

ATTACHMENT D

DEFINITIONS

ADULT – an individual who is 18 years or older at the time of application. §101(1)

BASIC SKILLS DEFICIENT, BASIC LITERACY SKILLS DEFICIENT *– an individual youth or adult who computes or solves problems, reads, writes, or speaks English

- at or below their age appropriate grade level (if less than ninth grade age), or
- at or below grade level 8.9 on a generally accepted standardized test or a comparable score of a criterion-referenced test; or
- is unable to compute or solve problems, read, write or speak English at a level necessary to function on the job, in the individual's family or in society.

**This definition was adopted by the WIA Youth Subcommittee and approved by the WIA Steering Committee, giving further definition to the one found at §101(4).*

CONCURRENT ENROLLMENT – eligible individuals who are 18 through 21 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. §664.500(b)

DISLOCATED WORKER - §101(9) - 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(d)(4), intensive services described in §134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
- (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.

ATTACHMENT D (Continued)

DISPLACED HOMEMAKER – §101(10); §663.120 - an individual who has been providing unpaid services to family members in the home and who;

- (A) has been dependent on the income of another family member but is no longer supported by that income, 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 WIA governing non-discrimination. §660.300

FAMILY – §101(15) - 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.

FOSTER CHILD – any youth under the age of eighteen (18) who is placed into substitute care under the legal responsibility of the Massachusetts Department of Social Services (DSS). 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 (110CMR 2.00(49)). This definition of foster child may include children who are:

- (A) receiving services from the Massachusetts DSS pursuant to a voluntary placement agreement; or
- (B) placed in the custody of the Massachusetts DSS through a court order (including a court order arising out of a Child in Need of Services (CHINS) petition) or through an adoption surrender.

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 beings.

ATTACHMENT D (Continued)

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 youth as defined elsewhere in Attachment D.

INDIVIDUAL WITH A DISABILITY – §101(17) - an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

IN SCHOOL YOUTH – a youth that has not attained a high school diploma or equivalent and is attending school on a full time basis. A youth attending an alternative school is considered an in school youth.

JUVENILE JUSTICE YOUTH – for the purposes of WIA, any youth between the ages of 14 – 21* who is placed into substitute care under the legal responsibility of the Massachusetts Department of Youth Services (DYS). 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 detention, secure facility and shelter care programs (MGL 119 section 68B; & 109 CMR 2.00). The definition of juvenile justice youth includes children who are:

(A) placed in the custody of the Massachusetts DYS through a court order.

Under this Title I Eligibility Policy, a juvenile justice youth will be considered eligible for Title I services as a low-income individual [WIA §101(25)] if at the time of registration his/her own income meets the requirements for eligibility for services described or provided under Subtitles (A) or (B), respectively of the Workforce Investment Act of 1998.

* For those Juvenile Justice Youth served with only Recovery Act funds, the upper age limit for eligibility is extended through age 24.

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 – §101(25) - an individual who:

- (A) receives or is a member of a family that receives cash payments under a Federal, State, or local income based public assistance program;
- (B) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits

received under section 202 of the Social security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of:

- (i) the poverty line, for an equivalent period; or
 - (ii) 70 percent of the lower living standard income level, for an equivalent period;
- (C) is a member of a household that receives (or has been determined within the six-month period prior to the application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977;
- (D) qualifies as a homeless individual under subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act;
- (E) is a foster child on behalf of whom State or local government payments are made; or
- (F) is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B) but who is a member of a family whose income does not meet such requirements.

OFFENDER –any adult or juvenile who has been subject to any stage of the criminal justice process for whom services under WIA may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction. §101(27)

OLDER INDIVIDUAL – an individual age 55 or older. §101(28)

OUT-OF-SCHOOL YOUTH – an eligible youth who is a dropout or an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed. §101(33)

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 subsidized employment, training, or other Title I services beyond self-service or informational core services. §101(34)

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. §101(36)

PREGNANT/PARENTING YOUTH – a youth who is pregnant or providing custodial care for one or more dependents under age 18.

PUBLIC ASSISTANCE – Federal, State or local government cash payments for which eligibility is determined by a needs or income test. §101(37)

REGISTRATION (for Title I) - the process of collecting information necessary to make a determination of eligibility for Title I. All youth participants must be registered for Title I and determined eligible. 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.

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 core services that are offered universally to One-Stop Career Center customers.

REQUIRES ADDITIONAL ASSISTANCE to complete an educational program, or to secure and hold employment (the sixth barrier). The definition of a youth that requires additional assistance will include an individual that:

- (A) is one or more grade levels below their age-appropriate grade level;* or
- (B) has a disability, including a learning disability;* or
- (C) requires additional assistance as defined by the youth council and approved by the local board. (Long term unemployment may not be used as a criterion to meet this definition of eligible youth.)*

**As adopted by the WIA Youth Subcommittee and approved by the WIA Steering Committee.*

RUN-AWAY YOUTH – pursuant to the Runaway and Homeless Youth Act, an individual under 18 years of age who absents himself or herself from home or place of legal residence without permission of the parent(s) or legal guardian.

SCHOOL DROPOUT – an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. A youth attending an alternative school is not a school dropout. §101(39)

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. §663.230

STATE CUSTODY YOUTH – For the purpose of WIA 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 it's 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).

Under this Title I Eligibility Policy, a state custody youth will be considered eligible for Title I services as a low-income individual [WIA §101(25)] whose own income meets the requirements for eligibility for services described or provided under Subtitles (A) or (B), respectively of the Workforce Investment Act of 1998.

*For a “State Custody Youth” served *only* with Recovery Act funds, the upper age limit is through age 24.

UNEMPLOYED INDIVIDUAL – an individual who is without a job and who wants and is available for work. §101(47)

YOUTH – an individual who is 14 through 21 years of age [§101(13)], except for youth served *only* with Recovery Act Funds, the eligibility is expanded to youth 14 through 24.