i>, Title II U.S.C. Notice of foreclosure or similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of it issuance • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Statement from the employer or union representative • Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual • WARN notice • Telephone verification • Self-attestation <p><u>Notice of Layoff or Laid Off:</u></p> <ul style="list-style-type: none"> • WARN notice • Copy of other specific notice to employee of intent to layoff • UI for 501 (Separation Statement), when completed on both sides and signed by an employer representative • Employer or union representative letter or statement • Telephone verification • Self-attestation

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<p>3. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days</p> <p>OR</p> <p>For Purposes of eligibility to receive services other than training services described in section 134(c)(3), intensive services described 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.</p>	<ul style="list-style-type: none"> • Bankruptcy documents, if delay under Chapter 7, Title 11, U.S.C. • Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure/mass layoff; the copy must include the name of medium in which published and the date of publication • Copy of a printed media article/announcement describing the closure or mass layoff; the copy must include the name of the medium in which published and the date of publication. • Statement from the employer or union representative • Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual
<p>4. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.</p>	<ul style="list-style-type: none"> • Bankruptcy documents listing both the name of the business and the applicant's name • Business License • Copy of a completed federal income tax return (schedule SE) for the most recent tax year • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Copy of articles of incorporation for the business listing the applicant as a principal • Self-attestation
<p>5. Is a displaced homemaker</p>	<ul style="list-style-type: none"> • Public assistance records • Court records • Divorce papers • Bank records • Spouse's member's layoff notice • Spouse's death record • Notice of deployment, call or order to active duty to change of station • Pay stubs, tax returns, other documents to verify decrease in income • Self-attestation
<p>6. Is the spouse of a member of the Armed Forces on active duty (as</p>	<ul style="list-style-type: none"> • Marriage license or income tax return: and • Notice of deployment, call order to active duty or change of

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<p>defined in section 101(d)(1) of title 10, United States Code) and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change of duty station of such member</p> <p>OR</p> <p>Is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment</p>	<p>station: or</p> <ul style="list-style-type: none"> • Self-attestation to substantiated loss of employment as a direct result of relocation or member of the Armed Forces; or • Self-attestation to substantiate unemployment or underemployment
<p>7. Is an eligible dislocated worker (meets the WIOA Title I general eligibility criteria and one of the method listed above) who, since dislocation and prior application, has not been employed in a job that paid a wage that is:</p> <p>(a) A self-sufficient dislocated worker wage;</p> <p>(b) Leading to self-sufficiency; or</p> <p>(c) Providing more than a stopgap employment.</p>	<ul style="list-style-type: none"> • Acceptable documentation from one of the five dislocated worker eligibility criteria above <p>AND</p> <ul style="list-style-type: none"> • Pay stubs • Bank statements (direct deposit) • Employer statement/contact • Family or business financial records • Tax documents • Self-attestation

PRIORITY OF SERVICE	
Priority of Service Criteria	Acceptable Documentation (Only the documentation sources listed below may be used.)
1. Recipient of Public Assistance	<ul style="list-style-type: none"> • Cross-match with public assistance database • Copy of authorization to receive cash public assistance • Copy of public assistance check • Medical card showing cash grant status • Public assistance records • Refugee assistance records

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<p>2. Low Income</p>	<ul style="list-style-type: none"> • Alimony agreement • Award letter from veteran’s administration • Bank statements • Compensation award letter • Court award letter • Pension statement • Employer statement/contact • Family or business financial records • Housing authority verification • Pay stubs • Public assistance records • Quarterly estimated tax for self-employed persons • Social Security benefits • Unemployment Insurance documents • Self-attestation
<p>3. Basic Skills Deficient</p>	<ul style="list-style-type: none"> • School Records • A referral or records from a Title II Basic Adult Education program or English Language Learner program • Results of academic assessment • Case notes • Self-Attestation

ACTION

Please bring this policy to the attention of ICWED, AJCC system staff and appropriate WIOA funded service providers and sub-recipients. This policy is effective immediately. All submitted forms are live documents and subject to change according to local, State, and Federal needs. Once the forms and exhibits pertaining to this policy are approved by the ICWDB, they will not require board approval if other changes occur, unless the change affects protocols. Should you have any questions, please feel free to contact ICWDB staff at (442) 265-4974, (442) 265-4959 or the Program and Compliance Manager (442) 265-4963.