



workforce
SOUTHWEST WASHINGTON

Eligibility Policy Handbook – Attachment A

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Introduction

The content of this procedural handbook is equivalent to WorkSource System Policy 1019, Revision 2. This handbook serves as the vehicle for implementing and managing eligibility policy changes.

This handbook provides guidance to staff and partners concerning eligibility requirements for the youth, adult and dislocated worker programs under WIOA Title I and Wagner-Peyser Act under WIOA Title III. Specific components of this handbook provide guidance on requirements.

Sections 2, 3 and 4 cover program eligibility requirements for the WIOA Title 1 youth, adult and dislocated worker programs. Specific parameters and guidance are provided in the subsequent sections under each program. Section 5 covers additional guidance that applies to multiple (though not necessarily all) programs.

The [Eligibility Matrix](#) in Section 6 serves as a tool to review eligibility requirements for each program, including the corresponding documentation requirements.

The Eligibility Policy Handbook is being issued at this time in order to provide system partners with information needed to make eligibility determinations. The information is based on the best information available at this time per WIOA law and final rules, DOL guidance, and state policies and guidance. The handbook will be revised and as relevant DOL guidance is received. Compliance with eligibility policy will be based on the version of the handbook in effect at the time of the action or activity under review.

Definitions

- **Basic Skills Deficient** – An individual who:
 1. is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
 2. who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.
- **Career Pathway** – A combination of rigorous and high-quality education, training, and other services that:
 1. Aligns with the skill needs of industries in the economy of the State or regional economy involved;
 2. Prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an “apprenticeship”, except in section 171);
 3. Includes counseling to support an individual in achieving the individual's education and career goals;
 4. Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
 5. Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;
 6. Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and
 7. Helps an individual enter or advance within a specific occupation or occupational cluster.
- **Case Notes** – For the purpose of Data Element Validation (DEV), case notes refer to either paper or electronic statements by staff that identify, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the staff who obtained the information ([TEGL 22-15 – Attachment A](#)).
- **Covered Person (for Priority of Service)** – A veteran or his or her eligible spouse.
- **Cross- Match** – For the purpose of DEV, a cross-match requires validating staff to find detailed supporting evidence for the data element in a database ([TEGL 22-15, Attachment A](#)).
- **Data Element Validation (DEV)** – The federally mandated process by which the state annually assesses the accuracy of reported participant data (refer to [WorkSource System Policy 1003, Revision 1](#) and [TEGL 22-15 – Attachment A](#)).
- **Displaced Homemaker** – An individual who has been providing unpaid services to family members in the home and who:
 1. (i) has been dependent on the income of another family member but is no longer supported by that income; **or**
(ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) **and** whose family income is significantly reduced because of a deployment (as defined in section

991(b) of title 10, United States Code, **or** pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, **or** the service-connected (as defined in section 101(16) of title 38, United States Code) death **or** disability of the member; **and**

2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

- **Disadvantaged Adult** – An adult who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of:
 1. the poverty line; **or**
 2. 70 percent of the lower living standard income level.
- **Eligible Spouse (of a Veteran)** – The spouse of any of the following (JVA Section 2(a)):
 1. Any veteran who died of a service-connected disability;
 2. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - a. missing in action;
 - b. captured in line of duty by a hostile force; or
 - c. forcibly detained or interned in the line of duty by a foreign government or power;
 3. Any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs; or
 4. Any veteran who died while a disability, as indicated in paragraph (3) of this section, was in existence.
- **Employment that leads to Self-Sufficiency** – Employment lasting more than 6 consecutive months which provides the worker a wage that is equal to or greater than 90% of his/her wage at the time of dislocation.
- **General announcement of plant closing** – Plant closing as confirmed by written notice from employer or layoff or termination notice; WARN notice; newspaper article; documentation that disaster necessitated business closure or layoff; foreclosure notice; or self-certification in absence of other documents (must include reason why other documentation is unavailable).
- **Homeless Individual** – Defined in section 41403(6) of the [Violence Against Women Act of 1994](#) (42 U.S.C. 14043e-2(6)).
- **Homeless Youth** – Defined in section 725(2) of the [McKinney-Vento Homeless Assistance Act](#) (42 U.S.C. 11434a(2)).
- **Individual with a Barrier to Employment** – A member of 1 or more of the following populations:
 1. Displaced homemakers.
 2. Low-income individuals.
 3. Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.
 4. Individuals with disabilities, including youth who are individuals with disabilities.
 5. Older individuals.
 6. Ex-offenders.

7. Homeless individuals (as defined in section 41403(6) of the [Violence Against Women Act of 1994](#) (42 U.S.C. 14043e–2(6))), or homeless children and youths (as defined in section 725(2) of the [McKinney-Vento Homeless Assistance Act](#) (42 U.S.C. 11434a(2))).
 8. Youth who are in or have aged out of the foster care system.
 9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
 10. Eligible migrant and seasonal farmworkers, as defined in WIOA section 167(i).
 11. Individuals within 2 years of exhausting lifetime eligibility under [part A of title IV of the Social Security Act](#) (42 U.S.C. 601 et seq.).
 12. Single parents (including single pregnant women).
 13. Long-term unemployed individuals.
- **Low income** – An individual who:
 1. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (Food Stamp Program), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (TANF Assistance), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (SSI), or State or local income-based public assistance;
 2. Is in a family with total family income that does not exceed the higher of—
 - a. the poverty line; or
 - b. 70 percent of the lower living standard income level;
 3. Is a homeless individual (as defined in section 41403(6) of the [Violence Against Women Act of 1994](#) (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the [McKinney-Vento Homeless Assistance Act](#) (42 U.S.C. 11434a(2)));
 4. Receives or is eligible to receive a free or reduced price lunch under the [Richard B. Russell National School Lunch Act](#) (42 U.S.C. 1751 et seq.);
 5. Is a foster child on behalf of whom State or local government payments are made; or
 6. Is an individual with a disability whose own income meets the income requirement of clause (2), but who is a member of a family whose income does not meet this requirement
 - **Lower Living Standard Income Level (LLSIL)** – Income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary. See [WSW Policy #3018 Income Chart](#).
 - **Offender** – An adult or juvenile –
 1. who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or
 2. who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
 - **Older Individual** – Means an individual age 55 or older.
 - **Requires Additional Assistance (youth)** – An individual who requires “Additional Assistance” to complete an educational program, or to secure and hold employment, locally defined as:

1. Personal/family substance abuse
 2. Gang involved/affiliated/affected
 3. Lacking affordable housing
 4. Victim of domestic violence/sexual or child abuse
 5. Identified social adjustment or mental health issue(s)
 6. Lacking a significant or positive work history **and** document one other additional assistance need
 7. Individual or member of a family that recently exhausted TANF benefits
 8. OTHER additional assistance for education or employment not listed can be submitted to WSW for consideration of approval prior to program participation
- **Self-Attestation** – Self-attestation (also referred to as a participant or applicant statement) occurs when a participant (applicant) states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) a participant (applicant) identifying his or her status for a permitted data element and (b) signing and dating a form attesting to this self-identification (with a disclaimer concerning the self-identification). Refer to Section 7 of this handbook.
 - **Service Provider** – The agency that WSW is contracting with to administer WIOA services.
 - **Substantial Layoff** (Dislocated Worker) – a reduction (excluding a plant closing) that results in an employment loss at a single site of employment for at least 30 full-time employees during a 6 month period, or any reduction in force of at least 25% of a company's workforce at a single site during a 6 month period.
 - **State Management Information System (MIS)** – For the purpose of DEV, State MIS refers to specific, detailed information that is stored in the state's information system that supports a data element ([TEGL 22-15 - Attachment A](#)).
 - **Stop-Gap Employment** – An eligible dislocated worker remains eligible for assistance after dislocation as long as the individual has not been employed in a job since dislocation and prior to application that paid a wage defined by WSW as a self-sufficient dislocated worker wage or leading to self-sufficiency or providing more than stop-gap employment. Stop-gap employment means work an individual does only because s/he has lost the customary work for which s/he is qualified through prior training, experience or work history. There may be times when stop-gap employment provides a self-sufficient wage, e.g., contract employment or employment obtained through a temporary employment services agency. Such employment would not change the individual's dislocated worker status. Determinations regarding stop-gap employment must be made on a case by case basis and take into consideration an individual's personal, family, financial, and employment situation.
 - **Unemployed as a result of general economic conditions** (for use in determining the eligibility of self-employed individuals including family members and farm and ranch hands) – Unemployed, including from self-employment, due to economic conditions in the local community because of natural disasters or general economic conditions which include, but not limited to: the failure or closure of one or more businesses in the community or substantial layoffs in one or more businesses in the community that had a direct effect on the individual's unemployment; depressed price(s) or market(s) for articles produced by the self-employed individuals; inability to turn a profit during preceding 12 months; inability to obtain capital necessary to continue operations; or other event indicative of the likely insolvency of the farm, ranch or business.

- **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, for purposes of this paragraph, 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.
- **Unlikely to return to previous occupation (dislocated worker)** - Refers to the status of an unemployed worker as having limited opportunities for employment or reemployment in the same or similar occupation in the area in which the individual resides as confirmed by labor market information and/or labor analysis by the Employment Security Department or recent local labor market events.
- **Veteran** – For the purpose of providing Priority of Service (using the broad definition) and Dislocated Worker eligibility, veteran means a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service also includes full-time duty in the National Guard or a Reserve component, other than full time duty for training purposes.

References

- [Workforce Innovation and Opportunity Act of 2014](#)
- [WIOA Final Rule; 20 CFR Parts 676, 677, and 678; Federal Register, Vol. 81, No. 161, August 19, 2016](#)
- [WIOA Final Rule; 20 CFR Parts 603, 651,652, et al; Federal Register, Vol. 81, No. 161, August 19, 2016](#)
- [Public Law 107-288, Jobs for Veterans Act \(JVA\) of 2002](#)
- [Training and Employment Guidance Letter \(TEGL\) 22-04](#)
- [Training and Employment Guidance Letter \(TEGL\) 22-04, Change 1](#)
- [Training and Employment Guidance Letter \(TEGL\) 17-05](#)
- [Training and Employment Guidance Letter \(TEGL\) 10-09](#)
- [Training and Employment Guidance Letter \(TEGL\) 11-11 Change 2](#)
- [Training and Employment Guidance Letter \(TEGL\) 9-12](#)
- [Training and Employment Guidance Letter \(TEGL\) 11-12](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-13](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-13, Change 1](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-13, Change 2](#)
- [Training and Employment Guidance Letter \(TEGL\) 23-14](#)
- [Training and Employment Guidance Letter \(TEGL\) 08-15](#)
- [Training and Employment Guidance Letter \(TEGL\) 22-15](#)
- [Training and Employment Guidance Letter \(TEGL\) 10-16](#)
- [Training and Employment Guidance Letter \(TEGL\) 10-16, Change 1](#)

- [Training and Employment Guidance Letter \(TEGL\) 19-16](#)
- [Training and Employment Guidance Letter \(TEGL\) 21-16](#)
- [Veterans Program Letter \(VPL\) 03-14](#)
- [Veterans Program Letter \(VPL\) 03-14, Change 1](#)
- [Veterans Program Letter \(VPL\) 03-14, Change 2](#)
- [Veterans Program Letter \(VPL\) 04-14](#)
- [WorkSource System Policy 1003, Revision 1 - Data Element Validation](#)
- [WorkSource System Policy 1009, Revision 2 - Priority of Service for Veterans and Eligible Spouses](#)
- [WIOA Title I Policy 1019, Revision 3 – Eligibility Guidelines and Documentation Requirements](#)
- [WIOA Title I Policy 5403 - Records Retention and Public Access](#)
- [WIOA Title I Policy 5607, Revision 3 – Employer Criteria and Cost Sharing for Training Provided to Incumbent Workers](#)
- [WorkSource Information Notice \(WIN\) 0027, Change 3 - Use of UI Claimant Web Site in Place of WIA001 Report](#)
- [WorkSource Information Notice \(WIN\) 0041 - Address Confidentiality Program](#)
- [WorkSource Information Notice \(WIN\) 0084, Change 1 – Supplemental State Guidance for the WIOA Title I Youth Program](#)

1. Alignment of Wagner-Peyser and WIOA Title 1 Services

1.1 Purpose

According to [Training and Employment Guidance Letter \(TEGL\) 04-15](#), the overarching vision for the One-Stop system is the coordination of fully integrated programs, services and governance structures so job seekers have access to a seamless system of workforce investment services. This intent is accomplished by establishing career services that are consistent across federally-funded workforce development programs. In addition, the U.S. Department of Labor (DOL) has furthered its integration efforts by establishing common performance metrics ([TEGL 10-16, Change 1](#)) and developing an integrated performance reporting system (Participant Individual Record Layout or PIRL) for DOL-funded workforce programs.

States and local areas are encouraged to utilize common intake, case management, and job development systems in order to take full advantage of the One-Stop potential for efficiency and effectiveness. WIOA Title I programs and Wagner-Peyser are mandated to provide the same set of career services described at WIOA Section 134(c)(2)(A). There is a natural alignment of service delivery under Wagner-Peyser since all individuals legally entitled to work in the U.S. are eligible for these services.

NOTE: Personal records of WIOA registrants are private and confidential and not disclosable to the public. Refer to [WIOA Title I Policy 5403](#) and [RCW 50.13](#) for additional guidance on data privacy and security.

1.2 Career Services

There are three types of career services: basic, individualized, and follow-up. There is no sequence requirement for these services. They can be provided in any order to provide flexibility in targeting services to the needs of the customer. Section 4 of [TEGL 19-16](#) identifies the services that fall under the basic, individualized, and follow-up categories.

Per 20 CFR 680.120 and 680.130 and [TEGL 19-16](#), individuals 18 years of age or older who are registered, meet the eligibility criteria for, and are enrolled in either the WIOA adult or dislocated worker programs are eligible to receive career services.

Staff-assisted Wagner-Peyser employment services fall under the category of basic career services and must be provided in coordination with other one-stop center partners. Wagner-Peyser staff can also provide individualized career services in coordination with other one-stop center partners. Although Wagner-Peyser employment services are available to all individuals, only those who are legally entitled to work in the U.S. can obtain employment. To ensure that individuals who apply or are referred are legally entitled to work in the U.S., the WorkSourceWA.com registration requires customer attestation to legal entitlement to work in the U.S.

In addition to universal access under Wagner-Peyser, basic career services can be provided with WIOA Title I funding. Individuals must be registered, determined eligible and enrolled to receive WIOA Title I funded, staff-assisted career services beyond self-service or

informational activities. These services are offered under WIOA Title I (in addition to Wagner-Peyser) to ensure seamless service delivery in the One-Stop Center to minimize referrals and to ensure leveraging of resources between programs.

Per 20 CFR 680.110, self-service and informational activities are services made available and accessible to the general public that are designed to inform and educate individuals about the labor market and the range of services appropriate to their situation, and that do not require significant staff involvement with the individual in terms of resources or time. Both can be provided before registration and neither constitutes enrollment as neither is formally recognized as a staff-assisted WIOA Title I service. [TEGL 17-05](#) clarifies that “significant staff involvement” includes staff’s assessment of a participant’s skills, education or career objectives to assist the participant in making a decision or accessing information as opposed to staff providing a participant with readily-available information that does not require an assessment.

NOTE: This policy covers basic eligibility requirements for Wagner-Peyser, including priority of service requirements for Covered Persons (using the broad definition of veteran – see [Section 5.3](#)). For verification of veteran status, the Wagner-Peyser program has specific requirements. For an overview of services for veterans (using the standard definition) under Wagner-Peyser, please refer to [Wagner-Peyser Employment Service Policy 4030 - Services for Veterans](#).

All Wagner-Peyser funded services must be provided by state merit staff as per 20 CFR 652.215 and [TEGL 11-12](#).

1.3 Training Services

Training services are funded and provided to jobseekers under the WIOA Title I programs. Individuals provided training services funded by WIOA Title I must be registered, determined eligible and in need of additional service beyond career services to obtain or retain employment per proposed 20 CFR 680.210.

As part of the aforementioned eligibility process, individuals must receive, *at a minimum*, an interview, evaluation or assessment and career planning or other means by which eligibility for WIOA-funded training services can be determined (proposed 20 CFR 680.220 and [TEGL 19-16](#)).

Per WIOA Section 134(c)(3)(A)(iii), proposed 20 CFR 680.220, and [TEGL 19-16](#), there is no requirement that career services first be provided as a condition of receiving training services. However, if career services are not provided before training, Service Providers must document the circumstances justifying their course of action.

DOL encourages the referral of Wagner-Peyser recipients to WIOA Title I programs for training services when appropriate ([TEGL 11-12](#)).

2. Youth Program

2.1 Youth Program Requirements

Youth program requirements are distinguished by In-School youth and Out-of-School youth, which have different eligibility requirements.

2.1.1 In School Youth

Service Providers within the WSW area will not enroll In-School youth without prior approval from the Youth Initiatives Manager.

Individuals must meet the following eligibility guidelines to be In-School youth:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Attending school as defined by state law;
- Age 14 through 21;
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see [Section 5.2](#) for guidance on Selective Service registration).
- Low income individual (see [Section 2.3](#) for guidance on exceptions); and
- One or more of the following:

Category 1	Basic skills deficient
Category 2	An English language learner
Category 3	An offender ²
Category 4	A homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of foster care system, a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677), or in an out of home placement
Category 5	Pregnant or parenting ³
Category 6	A youth who is an individual with a disability
Category 7	An individual who requires additional assistance to complete an educational program or to secure or hold employment ⁴

¹ Section 4 of TEG 21-16 conditions the designation of home-schooled individuals as In-School Youth (ISY) or Out-of-School Youth (OSY) based on state and/or local education agency policies. In Washington, state statutes for the Office of Superintendent of Public Instruction ([RCW 28A.200](#), [28A.225.010\(4\)](#)) articulate the requirements for being recognized as home-schooled individuals. Individuals whose home-schooling activity

meets those requirements can seek eligibility as ISY; if not, they need to meet OSY eligibility criteria.

² Section 4 of [TEGL 21-16](#) addresses eligibility related to “offender” status for ISY and OSY. Youth who have been charged with an offense, but subsequently directed to community-based diversion programs rather than the formal court system, meet the definition of having been “subject to any stage of the criminal justice process” due to having been *charged* with an offense, even though they have not been remanded to the court system.

³ Section 4 of [TEGL 21-16](#) clarifies that an individual who is parenting can be a mother or father, custodial or non-custodial, and that the age the youth becomes a parent does not factor into this definition as long as the youth is within the WIOA youth age eligibility. One important distinction is that the father does not attain parenting status under WIOA until the child is born; that status does not convey to the father during pregnancy. To be clear, only the expectant mother can be a pregnant individual.

⁴ Per proposed 20 CFR 681.300, WSW defines “**Requires Additional Assistance**” as an individual who requires “Additional Assistance” to complete an educational program, or to secure and hold employment, locally defined as:

1. Personal/family substance abuse
2. Gang involved/affiliated/affected
3. Lacking affordable housing
4. Victim of domestic violence/sexual or child abuse
5. Identified social adjustment or mental health issue(s)
6. Lacking a significant or positive work history **and** document one other additional assistance need
7. Individual or member of a family that recently exhausted TANF benefits
8. OTHER additional assistance for education or employment not listed can be submitted to WSW for consideration of approval prior to program participation

Service Providers must document why the youth requires additional assistance at enrollment.

Refer to [Section 6](#) for an overview of eligibility criteria and documentation requirements.

2.1.2 Out of School Youth

Individuals must meet the following eligibility guidelines to be Out-of-School youth:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Not attending school as defined by state law¹;
- Age 16 through 24;
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see [Section 5.2](#) for guidance on Selective Service registration); and
- One or more of the following:

Category 1	A school dropout ²
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Category 2	A youth who is within the age of compulsory school attendance ³ , but has not attended school for at least the most recent complete school year calendar quarter
Category 3	A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual <u>and</u> is basic skills deficient <u>or</u> an English language learner
Category 4	An individual who is subject to the juvenile or adult justice system ⁴
Category 5	A homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of foster care system, a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677), or in an out of home placement
Category 6	Pregnant or parenting ⁵
Category 7	A youth who is an individual with a disability
Category 8	A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment ⁶

¹ The state’s dropout reengagement program authorized under [RCW 28A.175.100](#) provides educational opportunities and access to services to older youth ages 16 to 21 who have dropped out of high school or are not accumulating sufficient credits to reasonably complete a high school diploma in a public school before the age of 21 and are *unlikely to re-engage in education by re-enrolling in a traditional or even alternative high school*. [RCW 28A.175.110](#) states that youth in this program are regularly enrolled students of the school district in which they are enrolled.

Section 4 of [TEGL 21-16](#) on high school equivalency programs and dropout re-engagement programs states that “Youth attending high school equivalency (HSE) programs, including those considered to be dropout re-engagement programs, funded by the public K–12 school system that are classified by the school system as still enrolled in school are considered ISY.” Because Washington’s Open Doors program, which is cited in state RCW and WAC, recognizes a range of models or approaches with varying degrees of school or school district engagement, DOL acknowledges that Washington’s In-School Youth (ISY) and Out-of-School Youth (OSY) determination is situational and depends on the degree to which schools and school districts are service providers and funders in dropout re-engagement programs. If schools or school districts, despite having enrolled the youth into school, largely cede service provision to other entities (e.g., WIOA Title I youth providers, community-based organizations, non-profits), have minimal financial investment, and require little or no district-based accountability of participants, youth in those programs can be designated OSY. Conversely, if schools or school districts are substantially directive, invested, and accountable (e.g., WIOA Title I Youth program only provides supportive services to participants), those youth should be designated ISY. This also applies to dropout re-engagement programs not connected to Open Doors. Based on these guidelines, local areas must thoroughly document OSY

designation when youth participants in dropout re-engagement programs are enrolled in school.

²Per [WIOA Section 3\(54\)](#), the term “School Dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. .

³Per [RCW 28A.225.010](#), the age of compulsory school attendance in Washington is eight (8) years of age to under 18 years of age. For the purpose of WIOA out of school youth, that encompasses 16-17 year olds.

⁴Section 4 of [TEGL 21-16](#) addresses eligibility related to “offender” status for ISY and OSY. Youth who have been charged with an offense, but subsequently directed to community-based diversion programs rather than the formal court system, meet the definition of having been “subject to any stage of the criminal justice process” due to having been *charged* with an offense, even though they have not been remanded to the court system.

⁵Section 4 of TEGL 21-16 clarifies that an individual who is parenting can be a mother or father, custodial or non-custodial, and that the age the youth becomes a parent does not factor into this definition as long as the youth is within the WIOA youth age eligibility. One important distinction is that the father does not attain parenting status under WIOA until the child is born; that status does not convey to the father during pregnancy. To be clear, only the expectant mother can be a pregnant individual.

⁶Per proposed 20 CFR 681.300, WSW defines Requires Additional Assistance as an individual who requires “Additional Assistance” to complete an educational program, or to secure and hold employment, locally defined as:

1. Personal/family substance abuse
2. Gang involved/affiliated/affected
3. Lacking affordable housing
4. Victim of domestic violence/sexual or child abuse
5. Identified social adjustment or mental health issue(s)
6. Lacking a significant or positive work history and document one other additional assistance need
7. Individual or member of a family that recently exhausted TANF benefits
8. OTHER additional assistance for education or employment not listed can be submitted to WSW for consideration of approval prior to program participation

Service Providers must document why the youth requires additional assistance at enrollment.

Refer to [Section 6](#) for an overview of eligibility criteria and documentation requirements.

2.2 Defining Low Income

Referencing the definition of low-income at WIOA Section 3(36), a low income individual meets one of the following:

1. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (Food Stamp Program), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (TANF Assistance), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (SSI), or State or local income-based public assistance;
2. Is in a family with total family income that does not exceed the higher of—
 - a. the poverty line; or
 - b. 70 percent of the lower living standard income level;
3. Is a homeless individual (as defined in section 41403(6) of the [Violence Against Women Act of 1994](#) (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the [McKinney-Vento Homeless Assistance Act](#) (42 U.S.C. 11434a(2)));
4. Receives or is eligible to receive a free or reduced price lunch under the [Richard B. Russell National School Lunch Act](#) (42 U.S.C. 1751 et seq.);
5. Is a foster child on behalf of whom State or local government payments are made; or
6. Is an individual with a disability whose own income meets the income requirement of clause (2), but who is a member of a family whose income does not meet this requirement

See [Section 8](#) for a list of includable and excludable income and reference the [WSW Income Chart #3018](#) to determine 70% of the lower living standard income level.

WIOA Section 129(a)(2) states that low-income additionally includes youth living in high-poverty areas with proposed 20 CFR 681.260 defining a high-poverty area as a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 30 percent as set every 5 years using American Community Survey 5-year data.

20 CFR 681.250 and 681.270 allow that low-income for ISY further includes youth who receive (or are eligible to receive) free or reduced price lunches under the Richard B. Russell National School Lunch Act. Per Section 4 of TEGl 21-16, however, if schools offer all students with free or reduced price lunches, this criterion cannot be used to determine individual low-income eligibility for ISY. Also, with that same qualifier, OSY who are parents of children living in the same household who receive (or are eligible to receive) free or reduced price lunches meet low-income criteria based on their children's qualification.

WIOA Section 3(36)(A)(vi) and proposed 20 CFR 681.280 allow that the income eligibility level for youth with disabilities is based on the disabled youths' own income rather than their family income.

2.3 Exceptions to Youth Eligibility Requirements

Exceptions to the low-income requirement In any single program year, no more than 5 percent of a local area's total youth participants can be those who have a low income

eligibility requirement (in-school youth or out-of-school youth in Category 3 or 8), but are not low income. [WIOA Section 129(a)(3)(A)(ii) and proposed 20 CFR 681.250]. All exceptions must be approved prior to enrollment by the WSW Youth Initiatives Manager.

Limitation on In-School youth requiring additional assistance In any single program year, no more than 5 percent of a local area's total in-school youth participants can be those who require additional assistance to complete an educational program or to secure or hold employment (Category 7). [WIOA Section 129(a)(3)(B)] Service Providers within the WSW area will not enroll In-School youth without prior approval from the Youth Initiatives Manager.

3. Adult Program

3.1 Adult Program Requirements

Individuals must meet the following eligibility criteria for the adult program:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Age 18 or older; and
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see [Section 5.2](#) for guidance on Selective Service registration).

Refer to [Section 6](#) for eligibility criteria and documentation requirements.

3.2 Priority for Services under the Adult Program

Priority selection is established for and local areas must target certain populations in accordance with WIOA Section 134(c)(3)(E) and proposed 20 CFR 680.600 and 20 CFR 680.640. These targeted populations must first meet the eligibility requirements for the adult program.

The matrix below describes the order and rationale for prioritization based on the requirements in WIOA Section 134(c)(3)(E), proposed 20 CFR 680.600, proposed 20 CFR 680.640, and [TEGL 10-09](#). For purposes of this section, the term “covered person(s)” refers to veterans and eligible spouses per priority of service for veterans.

Priority requirements for the WIOA Title 1 adult program are as follows:

Priority	Mandatory Priority Group	Explanation
First	Covered persons (veterans and eligible spouses) who are low income, recipients of public assistance, or basic skills deficient.	Guidelines for serving covered persons (WorkSource System Policy 1009 Revision 2 – Priority of Service AND WSW Veterans Priority of Service Policy #3019) apply within the mandatory priority criteria of low-income / public assistance recipient.
Second	Individuals (non-covered persons) who are low-income (may include unemployed individuals), recipients of public assistance, or basic skills deficient.	The mandatory priority criteria (low-income / public assistance recipients / basic skills deficient) have preference over covered persons (veterans and eligible spouses) who do not meet the mandatory priority criteria.
Third	Covered persons (veterans and eligible spouses) who are <u>not</u> low- income and <u>not</u> basic skills	Guidelines for serving covered persons (WorkSource System Policy 1009 Revision 2 – Priority of Service AND

	deficient.	WSW Veterans Priority of Service Policy #3019) apply in the third category (individuals who are not low-income / public assistance recipients / basic skills deficient).
Fourth	Individuals (non-covered persons) who are not low-income and are not recipients of public assistance with income under 175% of poverty and are not basic skills deficient.	Individuals (non-covered persons) with income under 175% of poverty have precedence over those not low income.
Fifth	<p>Eligible adults who do not fit into the four priorities listed above may be served on a case-by-case basis. Customers served under this fifth priority must:</p> <ul style="list-style-type: none"> • Be approved in writing by a designated WSW staff person; and • Be submitted & given approval using a standard format; and • Include the estimated amount of WIOA adult funds to be spent on the individual; and • The adult applicant must have one or more significant barriers to full-time employment leading to self-sufficiency, including but not limited to a disability. 	The mandatory priorities established by DOLETA don't prohibit WIOA adult services to only the recipients of public assistance and other low income individuals. The WDC and the Governor may establish a process that gives priority for services to other individuals meeting eligibility criteria, as long as the mandatory priority groups are given priority.

NOTE: An adult with a disability can be considered a family of one for low-income determinations (refer to [Section 5.6.2](#)).

Priority Selection for Career Services and Training Services Funded with WIOA Statewide (15%) Discretionary Grants/Contracts

For purposes of WIOA statewide (15%) discretionary funds, the Governor has determined that these funds will be prioritized as follows:

1. Eligible veterans and spouses;
2. Unemployed individuals;
3. Low-income individuals;

4. Other Washington job seekers.

As indicated by the first priority, recipients of WIOA 15% discretionary grants and contracts will continue to provide priority selection of veterans for career and training services as required under P.L. 107- 288 “Jobs for Veterans Act” and in alignment with [WorkSource System Policy 1009 Revision 2](#). In applying this policy to 15% funded projects, veterans who are unemployed and/or low-income, have priority over all other individuals served under these projects.

4. Dislocated Worker Program

4.1 Dislocated Worker Program Requirements

Individuals must meet the following eligibility guidelines for the Dislocated Worker Program:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see [Sec. 5.2](#) for guidance on Selective Service registration); and
- One of the Dislocated Worker categories (see [table](#) below).

NOTE: For an overview of eligibility criteria and documentation requirements refer to [Section 6](#).

The matrix on the following page is meant to provide clarity on the requirements within each Dislocated Worker category. Military Service Members (Category 5) and Spouses of Dislocated Military Service Members (Category 6) have been included as individual categories to allow for specificity, though it is commonly understood that these categories fall under the General Dislocation category (1). Refer to [Section 5.7](#) for guidance related to the impact of Washington’s Marriage Equality Act.

Dislocated Worker Eligibility Criteria	
Category	Criteria
1. General Dislocation	<input type="checkbox"/> 1.1 An individual who was terminated, laid off, or received a notice of termination or layoff. AND
	<input type="checkbox"/> 1.2 Is determined unlikely to return to previous industry or occupation (see Definitions); AND
	<input type="checkbox"/> 1.3.1 Is eligible for or has exhausted entitlement to unemployment compensation; OR <input type="checkbox"/> 1.3.2 Is not eligible for unemployment compensation but can demonstrate attachment to the workforce of sufficient duration. Applicant is ineligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under State unemployment compensation law.
2. Dislocation from Facility Closure / Substantial Layoff	<input type="checkbox"/> 2.1 An individual who was terminated, laid off, or received a notice of layoff from employment at a plant, facility, or enterprise as a result of: <ul style="list-style-type: none"> • Permanent closure; or • Substantial layoff (see Definitions); OR

military service member who is separated from military service under conditions other than dishonorable, or who receives a notice of future separation, may be eligible under the WIOA Dislocated Worker program based on the “termination” criteria. This may include National Guard or Reserve members who have been discharged from active duty service, but not necessarily from other reserve commitments, such as training. Note: Retirement orders do not qualify as “terminated” or “laid off.”

Veterans and other covered persons determined eligible for the Dislocated Worker program are given priority for services according to the Jobs for Veterans Act and WorkSource (see [WorkSource System Policy 1009 Revision 2 – Priority of Service](#) **AND** [WSW Veterans Priority of Service Policy #3019](#)).

The following serves as an outline of Dislocated Worker eligibility criteria as it applies to discharged service members and those separating from the military:

Section (3)(15)(A)(i): Has been terminated or laid off or received notice of termination or layoff.

[TEGL 22-04](#) states that a discharge from the military under honorable circumstances meets the “termination” criterion. A DD-214 form is the most common documentation used to determine discharge status.

Washington has determined that still-active, transitioning military service members may also qualify for Dislocated Worker services. While these individuals may be *eligible* to receive WIOA Dislocated Worker services and funds, they would not be considered ‘veterans’ for the purposes of DOL reporting.

For the purposes of serving still-active transitioning service members under the “notice of termination or layoff” eligibility criterion, documentation must align with the DEV requirement for “Date of Actual Qualifying Dislocation” (refer to Handbook [Section 6](#)).

WSW established a designated timeframe of up to 12 months prior to a qualified service member’s planned separation during which they are eligible to receive Dislocated Worker services.

4.2.2 Spouses of Military Service Members (Dislocated Worker – Category 6)

Refer to [Section 6](#) for an overview of eligibility criteria and documentation requirements. [TEGL 22-04 Change 1](#) provides clarification and flexibility to serve spouses of military service members (military spouses) under the dislocated worker program. DOL affords local areas significant flexibility to serve military spouses. [TEGL 22-04](#) clarifies that the term “military spouse” includes individuals who are married to active duty service members (including National Guard or Reserve personnel on active duty) and surviving spouses of active duty service members who lost their lives while on active duty service in combat-related areas (e.g., Afghanistan or Iraq). Refer to [Section 5.7](#) for guidance related to Washington’s Marriage Equality Act.

When the spouse is unable to continue an employment relationship due to the service member’s permanent change of military station, or the military spouse loses employment as

a result of the spouse's discharge from the military, then the separation from employment meets the termination component of the WIOA definition of Dislocated Worker. Eligibility determinations must align with UI policy regarding "good cause" for voluntary quits. Below are two common scenarios that would qualify:

- The spouse of a military service member voluntarily quits because he/she is relocating with the service member to a new duty location.
- The spouse of a military service member is no longer eligible to work on the base as a result of the (military service member's) discharge.

NOTE: Good cause is **not** found when claimants quit work to relocate someplace other than their military spouse's or domestic partner's new duty location, including relocation to the home of record or elsewhere.

As provided in [TEGL 22-04](#) and [TEGL 22-04 Change 1](#), "termination" of military spouses based on the circumstances described above can be considered to determine "unlikely to return to a previous industry or occupation" to qualify as a dislocated worker.

Determination is a matter of judgment based on relevant circumstances, but in most cases, military spouses impacted by a service member's duty reassignment or discharge will meet the "unlikely to return to a previous industry or occupation" criterion under WIOA and could be served as dislocated workers.

Military spouses can also be served as dislocated workers if they meet the definitional requirements for displaced homemakers at WIOA Section 3(15)(A)(ii).

Veterans and eligible spouses must be given priority in all DOL funded employment and training programs. In the proposed regulations, it is suggested DOL will issue a TEGL as additional guidance. Currently DOL has the following TEGL's as reference to veterans:

- [TEGL 5-03](#) – Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act"
- [TEGL 22-04](#) – Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant
- [TEGL 22-04 Change 1](#) – Serving Military Spouses and Dislocated Workers under the WIA Dislocated Worker Formula Grant
- [TEGL 10-09](#) – Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the US Department of Labor

4.3 Eligibility for Employed Individuals

4.3.1 Under-Employed Workers

Per Section 11 of TEGL 19-16, the State allows under-employed workers to qualify for the WIOA Title I Dislocated Worker program if they have been dislocated from full-time employment and meet one of the following eligibility criteria:

1. Employed less than full-time but actively seeking full-time employment
2. Employed in a position that is inadequate with respect to documented skills and training
3. Employed but meet the definition of “low-income” in WIOA Section 3(36)
4. Employed but current earnings are insufficient compared to earnings from previous employment

Note: Underemployed workers also qualify for the WIOA Title I Adult Program, while those who meet the “low income” definition also receive priority of service.

Employed adults are eligible for career services if they are 18 years of age or older and additionally eligible for training services if they are determined to be in need of such services to obtain or retain self-sufficient employment (WIOA Section 134(c)(3)(I)).

Self-sufficiency for Dislocated Workers shall be defined as employment lasting more than 6 consecutive months which provides the worker a wage that is equal to or greater than 90% of his/her wage at the time of dislocation. The special needs of individuals with disabilities or other barriers to employment should be taken into account when determining self-sufficiency.

4.4 Stop Gap Employment

Stop-gap employment is temporary work an individual accepts only because they have been laid off from the customary work for which their training, experience or work history qualifies them. Stop-gap employment must be temporary in nature with the intent to end employment upon completion of training, obtaining self-sufficient employment or as specified in the individual employment plan (IEP).

Typically, stop-gap employment will pay less than the individual’s wage of self-sufficiency where stop-gap employment does provide a sufficient wage temporarily but is not considered permanent employment that leads to self-sufficiency. This stop-gap employment would not change the individual’s dislocated worker status if it meets the criteria.

An otherwise eligible dislocated worker remains eligible if either prior to or during Title I Dislocated Worker program participation, their stop-gap employment is obtained for the purpose of income maintenance. If dislocation from a stop-gap position occurs, the job of dislocation remains the original job that established the self-sufficient income. If, at any time, an individual obtains employment that meets the definition of self-sufficiency, including a scenario where the employment period exceeds the established criteria for temporary employment, then that position would be considered the self-sufficient job of dislocation in the event of a future dislocation.

5. Additional Program Guidance

5.1 U.S. Citizenship or Legal Right to Work in the U.S.

As outlined in Sections 2, 3.1 and 4.1, Service Providers are required to verify U.S. citizenship or legal right to work for all WIOA Title I programs. WSW requires verification by using [I-9 Documentation](#), such as: driver's license / ID card along with Social Security card. Other documentation may only be used to supplement accepted I-9 documentation.

5.2 Selective Service Requirements

To be eligible to receive WIOA Title I-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirements or exceptions, One Stop Management or WSW Designee must determine that the failure to register was not knowing and willful. Complete Selective Service registration requirements and exceptions are found in [TEGL 11-11, Change 2](#), including acceptable documentation to determine registration status and procedures for determining whether or not failure to register was knowing and willful.

Additionally, the [Selective Service System Website](#) provides additional information about registration requirements, including the [Who Must Register Quick Reference Chart](#).

Males 25 Years and Under

Before being enrolled in WIOA Title I services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the [Selective Service website](#) or provide documentation indicating they are covered by an exception (i.e., serving in the military on full-time active duty or a non-U.S. male on a valid non-immigrant visa). Males turning 18 while participating in WIOA Title I services must complete their Selective Service registration no later than 30 days after turning 18 to continue to receive WIOA Title I services. Males between 18 and 25 years of age who refuse to register with the Selective Service must be suspended from WIOA Title I services until registered.

If a youth fails to provide verification of Selective Service registration within 30 days of his 18th birthday, services must be suspended (i.e. on the 31st day after his 18th birthday). Service Providers must stop providing services to participants who have not met Selective Service registration requirements until the requirements are met.

Males 26 Years and Over

Before enrolling in WIOA Title I services, all males 26 years of age or older must provide (1) documentation of compliance with Selective Service registration requirements; (2) documentation showing they were not required to register; or (3), if they were required to register but did not, documentation establishing that their failure to register was not knowing and willful.

Determining Knowing and Willful Failure to Register

[TEGL 11-11, Change 2](#) provides local areas with detailed information about requesting a Status Information Letter and the process for determining knowing and willful failure to register. The intent of the TEGl is to provide a framework for local areas to make determinations through a local process where determinations are based on the individual circumstances (e.g., questions, considerations, statements, status information letter) and relevant documentation (i.e., documentation that supports the reason for not registering or further supports the belief that it was not knowing or willful). Because circumstances will vary and need to be considered, there is not an established and definitive list of acceptable documentation.

5.3 Priority of Service for Veterans and Eligible Spouses

All WIOA programs and service delivery must align with federal law, regulations, and guidance on Priority of Service. Priority of service entitles eligible veterans or spouses to enrollment and services before eligible non-covered persons. Refer to [WorkSource System Policy 1009 – Priority of Service for Veterans and Eligible Spouses](#) and [TEGL 3-15](#) for additional guidance on Priority of Service. Refer to [Section 3.2](#) for specific guidance on priority for service when funding is limited under the Adult program.

5.4 Assisting Victims of Human Trafficking

This guidance is appropriate for one-stop center staff, especially intake workers and frontline staff who may encounter individuals they believe may be victims of human trafficking. If individuals are under immediate threat and/or state that they are in danger, staff should call 911.

On October 24, 2012, the U.S. Department of Labor (DOL), Employment and Training Administration (ETA) released [TEGL 9-12](#), which provides additional information and updates earlier guidance on the importance of providing workforce training and referral services to victims of human trafficking. Below are instructions and guidelines for staff.

Recognizing the Characteristics of Victims and Referring Individuals to Proper Authorities and Resources

Many victims of trafficking do not self-identify. A role for staff is to recognize the characteristics of potential victims of trafficking and refer them to proper authorities and resources. See [TEGL 9-12](#) Attachments A and B for information on how to identify potential victims of trafficking and a current list of hotlines that one-stop staff can call to get help for potential victims.

Employment and Training Services for Victims of Human Trafficking:

U.S. citizens or lawful residents who are victims of trafficking can receive the same services provided to the general public under WIOA. In addition, under the Traffic Victims Protection Act, certain foreign nationals are also eligible for WIOA Title I services. This includes victims of both a severe form of trafficking in persons and individuals granted a nonimmigrant “T”

(trafficking) visa.

To be eligible for WIOA Title I services as a victim of a severe form of trafficking:

- Individuals 18 years of age or older must have been subjected to an act or practice described in the definition of “severe forms of trafficking in persons” and have received a letter of certification issued by the U.S. Department of Health and Human Services (HHS).
- Children under 18 years old who have been subjected to a severe form of trafficking need not be certified by HHS to be eligible for services; instead, HHS issues Letters of Eligibility to minor victims of trafficking. As with any participant, they must meet all applicable program eligibility requirements to receive WIOA Title I services.

Individuals who are granted “T” visas by the U.S. Department of Homeland Security (DHS) are also eligible for WIOA Title I services. The “T” nonimmigrant status (T visa) is available to individuals who are or have been victims of human trafficking and protects these individuals by allowing them to remain in the United States to assist in an investigation or prosecution of human trafficking.

Employment and training services should be provided to victims of trafficking to the same extent as and following the same procedures and case management processes for other one-stop customers. However, services to victims of trafficking may need to be tailored and adapted to meet the particular needs of this population. For instance, victims of trafficking may have Limited English Proficiency (LEP), criminal records (including from being forced into prostitution), or limited resumes.

Offering Information and Referrals to Other Wrap-Around Services and/or Law Enforcement

In most cases, victims of trafficking will approach one-stop centers toward the end of their rehabilitation process and will have already been working with other federal, state, local or non-profit organizations and agencies. In the event that the victim has not yet received services, it is important for staff to be aware of and utilize local resources and service providers, particularly non-profit organizations that provide services to trafficking victims. Service providers for trafficking victims can also refer or accompany their clients to the nearest one-stop center when they are ready for employment and training services.

A description of available services for victims of trafficking offered either directly by federal agencies or provided by local service providers with funding from the federal government can be found in the document, [Services Available to Victims of Human Trafficking: A Resource Guide for Social Service Providers](#).

5.5 Use of Unemployment Insurance Self Service Web Site

[WorkSource Information Notice \(WIN\) 0027, Change 3](#) provides information on the use of data accessible to Unemployment Insurance (UI) claimants through the Unemployment Insurance Self Service web site to secure information that can assist in determining Dislocated Worker program eligibility. Staff can use printouts of UI information provided by UI claimants who have Secure Access Washington (SAW) accounts that allow them to access,

view and print their on-line UI claim information.

5.6 Income Verification and Family Size for the Low-Income Criteria

5.6.1 Income Verification:

Unemployed individuals do not automatically meet local parameters regarding low-income. The intent is to prioritize services to individuals based on family income (low-income).

Using the definition of low-income at WIOA Section 3(36), service providers will use [WSW Income Chart #3018](#) to determine 70% of the lower living standard income level. [Section 8](#) of this handbook provides samples of excludable and includable income. To determine whether an individual is low-income under the definition at WIOA Section 3(36), it is also necessary to consider family size and family income.

To determine whether an individual is low-income under the definition at WIOA Section 3(36), it is also necessary to consider family size and family income.

DOL has provided the following guidance for use in determining low-income status:

- Unemployment insurance, child support payments and old-age survivors insurance are includable income for adults and dislocated workers (TEGL 19-16).
- Military pay or allowances paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not includable income (TEGL 19-16; 20 CFR 683.230).
- Unemployment insurance and child support payments are includable income for youth (TEGL 21-16).

5.6.2 Determining Family Size:

For these purposes, “family” under WIOA means two or more individuals related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A married couple, and dependent children;
- A parent or legal guardian and dependent children; or
- A married couple.

Refer to [Section 5.7](#) for guidance related to the impact of Washington’s Marriage Equality Act.

NOTE: Based on proposed 20 CFR 681.280, even if the family of a disabled individual does not meet the income eligibility criteria, the disabled individual may be considered a low-income individual if their income meets the income criteria of WIOA section 3(36)(A) or 3(36)(B). Disabled individuals would be considered a family of one and only their income considered in determining low-income.

5.6.3 Defining Dependent:

WIOA does not define dependent. To avoid uncertainty in making eligibility decisions regarding family size and income, the State has identified three circumstances where youth must be considered dependents of parents or legal guardians for the purpose of determining family size for WIOA Title I youth and adult program eligibility:

1	Youth not yet 18, who are not emancipated youth nor runaway youth, living “at home” with their parents or legal guardians, including individuals in the temporary care of another individual or household (but not claimed as a dependent by that household).
2	Youth age 18-19 who are full-time students in a secondary school or equivalent and are living “at home” with their parents or legal guardians.
3	Youth age 18-24 who are not full-time students and are living “at home” with their parents or legal guardians and who are primarily supported by their parents.

A legal guardian is a blood relative (e.g., grandparent, aunt or uncle) or other legally recognized relative (e.g., by decree of the court) who claims the youth as a dependent. The key factors are:

- Relationship by blood or decree of court;
- Living in a single residence; and
- The youth is claimed as a dependent.

5.7 Washington’s Marriage Equality Act

Washington’s Marriage Equality Act ([RCW 26.60](#)) expands the definition of a “married couple” beyond that of a male and female. Furthermore, in June 2013, the U.S. Supreme Court ruled unconstitutional Section 3 of the federal Defense of Marriage Act. Accordingly, with respect to this policy, the State’s definition of a married couple extends beyond that of a male and female.

This expanded definition applies to all WIOA policy guidance and specifically impacts: family size, eligible spouses (Priority of Service), military spouses (Dislocated Worker eligibility), and displaced homemakers (Dislocated Worker eligibility).

5.8 Disabled Veterans Outreach Program (DVOP) Eligibility

Eligibility for the Disabled Veterans’ Outreach Program (DVOP) under the Jobs for Veterans State Grant (JVSG) is separate and distinct from consideration of either veterans’ and eligible spouses’ priority of service under the WIOA Title I Adult program (refer to Section 3.2) or Dislocated Worker program eligibility for transitioning military service members and eligible spouses (refer to Section 4.2).

Individuals eligible for case-managed DVOP employment and training services include the following:

1. Special disabled veterans and other disabled veterans as defined by [38 U.S.C. 4211](#), with an emphasis on those who are economically or educationally disadvantaged.
2. Veterans discharged under other than dishonorable conditions who do not meet the criteria in (1), but attest to meeting at least one of the following criteria representing Significant Barriers to Employment (SBE):
 - Being homeless or in danger of becoming homeless, to include those fleeing or attempting to flee a hostile home environment
 - Receiving/pending U.S. Department of Veterans Affairs compensation for a disability
 - Currently or has previously been incarcerated
 - Receiving or eligible for public assistance
 - Being discharged in the past three years and unemployed for 27 weeks or longer in the past 12 months
 - Lacking a high school diploma or high school equivalency degree
 - Being between the ages of 18 and 24 inclusive
 - Being a Wounded Warriors or caregiver for Wounded Warriors
 - Separated from the military under other than dishonorable conditions and being discharged due to forced downsizing
 - Having a Department of Defense (DD) Form 2648 (Preseparation Counseling Checklist) on which they have been deemed “not career status ready”

5.9 Trade Act Assistance (TAA) Eligibility

Eligibility for Trade Adjustment Assistance (TAA) is based on an affirmative decision by the DOL’s Office of Trade Adjustment Assistance (OTAA) to certify a TAA petition that covers a defined worker group. To that end, OTAA issues to the worker group a decision titled, "Certification Regarding Eligibility to Apply for Worker Adjustment Assistance" that covers all members of the worker group who are separated or threatened with separations during the period beginning one year before the petition was filed and ending two years after the date of the certification. Each certification describes the worker group and specifies the beginning and ending dates.

Certified TAA petitions in Washington, including the “Certification Regarding Eligibility to Apply for Worker Adjustment Assistance,” can be found [on-line](#) on the DOL’s searchable web page for listings of petitions and determinations or by contacting ESD’s State TAA Program Operator.

5.10 Incumbent Workers

WIOA Section 134(d)(4) and 20 CFR 680.780 directs states and local areas to establish policies and definitions to determine which workers, or groups of workers, are eligible for incumbent worker training services. To qualify, incumbent workers need to be employed, meet Fair Labor Standards Act requirements for an employer-employee relationship, and have established employment histories with the employer for 6 months or more.

Per 20 CFR 680.780 and Section 13 of [TEGL 19-16](#), incumbent workers need not meet the

WIOA Title I eligibility requirements for adults or dislocated workers to receive career and training services unless they are also co-enrolled as participants in the WIOA Title I Adult or Dislocated Worker programs. For Southwest area eligibility and training requirements reference the [WSW Training Handbook – Incumbent Worker Training](#).

6. Eligibility Documentation Requirements

The matrix below provides a comprehensive overview of program eligibility criteria and documentation requirements. The requirements in this matrix outline eligibility criteria and utilize Data Element Validation (DEV) requirements for alignment purposes. There are, however, additional DEV requirements beyond the eligibility documentation requirements described in this matrix, including different DEV requirements for career services. Refer to [WorkSource System Policy 1003 Revision 1](#) and [TEGL 22-15](#) for comprehensive information on the Data Reporting and Validation System (DRVS) and Data Element Validation (DEV) requirements.

Instructions for the eligibility and documentation matrix:

Criteria

This column represents all eligibility components for WIOA Title I Youth, Adult, and Dislocated Worker (DW) categories, in addition to the components that apply to multiple programs.

Eligibility Requirement

This column includes each program with an indicator in each row if the eligibility criterion applies to the specific program as outlined in Sections 2, 3 and 4 of this handbook.

Documentation Requirement

The corresponding eligibility documentation requirements to the right align with DEV documentation requirements for each eligibility criteria/category. The Enterprise Data Reporting and Validation System (EDRVS) number (if the criteria is included under DEV) or other source (if not included under DEV) is listed above each list of documentation. Note: EDRVS numbers reflected are subject to change based on issuance of DOL/ETA guidelines for DEV applicable to WIOA.

One document in this column is required for each relevant eligibility criteria/category. Each criteria is connected to one or more potential DRVS lists, but only one document (from the relevant list) is necessary (i.e., low-income and youth category 3 include multiple “options” but only one option is necessary).

Service providers may use supplemental data to document wage information for those jobs that are not captured through UI Wages and State systems. All supplemental data must be uploaded into ETO under employment verification.

Self-attestation

The self-attestation column indicates whether or not the corresponding documentation list allows self-attestation. All service providers must use the self-attestation forms provided in [Section 7](#) of this Handbook. Furthermore, staff must document the reason for using self-attestation in case notes.

Improperly documented self-attestation or self-attestation on eligibility elements not permitted under federal law or guidance or this policy may result in disallowed costs. Properly documented self-attestation serves as documentary evidence of eligibility determination and does not, by itself, warrant disallowed cost findings. At the same time, properly documented self-attestation does not, by itself, preclude disallowed cost findings if it is determined during monitoring, reviews, or audits that the attestation was false.

Note: Under [WorkSource System Policy 1023, Revision 1](#), local areas formally implementing Integrated Service Delivery with co-enrollment can utilize self-attestation to document that participants are 18 years of age or older, are legally entitled to work in the U.S., and have registered for Selective Service (as applicable) for the purposes of eligibility determinations for the WIOA Title I adult and dislocated worker programs so long as those individuals are **provided basic career services only**. If those participants subsequently pursue individualized career services or training services, full eligibility documentation is required.

Criteria	Eligibility Requirement For:					Documentation Requirement	Self-Attestation
	W-P	ISY	OSY	Adult	DW		
Legally Entitled to Work in the U.S.	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> Accepted I-9 Documentation, such as: driver's license / ID card along with Social Security card. <p>Note: for more information on employment eligibility guidance and alignment with I-9 documentation please see M-274, Instructions for Completing Form I-9</p>	No
Age	N/A	✓	✓	✓	N/A	<p><u>EDRVS 8 - Date of Birth:</u></p> <ul style="list-style-type: none"> Driver's license; Baptismal record; Birth certificate; DD-214; Report of Transfer or Discharge paper; Federal, state or local ID card; Passport; Hospital record of birth; Public assistance/social service records; School records or ID cards; Work permit; Cross match with Department of Vital Statistics (Department of Health's Center for Health Statistics); Tribal records; or Hard or electronic case notes (noting that staff saw proof of age document) for basic career services only. 	Yes (self-service and basic career services only)
Selective Service Registration ¹	N/A	✓	✓	✓	✓	<p><u>TEGL 11-11 Change 2:</u></p> <ul style="list-style-type: none"> Selective Service acknowledgement letter; Form DD-214 "Report of Separation"; Screen printout of the Selective Service Verification site; Selective Service Registration Card; Selective Service Verification (Form 3A); or Stamped Post Office Receipt of Registration. 	Yes (self-service and basic career services only)

¹ Refer to [Section 5.2](#) and [TEGL 11-11 Change 2](#) for additional guidance on determining whether or not failure to register was knowing / willful. Selective Service Registration applies to youth who are 18 years of age or older, either at the time of enrollment or during participation.

<p>Low Income ²</p>	<p>N/A</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>	<p>N/A</p>	<p><u>EDRVS 43, 38, or 40 for Adult</u></p> <p><u>EDRVS 43 - Low Income:</u></p> <ul style="list-style-type: none"> • Alimony Agreement; • Applicant Statement³; • Award letter from veteran's administration; • Bank statements; • Compensation award letter; • Court award letter; • Pension statement; • Employer statement/contact; • Family or business financial records; • Housing authority verification; • Pay stubs; • Public assistance records; • Quarterly estimated tax for self-employed persons; • Social Security benefits, or • UI documents • State MIS (WorkSourceWA/ETO) • Self-attestation for basic career services only • Hard or electronic case notes (noting that staff saw proof of public assistance document) for <u>basic career services only</u>. <p><u>EDRVS 38 - TANF:</u></p> <ul style="list-style-type: none"> • Cross- match with TANF public assistance records; • Self-attestation; or • Hard or electronic case notes (noting that staff saw proof of TANF document) for <u>basic career services only</u>. <p><u>EDRVS 40 - Other Public Assistance (State/Local General Assistance, Refugee Cash Assistance, or Food Stamp Assistance) Recipient:</u></p> <ul style="list-style-type: none"> • Copy of authorization to receive cash 	<p>Yes (only for basic career services only)</p>
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² Income as an eligibility requirement for the Adult program is determined by [Section 3.2](#). Income as an eligibility requirement for youth does not apply to youth enrolled in the 5% window or OSY youth unless determined Category 3.

³ Applicant statement, which is acceptable for low income documentation when providing individualized career services and training services, is not synonymous with self-attestation. Though generally similar, applicant statement is distinguished from self attestation in that the former requires a signed and dated statement that is prepared (either handwritten or typed) by the individual whereas the latter is documented through a signed and dated form with pre-posed yes/no checkboxes such as those provided in [Section 7](#) of the Handbook.

					<p>public assistance</p> <ul style="list-style-type: none"> • Copy of public assistance check; • Medical card showing cash grant status; • Public assistance records; • Refugee assistance records; • Cross- match with public assistance database; • State MIS (WorkSourceWA/ETO) for basic career services only • Self-attestation for <u>basic career services only</u> • Hard or electronic case notes (noting that staff saw proof of public assistance document) for <u>basic career services only</u>. 	
Youth Program – Out-of-School	Category 1				<p><u>EDRVS 35 - School Status at Participation:</u></p> <ul style="list-style-type: none"> • Self-attestation (as a last resort, not preferred); • Applicable records from education institution (GED certificate, diploma, attendance record, transcripts, drop out letter, school documentation); • WIOA intake or registration form; or • State MIS 	Yes
	Category 2				<p><u>EDRVS 35</u> (refer to list above)</p>	Yes
	Category 3				<p><u>EDRVS 50 - Basic literacy skills deficiency:</u></p> <ul style="list-style-type: none"> • Standardized assessment test(s); • School records; or • Case notes 	No
	Category 4				<p><u>EDRVS 42 - Offender:</u></p> <ul style="list-style-type: none"> • Self-attestation; • Documentation from juvenile or adult criminal justice system; • Documented phone call with court or probation representatives; or • WIOA intake or registration form. 	Yes
	Category 5				<p><u>EDRVS 41</u> (homeless / runaway youth) or <u>EDRVS 51</u> (foster care)</p> <p><u>EDRVS 41 - Homeless individual and/or runaway youth:</u></p> <ul style="list-style-type: none"> • Self-attestation; • Written statement from an individual providing residence, shelter or social service agency; or 	Yes (only for 41)

		<ul style="list-style-type: none"> WIOA intake or registration form <u>EDRVS 51 - Foster Care Youth:</u> <ul style="list-style-type: none"> Written confirmation from social services agency, or Case notes 	
	Category 6	<u>EDRVS 48 – Pregnant or Parenting Youth:</u> <ul style="list-style-type: none"> Self- attestation; Copy of child's birth certificate; Baptismal record; Observation of pregnancy status; or Doctor's note confirming pregnancy. 	Yes
	Category 7	<u>EDRVS 49 - Youth who needs additional assistance:</u> <ul style="list-style-type: none"> Self- attestation Individual service strategy Case notes WIOA intake or registration form State MIS (WorkSourceWA/ETO)	Yes
	Category 8	EDRVS 49 (refer to list above)	Yes
Youth Program – In-School	Category 1	<u>EDRVS 50 - Basic literacy skills deficiency:</u> <ul style="list-style-type: none"> Standardized assessment test; School records; or Case notes 	No
	Category 2	<u>EDRVS 50</u> (refer to list above)	Yes
	Category 3	<u>EDRVS 42 - Offender:</u> <ul style="list-style-type: none"> Self-attestation; Documentation from juvenile or adult criminal justice system; Documented phone call with court or probation representatives; or WIOA intake or registration form. 	Yes
	Category 4	<u>EDRVS 41 (homeless / runaway youth) or EDRVS 51 (foster care)</u> <u>EDRVS 41 - Homeless individual and/or runaway youth:</u> <ul style="list-style-type: none"> Self-attestation; Written statement from an individual providing residence, shelter or social service agency; or WIOA intake or registration form <u>EDRVS 51 - Foster Care Youth:</u>	Yes (only for 41)

		<ul style="list-style-type: none"> • Written confirmation from social services agency, or • Case notes 	
	Category 5	<u>EDRVS 48 – Pregnant or Parenting Youth:</u> <ul style="list-style-type: none"> • Self- attestation; • Copy of child's birth certificate; • Baptismal record; • Observation of pregnancy status; or • Doctor's note confirming pregnancy. 	Yes
	Category 6	<u>EDRVS 49 - Youth who needs additional assistance:</u> <ul style="list-style-type: none"> • Self- attestation • Individual service strategy • Case notes • WIOA intake or registration form • State MIS (WorkSourceWA/ETO) 	Yes
	Category 7	EDRVS 49 (refer to list above)	Yes
Dislocated Worker Program	Category 1	<u>EDRVS 47 - Date of Actual Qualifying Dislocation:</u> <ul style="list-style-type: none"> • Self-attestation; • Verification from employer; • Rapid Response list; • Notice of layoff; or • Public announcement with cross-match with UI 	Yes
	Category 2	<u>EDRVS 47</u> (refer to list above)	Yes
	Category 3	<u>EDRVS 47</u> (refer to list above)	Yes
	Category 4	<u>EDRVS 46 - Displaced Homemaker:</u> <ul style="list-style-type: none"> • Self-attestation; • Public assistance records; • Court records; • Divorce Papers; • Bank records; • Spouse's layoff notice; or • Spouse's death record 	Yes
	Category 5 ⁴	<u>EDRVS 47</u> (refer to list above) or a DD-214	Yes
	Category 6	<u>EDRVS 47</u> (refer to list above)	Yes

⁴ Per [Section 4.2](#), transitioning service members may qualify under the Dislocated Worker program even if a DD-214 has not yet been obtained. While these individuals may be *eligible* to receive WIOA Dislocated Worker services and funds, they would not be considered 'veterans' for the purposes of DOL reporting

7. Self-Attestation Forms

You can download the Adult & DW Self-Attestation form [here](#).

WIOA Title 1-B Adult & DW Self-Attestation Form

Applicant Information:

Last Name:	First Name:	Middle Initial:	
Address:	City:	State:	Zip:

Individuals entering WIOA services may self-attest to the information below:

Are you low-income? (please explain below)

1. Note: To determine low-income use Income Chart #3018 to determine income eligibility and use the definition of low-income individual at the beginning of the Handbook and the excludable and includable income in Sec. 8 of the Handbook.

Yes No

Explanation:

2. Have you been terminated, laid off, or received a notice of termination or layoff? (DW Categories 1 and 2) AND unlikely to return to previous occupation (explain above) Yes No

3. Are you a military service member who was discharged or released from service (under conditions other than dishonorable) or has received a notice of military separation? (DW Category 5) Yes No

4. Were you unable to continue employment due to your spouse's permanent change of military station, or did you lose employment as a result of your spouse's discharge from the military? (DW Category 6) Yes No

5. Were you self-employed, but are unemployed as a result of general economic conditions in the community in which you reside? (DW Category 3) Yes No

6. Are you a displaced homemaker? (DW Category 4)
 Note: A displaced homemaker is an individual who was dependent on the income of another family member and is no longer supported by the income of another family member. Yes No

	Dislocation Information	Current Employment Information
Date	Separation Date (if known mm/dd/yyyy):	Start Date mm/dd/yyyy:
Job Title		
Business Name		
Address		
City, State, Zip		

Self-Attestation Statement:

I certify that the information provided on this document is true and accurate to the best of my knowledge and belief. I understand that such information is subject to verification and further understand that the above information, if misrepresented or incomplete, may be grounds for immediate termination from any WIOA program and/or penalties as specified by law.

SIGNATURE OF PARTICIPANT

DATE

X

Staff Verification Statement:

I certify that the individual whose signature appears above provided the information recorded on this form.

SIGNATURE OF STAFF

DATE

X

You can download this Youth Self-Attestation form [here](#).

WIOA Title 1-B Youth Self-Attestation Form			
Applicant Information:			
Last Name:	First Name:	Middle Initial:	
Address:	City:	State:	Zip:
Individuals entering WIOA services may self-attest to the information below:			
1. Are you low-income? (please explain below) <small>Note: To determine low-income use Income Chart #3018 to determine income eligibility and use the definition of low-income individual at the beginning of the Handbook and the excludable and includable income in Sec. 8 of the Handbook.</small>	Yes <input type="checkbox"/> No <input type="checkbox"/>		
Explanation:			
2. Have you dropped out of school?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
3. Are you homeless or did you run away from home?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
4. Are you pregnant or currently parenting a child?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
5. Are you an offender?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
6. Do you Require Additional Assistance (includes individuals with disabilities).	Yes <input type="checkbox"/> No <input type="checkbox"/>		
Explanation:			
Self-Attestation Statement:			
<i>I certify that the information provided on this document is true and accurate to the best of my knowledge and belief. I understand that such information is subject to verification and further understand that the above information, if misrepresented or incomplete, may be grounds for immediate termination from any WIOA program and/or penalties as specified by law.</i>			
SIGNATURE OF PARTICIPANT		DATE	
X			
Staff Verification Statement:			
<i>I certify that the individual whose signature appears above provided the information recorded on this form.</i>			
SIGNATURE OF STAFF		DATE	
X			

8. Includable and Excludable Income

Income requirements are computed by recording the total reportable family income for six months prior to the date the application is signed and then multiplying by two (2). This is the total annual family income.

The following are income types that fall into either includable or excludable income for purposes of WIOA eligibility.

Include the following when computing annual family income:

- Pay stubs (wages and salaries before any deductions)
- Net receipts from non-farm self-employment (recipients from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expense).
- Unemployment insurance
- Child support payments
- Old Age and Survivors Insurance (OASI)
- Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses).
- Regular payments from railroad retirement, strike benefits from union funds and worker's compensation (not lump sum) training stipends.
- Alimony
- Pensions whether private, government employee (including military retirement pay), law enforcement firefighters (LEF) disability income.
- Regular insurance or annuity payment.
- College or university grants, fellowships, and assistantships, state work-study (not needs based scholarships): the key is whether or not the money is a loan to be paid back. If it is to be paid back, then it is a loan and excludable income if not, then it is includable.
- Dividends, interest, net rental income, net royalties, and periodic receipts from estates or trusts.
- Net gambling or lottery winnings.
- L & I paid on a monthly basis.
- Social Security Disability (SSDI) Insurance payments (Title II of the Social Security Act, Federal Old-Age, Survivors and Disability Insurance). SSDI pays benefits to individuals that have worked in the past, paid Social Security taxes, and are currently unable to work for a year or more because of a disability. SSDI is considered income replacement.

Exclude the following when computing annual family income:

- Public assistance payments (including TANF, SSI, RCA, GA).
- Training stipends under WIOA
- Foster child care payments
- Military pay or allowances paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not includable income (TEGL 19-16; 20 CFR 683.230).
- Financial assistance under Title IV of the Higher Education Act, i.e. Pell grants, federal opportunity grants and federal work study, as well as needs-based scholarships (loans are debt and not income).
- Capital gains

- Any assets drawn down as withdrawals from a bank.
- Tax refund, gifts, loans, inheritance, one-time insurance payments, or compensation for injury.
- Non-cash benefits such as employer fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, food stamps, school meals, fuel or housing assistance.
- Certain one-time cash payments including: tax refunds; one-time gifts; loans, which are debt and not income; assets from the sale of a home, property, or car; one-time insurance settlements; lump sum inheritances; one-time compensation for injury; etc.
- Job Corps payments.
- Wages paid through the Senior Community Service Employment Program funded under Title V of the Older Americans Act.
- Payments received under the Trade Adjustment Assistance (TAA).
- U. S. Housing and Urban Development (HUD) rental assistance subsidies.
- Stipends received in the following programs: VISTA, Peace Corps, Foster Grandparent Program, YouthWorks/AmeriCorps Programs, and Retired Senior Volunteer Program.

If payment is a one-time lump sum, it is generally excludable. If a payment occurs in monthly installments, then it is generally includable. If the payment does not meet one of the excludable criteria, then the payment will be includable income.