

WORKFORCE INVESTMENT ACT (WIA) PARTICIPANT ELIGIBILITY

State Technical Assistance Guide (STAG) 01-03

**New Mexico Department of Labor
Job Training Division**

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**Prepared For:
State of New Mexico
Local Workforce Development Boards that
deliver Workforce Investment Act (WIA) Programs**

**Participant Eligibility
State Technical
Assistance Guide**

**Submitted by:
New Mexico Department of Labor
Job Training Division**

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PART I

OVERVIEW

INTRODUCTION

This State Technical Assistance Guide (STAG) is to consolidate the Federal and State description of eligibility criteria for WIA participants. Included is guidance for establishing participant eligibility and verification guides when enrolling adults, dislocated workers and youth into core, intensive and training services as appropriate.

PURPOSE OF THE STATE TECHNICAL ASSISTANCE GUIDE

One-Stop Center and Youth Provider Staff must determine the eligibility of potential WIA participants as part of the registration and enrollment process. The WIA Title I provides for services to adults and dislocated workers at three service levels (core, intensive and training services) and for youth with differing criteria for eligibility. This STAG conveys eligibility criteria for services and acceptable verification documentation.

OVERVIEW OF SERVICES

WIA Services for Adults and Dislocated Workers are labeled core, intensive, and training services. Refer to the STAG on the topic of “One-Stop Delivery System” for a description of Adult and Dislocated Worker activities.

WIA Services for Youth are not labeled in this manner. Eligible youth age 18 and over may receive training services as an adult. Refer to STAG which describes “Youth Services System” for a description of Youth activities.

Core Services are universally available to all adults and dislocated workers and youth ages 14-21 through the One Stop Centers or Service Providers contracted by local boards. All persons will have access to core employment-related information and self service tools without restrictions or additional eligibility requirements. Core services are described in the STAG on the topic of “One-Stop Delivery System.”

Intensive Services may be provided to adults and dislocated workers who are unemployed, have received at least one core service and are unable to obtain employment through core services, and are determined by a One-Stop operator

to be in need of more intensive services to obtain employment; and to adults and dislocated workers who are employed, have received at least one core service, and are determined by a One-Stop operator to be in need of intensive services to obtain or retain employment that leads to self-sufficiency, as determined by the State or local boards. Intensive services are described in STAG on “One-Stop Delivery System.”

Training Services may be made available to employed and unemployed adults and dislocated workers who have met the eligibility requirements for intensive services, have received at least one intensive service, and have been determined to be unable to obtain or retain employment through such services. Priority of services for those provided under the adult funding stream is the same as under intensive services. Training services are described in STAG on “One-Stop Delivery System.”

PART II

ELIGIBILITY CRITERIA

Adult Eligibility Criteria – To be eligible for adult services under Title I of the WIA, an individual must meet all of the first four following criteria and also the fourth criterion if required.

- (1) Be 18 years of age or older;
- (2) Have a Social Security number;
- (3) Comply with the Selective Service registration requirements;
- (4) Comply with citizenship and eligibility to work requirements; **and**
- (5) Meet the “low income”/economically disadvantaged criteria if that is required by the local board for prioritization of services.

Dislocated Worker Eligibility Criteria – To be an eligible dislocated worker under Title I of WIA, an individual must meet the first four requirements listed above for eligible adult, and meet any one of the four following dislocated worker eligibility criteria:

- (1) (a) Has been terminated or laid off, or have 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, to the appropriate entity at a one-stop center referred to in section 134(c), 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**
(c) is unlikely to return to a previous industry or occupation;
- (2) (a) Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at a plant, facility or enterprise; **or**
(b) is employed at a facility where the employer has made a general announcement that such facility will close within 180 days, **or**
(c) for purposes of eligibility to receive services other than training services described in section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that the facility will close;
- (3) 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 individuals resides or because of natural disasters;

(4) Is a displaced homemaker.

Note: eligibility for Dislocated Worker is not limited to mass layoffs but may include layoffs of small groups of workers or even a single individual.

The definition for a “Dislocated Worker” applies to persons who are terminated through no fault of their own. An individual who has been fired does not meet the dislocated worker criteria. See the Definitions section for clarification of certain terms/definitions for dislocated workers: “Self-employed,” “Economic Conditions,” “Facility or Operating Unit,” “General (Public) Announcement,” and “Natural Disasters.”

Other factors in determining eligibility for dislocated workers: dislocated workers do not include workers who are likely to remain with the layoff employer, or who are likely to retire and leave the labor market. However, a worker who is eligible for retirement benefits due to tenure with an employer but who will remain in the labor force may be eligible. Additionally, a determination as to whether a worker is likely to be recalled shall be based on the most current information available at the time of layoff or closure notification.

Income Eligibility for Self-Sufficiency Wage Determination

There are two categories of adults and dislocated workers who may receive intensive services:

- (1) Adults and dislocated workers who are unemployed, have received at least one core service and are unable to obtain employment through core services, and are determined by a One-Stop operator to be in need of more intensive services to obtain employment; and
- (2) Adults and dislocated workers who are employed, have received at least one core service, and are determined by a One-Stop operator to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

At a minimum, self-sufficiency means employment that pays at least 100% of the lower living standard income level (LLSIL). Self-sufficiency for a dislocated worker may be defined in relation to a percentage of the layoff wage. The special needs of individuals with disabilities or other barriers to employment should be taken into account when setting criteria to determine self-sufficiency. State and local boards are authorized to set additional criteria for determining whether employment leads to self-sufficiency. Local areas may provide a definition that is consistent with the poverty level in the local area where provided for in the State or local plan.

Income Eligibility for Adults when the Local Area has a Prioritization of Services Policy

Local boards may establish criteria for prioritization of services. These criteria are to be specified in the local plan and policies. See the section above related to prioritization of services.

Youth Eligibility Criteria – An eligible youth under Title I of WIA, is an individual who is:

- (1) Not less than age 14 and not more than age 21 at the time of enrollment;
and
- (2) Has a Social Security number; **and**
- (3) A low-income individual as defined in the Definitions section; **and**
- (3) In compliance with Selective Service Registration requirements; **and**
- (4) In compliance with citizenship and eligibility to work requirements; **and**
- (5) An individual who is one or more of the following:
 - i. deficient in basic literacy skills,
 - ii a school dropout,
 - iii homeless, a runaway, or a foster child,
 - iv pregnant or a parent,
 - v an offender, **or**
 - vi an individual, including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment, as defined by the Local Workforce Development Board.

Income Eligibility for Youth

Youth other than those enrolled under the 5% exemption must be low income individuals. WIA defines the term “Low Income Individual” as one who qualifies under various criteria, including an individual who received income for a six-month period (annualized) that does not exceed the higher of the Health and Human Services poverty line or 70 percent of the Lower Living Standard Income Level (LLSIL) . The USDOL annually (generally in May) determines the Lower Living Standard Income Level and the Health and Human Services (HHS) poverty guidelines are also determined annually (generally in February). Poverty guidelines are higher than the LLSIL for a family of one while the 70% LLSIL is higher than the poverty guidelines for families greater than one. The LLSIL can be accessed at <http://wdsc.doleta.gov/llsil/> and the poverty guidelines can be accessed at <http://aspe.hhs.gov/poverty/>

5% Youth Income Exception: Up to 5% of youth may be individuals who do not meet the economic eligibility requirements if the youths meet at least one of the eight criteria applied to the 5% exception. The 5%

exception must be included in the State and Local Plans and be specified in any Service Provider contracts. The 5% exception may be applied if such individuals are within one or more of the following categories:

- i. individuals who are school dropouts,
- ii. individuals who are basic skills deficient,
- iii. individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals,
- iv. individuals who are pregnant or parenting,
- v. individuals with disabilities, including learning disabilities,
- vi. individuals who are homeless or runaway youth,
- vii. individuals who are offenders, **or**
- viii. other eligible youth who face serious barriers to employment as identified by the local board.

PART III

APPLICATION, REGISTRATION AND ELIGIBILITY DETERMINATION

INTRODUCTION

All applicants for One-Stop Center intensive and/or training services must be registered. For other than core services (self-service or informational activities such as self-directed job search,) applicants for WIA Title I intensive or training services must complete an application for such services and be determined eligible. Registration information may be collected using any of the following methods: electronic registration and data transfer, personal interview, or individual application. Because of eligibility verification requirements for intensive and training services, application must be by individual application and personal interview. All local areas and their One Stop operators/partners and service providers shall adhere to the eligibility requirements specified in this guide including the applicable definitions in enrolling eligible individuals into intensive and training services.

All eligibility verification information required for each program and activity other than core services must be obtained and maintained in each applicant and participant file by the One-Stop operator/partner or service provider. Local policy may require additional documentation for such things as barriers to employment, characteristics, priority, etc. Minimal documentation required includes at least one form of acceptable documentation for each eligibility criteria. Eligibility Verification Checklists (Exhibits 1-7) are provided as guidance for the required eligibility verification documents.

Enrollment into WIA funded activities must occur within 45 days of eligibility determination at the intensive level, otherwise a new or updated application is required.

An individual with a disability who is ineligible due to family income criteria shall have income eligibility re-determined identifying the person as a family of one consistent with the definition of “Individual with a Disability” contained in the Definitions section.

Prioritization of Services

Consistent with provisions in the Act, Federal Regulations, the State and local plans, services to non-economically disadvantaged individuals, as identified in the Definitions section may be provided.

Core services will be universally available to all adults and dislocated workers regardless of residency. Section 134 of the Act states that in the event funds allocated to a local area for adult employment and training activities are limited, priority must be given to recipients of public assistance and other low-income individuals for intensive and training services. Residency may also be included as a prioritization factor. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority. Prioritization of services is for the adult funding stream and does NOT apply to dislocated workers.

Prioritization determination shall be submitted as part of the Local Workforce Plan or in Plan modifications, as appropriate, and shall demonstrate that the Local Workforce Board considered the following criteria as per the Act:

- (1) Availability of funds other than Title I adult funds;
- (2) Employment and training needs of specific groups target for service by the local board; and
- (3) Any other factors used by the local board in making the determination.

Citizenship Immigration and Naturalization Services Requirements

Participation in programs and activities financially assisted by WIA “shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United States.” Citizens and nationals must prove citizenship with documentation of place of birth or citizenship status. Permanent Resident and Temporary Resident Aliens must prove legal resident status with an alien registration receipt card issued by the Immigration and Naturalization Service. This card is a photo ID. (IDs issued prior to July 1, 1997, will be a Form I-151 [green card]. Subsequent IDs will be Form I-551 [white card]). All permanent resident aliens are “authorized to work.” Lawfully admitted refugees, parolees, and other individuals must prove authorized employment status with an annual-departure record issued by the Immigration and Naturalization Service. If the individuals are permitted to work in the U.S., their card will be stamped “Employment Authorized.”

New Mexico Workforce Development Areas/Local Workforce Development Boards (NMWDAs/LWDBs) or other subrecipients shall assure that all WIA

participants hired to perform labor or services in return for wages or other remuneration complete a Form I-9 with their employer. Remuneration is anything of value given in exchange for labor or services rendered by an employee, including food and lodging. Employers must examine the document(s) and, if they reasonably appear on their face to be genuine and to relate to the person presenting them, the documents must be accepted. Employees must present original documents. Copies of documents are not acceptable. The only exception is that an employee may present a certified affidavit of a birth certificate.

The Form I-9 and instructions may be accessed on-line and printed out. The web page is: <http://www.ins.gov/graphics/formsfee/forms/files/i-9.pdf>

“Green Cards.” The terms *Resident Alien Card*, *Permanent Resident Card*, *Alien Registration Receipt Card*, and *Form I-551* all refer to documentation issued to an alien who has been granted permanent residence in the U.S. Once granted, this status is permanent. However, the document that an alien carries as proof of this status may expire. An expired card cannot be used to satisfy Form I-9 requirements for new employment.

Other INS Alien Registration Cards indicating Right to Work are I-151, I-94, I-688A, I-197 and I-179.

Selective Service Requirements

To receive WIA services, a male citizen of the United States, or other male legally entering the United States, born on or after January 1, 1960 and 18 to 26 years of age, is required by Section 3 of the Military Selective Service Act to be a Selective Service registrant. If applicable, a copy of an acceptable registration document must be available in the participant record. If the WIA applicant is not registered and should be on-line registration is available at <http://www4.sss.gov/regver/register1.asp>. Individuals 27 to 36 years of age born on or after January 1, 1960, should have been registered when they were 18 to 26 years of age. If not they must demonstrate that they did not knowingly and willfully fail to comply with the selective services requirements.

Selective Service Registration Procedures

- (1) Verify the registration status of birth of all males applying for WIA services.
 - i. Check the applicant’s date of birth. If the male customer was born before January 1, 1960 or has not reached age 18, the MSSA is not applicable to that individual. Indicate in the appropriate section of the WIA-1 (or SAE approved local board application form);

- ii. For all other male applicants (born after December 31, 1959 and aged 18 or above), the MSSA is applicable to that individual. This must be reflected in the application form/
- iii. The Service Provider must verify whether the customer complied with the MSSA. This may be done in any one of the following ways:
 - Inspection of the applicant's Selective Service Registration Acknowledgement Letter. Obtain a copy and maintain on file as verification for audit purposes;
 - Contacting the Selective Service via its Web page at www.sss.gov. Document the contact in the participant's file as verification for audit purposes, or by
 - Calling the Selective Service Registration Office (telephone no. 1-(847) 688-6888. Confirmation of the phone contact via notation in the participant's file should be documented. The Selective Service does not send out written verification follow-up acknowledgements to confirm telephone contacts.
 - If the applicant has registered no further action is required and if otherwise eligible may be enrolled in a WIA funded activity.

Procedures for male applicants not registered

- (1) If a male applicant has not registered the Service Provider must determine if the individual was exempt from this requirement. If he was no further registration action is necessary. The applicant must be advised that verification of registration with the Selective Service must be provided before he can be enrolled into any WIA funded activity.
 - If the applicant is not exempt from the registration requirements and has not registered, the Service Provider must then offer to assist the applicant to register. If the applicant agrees then the Service Provider should either assist the applicant to self-register via the Internet or by phone contact or go through the registration process on behalf of the applicant.
 - Determine if the male applicant knowingly and willfully failed to register with the Selective Service. The Service Provider must obtain documentation (that must be maintained in the applicant's file) attesting

that the applicant did not knowingly and willfully failed to register. Written self-attestation by the applicant should always be in addition to the documentation from the Selective Service. Examples of documentation/evidence that be provided by an applicant are contained in TEGL 8-98. Where only the applicant's self-attestation is available, a copy of such written self-attestation must be signed by the applicant and maintained in his file. When evaluating the documentation and statements provided by the applicant, Service Provider staff must consider whether the failure to register was knowing and willful.

- In the event the an applicant is denied enrollment into a WIA activity for failure to comply with the MSSA, the applicant reserves the right to appeal the decision in accordance with the local area's approved grievance and appeals procedures as required under Section 667.600 of the WIA regulations. If an applicant does not receive a decision at local level within 60 days of filing a complaint/ grievance or is dissatisfied with the decision he receives, he may request a review of the complaint/ grievance by the state. Under federal requirements the final decision regarding the applicant's eligibility for WIA based on compliance with the MSSA rests with the State. *However, it must be emphasized that a person may not be denied a right, privilege, or benefit under Federal law due to a failure to present himself for, and submit to registration under Section 3(a) of the MSSA if the requirement for the person to register has terminated or becomes inapplicable the person; and the person shows by a preponderance of the evidence that failure of the person to register was not a knowing and willful failure to register.*

Who Must Register?

Does every young man have to register when he turns 18? Almost all male U.S. citizens regardless of where they live, and male immigrant aliens residing in the U.S. are required to be registered with Selective Service if they are at least 18 years old but are not yet 26 years old. Men who are 26 years old and older are too old to register. Some requirements are listed below:

<u>Category</u>	<u>Required to Register</u>
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MILITARY RELATED

Active duty military	No*
Men attending service academies, i.e., U.S. Air Force Academy or U.S. Coast Guard Academy	No*
Men attending the Merchant Marine Academy	Yes
Male students in military officer training programs at The Citadel, North Georgia College, State University, Norwich University, Virginia Military Institute, Texas A & M University, and Virginia Polytechnic Institute and State University	No*
Members of the National Guard or Reserves not on active duty	Yes
Delayed Entry Program enlistees	Yes
Men who separate from active duty military for any reason before they turn 26	Yes*
Men rejected for enlistment for any reason before turning 26.	Yes

**Must register within 30 days of release unless already age 26, already registered when released, or exempt during entire period age 18 through 25.*

Aliens

Lawful non-immigrants on visas (e.g. diplomatic and consular personnel and families, foreign students, tourists with unexpired visas (Forms 1-94, I-95A), or those with Border Crossing Documents (Forms I-185, I-186, I-444),	No
**Permanent resident aliens	Yes
Special (seasonal) agricultural workers (Form I-688)	Yes
Special agricultural workers (Form I-688A)***.	No
Refugee, parolee, and asylee aliens	Yes
Undocumented (illegal) aliens	Yes

Note: Immigrants who did not enter the U.S. or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old were never required to register. Also, immigrants born before 1960 who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after March 29, 1975 were never required to register.

CONFINED

Incarcerated, hospitalized, institutionalized for medical reasons No*

HANDICAPPED PHYSICALLY OR MENTALLY

Able to function in public with or without assistance. Yes

Continually confined to a residence, hospital, or institution No

**Must register with 30 days of release unless already age 26, already registered when released, or exempt during period age 18 through 25.*

***Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens.*

Citizens of American Samoa are nationals and must register when their permanent address is in the U.S. This also goes for a national or citizen of the Republic of the Marshall Islands or the Federal States of Micronesia if they live in the U.S. for more than one year for any reason, except as a student or employee of the government of his homeland.

****A person who has an application for temporary residence and legally enters into the United States on a daily border pass. Once INS approves temporary residence, individual reverts to a Special (seasonal) agricultural worker and would therefore be required to register.*

PART IV

DEFINITIONS

1. **“Adult”** - Except in WIA sections 127 and 132, the term “adult” means an individual who is age 18 or older. The definition of adult in sections 127 and 132 are different and are applied to the USDOL funding formulae.
2. **“Adult Education”** - Services or instruction below the post-secondary level for individuals who have attained 16 years of age and who are not enrolled or required to be enrolled in secondary school under State law and who lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society; do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or are unable to speak, read, or write the English language.
3. **“Adult Education and Literacy Activities”** – Include workplace literacy services, family literacy services and English literacy programs.
4. **“Applicant Statement”** - An affidavit form employed as a last resort in the absence of documentation attesting to the veracity of the information provided to be signed by the applicant or a parent for a youth under the age of 18.
5. **“Barriers to Employment”** - The first seven barriers are identified in the Act and the eighth barrier must be defined in the Local Job Training Plan along with the methodology for verifying these barriers: (1) adult and youth who are school dropouts; (2) adult and youth who are basic skills deficient; (3) adult/youth with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals (behind grade level); (4) youth who are pregnant or parenting; (5) adult and youth with disabilities, including a learning disability; (6) individuals who are homeless or run-away youth; (7) adult and youth who are offenders; and (8) other barriers to employment as described in the Local Plan which may include but not limited to: public assistance recipients, substance abuse, limited English speaking ability, a criminal record, lack of necessary “social skills”, lack of transportation or child care, lack of basic work experience or work skills, and other related barriers identified in the local plan.
6. **“Basic Readjustment Services”** – Only for eligible dislocated workers which may include orientation, skills determination, pre-layoff assistance, job development/referral assistance and job search, occupational information, development of an employability plan, individual and group counseling, job placement, follow-up services, employment enhancement, etc.

7. **“Basic Skills Deficient”** – An individual who has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test.
8. **“Basic Skills Training”** – Instruction normally conducted in an institutional setting and designed to upgrade basic skills and prepare the individual for further training and future employment and to provide retention in present employment. Includes remedial reading, writing, mathematics, literacy training, study skills, English for non-English speakers, bilingual training, GED preparation (including computer-assisted competency training, school to post-secondary education transition, etc.). Basic skills training is not counted against the cost and durational limits imposed on training utilizing an ITA.
9. **“Below Grade Level”** – Educational attainment that is one or more grade levels below that appropriate to the age of the individual and derived from a generally accepted standardized test or comparable score on a criterion-referenced test.
10. **“Bona Fide Notice of Layoff or Termination”** - Any notice from an employer, received by an applicant, which indicates job termination as of a given date, past or projected. Specifically, a layoff is any suspension from any status (lasting or expected to last more than seven [7] consecutive days without pay for Employment Service [ES] purposes, and one or more days for Unemployment Insurance [UI] purposes) initiated by the employer without prejudice to the worker for reasons such as: lack of orders, model change over, termination of seasonal temporary employment, inventory-taking, introduction of labor saving devices, plant breakdown, or shortage of materials. Temporarily furloughed employees placed on unpaid vacations are to be included. See also “Dislocated Worker.”
11. **“Cash Welfare”** – Cash payments received under a federal, state or local welfare program that includes Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Refugee Cash Assistance (RCA), General Assistance (GA), and the JOBS program.
12. **“Certificate of Continuing Eligibility” (CCE)** – A document issued to any eligible dislocated worker, verifying that bearer has presented required documentation and is certified as an eligible dislocated worker for the period of time identified in the certificate. Such certificate enables the participant to obtain available and needed services without the necessity of applying for WIA eligibility during the term of the certificate (Applicability of CCEs under WIA is to be determined by the US Department of Labor).
13. **“Co-enrollment”** – When an individual is enrolled in different activities under different funding sources. For example, a youth between the ages of 18 and 21 may be enrolled under the youth funding stream for supportive services while being enrolled as under the adult funding

stream for training services as long as the individual is eligible for both funding sources.

14. **“Comprehensive Assessment”** - A client centered diagnostic evaluation of a participant’s barriers and needs, through testing and use of other assessment tools, in-depth interviewing and evaluation. At a minimum it must include a review of basic and/or occupational skills; barriers taking into account family situation, work history, education, occupational skills, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs; personal employment information relating to local labor market shortages/demands, and developmental needs of the participant providing information for the development of an Employment Development Plan (EDP) and most usually the first activity at the Intensive Services level. The assessment process for youth must also identify the academic levels and service needs of each participant. A new assessment of a youth participant is not required if the service provider determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program.
15. **“Corroborative Witness”** – A person, who personally knows, can identify, and who is reasonably likely to be able to verify the applicant’s statement. Such verification may be accomplished either by the witness signing the applicant statement form or by completion of telephone/document inspection form.
16. **“Customized Training”** - Training that is designed to meet the special requirements of an employer (including a group of employers within the same industry); and that is conducted with a commitment by the employer to employ an individual on successful completion of the training; and for which the employer pays for a portion of the cost of the training. Customized training may be provided to an employee who is not earning self-sufficient wage as determined by local board policy and the training relates to introduction of new technologies, production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the local board.
17. **“Dislocated Worker”** -- An individual who (1) has been terminated or laid off, or who has received a notice of termination or layoff, from employment through no fault of their own; and is eligible for or has exhausted entitlement to unemployment compensation, or has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and is unlikely to return to a previous industry or occupation based on labor market demand OR (2) 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; and 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(d)(4), intensive services described in section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close; OR (3) was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; OR (4) is a displaced homemaker.
18. **“Displaced Homemaker”** - An individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income, and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
 19. **“Documentation”** – Physical evidence which is obtained during the intake eligibility verification process and placed in the participant file. Such evidence would be copies of documents, completed telephone/document information forms and/or signed applicant statements, as approved by the SAE, that are to be retained in the applicant’s file. Acceptable documentation is described in Exhibit I.
 20. **“Economic Conditions”** – For the purposes of identifying dislocated workers, these include but are not limited to: failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or services; failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products and services; and substantial layoff(s) from, or permanent closure(s) of, one or more plants or facilities that support a significant portion of the state or local economy.
 21. **“Economically Disadvantaged”** – The same as Low Income Individual as defined in this STAG.
 22. **“Eligible for Unemployment Insurance (UI)”** – Includes any individual, at time of application, whose wages from unemployment would be considered in determining eligibility for unemployment compensation under federal or state unemployment compensation laws. Anyone dislocated from UI-covered employment, even if employed for only a single day, may be considered “eligible for” Unemployment Insurance. Former members of the armed forces may be eligible for Unemployment Compensation for ex-service members (UCX). UCX may be considered as a form of unemployment for the purpose of determining eligibility under Dislocated Workers services. However, not all individuals eligible for UCX will meet the “terminated or laid off” criterion. Any dislocated worker determined eligible to receive Unemployment Compensation under the Railroad Retirement Act (railroad employees) may be considered to be “eligible for” Unemployment Insurance.

23. **“Eligible Non-Citizen”** – Participation in programs and activities financially assisted by WIA “shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United States.” Citizens and nationals must prove citizenship with documentation of place of birth or citizenship status. Permanent Resident and Temporary Resident Aliens must prove legal resident status with an alien registration receipt card issued by the Immigration and Naturalization Service. This card is a photo ID. (IDs issued prior to July 1, 1997, will be a Form 1-151 [green card]. Subsequent IDs will be Form I-551 [white card]). All permanent resident aliens are “authorized to work.” Lawfully admitted refugees, parolees, and other individuals must prove authorized employment status with an annual-departure record issued by the Immigration and Naturalization Service. If the individuals are permitted to work in the U.S., their card will be stamped “Employment Authorized.”
24. **“Eligible Training Provider List”** – A State list of approved training providers supplying information on course(s)/program(s) to be utilized by participants receiving training through Individual Training Accounts.
25. **“Eligible Youth”** - An individual who is not less than age 14 and not more than age 21; is a low-income individual; and is an individual who is one or more of the following: (1) deficient in basic literacy skills, (2) a school dropout, (3) homeless, a runaway, or a foster child, (4) pregnant or a parent, (5) an offender, or (6) an individual who requires additional assistance to complete an educational program, or to secure and hold employment as defined by the local board. Up to 5% of youth may be individuals who do not meet the income eligibility requirements if the youths meet at least one of the eight criteria applied to the 5% exception. The 5% exception and the method for verification of eligibility must be included in the State and Local Plans and be specified in any Service Provider contracts.
26. **“Eligibility Determination”** - The entire process used to obtain information about an applicant’s eligibility status at the time of application.
27. **“Employment Loss”** – (1) an employment termination, other than a discharge for cause, voluntary departure, or retirement, (2) a layoff exceeding six months, (3) a reduction in hours of an individual employee of more than 50% during each month of any six-month period. Where a termination or layoff is involved, an employment loss does not occur when an employee is reassigned or transferred to employer sponsored programs, such as retraining or job search activities, as long as the reassignment does not constitute a constructive discharge or other involuntary termination. An employee is not considered to have experienced an employment loss if the closing or layoff is the result of the relocation or consolidation of part or all of the employer’s business and, prior to the closing or layoff: (1) the employer offers to transfer the

employee to a different site of employment within a reasonable commuting distance with not more than a six-month break in employment; or (2) the employer offers to transfer the employee to any other site of employment regardless of distance with no more than a six-month break in employment, and the employee accepts within 30 days of the offer or the closing or layoff, whichever is later. A relocation or consolidation of part or all of an employer's business means that some definable business, whether customer orders, product lines, or operations, is transferred to a different site of employment and that transfer results in a plant closing or mass layoff.

28. **“Facility or Operating Unit”** – The term “facility” refers to a building or buildings and the term “operating unit” refers to a product task or specific work function within or across facilities at the single site. For workers whose primary duties require travel from point to point, the facility or operating unit to which they are assigned as their home base will define the unit in which they are covered for Worker Adjustment Retraining Notification Act (WARN) purposes.
29. **“Family”** - For purposes of income determination, refers to a family of one or 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 nuclear family categories: (1) a husband, wife, and dependent children, (2) a parent or guardian and dependent children, or (3) a husband and wife. The definition “dependent children” does not include grandchildren. Members of an applicant's nuclear family may not be separated for purposes of determining eligibility. In cases where an applicant meets more than one category of family, eligibility determination should be based on which family definition will most benefit the applicant in meeting eligibility requirements. (1) Living in a Single Residence includes temporary, voluntary residence elsewhere (e.g. attending school or college, or visiting relatives). It does not include involuntary temporary residence elsewhere (e.g. incarceration, or placement as a result of a court order). (2) Individual Status refers to a person not meeting the definition of family who is considered to be an individual referred to as “family of one.” An “individual with a disability” must, for purposes of income eligibility determination, be considered to be an unrelated individual who is a family unit of one consistent with the definition of *Economically Disadvantaged* at Section 4(8) of the Act. (3) Dependent Individuals are those who receive at least 50% of their support from their immediate family structure. A determination as to whether the individual is dependent or not could be made by assessing how the individual would provide for his/her own support (e.g., food, housing transportation, etc).
30. **“Family Educational Rights and Privacy Act”** (FERPA) – Federal legislation that protects eligible students' privacy interest in their “educational records.” FERPA affords eligible students the right to inspect their educational records, the right to have the records amended,

and the right to have some control over the disclosure of information from the records. FERPA provides that education records, or personally identifiable information from such records, may be disclosed by educational agencies and institutions only after an eligible student provides written consent, except in statutorily specified circumstances. Written parental consent is required for in-school youth under the age 18. Note: In relation to WIA, this Act pertains to in-school youth as well as youth and adults attending post-secondary training.

31. **“Family Income”** – Includes income actually received from all sources and by all family members during the eligibility determination period. The WIA defines what income is to be included or excluded in the eligibility determination process as follows: (1) Exclusions From Family Income: Sources of income not counted for eligibility determination purposes which include Unemployment Compensation, needs-based scholarship assistance, financial assistance under Title IV of the Higher Education Act (i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants and Federal Work Study, PLUS, Stafford and Perkins loans and other kinds of loans are debt and not income), child support payments, cash welfare payments (including TANF, SSI, RCA, GA, Emergency Assistance, and General Relief), one-time income received in lieu of TANF cash assistance, income earned while on active military duty and certain other veteran’s benefits (i.e. compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and educational assistance), regular payments from Social Security; OASI and Survivors, lump sum payments received as assets in the sale of a home, where the assets are to be reinvested in the purchase of a new home (consistent with the IRS Code), payments received as the result of an automobile accident insurance settlement, that are being applied to the repair or replacement of an automobile, foster care payments, any withdrawal from an Individual Development Account (IDA) for the purchase of a home, medical expenses or educational expenses, non-cash benefits such as employer-paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, food stamps, school meals, and housing assistance. 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 WIA eligibility determination. Severance pay/ early retirement/separation consists of pay received upon final separation from an employer. Such pay can be regarded as either includable or excludable and will need to be determined on a case-by-case basis. If the employer treats such pay as taxable income, it shall be regarded as includable. If the pay is a one-time payment received as a bonus, then the pay shall be regarded as excludable income. (2) Includable Income is all other income that is not listed as excludable income above.

32. **“Five Percent Exception Rule”** -- Not more than 5% of youth participants enrolled in a Title I Youth program may be individuals who do not meet the income eligibility requirements if such individuals meet one or more of eight categories of individuals who face serious barriers to employment. The 5% exception must be provided for in each NMWDAs/LWDBs Local Plan and specified in any applicable Service Provider contracts.
33. **“Foster Child”** – A child on behalf of whom state or local government payments are made; and for whom a court order removing the child from the custody of the parent and specifying a managing conservator exists.
34. **“General (Public) Announcement”** – A formal public notice via the local media issued by a facility that describes a reduction in workforce, thereby creating a dislocation circumstance where Rapid Response is initiated by the State Dislocated Worker Unit (DWU) to coordinate the provision of services. Thus any person who has not received an individual notice of termination, but who is employed at a facility for which the employer has made a public announcement of planned closure shall be considered eligible to receive dislocated worker services as described at section 665.310 20 CFR Part 652 et al.
35. **“Homeless Individual”** – In accordance with Section 103 of the Stewart B. McKinney Homeless Assistance Act, a homeless individual is an individual who lacks a fixed, regular, and adequate nighttime residence; and who has a primary nighttime residence that is (1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or (2) an institution that provides a temporary residence for individuals intended to be institutionalized; or (3) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The definition of “homeless individual” does not include an individual imprisoned or otherwise detained pursuant to an Act of Congress or a state law.
36. **“Immediate Family”** - For purposes of nepotism definitions, wife, husband, son, daughter, mother, father, sister, brother, grandparent, sister-in-law, brother-in-law, son-in-law, daughter-in-law, father-in-law, mother-in-law, aunt, uncle, niece, nephew, stepparent and stepchild.
37. **“Incumbent Worker”** -- A worker currently employed.
38. **“Individual Training Account (ITA)”** – A voucher issued by the One-Stop Center used by participants eligible to receive training services for a course/program appearing on the Eligible Training Provider List.
39. **“Individual with a Disability”** - As defined in Section 3 of the Americans with Disability Act of 1990 (42 U.S.C. 1202), is an individual who has a physical or mental impairment which for such an individual constitutes or results in a substantial barrier to employment and who can benefit from the WIA program as determined at the time of application. Provision of this information by the participant is voluntary

and may only be self-identified. The applicant must support any such claims with the appropriate documentation. All applicants may be offered the opportunity to self identify which may be phrased in the following (or similar) manner: “Special consideration may be given to applicants/participants with disabilities. This information is voluntary. If you believe that you are eligible and wish to apply as person with a disability, please answer the following questions: Do you have a physical (ambulatory, coordination, vision, speech, hearing, etc.) or mental/psychological (including learning or developmental) impairment which substantially limits one or more of your major life activities, have a record of such an impairment, or are regarded as having such impairment? Is the condition/disability a barrier to employment? You may decline to state. The applicant may decline to state and this will be entered on the application form. For a disability/impairment that is not readily apparent and identifiable, intake staff shall obtain the appropriate verification of that disability/impairment from the appropriate source (physician, school counselor, therapist, etc). The documentation may be obtained directly from the source, with written approval by the participant, or by having the participant provide the necessary documents. For purposes of determining eligibility, the following disabilities constitute a substantial barrier to employment: (1) Physical Disabilities/Impairments to include a health condition may be the result of a disease; injury to the brain or parts of it before, during, or after birth; injuries from burns, fractures or amputations; or other health disabilities such as heart disease, diabetes, allergies, etc; a visual disability which includes individuals who are blind or partially sighted (visual acuity of 20/70 or less in the better eye after best correction); a hearing disability which is any loss of hearing sufficient to interfere with communication defined as mild (25-40 db), severe (60-70 db), or profound (75+db) loss in the better ear in the speech range: or a speech disability, also known as a communication disorder, which is deviation in speech and/or voice to the degree that it draws attention to the manner of speech, or causes the individual to become maladjusted in his/her environment; and (2) Mental Disabilities/Impairments to include developmentally disabled who are those individuals with sub-average general intellectual functioning that originates during the developmental period and is associated with impairment in adaptive behavior; those with specific learning disabilities which include substantial impairment of one or more of the basic psychological processes involved in understanding or in using spoken or written language. The impairment may be manifested in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations; or an emotional disability consisting of mental disorders caused by or associated with impairment of brain tissue function and disorders of psychogenic origin which are disorders without clearly defined physical cause or structural change in the brain. Disability means, with respect to an individual, a

physical or mental impairment that substantially limits one or more of the major life activities of the individual. Major life activities means functions such as caring for oneself, performing some manual tasks, walking, seeing, hearing, speaking, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic) tuberculosis, drug addiction, and alcoholism. The phrase mental or physical impairment does not include homosexuality or bisexuality. NOTE: Information and any documentation collected to verify a disability must be kept strictly confidential and should not be used for determining referral to, or placement in, training or employment. Records must be kept in entirely separate and secured files with access limited to a “need-to-know” basis. NMWDAs/LWDBs and WIA Subrecipients shall avoid public disclosure of specific participant information that would constitute a clearly unwarranted invasion of personal privacy, including FERPA (see above). Documentation for in-school youth with disabilities may be used for up to 36 months if the service provider determines it is appropriate to use a recent assessment conducted pursuant to another education or training program. For more specific definitions including those referring to school-aged children, see 6.31.2 NMAC “Primary and Secondary Education Special Education Children with Disabilities/Gifted Children” and the Rehabilitation Act of 1973 (Pub. L. 93-112) (Rehab. Act).

40. **“Initial Assessment”** - An analysis of skill levels, aptitudes, abilities, and supportive needs of applicants performed at the Core Services level.
41. **“Involuntary Separation”** - A member of the Army, Navy, Air Force, or Marine Corps shall be considered to be involuntarily separated if the member was on active duty or full-time National Guard duty as of September 30, 1990, and in the case of a regular officer (other than a retired officer), the officer is involuntarily discharged under adverse conditions as characterized by the Secretary concerned; OR in the case of a reserve officer who is on the active duty list, or if not on the active duty list, is on full-time active duty (or in the case of a member of the National Guard in full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the officer is involuntarily discharged or released from active duty or full-time; OR National Guard duty (other than a release from active duty or full-time National Guard duty incident to a transfer to retired status) under other than adverse conditions, as characterized by the Secretary concerned; OR in the case of a regular enlisted member serving on active duty, the member serving on active duty, the member is denied reenlistment or involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned; and in the case of a reserve enlisted member who is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering recruiting, instructing, or training the reserve components, the member is denied enlistment; or

- involuntarily discharged or released from active duty (or full-time National Guard) under other than adverse conditions, as characterized by the Secretary concerned.
42. **“Layoff”** – Suspension of or separation from employment by a firm for lack of work, initiated by the employer, and expected to be for a definite or indefinite period of not less than seven consecutive days.
 43. **“Limited English Proficiency”** – The inability of an individual, whose native language is not English, to effectively communicate in English, resulting in a job handicap.
 44. **“Limited Opportunities”** – A situation where the individual has been actively seeking, but unable to find, employment in his/her previous occupation for a period of 90 days or more; or the individual has acquired a disability which affects the individual’s ability to perform a previous occupation.
 45. **“Literacy”** -- An individual’s ability to read, write and speak English, compute, and solve problems at levels of proficiency necessary to function on the job, in the family of the individual, and in society.
 46. **“Lower Living Standard Income Level” (LLSIL)** - Income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the USDOL that can be accessed at <http://wdsc.doleta.gov/llsil/>
 47. **“Low-Income Individual”** – Is an individual who (1) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income based public assistance program; OR (2) received an income, or is a member of a family that received a total annualized family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, other payments as described in (1) above, and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of the poverty line, for an equivalent period; or 70 percent of the lower living standard income level, for an equivalent period; OR (3) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); OR (4) qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302); OR (5) is a foster child on behalf of whom State or local government payments are made; OR (6) in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in (1) or (2) above, but who is a member of a family whose income does not meet such requirements. Note: low income applies only to youth eligibility but may be used with adults for prioritization of services.

48. **“Multiple Barriers to Employment”** – Populations of low-income individuals that are included in one or more of the following categories: individuals with substantial language or cultural barriers; offenders; homeless individual; and/or other hard-to-serve populations as defined by the Governor.
49. **“Natural Disasters”** – For the purpose of identification of dislocated workers, disasters which cause individuals to be permanently dislocated from their occupations or fields of work (including those self employed), include, but are not limited to, any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire, explosion, or other catastrophe.
50. **“Nepotism”** – Nepotism. (1) No individual may be placed in a WIA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.
51. **“Non-Economically Disadvantaged (Non-Low Income)”** – An applicant for WIA youth services who does not meet the criteria of “economically disadvantaged” or “low income” defined herein. Such an individual may fall within the 5% eligibility exemption if he or she meets one or more of the eight categories of serious barriers to employment as listed in the “Youth Eligibility Verification Checklist” (See Exhibit 8).
52. **“Occupation in Demand”** -- Statewide, occupations in demand are those as assessed by the New Mexico Department of Labor Economic Research and Analysis Bureau that have an expected long term growth rate of 23% or more and annual job openings of 50 or more as described at the New Mexico Department of Labor web site at www.dol.state.nm.us.
53. **“Occupational Skills Training”** – Instruction conducted in an institutional or work site setting designed to provide or upgrade individuals with the technical skills and information required to perform a specific job or group of jobs and includes job-specific school-to-work/apprenticeship programs, on site industry specific training, customized training, entrepreneurial training, internships and pre-apprenticeship training.
54. **“Offender”** - Any adult or juvenile who is or has been subject to any stage of the criminal justice process, 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.
55. **“Older Individual”** - An individual age 55 or older.
56. **“One-Stop Operator”** - One or more entities designated or certified under section 121(d) of the Act to provide a system of seamlessly connected programs mandated under the Act to individuals and employers.
57. **“One-Stop Partner”** - An entity described in section 121(b)(1) of the Act; and an entity described in section 121(b)(2) that is participating,

- with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.
58. **"On-the-Job Training"** - Training by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job; provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.
 59. **"Out-of-School Youth"** - An eligible youth who is a school dropout; or an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.
 60. **"Participant"** - An individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services authorized under the Act) under a program authorized by the Act. Participation shall be deemed to commence on the first day, following determination of eligibility, on which the individual began receiving subsidized employment, training, or other services provided under the Act.
 61. **"Plant Closing"** – The permanent or temporary shutdown of a “single site of employment,” or one or more facilities or “operating units” within a single site of employment, if the shut down results in an “employment loss” during any 30-day period at the single site of employment for 50 or more employees, excluding any part-time employees. An employment action that results in the effective cessation of production of the work performed by a unit, even if a few employees remain, is a shutdown. A “temporary shutdown” triggers the notice requirement only if there are a sufficient number of terminations, layoffs exceeding 6-months, or reductions in hours of work as specified under the definition of “employment loss.” Permanent Closure – Permanent closure of a “single site of employment” or of “facilities or operating units” within a single site of employment. An employment action that results in the effective cessation of production or of the work performed by a unit, even if a few employees remain, is a closure.
 62. **"Poverty Line"** - Is defined annually, usually in February, by the U.S. Health and Human Services Department and can be accessed at <http://aspe.hhs.gov/poverty/>
 63. **"Pregnant/Parenting Youth"** – Youth who are pregnant or parenting (i.e. responsible for support of one or more dependent children).
 64. **"Pre-vocational or Pre-employment Training or Services"** – Training not tied to specific occupations such as literacy and Adult Basic Education, workplace literacy, labor market knowledge and job search processes and techniques, occupational information, career planning,

- introductory computer classes, development of learning skills, communication skills, work maturity skills, interviewing, punctuality, personal maintenance and professional conduct.
65. **“Priority of services”** - In the event funds allocated to a local area for adult employment and training activities are limited, priority must be given to recipients of public assistance and other low-income individuals for intensive and training services. Local boards may establish other prioritization criteria.
 66. **“Public Assistance”** – Federal, State or local government cash payments for which eligibility is determined by a needs or income test.
 67. **“Residence”** – An individual’s permanent (actual) home address at time of WIA eligibility certification, except where the Local Plan provides limited exceptions to this requirement (for reporting purposes) such as in the case of homeless individuals. Note: Residency is a not a requirement for eligibility.
 68. **“Register”** - The process for collecting information to determine an individual’s eligibility for services under WIA Title I. Individuals may be registered in a variety of ways, as described in 20 CFR 663.105 and 20 CFR 664.215.
 69. **“Relocation services for adults and dislocated workers as an intensive service”** – Intensive services beyond those listed in the Act may also be provided. Out-of-area job search expenses, relocation expenses, internships, and work experience are among the additional intensive services that may be provided.
 70. **“Run-Away Youth”** – A person under 18 years of age who absents him/herself from home or place of legal residence without the permission of parents or legal guardian. (This definition is from regulations issued under the Runaway and Homeless Youth Act).
 71. **“School Dropout”** - An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.
 72. **“Selective Service Registrant”** – A male citizen of the United States, or other male legally entering the United States, born after January 1, 1960 and reaching the age of 18, who has registered as required by Section 3 of the Military Selective Service Act.
 73. **“Self- Certification”** – An individual’s signed attestation that the information he/she submits to demonstrate eligibility for a program under Title I of WIA is true and accurate.
 74. **“Self-Employed”** – A gainfully occupied individual who works for him/herself as opposed to salaried or commissioned workers who are employees of others. For the purposes of dislocated worker identification, includes individuals who own their own business and are responsible for their own economic support including: self employed farmers, ranchers, professionals, independent trades people, and other business persons formerly self-employed but presently unemployed; self-employed individuals who are in the process of going out of

- business, if the Governor determines that the farm, ranch or business operations are likely to terminate; **or** family members and farm or ranch hands of individuals to the extent that their contribution to the farm, ranch, or business meets minimum requirements as established by the Governor. See also “Dislocated Worker” definition.
75. **“Self-sufficiency”** - At a minimum, self-sufficiency means employment that pays at least 100% of the lower living standard income level (LLSIL). Self-sufficiency for a dislocated worker may be defined in relation to a percentage of the layoff wage. The special needs of individuals with disabilities or other barriers to employment should be taken into account when setting criteria to determine self-sufficiency. State and local boards are authorized to set additional criteria for determining whether employment leads to self-sufficiency. Local areas may provide a definition that is consistent with the poverty level in the local area where provided for in the State or local plan. Self-sufficiency is not a core measure of performance under WIA. Where adult funding for intensive services is limited, eligibility for such services shall be determined in accordance with local area priority policy consistent with section 134(d)(4)(A) and (E) of the WIA which places priority on recipients of public assistance and other low-income
 76. **“Similar Occupations”** – Two or more occupations which match the first six digits of the Dictionary of Occupational Titles (DOT), or have the same Occupational Employment Survey (OES) Code, or have matching Occupational Information Network (O*Net) codes.
 77. **“Single Head of Household”** – A single, abandoned, separated, divorced or widowed individual who has responsibility for one or more dependent children under the age of 18.
 78. **“Special Education”** – Education provided to a student in need of customized/ individual instruction due to a disability. Such disability must meet compliance with the definition of “Individual with Disability (ies)” for whom such disability (ies) result in a substantial barrier to employment. The State Department of Education provides the following classifications where, at each level, certified individuals provide services to children whose Individualized Education Program (IEP) require: Minimum Services- 10% or less of school day of special education; Moderate Services- 11%-49% of school day of special education; Extensive Services- 50% or more of school day of special education; Maximum Services- approaching a full day of special education and in which the ratio of students to professionals shall not exceed 8:1.
 79. **“Specialized Centers”** -- Section 134(c)(3) of the Act authorizes specialized centers as part of the One-Stop service delivery system. These centers and sites may have a specialization in addressing special needs, such as the needs of dislocated workers.
 80. **“Specific Vocational Preparation” (SVP)** -- The amount of estimated elapsed time required by a typical worker to learn the techniques, acquire the information and develop the expertise needed for average

performance in a specific job as determined by the SVP estimates for Occupations in the USDOL Dictionary of Occupational Titles (DOT) publication and in the Occupational Information Network (O*Net) Codes.

81. **“Substance Abuser”** – An individual dependent on drugs or alcohol, especially narcotics, whose dependency constitutes or results in a substantial barrier to employment.
82. **“Substantial Layoff”** – Any reduction in force, including those who have received a notice of layoff (reduction-in-force), that is not the result of a plant closing and that results in employment loss at a single site of employment during any 30-day period for: at least 33 percent of the active employees, (excluding part-time employees regularly working less than 20 hours per week) and being at least 50 employees, (excluding part-time employees regularly working less than 20 hours per week); **or** at least 500 employees, (excluding employees who regularly work less than 20 hours per week).
83. **“Substantial Layoff Under Exceptional Circumstances”** -- A layoff of 50 or more individuals who are not at a single site of employment, and where employment loss does not occur within a single 30-day period. Exceptional circumstance is further defined as those situations wherein layoffs or permanent closures have a major impact upon the communities where they occur.
84. **“Supportive Services”** - Services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under the Act, consistent with the provisions of the Act.
85. **“Termination/Layoff Notice Recipient”** – A worker who has: received a notice of termination or layoff from employment; is eligible for or has exhausted entitlement to unemployment compensation; and is unlikely to return to his/her previous industry or occupation; **or** received a notice of termination of employment as a result of any permanent closure of any substantial layoff at a plant, facility or enterprise.
“Underemployed” –Occurs when a worker is either overqualified for his or her job, or is not working full-time and is working fewer hours than desired.
86. **“Unemployed Individual”** - An individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed: (1) an individual who did not work during the seven consecutive days prior to application, who made specific efforts to find a job within the past four weeks prior to application, and who was available for work during the seven consecutive days prior to application; (2). an individual who did not work and was waiting to be called back to a job from which he/she has

been laid off, or was waiting to report to a new wage or salary job scheduled to start within 30 days.

87. **“Unemployment Compensation”** – Benefit payments received under one or more state or federal unemployment compensation programs.
88. **“U.S. Citizen”** – An individual who was born in the United States or a territory of the U.S. which was acquired by an Act of Congress, or who derived citizenship through parents’ naturalization during the tender years (birth through 18 years of age) and who has applied for and received U.S. citizenship status, or who acquired citizenship through birth abroad to U.S. citizens.
89. **“Verification”** – To confirm eligibility requirements through examination of official documents, (e.g. birth certificates, public assistance records), or speaking with official representatives of cognizant agencies.
90. **"Veteran"** - An individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable. The term “active” means full-time duty in the Armed Forces, other than duty for training in the Reserves or National Guard, including authorized travel. Veteran includes “disabled veteran” - an individual who was disabled from a disease or injury incurred or aggravated in the line of duty. A "recently separated veteran" is any veteran who applies for participation under the Act within 48 months after the discharge or release from active military, naval, or air service. A “Vietnam Era Veteran” is a veteran any part of whose active military service occurred between August 5, 1964 and May 7, 1975.
91. **“Worker Adjustment Retraining Notification Act (WARN)** – Notification by a covered employer to employees, the State Dislocated Worker unit and the unit of local government where located as the result of a mass layoff or dislocation of 50 or more employees.
92. **“Work Experience”** – Short term or part time work activity to acquire skills and knowledge necessary to perform a job, including appropriate work habits and behaviors.

EXHIBIT 1

REQUIRED ELIGIBILITY DOCUMENTATION FOR WIA TITLE I INTENSIVE AND TRAINING PROGRAMS GENERAL CRITERIA: ADULT, YOUTH AND DISLOCATED WORKERS

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
Citizenship/Eligibility to Work	<ol style="list-style-type: none"> 1. Birth Certificate (can not be copied – use affidavit of review and verification of birth record) 2. Alien Registration Card [INS Forms I-151, I-551, and I-94, I-688A, I-197, I-179]

3. U.S. Passport
4. I-9 (A-list documentation only)
5. Public Assistance Records
6. DD-214, Report of Transfer or Discharge (if place of birth is shown)
7. Food Stamp Records
8. Foreign Passport Stamped Eligible to Work
9. Hospital Record of Birth
10. Native American Tribal Document
11. Naturalization Certification
12. Baptismal Record with place of birth

Selective Service

1. Registration Acknowledgement Letter
2. Documented phone or Internet contact with the Selective Service
3. DD-214, Report of Transfer or Discharge
4. Local/State Registration Process
5. Selective Service Advisory Opinion Letter
6. Selective Service Registration Card
7. Selective Service Registration Record (Form 3A)
8. Selective Service Verification Form
9. Stamped Post Office Registration Receipt

Social Security Number

1. DD-214, Report of Transfer or Discharge
2. Unemployment Wage Records
3. Employment Records
4. IRS Form Letter 1722
5. Letter from Social Services Agency
6. Social Security Card
7. Social Security Benefits
8. W-2 Form Letter/printout from Social Security Office
9. Other documentation as approved

Birth Date/Age
(Required only for Adult and Youth)

1. Baptismal Record (if date of birth shown)
2. Birth Certificate (can not be copied – use affidavit of review and verification of birth record)
3. DD-214, Report of Transfer or Discharge
4. Federal, State or Local Government ID Card
5. Hospital Record of Birth
6. Passport
7. Public Assistance/Social Service Records
8. School Records
9. Work Permit

EXHIBIT 2

REQUIRED ELIGIBILITY DOCUMENTATION FOR WIA TITLE I DISLOCATED WORKER PROGRAMS

ELIGIBILITY CRITERIA

ACCEPTABLE DOCUMENTATION

Category 1

A. 1 Terminated /Laid off/Received Notice of Termination of Layoff, from employment;
AND

1. Documentation from employer, including telephone verification of employment and layoff status
2. Unemployment Insurance Records that document or verify layoff status.

A. 2 Is eligible for or must have exhausted entitlement to

1. Individual UI Records

Unemployment Compensation; or
Has been employed for a sufficient duration to demonstrate attachment to the work force, but is not eligible for UI due to insufficient earnings or having performed services for an employer that was not covered under a state UI law;
AND

2. Profiled Client/Referral Form
3. Notice of ineligibility from UI Records
4. W-2 Records
5. Tax Returns

A. 3 Is unlikely that the individual will return to previous industry or occupation.

1. Documentation may include applicant statement, Labor Market Information data, statement from employers or industry/business association representative and related documentation as determined by local policy.

Category 2

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;
OR

1. Letter from company (must list client)
2. WARN Notice with recent pay stub
3. Documentation from employer, including telephone verification of employment and Layoff status
4. Unemployment Insurance Records

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

1. Letter from company
2. Newspaper article with recent pay stub
3. WARN Notice with recent pay stub
4. Documentation from employer, including telephone verification if employment and layoff status
5. Unemployment Insurance Records

B. 3 For purposes of eligibility to receive services other than training services described in Section 134 (d)(4), intensive services described in Section 134(d) (3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

1. Letter from company
2. Newspaper article with recent pay stub
3. WARN Notice with recent pay stub

Category 3

C. Self Employed Status

1. Records of business closure
2. Tax returns
3. Business license
4. New article on the state of the local economy or natural disaster

Category 4

D. Displaced Homemaker

1. Tax returns
2. Social Security documents
3. Death notice and/or certificate
4. Divorce decree
5. Legal documents showing filing for divorce
6. Public Assistance/UI records

EXHIBIT 3

REQUIRED ELIGIBILITY AND BARRIER DOCUMENTATION FOR ECONOMIC ELIGIBILITY AND BARRIERS FOR WIA TITLE I YOUTH AND ADULT PROGRAMS AS APPLICABLE

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
Individual /Family Income Note: Documentation should be provided for EACH Applicable income source.	<ol style="list-style-type: none"> 1. Alimony Agreement 2. Applicant Statement 3. Award Letter from Veterans Administration 4. Bank Statement (Direct Deposit) 5. Compensation Award Letter 6. Court Award Letter 7. Employer Statement/Contact 8. Farm or Business Financial Records 9. Housing Authority Verification 10. Pay Stubs 11. Pension Statement 12. Public Assistance Records 13. Quarterly Estimated Tax for Self-Employed Persons (Schedule C) 14. Social Security Benefits 15. UI Documents and/or printout 16. Documented Telephone Verification 17. Other applicable documentation
Individual Status/Family Size	<ol style="list-style-type: none"> 1. Applicant Statement 2. Birth Certificate (can not be copied – use affidavit of review and verification of birth record) 3. Decree of Court 4. Documented Disabled (per individual w/ disabilities criteria) 5. Divorce Decree 6. Documented Landlord Statement 7. Lease 8. Marriage Certificate 9. Medical Card 10. Most recent Tax Return supported by IRS Documents (e.g. Form Letter 1722) 11. Public Assistance/Social Service Agency Records 12. Public Housing Authority Statement 13. Written statement from a Publicly Supported 24 hour Care Facility or Institution (e.g. Mental Hospital, Prison, etc) 14. Documented Self Certification 15. Documented Telephone Verification 16. Other Applicable Documentation
Cash Public Assistance	<ol style="list-style-type: none"> 1. Copy of Authorization to Receive Cash Public Assistance 2. Copy of Public Assistance Check 3. Medical Card Showing Cash Grant Status 4. Public Assistance Identification Card showing Cash Grant Status 5. Public Assistance Records/Printout 6. Refugee Assistance Records 7. Documented Self-Certification 8. Documented Telephone Verification 9. Other Applicable Documentation

EXHIBIT 4

REQUIRED ELIGIBILITY AND BARRIER DOCUMENTATION ECONOMIC ELIGIBILITY AND BARRIERS FOR WIA TITLE I YOUTH AND ADULT PROGRAMS AS APPLICABLE

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
Food Stamps The listed items of documentation are acceptable for any Individual listed on the grant.	<ol style="list-style-type: none">1. Current Authorization for Food Stamps2. Current Food Stamp Recipient Documents3. Food Stamp Card with Current Date4. Letter from Agency issuing Food Stamps5. Postmarked Food Stamp Mailer with applicable name and address6. Public Assistance Records/Printout7. Documented Self-Certification8. Documented Telephone Verification9. Other Applicable Documentation
Homeless Barrier	<ol style="list-style-type: none">1. Documented Applicant Statement2. Written Statement from an individual providing Temporary Residence3. Written Statement from Shelter4. Written Statement from Social Service Agency5. Documented Self-Certification6. Documented Telephone Verification7. Other Applicable Documentation
Support Foster Child Barrier Note: In order to document both criteria, multiple documentation may be required.	<ol style="list-style-type: none">1. Court Contact2. Court Documentation3. Medical Card4. Verification of Payment made on behalf of Child5. Written Statement from State/Local Agency6. Other Applicable Documentation
Individuals with Disabilities Barrier Note: If an individual declares a disability, any of the listed items may be used.	<ol style="list-style-type: none">1. Letter from Drug /Alcohol Rehabilitation Agency2. Medical Records3. Observable Condition (Supported by Documented Applicant or Physician's Statement)4. Psychiatrist's or Psychologist's Diagnosis5. Rehabilitation Evaluation6. Sheltered Workshop Certification7. Social Service Records/Referral8. Social Security Administration Disability Records9. Veteran's Administration Letter/Records10. Vocational Rehabilitation Letter11. Workers Compensation Record12. Documented Self-Certification13. Documented Telephone Verification14. Public Schools/Special Education Records15. Other Applicable Documentation

EXHIBIT 5

YOUTH BARRIERS

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
1. Deficient in basic literacy skills	<ol style="list-style-type: none"> Generally Accepted Standardized Test/Assessment Results School Records Documented Self-Certification Documented Telephone Verification Other Applicable Documentation
2. Pregnant or Parenting	<ol style="list-style-type: none"> Applicant Statement Birth Certificate affidavit for child (ren) Hospital Record of Birth Medical Card Physician's Note Referrals from other Agencies School Program for Pregnant/Teen Parents School Records Statement from Social Service Agency Documented Self-Certification Other Applicable Documentation
3. School Dropout	<ol style="list-style-type: none"> Applicant Statement Attendance Record Dropout Letter Documented Self-Certification Documented Telephone Verification Other Applicable Documentation
4. Offender	<ol style="list-style-type: none"> Applicant Statement Court Documents Halfway House Residency Letter of Parole Letter from Probation Office Police Records Documented Self-Certification Documented Telephone Verification Other Applicable Documentation
5. Homeless, run-away youth or foster child	<ol style="list-style-type: none"> Applicant Statement Written Statement from an Individual providing Temporary Residence Written Statement from Shelter Written Statement from Social Service Agency Documented Telephone Verification Documented Self-Certification Other Applicable Documentation
6. Local Workforce Development Board Defined Category for an individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment.	<ol style="list-style-type: none"> Identify and document category Documented Self Certification Other Applicable Documentation as determined by local board

SPECIAL RULE/EXEMPTION (5% WINDOW)

Non-Economically Disadvantaged

Note: Refer to Economic Criteria for Acceptable Documentation

- Basic Skills Deficient
- Behind Grade Level
- School Dropout
- Offender
- Individuals with Disabilities
- Pregnant or Parenting Youth
- Homeless or Run-Away Youth
- Other eligible youth who face serious barriers to employment as identified and determined by the local board.

EXHIBIT 6

WORKFORCE INVESTMENT ACT ADULT ELIGIBILITY VERIFICATION CHECKLIST

I. GENERAL ELIGIBILITY FOR INTENSIVE SERVICES (must meet all of the following five criteria)	√
A. U.S. Citizen or eligible to work in U.S.	
B. Social Security Number	
C. Selective Services registrant, if applicable	
D. 18 years of age or older	
E. Adults who have received at least one Core Service and are:	
1. Unemployed and are determined by the One-Stop operator to be in need of intensive services in order to obtain employment	
2. Currently employed and are determined by the One-Stop operator to be in need of intensive services in order to obtain employment or retain employment that leads to self-sufficiency	
3. Meet any additional criteria for intensive services the NMWDAs/LWDBs may adopt.	
II. BARRIERS TO BE USED TO ESTABLISH PRIORITY OF SERVICE FOR INTENSIVE SERVICES (must meet at least one of the following criteria)	√
A. Adults who are school dropouts	
B. Adults who are basic skills deficient	
C. Adults with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individual (behind grade level)	
D. Adults with disabilities including a learning disability	
E. Adults who are homeless	
F. Adults who are offenders	
III. ELIGIBILITY REQUIREMENTS FOR TRAINING SERVICES (must meet all following criteria)	√
A. Adults who have met the eligibility requirements for intensive services	
B. Have received at least one intensive service and have been determined to be unable to obtain or retain employment through such services	
C. After an interview and comprehensive assessment have been determined by the One-Stop operator or One-Stop partner (in conjunction with the case manager) to be in need of training services and have the skills and qualifications to successfully complete the selected training program	
D. Have selected a program of training services that is directly linked to the employment opportunities as evidenced by the most current labor market data either in the local area or in another area to which the individual is willing to relocate	
E. Are unable to obtain grant assistance from other sources to share the costs of such training, including Pell Grants, or require WIA assistance in addition to other sources of grant assistance	

EXHIBIT 7

WORKFORCE INVESTMENT ACT DISLOCATED WORKER ELIGIBILITY VERIFICATION CHECKLIST

I. GENERAL ELIGIBILITY (must meet all four criteria)	√
A. U.S. Citizen or eligible to work in U.S.	
B. Social Security number	
C. Selective Services registrant if applicable	
D. 18 years of age or older	
II. DISLOCATED WORKER CRITERIA (must meet any one of the four criteria A-D listed below)	√
A. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment <ol style="list-style-type: none"> 1. is eligible for or has exhausted entitlement to unemployment compensation; 2. has been employed for a duration sufficient to demonstrate, to the appropriate entity at a One-Stop center or partner, 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 3. is unlikely to return to a previous industry or occupation 	
B. <ol style="list-style-type: none"> 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 	
C. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters	
D. Is a displaced homemaker	

EXHIBIT 8

WORKFORCE INVESTMENT ACT YOUTH ELIGIBILITY VERIFICATION CHECKLIST

GENERAL ELIGIBILITY (must meet all five criteria)	√
A. U.S. Citizen or eligible to work in U.S.	
B. Social Security number	
C. Selective Services registrant if applicable	
D. Not less than age 14 nor more than age 21	
E. Is low income/economically disadvantaged (any one of these six determines eligibility) <ol style="list-style-type: none"> 1. Receives, or is a member of a family which receives, cash payments under an income based public assistance program 2. Received an income or is a member of a family which has received a total family income for the six-month period prior to application that, in relation to family size, does not exceed the annualized higher of: The poverty level as defined by the OMB, or 70% of the LLSIL 3. Is receiving (or has been determined eligible to receive within the six month period prior to application) food stamps 4. Is a foster child 5. Is an individual with a disability qualifying as a family of one 6. Is a homeless individual 	
AND	√
Is an individual who is one or more of the following: <ol style="list-style-type: none"> 1. Deficient in basic literary skills 2. A school dropout 3. Homeless, a runaway, or foster child 4. Pregnant or parent 5. An offender 6. An individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment as defined by the Local Workforce Development Board 	
Note: Up to five percent of youth served may be individuals who do not meet the income criteria if they meet one or more of the barriers to employment: <ol style="list-style-type: none"> 1. School dropout 2. Basic skills deficient 3. Educational attainment that is one or more grade levels below the grade level appropriate to the age of the individual (behind grade level) 4. Youth who are pregnant or parenting 5. Have disabilities including a learning disability 6. Homeless or run-away youth 7. Offender 8. Other youth who face serious barriers to employment as defined by the Local Workforce Development Board 	

EXHIBIT 9

WORKFORCE INVESTMENT ACT SELF CERTIFICATION/APPLICANT STATEMENT

Self Certification/Applicant Statement

I hereby certify, under penalty of perjury that I _____ ,

If applicant cannot obtain a satisfactory witness or provide a telephone contact, explain above.

I attest that the information stated above is true and accurate, and understand that the above information, if misrepresented or incomplete may be grounds for immediate termination and/or penalties as specified by law.

Applicant's Name Printed

Applicant's Signature and Date

Corroborating Witness Signature

Applicant's Address

Witness' Relationship to Applicant

Office Use Only

The above applicant statement is being utilized for documentation of the following eligibility criteria:

Signature and Date of Certifying Official

