

Workforce Investment Act (WIA) Title 1 Program Eligibility | December 3, 2014

TO: Division of Workforce Development and Adult Learning (DWDAL) staff and Local Workforce Investment Area (LWIA) directors

FROM: Division of Workforce Development and Adult Learning
Maryland Department of Labor, Licensing and Regulation

SUBJECT: Workforce Investment Act (WIA) Title 1 Program Eligibility Requirements

PURPOSE: To provide policy guidance on DWDAL's expectations and requirements for WIA Title 1 program eligibility verification

ACTION: Local Workforce Investment Area (LWIA) directors, American Job Center (AJC) administrators, and central office managers will ensure all employees are aware of and receive copies of this policy. DWDAL policies are available [on the DLLR website](#).

EXPIRATION: Until Cancelled.

QUESTIONS:

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CANCELLATIONS

- Workforce Investment Field Instruction (WIFI) 12-04 Change 2, “WIA Participant Case Record Management,” dated September 11, 2007;
- WIFI 12-04 Change 1, “WIA Participant Case Record Management,” dated July 2, 2007;
- WIFI 12-04, “WIA Participant Case Record Management,” dated April 7, 2005.

GENERAL INFORMATION

The U.S. Department of Labor (USDOL)'s Employment and Training Administration (ETA) has statutory and regulatory authority to administer and monitor performance of the Maryland Department of Labor, Licensing and Regulation (DLLR)'s Division of Workforce Development and Adult Learning (DWDAL) job training and employment programs. This includes the Workforce Investment Act (WIA) Title 1 programs:

- Adult Program;
- Dislocated Worker Program; and,
- Youth Program.

ETA uses information that is collected during monitoring of WIA Title 1 programs to assess the performance of the State, Local Workforce Investment Areas (LWIAs), and other grantees. Therefore, all State, LWIAs, and other grantees must collect and report timely and accurate information on all WIA Title 1 programs' participants, as required.

PARTICIPANT FILE CASE RECORDS FOR WIA TITLE 1 PROGRAMS

LWIA staff and other grantee staff must develop an adequate organization system to ensure that the information contained in participant records is well documented, accessible and accurate from the point of program registration to the point of exit. Case notes must tell a story regarding all services that are received. Supervisors and directors must ensure that all staff are documenting case notes in both the Maryland Workforce Exchange (MWE) and individual participant files, as prescribed in this policy.

The following sections detail WIA Title 1 participant eligibility criteria and source documentation requirements for data validation.

PARTICIPANT ELIGIBILITY CRITERIA FOR WIA TITLE 1 PROGRAMS

Title 1 of WIA provides authority for three programs: Adult, Dislocated Worker, and Youth programs. The following sections outline the eligibility requirements for each program's participants.

Adult Program

To participate in the WIA Adult Program, as according to the Workforce Investment Act, a person must meet the following eligibility requirements:

1. 18 years of age or older;
2. U.S. citizen or non-citizen authorized to work in the U.S.;
3. Meet Selective Service registration, if applicable.

All LWIAs must provide Priority of Service to recipients of public assistance and other low income individuals when funds are determined to be limited. Each LWIA must address Priority of Service in its DLLR-approved Local Area Plan.

Dislocated Worker Program

To participate in the WIA Dislocated Worker Program, a person must first meet the definition of a Dislocated Worker. According to the Workforce Investment Act (WIA), a dislocated worker must:

1. Be a U.S. citizen or noncitizen authorized to work in the U.S.;
2. Meet Military Selective Service Registration, if applicable;
3. Meet the definition in WIA Section 101(9):
 - (A)(i) Has been terminated or laid off, or 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, to the appropriate entity at a one-stop center referred to in section 134(c), 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 section 134(d)(4), intensive services described in section 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.

Youth Program

For an individual to participate in the WIA Youth Program, according to the Workforce Investment Act, he or she must be:

1. Not less than age 14 and not more than age 21;
2. A “low-income individual,” as defined in WIA section 101 (4);
3. An individual who is one or more of the following:
 - Deficient in basic literacy skills;
 - A school dropout;
 - Homeless, a runaway, or a foster child;
 - Pregnant or a parent;
 - An offender;
 - An individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment (as defined in the DLLR-approved Local Area Plan).

In addition, **up to five percent** of the youth participants served by a LWIA may be individuals who do not meet the income criterion for eligible youth, provided that they are within one or more of the following categories:

- School dropout;
- “Basic skills deficient,” as according to WIA Section 101(4);
- Is one or more grade levels below the grade level appropriate to the individual’s age;
- Pregnant or a parent;
- Possess one or more disabilities, including learning disabilities;
- Homeless or runaway;
- Offender; or,
- Face serious barriers to employment as identified by the Local Workforce Investment Board (LWIB).

If the family of a disabled youth does not meet the income eligibility criteria, then the disabled youth may be considered a low-income individual if the youth’s own income:

- Meets the income criteria established in WIA Section 101(25)(B);
- Meets the income eligibility criteria for cash payments under any Federal, State or local public assistance program.

DOCUMENTATION REQUIREMENTS FOR WIA TITLE 1 PROGRAM ELIGIBILITY

The following chart details the acceptable source documentation for each eligibility criterion, with references. ***Attachment A – WIA Eligibility Definitions*** provides definitions for certain eligibility criteria that may require further detail.

Documentation Requirements for WIA Title 1 Program Eligibility		
ELIGIBILITY CRITERIA	REFERENCES	ACCEPTABLE DOCUMENTATION
SOCIAL SECURITY NUMBER Note: Per TEGL 5-08, local grantees should request a Social Security number from all applicants to aid in performance reporting, but services cannot be denied to anyone for refusing to furnish a Social Security number when their citizenship/alien status can be documented via other means.	<ul style="list-style-type: none"> • TEGL 05-08 	<ul style="list-style-type: none"> • DD-214, Report of Transfer or Discharge (if SSN is listed) • Driver's License (if SSN is listed) • Employment Records • IRS Form Letter 1722 • Letter from Social Services Agency • Pay Stub with full SSN • Social Security Administration NUMI Printout • Social Security Benefits • Social Security Card • W-2 Form
CITIZEN OR AUTHORIZED TO WORK IN U.S.	<ul style="list-style-type: none"> • WIA Sec. 188(a)(5) • WIFI 10-04, Change 1 	<ul style="list-style-type: none"> • Alien Registration Card indicating Right to Work (INS Forms I-151, I-551, I-94, I-688A, I-197, I-179) • Baptismal Certificate (If place of birth is shown) • Birth Certificate • DD-214, Report of Transfer or Discharge (If place of birth is shown) • Food Stamp Records • Foreign Passport Stamped Eligible to Work (Unexpired) • Hospital Record of Birth • Naturalization Certification • Public Assistance Records • U.S. Passport • Native American Tribal Document • Voter Registration Card
SELECTIVE SERVICE REGISTRANT	<ul style="list-style-type: none"> • WIA Sec. 189(h) • WIFI 08-11 • TEGL 11-11, Change 1 • TEGL 11-11, Change 2 	<ul style="list-style-type: none"> • Selective Service Acknowledgement Letter • Form DD-214 "Report of Separation" • Screen printout of the Selective Service Verification site: www.sss.gov/RegVer/wfVerification.aspx (For males who have already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and the date of birth) • Selective Service Registration Card • Selective Service Verification Form (Form 3A) • Stamped Post Office Receipt of Registration

Documentation Requirements for WIA Title 1 Program Eligibility

ELIGIBILITY CRITERIA	REFERENCES	ACCEPTABLE DOCUMENTATION
BIRTH DATE/AGE	<ul style="list-style-type: none"> • WIA Sec. 101(1) • WIA Sec. 101(13)(A) • TEGL 6-14 	<ul style="list-style-type: none"> • Baptismal Record • Birth Certificate • DD-214, Report of Transfer or Discharge Paper • Driver's License • Federal, State or Local Government Identification Card • Hospital Record of Birth • Passport • Public Assistance/Social Service Records • School Records/Identification Card • Work permit • Cross match with Department of Vital Statistics • Tribal Records
TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)	<ul style="list-style-type: none"> • TEGL 6-14 	<ul style="list-style-type: none"> • Cross match with TANF public assistance records
OTHER PUBLIC ASSISTANCE RECIPIENT (GENERAL ASSISTANCE, REFUGEE CASH ASSISTANCE, FOOD STAMP ASSISTANCE)	<ul style="list-style-type: none"> • TEGL 6-14 	<ul style="list-style-type: none"> • Copy of authorization to receive cash public assistance • Copy of public assistance check • Medical card showing cash grant status • Public assistance records • Refugee assistance records • Cross match with public assistance database
HOMELESS INDIVIDUAL AND/OR RUNAWAY YOUTH	<ul style="list-style-type: none"> • TEGL 6-14 	<ul style="list-style-type: none"> • Written statement from an individual providing residence, shelter or social service agency • WIA intake or registration form • Self-attestation
OFFENDER	<ul style="list-style-type: none"> • WIA Sec. 101(27) • TEGL 6-14 	<ul style="list-style-type: none"> • Documentation from juvenile or adult criminal justice system • Documented phone call with court or probation representatives • WIA intake or registration form • Self-attestation
LOW INCOME (Family Income)	<ul style="list-style-type: none"> • WIA Sec. 101(25) • TEGL 6-14 	<ul style="list-style-type: none"> • Alimony Agreement • Applicant statement • 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 • UI documents

Documentation Requirements for WIA Title 1 Program Eligibility

ELIGIBILITY CRITERIA	REFERENCES	ACCEPTABLE DOCUMENTATION
DISPLACED HOMEMAKER	<ul style="list-style-type: none"> • TEGL 6-14 	<ul style="list-style-type: none"> • Public Assistance records • Court records • Divorce papers • Bank records • Spouse's layoff notice • Spouse's death record • Self-attestation
PREGNANT OR PARENTING	<ul style="list-style-type: none"> • TEGL 6-14 	<ul style="list-style-type: none"> • Copy of child's birth certificate • Baptismal record • Observation of pregnancy status • Doctor's note confirming pregnancy • Self-attestation
BASIC LITERACY SKILLS DEFICIENCY	<ul style="list-style-type: none"> • WIA Sec. 101(4) • TEGL6-14 	<ul style="list-style-type: none"> • Standardized assessment test • School records • Case notes
FOSTER CARE YOUTH	<ul style="list-style-type: none"> • TEGL 6-14 	<ul style="list-style-type: none"> • Written confirmation from social service agency • Case notes
INDIVIDUAL WITH A DISABILITY		<ul style="list-style-type: none"> • Letter from Drug or Alcohol Rehabilitation Agency • Letter from Child Study Team Stating Specific Disability • Medical Records • Observable Condition (Applicant Statement needed) • Physician's Statement • Psychiatrist's Diagnosis • Psychologist's Diagnosis • Rehabilitation Evaluation • School Records • Sheltered Workshop Certification • Social Service Records/Referral • Social Security Administration Disability Records • Veterans Administration Letter/Records • Vocational Rehabilitation Letter • Workers Compensation Records
FAMILY SIZE		<ul style="list-style-type: none"> • Applicant Statement • Birth Certificate • Court/Divorce Decree • Landlord Statement • Lease • Marriage Certificate • Medical Card • Most Recent Tax Return supported by IRS Documents (e.g. Form Letter 1722) • Public Assistance/Social Service Agency Records • Public Housing Authority (If resident of or on waiting list) • Written Statement from a Publicly Supported 24 Hour Care Facility or Institution

TECHNICAL ASSISTANCE

LWIA staff, State staff, and other grantee staff are encouraged to request technical assistance from the DWDAL Monitoring and Compliance Manager or a designee, when appropriate. When necessary, the Monitoring and Compliance Manager or a designee will seek technical assistance from USDOL to request and provide clarity.

MONITORING

The State of Maryland acknowledges that the USDOL has the authority to monitor and assess performance and eligibility verification processes for WIA Title 1 programs.

To ensure that policies are being followed and expectations are being met, the State, LWIAs, and all grantees should expect DWDAL to also conduct monitoring.

REFERENCES

LAW

- [Workforce Investment Act of 1998 \(WIA\)](#) (Pub. L. 105-220);

REGULATION

- 20 C.F.R. Part 664, [Youth Activities Under Title 1 of the Workforce Investment Act](#), USDOL (August 11, 2000);
- 29 C.F.R. Part 37, [Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998 \(WIA\)](#).
- 29 C.F.R. Part 95, [Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and with Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments and International Organizations](#).
- 29 C.F.R. Part 97, [Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments](#).

USDOL GUIDANCE

- Training and Employment Guidance Letter (TEGL) 06-14, [Program Year \(PY\) 2013/Fiscal Year \(FY\) 2014 Data Validation and Performance Reporting Requirements and Associated Timelines](#), dated September 10, 2014;
- TEGL 26-13, [Impact of the U.S. Supreme Court's Decision in United State v. Windsor on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration](#), dated June 18, 2014;
- TEGL 11-11 Change 2, [Selective Service Registration Requirements for Employment and Training Administration Funded Programs](#), dated May 16, 2012;
- TEGL 11-11 Change 1, [Selective Service Registration Requirements for Employment and Training Administration Funded Programs](#), dated January 20, 2012;
- TEGL 5-08, [Policy for Collection and Use of Workforce System Participants' Social Security Numbers](#), dated November 13, 2008.

OTHER REFERENCES

- WIFI 08-11, [Selective Service Registration Requirements for Workforce Investment Act funded programs](#), dated January 9, 2012;
- WIFI 10-04 Change 1, [Documentation of U.S. Citizenship](#), dated September 12, 2006.

ATTACHMENTS

Attachment A – WIA Eligibility Definitions

WIA Eligibility Definitions

Basic Literacy Skills Deficient – a person who computes or solves problems, reads, writes, or speaks English at or below the 8th grade level 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. (TEGL 6-14, WIA Section 101(4), 20 CFR 664.205)

Displaced Homemaker – is a person 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 and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment (TEGL 6-14).

Family – The term “family” means two or more person 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 (WIA Section 101(15) and TEGL 26-14):

- (A) A husband, wife, **same-sex** spouse, and dependent children
- (B) A parent or guardian and dependent children
- (C) A husband and wife.

Foster Care Youth – a person who is currently in foster care or has been in the foster care system at any point during his/her lifetime (TEGL 6-14).

Homeless Individual and/or runaway youth – a person who lacks a fixed, regular, adequate night time residence. This definition includes any individual who has a primary night time residence that is a publicly or privately operated shelter for temporary accommodation; an institution providing temporary residence for individuals intended to be institutionalized; or a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings; or a person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of his or her family (i.e. runaway youth). This definition does not include an individual imprisoned or detained under an Act of Congress or State law. An individual who may be sleeping in a temporary accommodation while away from home should not, as a result of that alone, be recorded as homeless (TEGL 6-14, McKinney-Vento Homeless Assistance Act).

Individual with a Disability – an individual with a disability means an individual with any disability as defined in Section 3(2) of the Americans with Disabilities Amendments Act of 2008 (42 U.S.C. Section 12102(1) (2008)) as follows:

- (A) A physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) A record of such an impairment; or
- (C) Being regarded as having such an impairment.

Low Income – a person who (WIA Section 101(25), TEGL 6-14):

- (A) Receives, or is a member of a family which receives, cash payments under a federal, state or local income-based public assistance program; or
- (B) Received an income, or is a member of a family that receive a total family income, for the six-month period prior to program participation (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, or

- (C) Is a member of a household that receives (or has been determined within the 6-month period prior to program participation) Food Stamps under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or
- (D) Qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302); or
- (E) Is a foster child on behalf of who State or local government payments are made; or
- (F) Is a person with a disability whose own income meets the income criteria established in WIA section 101(25)(A) or (B), but is a member of a family whose income does not meet the established criteria.

Offender – is a person who either (a) is or has been subject to any stage of the criminal justice process for committing a status offense or delinquent act, or (b) requires assistance in overcoming barriers to employment resulting from a record of arrest or conviction for committing delinquent acts, such as crimes against persons, crimes against property, status offenses, or other crimes (WIA Section 101(27), TEGL 6-14).

Other Public Assistance Recipient – a person who is receiving or has received cash assistance or other support services from one of the following sources in the last six months prior to participation in the program: General Assistance (GA), Refugee Cash Assistance (RCA), or Food Stamp Assistance. Do not include foster child payments (TEGL 6-14).

Participant – an individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services authorized under this title) under a program authorized by this title. Participation shall be deemed to commence on the first day, following determination of eligibility, on which the individual began receiving services provided under this title (WIA 101(34)).

Pregnant or Parenting Youth – is a person who is either under 22 years of age and who is pregnant, or an individual (male or female) who is providing custodial care for one or more dependents under age 18 (TEGL 6-14).

School Dropout – an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent (WIA Section 101(39)).

Temporary Assistance to Needy Families (TANF) – is a person who is listed on the welfare grant or has received cash assistance or other support services from the TANF agency in the last six months prior to participation in the program (TEGL 6-14).