

	New Jersey Workforce Innovation Notice		WD-PY19-6.1
	Issued By:	Workforce Development Division of Career Services	
	Approved By:	Hugh Bailey, Assistant Commissioner Workforce Development	
	Issued Date:	<i>Revised</i> January 13, 2020	

1. SUBJECT: Workforce Innovation and Opportunity Act (WIOA) Eligibility and Self-Attestation Policy
2. PURPOSE: This policy is intended to outline the baseline criteria that local areas, one-stop operators, vendors and providers should apply to determine eligibility for WIOA career services.
3. EFFECTIVE DATE: This NJWIN is effective immediately.
4. BACKGROUND: Registration is the process of collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, and/or an individual's application. Participation occurs after the registration process and begins when the individual receives a staff-assisted WIOA service, which does not include self-service or informational activities.
5. PROGRAM ELIGIBILITY:
 - I. Title I Adult: To be eligible to participate in the WIOA Title I Adult program, that is, to receive career services, and to meet the eligibility requirements for training services, the individual must be:
 - Age 18 or older;
 - A citizen or noncitizen authorized to work in the United States; and
 - Meet selective service registration requirements, if a male 18 or older, born on or after January 1, 1960.
 - II. Title I Dislocated Worker: To be eligible for participation in the WIOA Title I Dislocated Worker program, that is to receive career services, and to meet the eligibility requirements for training services, the individual must meet all of the WIOA adult eligibility requirements *and* at least one of the following five categories:
 1. Terminated/Laid off:
 - 1.1 Has been terminated or laid off or has received a notice of termination or layoff from employment;

1.2 Is eligible for or has exhausted entitlement to unemployment compensation;

or:

- a) 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 State unemployment compensation law; *and*
- b) Is unlikely to return to a previous industry or occupation.

2. Permanent Closure / Substantial Layoff:

- 2.1 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;
- 2.2 Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; *or*
- 2.3 Is employed at a facility at which the employer has made a general announcement that such facility will close.¹

3. Formerly Self-Employed: 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.

4. Displaced Homemaker:

- 4.1 Has been dependent on the income of another family member, but is no longer supported by that income; *or*
- 4.2 Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station or the service-connected death or disability of the member; *and*
- 4.3 Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

5. Spouse of a member of the Armed Forces:

- 5.1 Is a spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; *or*
- 5.2 Is the spouse of a member of the Armed Forces on active duty who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

¹ This factor is applicable to determine eligibility for services other than training services, career services or supportive services.

III. Title I Youth: To receive WIOA youth services, an individual must be enrolled as a youth participant. Enrollment requires the collection of information to support an eligibility determination. A youth applicant's eligibility is determined at registration. Accordingly, a youth remains eligible to receive youth services within their originally designated category until exited from the program. Both in-school (ISY) and out-of-school youth (OSY) must meet the following basic eligibility requirements: 1) Be a citizen or non-citizen authorized to work in the United States, and 2) Meet selective service registration requirements, if applicable.

1. To be eligible as a WIOA ISY, an individual must be:

- 1.1 Attending school, including secondary and post-secondary school;
- 1.2 Between 14 years of age or 21 at time of enrollment² (unless the youth is an individual with a disability who is attending school under state law);
- 1.3 A low-income individual; and
- 1.4 One or more of the following:
 - a) Basic skills deficient;
 - b) An English language learner;
 - c) An offender;
 - d) A homeless individual (as defined in sec. 41403(6) of the Violence Act of 1994, a homeless child or youth (as defined in sec. 725(2) of the McKinney-Vento Homelessness Act, or a runaway;
 - e) An individual in foster care or who has aged out of the foster care system or who has attained 16 years of aged and left foster care for kinship guardianship or adoption, a child eligible for assistance under Sec. 477 of the Social Security Act, or in an out-of-home placement;
 - f) An individual who is pregnant or parenting;
 - g) An individual with a disability; *or*
 - h) An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

2. To be eligible as a WIOA OSY, an individual must be:

- 2.1 Not attending any school³;

² Age eligibility is based on age at enrollment; participants may continue to receive services beyond the age of 21 once they are enrolled in the program.

³ WIOA Youth programs may consider a youth to be an OSY for purposes of WIOA youth program eligibility if he or she attends adult education provided under title II of WIOA, YouthBuild, Job Corps, high school equivalency programs, or dropout re-engagement programs regardless of the funding source of these programs. Youth attending high school equivalency programs funded by the public K-12 school system who are classified by the school system as still enrolled in school are an exception; they are considered ISY.

2.2 Between 16 years of age or 24 at time of enrollment;⁴ *and*

2.3 One or more of the following:

- a) A school dropout;
 - b) A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter, based on the definition of the local school district of school year quarters. In cases where schools do not use quarters, local programs must use calendar year quarters;
 - c) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner;
 - d) An offender;
 - e) A homeless individual (as defined in sec. 41403(6) of the Violence Act of 1994, a homeless child or youth (as defined in sec. 725(2) of the McKinney-Vento Homelessness Act, or a runaway;
 - f) An individual in foster care or who has aged out of the foster care system or who has attained 16 years of aged and left foster care for kinship guardianship or adoption, a child eligible for assistance under Sec. 477 of the Social Security Act, or in an out-of-home placement;
 - g) An individual who is pregnant or parenting;
 - h) An individual with a disability; *or*
 - i) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.
6. ELIGIBILITY VERIFICATION GUIDELINES: Workforce system staff must verify eligibility prior to the provision of services. Individuals whose eligibility is not yet determined may receive interim support from Wagner-Peyser, WIOA Title III services as they are universally available without eligibility requirements.
7. SELF-ATTESTATION: Self-attestation should be an option of “last resort” for documenting Title I program eligibility with an exception for OSY.

7.1 Eligible Categories:

- a) Adult: Homeless
- b) Dislocated Worker:
 - Date of actual dislocation
 - Displaced homemaker

⁴ Age eligibility is based on age at enrollment; participants may continue to receive services beyond the age of 24 once they are enrolled in the program.

- Reemployment opportunity is poor/Unlikely to return to work
- Permanently or temporarily laid off as a consequence of a disaster

c) Youth:

- English language learner
- Homeless
- Offender
- Pregnant or parenting
- Requires additional assistance
- In/aged out of foster care
- Runaway
- School status at time of registration

d) Income: Proof of income for individuals with little or no income (statement should indicate means of support).

e) Dependent Status: Used if a person would normally be included in the definition of a family, but is claiming to no longer be dependent (statement should be from made by the head of household, not the applicant).

7.2 Permissible Circumstances:

- **Acceptable Use:** To ease burdens on both applicants and providers who serve OSY who are most in need, self-attestation for OSY for WIOA eligibility determination will be permitted.
- **Undue Hardship:** Self-attestation is permissible in rare instances in which it may cause undue hardship for applicants to verify eligibility, particularly those with barriers to employment.
- **Lost Documentation:** Self-attestation may be accepted from an individual who has experienced a loss of documentation due to natural or man-made disasters (fire, flood, tornado, etc.); eviction from residence resulting in a loss of supporting documentation; or individual is fleeing or has fled an abusive or untenable home situation. Staff may utilize supportive services to assist participants recover their legal documents. Once recovered, their file must be updated to contain required documentation.

7.3 Types of Self-Attestation:

- **Applicant Statement:** A Self-Attestation form (Attachment A) is the least preferred method of documenting and verifying eligibility. If an applicant

statement is used, a rationale must be provided via case notes in America’s One-Stop Operating System (AOSOS) describing other attempts at verifying eligibility prior to allowing self-attestation.

- Telephone Verification and Document Inspection: Preferred over self-attestation, providers/vendors are encouraged to use telephone verification with recognized governmental or social service agencies and/or by documentation inspection verification to verify eligibility, especially in consideration of individuals with barriers to employment. The information obtained must be verified and recorded on a Telephone/Document Inspection Verification form (Attachment B). Information recorded must be adequate to enable a monitor or auditor to report back to the cognizant agency or the document used.

8. SELF-ATTESTATION VERIFICATION: To ensure optimum compliance with this policy and the guidelines set forth by the New Jersey Department of Labor and Workforce Development (NJDOLE), all Youth and Adult and Dislocated Workers who use self-attestation will be randomly verified.

9. KEY DEFINITIONS:

“Attending School” – Youth are considered to be “attending school” if they receive services from any one of the public or non-public institutions listed in the table below. Those being home-schooled or privately tutored would be considered attending school for the purpose of WIOA Title I-B youth eligibility determination. A youth enrolled at a post-secondary institution would also be considered attending school. (See related “Enrolled in School.”)

Table 1: List of public and non-public institutions

Public Schools	Non-public Schools
School districts Charter schools Cyber charter schools Area vocational technical schools	Sectarian schools Private schools

“Age of Compulsory School Attendance” – The period in a child’s life when he/ she is required to enter and attend school. In general, all children must continue education through high school. According to New Jersey education law, the timeframe for compulsory school attendance is no later than age 8 up to the age of 17 or graduation from a high school, whichever occurs first (except as otherwise provided by law). Students of compulsory school age are not required to enroll in public school if they:

- Have already graduated from high school;
- Are employed consistent with the applicable provisions of Section 1330;

- Are enrolled in a private tutoring program;
- Are participating in a home education program; or
- Are enrolled in a non-public school.

“Basic Skills Deficient” – A youth, who has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test;⁵ or 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.

“Displaced Homemaker” – An individual who has been providing unpaid services to family members in the home, and has been dependent on the income of another family member but is no longer supported by that income; is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station or the service-connected death or disability of the member; and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

“Eligible Spouse” – A spouse:

- Of any veteran who died of a service-connected disability;
- Of 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: missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power;
- Of any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or a spouse of any veteran who died while a disability was in existence;
- Who is a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member; and/or
- Who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

“English Language Learner” – Individual who has limited ability in reading, writing, speaking or comprehending the English language, and his/her native language is a language other than English, or lives in a family or community environment where a language other than English is the dominant language.

⁵If a WIOA youth was determined ‘basic skills deficient’ in the last 6 months, he/she also meets the adult definition of basic skills deficient.

“Enrolled in School” – A student on the attendance rolls whether or not the student is physically present on any given day.

“Not Attending School” – For the purpose of WIOA Title I-B, a youth is determined to not be attending school if the youth is not receiving services from any one of the public or non-public institutions listed in Table 1 (See page 6). Individuals who are enrolled in adult basic education/GED preparation under Title II of WIOA, skills training, or other remedial education programs, including those offered through publicly and privately funded adult basic education programs, YouthBuild or Job Corps programs, or drop-out re-engagement programs are categorized as not attending school. Eligibility for these services is to be based on the educational status of a youth, not on the location or funding source of the entity providing the service(s). Therefore, such youth must be categorized as OSY for the purposes of registration in New Jersey’s system of record, America’s One-Stop Operating System (AOSOS). Youth attending high school equivalency programs funded by the public K-12 school system who are classified by the school system as still enrolled in the school are an exception, they are considered in-school youth. (20 CFR 681.220)

“Homeless Individual” – An individual who lacks a fixed, regular, and adequate nighttime residence and includes an individual who is: sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; is living in a motel, hotel, trailer park or campground due to the lack of alternative adequate accommodations; is living in an emergency or transitional shelter; is abandoned in a hospital; is awaiting foster care placement; and/or has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

“Low-Income Individual” – A recipient of public assistance; is underemployed; is in a family with a total family income that does not exceed the higher of the poverty line or 70% of the lower level standard income level; has a disability whose own income meets the income requirements outlined above but who is a member of a family whose income does not meet this requirement; is homeless; a foster child; and/or receives or is eligible to receive a free or reduced priced lunch.

“Participant” – A reportable individual who has received services, except individuals in an Adult Education and Family Literacy Act (AEFLA) program who have not completed at least 12 contact hours or individuals who only use the self-service system, after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination. For WIOA Title I youth programs, a participant is a reportable individual who has satisfied all applicable program requirements for the provision of services, including eligibility determination, an objective assessment and development of an Individual Service Strategy, and received 1 of the 14 WIOA youth program elements.

“Recipient of Public Assistance” – An individual who receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received assistance through one or more of the following: The Supplemental Nutrition Assistance

Program (SNAP), the program of block grants to States for Temporary Assistance for Needy Families (TANF) program, the Supplemental Security Income (SSI) program, or State or local income-based public assistance.

“Reportable Individual” – An individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including: individuals who provide identifying information, individuals who only use the self-service system, or individuals who only receive information-only services or activities.

“School Dropout” – An individual who is no longer ‘attending any school’ and who has not received a secondary school diploma or its recognized equivalent.

“Self-Attestation” – When an individual states his/her status for a particular data element and then signs and dates a form acknowledging this status. The key elements for self-attestation are: the individual identifying his/her status for permitted elements and signing and dating a form attesting that the information provided to demonstrate eligibility for a program under Title I of WIOA is true and accurate.

10. REFERENCES

- Violence Against Women Act of 1994 (VAWA), Public Law 103-322, enacted September 13, 1994
- Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, enacted July 22, 2014
- Workforce Innovation and Opportunity Act Regulations, 20 CFR Parts 675, 677, 680, 681

11. ATTACHMENTS:

- Self-Attestation form
- Telephone/Document Inspection Verification form