

Attachment III – Key Terms and Definitions

This attachment is designed to be a key resource when implementing this TEGL for some of the key terms and definitions utilized by WIOA and the Final Rules. This is not intended to be an exhaustive list of all program definitions, see WIOA sec. 3 and 20 CFR 675.300 for a full list of definitions.

ACTIVE DUTY (38 USC 101(21))- means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

ADULT (WIOA sec. 3(2)) – means an individual who is age 18 or older.

ADULT EDUCATION AND LITERACY ACTIVITIES (§ 463.30) – means programs, activities, and services that include:

- (A) Adult education,
- (B) Literacy,
- (C) Workplace adult education and literacy activities,
- (D) Family literacy activities,
- (E) English language acquisition activities,
- (F) Integrated English literacy and civics education,
- (G) Workforce preparation activities, or
- (H) Integrated education and training

BASIC SKILLS DEFICIENT (WIOA sec. 3(5)) – means, with respect to an individual—

- (A) who 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
- (B) 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 (WIOA sec. 3(7)) – means a combination of rigorous and high-quality education, training, and other services that—

- (A) aligns with the skill needs of industries in the economy of the State or regional economy involved;
- (B) 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);

- (C) includes counseling to support an individual in achieving the individual's education and career goals;
- (D) 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;
- (E) 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;
- (F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and
- (G) helps an individual enter or advance within a specific occupation or occupational cluster.

CAREER PLANNING (WIOA sec. 3(8)) – means the provision of a client-centered approach in the delivery of services, designed-

- (A) To prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and
- (B) To provide job, education, and career counseling, as appropriate during program participation and after job placement.

DEPLOYMENT (10 USC 991(b)) – means

- (A) A member of the Armed Forces is considered to be deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the member to spend off-duty time in the housing in which the member resides when on garrison duty at the member's permanent duty station or homeport, as the case may be.
- (B) In the case of a member of a reserve component who is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to in paragraph (1) is any housing (which may include the member's residence) that the member usually occupies for use during off-duty time when on garrison duty at the member's permanent duty station or homeport, as the case may be.
- (C) A member is not deployed or in a deployment when the member is—
 - (i) Performing service as a student or trainee at a school (including any Government school);

- (ii) Performing administrative, guard, or detail duties in garrison at the member's permanent duty station; or
- (iii) Unavailable solely because of--
 - (1) a hospitalization of the member at the member's permanent duty station or homeport or in the immediate vicinity of the member's permanent residence; or
 - (2) a disciplinary action taken against the member.

DISLOCATED WORKER (WIOA sec. 3(15)) – means an individual who—

- (A) (i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment, including separation notice from active military service (under other than dishonorable conditions);
 - (ii) (I) is eligible for or has exhausted entitlement to unemployment compensation; or
 - (II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), 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, military installation 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 section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility or military installation 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;
- (D) is a displaced homemaker; or
- (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

(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

DISPLACED HOMEMAKER (WIOA sec. 3(16)) – means an individual who has been providing unpaid services to family members in the home and who –

(A)(i) has been depending 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

ELIGIBLE SPOUSE – means an individual whose military active duty or veteran spouse was—

a. Any veteran who died of a service-connected disability;

b. 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:

i. Missing in action;

ii. Captured in the line of duty by a hostile force; or

iii. Forcibly detained or interned in the line of duty by a foreign government or power;

c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or

d. Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were

to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

ENGLISH LANGUAGE ACQUISITION PROGRAM (34 CFR 463.31) – is a program of instruction—

- (A) That is designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language; and;
- (B) That leads to—
 - (1)(a) Attainment of a secondary school diploma or its recognized equivalent; and
 - (b) Transition to postsecondary education and training; or
 - (2) Employment

EXIT (see 20 CFR 677.150 for full definition) – as defined for the purpose of performance calculations for the WIOA Adult, Dislocated Worker, and Employment Service programs, exit is the point after which a participant who has received services through any program meets the following criteria:

- (1) For the adult, dislocated worker, and youth programs authorized under WIOA title I, the AEFLA program authorized under WIOA title II, and the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III, exit date is the last date of service.
 - a. The last day of service cannot be determined until at least 90 days have elapsed since the participant last received services; services do not include self-service, information-only services or activities, or follow-up services. This also requires that there are no plans to provide the participant with future services.

FAMILY (20 CFR 675.300) - means 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 married couple and dependent children;
- (B) A parent or guardian and dependent children; or
- (C) A married couple.

HOMELESS INDIVIDUAL OR HOMELESS CHILDREN AND YOUTHS (WIOA sec. 3(24)(G)) – is an individual who meets any of the following criteria:

- (A) Lacks a fixed regular, and adequate nighttime residence; this includes a participant who:

- a. Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b. Is living in a motel, hotel, trailer park, or campground due to a lack of alternative adequate accommodations;
 - c. Is living in an emergency or transitional shelter;
 - d. Is abandoned in a hospital; or
 - e. Is awaiting foster care placement;
- (B) 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, such as a car, park, abandoned building, bus or train station, airport, or camping ground;
- (C) Is a migratory child who in the preceding 36 months was required to move from one school district to another due to changes in the parent's or parent's spouse's seasonal employment in agriculture, dairy, or fishing work; or
- (D) Is under 18 years of age and absents himself or herself from home or place of legal residence without the permission of his or her family (i.e. runaway youth)

(Note- A participant imprisoned or detained under an Act of Congress or State law does not meet the definition. Additionally, a participant who may be sleeping in a temporary accommodation while away from home should not, as a result of that alone, be recorded as homeless.)

INDIVIDUAL EMPLOYMENT PLAN (20 CFR 680.170) – is an individualized career service, under WIOA sec. 134(c)(2)(a)(xii)(II), that is developed jointly by the participant and career planner when determined appropriate by the one-stop operator or one-stop partner. This plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goals.

INDUSTRY OR SECTOR PARTNERSHIP (WIOA sec. 3(26)) – ' means a workforce collaborative, convened by or acting in partnership with a State board or local board, that—

(A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—

- (i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;
- (ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and

(iii) 1 or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and

(B) may include representatives of—

- (i) State or local government;
- (ii) State or local economic development agencies;
- (iii) State boards or local boards, as appropriate;
- (iv) a State workforce agency or other entity providing employment services;
- (v) other State or local agencies;
- (vi) business or trade associations;
- (vii) economic development organizations;
- (viii) nonprofit organizations, community-based organizations, or intermediaries;
- (ix) philanthropic organizations;
- (x) industry associations; and
- (xi) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.

INTEGRATED EDUCATION AND TRAINING (34 CFR 463.35) – refers to a service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

LOW-INCOME INDIVIDUAL (WIOA sec. 3(36))– means an individual who—

(A) IN GENERAL—

- (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.

LONG TERM UNEMPLOYED INDIVIDUAL (see Bureau of Labor Statistics definition) – is a person who has been unemployed for 27 or more consecutive weeks.

NONTRADITIONAL EMPLOYMENT (WIOA sec. 3(37)) – refers to occupations or fields of work, for which individuals from the gender involved comprise less than 25 percent of the individuals employed in each such occupation or field of work.

PARTICIPANT (20 CFR 677.150) – is a reportable individual who has received services other than the services described in paragraph (a)(3) of this section, after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination.

(1) For the Vocational Rehabilitation (VR) program, a participant is a reportable individual who has an approved and signed Individualized Plan for Employment (IPE) and has begun to receive services.

(2) For the WIOA title I youth program, 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 in sec. 129(c)(2) of WIOA.

(3) The following individuals are not participants:

- a. Individuals in an Adult Education and Family Literacy Act (AEFLA) program who have not completed at least 12 contact hours;
- b. Individuals who only use the self-service system;

- i. Subject to paragraph (a)(3)(ii)(B) of this section, self-service occurs when individuals independently access any workforce development system program's information and activities in either a physical location, such as a one-stop center resource room or partner agency, or remotely via the use of electronic technologies.
 - ii. Self-service does not uniformly apply to all virtually accessed services. For example, virtually accessed services that provide a level of support beyond independent job or information seeking on the part of an individual would not qualify as self-service.
- c. Individuals who receive information-only services or activities, which provide readily available information that does not require an assessment by a staff member of the individual's skills, education, or career objectives.

(4) Programs must include participants in their performance calculations.

REPORTABLE INDIVIDUAL (20 CFR 677.150) – is an individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including:

- (1) Individuals who provide identifying information;
- (2) Individuals who only use the self-service system; or
- (3) Individuals who only receive information-only services or activities.

SERVICE CONNECTED (38 USC 101(16)) – means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

TRANSITIONAL JOB (20 CFR 680.190) – is a time limited work experience that is wage-paid and subsidized, and is in the public, private or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history, as determined by the Local Workforce Development Board. These jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.

WORK EXPERIENCE (OR INTERNSHIP) (20 CFR 680.180) – is a planned, structured learning experience that takes place in a workplace for a limited period of time. Internships and other work experiences may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. An internship or other work experience may be arranged within the private for profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists. Transitional Jobs are a type of work experience.

WORKFORCE PREPARATION ACTIVITIES (34 CFR 463.34) – include activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in:

- (A) Utilizing resources;
- (B) Using information;
- (C) Working with others;
- (D) Understanding systems;
- (E) Skills necessary for successful transition into and completion of postsecondary education or training, or employment; and
- (F) Other employability skills that increase an individual’s preparation for the workforce.