

ATTACHMENT D

DEFINITIONS

ADULT – an individual who is 18 years or older at the time of application.

BASIC SKILLS DEFICIENT – Massachusetts defines basic skills deficient as a youth or an adult that has English, writing or computation skills at or below 8.9 grade level or an English Language Learner. An individual that meets one or more of the following criteria is also considered basic skills deficient:

- Lack of a high school diploma or high school equivalent and is not enrolled in secondary education
- Enrolled in a Title II Adult Education/Literacy program
- Lack of basic computer literacy or basic financial literacy skills

Important note: Individuals lacking soft skills or job-specific skills related to a particular training or occupation may not qualify as basic skill deficient.

CO-ENROLLMENT – individuals may be co-enrolled in multiple programs, as appropriate, in accordance with each program's eligibility requirements. Examples include but are not limited to: Trade/Dislocated Worker; Title I Dislocated Worker/Dislocated Worker Grant.

CONCURRENT ENROLLMENT – eligible individuals who are 18 through 24 years old may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth or adult eligibility criteria applicable for the services received. (Sec. 681.430)

DISLOCATED WORKER - an individual who:

- (A) (i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;
- (ii) (I) is eligible for, or has exhausted entitlement to, unemployment compensation; or
(II) has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and
- (iii) is unlikely to return to a previous industry or occupation;
- (B) (i) 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;
- (ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
- (iii) for purposes of eligibility to receive services other than training services described in §134(c)(3), career services described in §134(d)(3), (c)(2)(A)(xii) or

- supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
- (C) was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or
 - (D) is a displaced homemaker.
 - (E) (i) is the 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 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 a permanent change in duty station of such member; or
 - (ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in (16)(B) (*displaced homemaker*).

DISPLACED HOMEMAKER – an individual who has been providing unpaid services to family members in the home and who;

- (A) (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
- (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

EEO DATA – Equal Employment Opportunity information on race and ethnicity, age, sex, and disability required by regulations implementing section 188 of WIOA governing non-discrimination. (sec. 683.285)

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

- (A) a husband, wife, and dependent children,
- (B) a parent or guardian and dependent children,
- (C) a husband and wife

Please Note:

- Consistent with the policy of the Department of Labor, ETA's policy is to recognize all marriages (including same-sex marriages) that are lawfully entered in the state of celebration. (ETA TEGL 26-13)

- Interpreting “husband” and “wife” should be applied in a gender-neutral manner in the definition of “family”. (ETA TEGL 26-13)
- Interpretation of “family” includes same sex spouses. (ETA TEGL 26-13)

HOMELESS - pursuant to the Stewart B. McKinney Homeless Act, an individual who lacks a fixed, regular, and adequate nighttime residence. It also includes persons whose primary nighttime residence is either:

- (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill),
- (B) an institution that provides a temporary residence for individuals intended to be institutionalized, or
- (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodations for human being.

INDIVIDUAL – A person not meeting the definition of a member of a family is considered to be an individual (often referred to as a family of one). The definition of individual may cover a person with a disability or a state custody individual.

INDIVIDUAL WITH A BARRIER TO EMPLOYMENT — the term “individual with a barrier to employment” means a member of 1 or more of the following populations:

- (A) Displaced homemakers.
- (B) Low-income individuals.
- (C) Indians, Alaska Natives, and Native Hawaiians, as such terms defined in section 166.
- (D) Individuals with disabilities, including youth who are individuals with disabilities.
- (E) Older individuals.
- (F) Ex-offenders.
- (G) 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))).
- (H) Youth who are in or have aged out of the foster care system.
- (I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- (J) Eligible migrant and seasonal farmworkers, as defined in section 167(i).
- (K) 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.).
- (L) Single parents (including single pregnant women).
- (M) Long-term unemployed individuals.
- (N) Such other groups as the Governor involved determines to have barriers to employment.

INDIVIDUAL WITH A DISABILITY — IN GENERAL — The term “individual with a disability” means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990. (42 U.S.C. 12102).

LOWER LIVING STANDARD INCOME LEVEL – the 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. §101(24).

LOW-INCOME INDIVIDUAL – IN GENERAL — The term “low-income individual” means an individual who —

- (i) 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.), 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.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- (ii) is in a family with total family income that does not exceed the higher of —
 - (I) the poverty line; or
 - (II) 70 percent of the lower living standard income level;
- (iii) 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)));
- (iv) 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.);
- (v) is a foster child on behalf of whom State or local government payments are made; or
- (vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

OFFENDER – this term refers to an adult or juvenile—

- (A) 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
- (B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

OLDER INDIVIDUAL – an individual age 55 or older.

ON THE JOB TRAINING (OJT) – OJT is provided under a contract with an employer in the public, private nonprofit, or private sector. Through the OJT contract, occupational training is provided for the WIOA participant in exchange for the reimbursement, typically up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and supervision related to the training. In limited circumstances, as provided in WIOA sec. 134(c)(3)(h) and § 680.730, the reimbursement may be up to 75 percent of the wage rate of the participant. Massachusetts has been approved for a WIOA waiver that permits OJT reimbursement to small employers (under 50 employees) up to 90 percent of the wage rate of the participant. Local boards who wish to utilize the 75 percent or 90 percent reimbursement rate must establish parameters through local policy.

PARTICIPANT – an individual who has been determined to be eligible to participate in and who is receiving services (except follow-up). Participation shall be deemed to commence on the first day, following determination of eligibility, on which the individual began receiving WIOA Title I staff-assisted services beyond self-service or informational services.

POVERTY LINE – as defined by the Office of Management and Budget and revised annually in accordance with section 673 (2) of the Community Services Block Grant Act [42 U.S.C. 9902 (2)] applicable to a family of the size involved.

PUBLIC ASSISTANCE – Federal, State or local government cash payments for which eligibility is determined by a needs or income test.

REGISTRATION (for Title I) - the process of collecting information necessary to make a determination of eligibility for Title I. Adults and dislocated workers who receive services funded under Title I other than self-service or informational activities, and certain staff-assisted core services must be registered for Title I and determined eligible. EEO data must be collected on individuals during the registration process. (Sec. 680.110)

Please Note

- The term registration may also be used by different partners to refer to registration in their respective programs. Most jobseekers at a One-Stop Career Center will be registered on the statewide MOSES tracking system. Eligibility determination for Title I may occur at initial registration or at any subsequent point prior to the receipt of Title I participant services.
- Adults and dislocated workers do not have to be registered and determined eligible for Title I in order to make use of informational and self-service basic career services that are offered universally to One-Stop Career Center customers.

SUPPORTIVE SERVICES – The term “supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this Act.

SELF-SUFFICIENCY – The local board must set the criteria for determining whether employment leads to self-sufficiency. At a minimum, such criteria must provide that self-sufficiency means employment that pays at least the lower living standard income level. Self-sufficiency for a dislocated worker may be defined in relation to a percentage of the layoff wage. (Sec. 680.210)

STATE CUSTODY YOUTH - For the purpose of WIOA eligibility, this definition applies to an adolescent between the ages of fourteen and twenty-one (14 and 21) who is court ordered into substitute care under the legal responsibility of the Commonwealth of Massachusetts through its Executive Office of Health and Human Services agencies, including the Departments of Social Services (DSS), and Youth Services (DYS). It includes “children in need of protection” and “delinquent children” as prescribed by the General Court of Massachusetts and codified in

Massachusetts General Law Chapters 119 and 120 and by extension the Code of Massachusetts Regulations parts 109 & 110. The term “substitute care” means the provision of planned, temporary twenty-four hour a day care when the parent or principal caretaker is unable or unavailable to provide care on a daily basis. “Substitute care” encompasses the provision of foster care, community residential care and supervised independent living (MGL 119, section 23 & 110 CMR 2.00(49)). It also includes detention, secure facility and shelter care (MGL 119 section 68B; & 109 CMR 2.00). The definition of state custody youth includes children who are:

- A. placed in the custody of the Commonwealth of Massachusetts through a court order; and
- B. state custody youth whose service plan includes the provisions of a liberty under supervision agreement Grant of Conditional Liberty (MGL 120 Section 6, 109 CMR 08).

UNEMPLOYED INDIVIDUAL - means 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 definition 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.

VETERAN –

(A) means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable according to 101 of title 38, United States Code.

(B) **RECENTLY SEPARATED VETERAN** — The term “recently separated Veteran” means any Veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air service.