

Mass Workforce Issuance

Workforce Issuance No. 08-46

Policy **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Managers

cc: WIA State Partners

From: Michael Taylor, Director
Department of Workforce Development

Nancy Snyder, President/CEO
Commonwealth Corporation

Date: October 24, 2008

Subject: **Title I Eligibility Requirements, Revised**

Purpose: To revise the Commonwealth's policy regarding WIA Title I eligibility. This issuance replaces WIA Communication No. 05-74 Title I Eligibility Requirements (Revised) issued on 9/22/2005.) This revision adds language that specifically clarifies Title I eligibility/documentation requirements for a variety of youth cohorts who are in a form of state custody and updates documentation requirements for members of the military and military veterans whose failure to register for selective service was "not knowing or willful."

- Definitions for "Individual", "Juvenile Justice Committed Youth" and "State Custody Youth" have been added to Attachment D to further clarify the status of adult and youth customers with respect to Title I eligibility determinations.
- Eligibility documentation requirements for "homeless individuals", "individuals with disabilities", "foster child", "state custody youth" and "juvenile justice committed youth" listed in Attachment F have been revised to include a new form of documentation for "youth" members of these specific Title I eligible cohorts (see below) and to clarify income verification requirements.

- Attachment J includes a template for a form letter to be submitted on official letterhead by agencies of the Executive Office of Health and Human Services (HHS) as an alternative means of specifically documenting age, citizenship and custody information for state custody youth and foster youth. The letter is intended for use only when more direct forms of eligibility documentation for this specific youth cohort is not immediately available.
- A male Veteran who has been discharged from the service before his 26th birthday and who has not registered with the selective service prior to enlistment, is required (within 30 days from date of discharge) to register with selective service. Proof of Selective Service registration for certain males is a requirement for Title I eligibility. If an individual who failed to register for Selective Service within the proscribed time frames provides evidence that said failure was “not knowing or willful”, he may be determined eligible to receive Title I services.

The Selective Service System has directed that an individual applying for Title I services under WIA can satisfy the requirement that his failure to register for selective service was “not knowing or willful” by showing his DD214 if a Veteran, or by showing his military ID if an active member of the Armed Forces or a current member of the National Guard or Reserves (see link).

<http://www.sss.gov/veteransDD214.html>

Attachment F has been revised to reflect this change.

Background: Local One-Stop Career Center operators must provide all customers with universal access to core services, both self-assisted and staff facilitated. The universal provision of core services does not require the review and documentation of customer information required for specific eligibility for and enrollment into the Title I program.

Access to Title I Adult and Dislocated Worker Services

When adults or dislocated workers seek *core services* that require significant one-to-one Title I staff assistance, or seek *intensive* or *training services*, local operators must have procedures in place to collect Title I eligibility information. See *Attachment A: Eligibility Criteria*. Upon completion of the eligibility process, and upon receipt of a significant staff-assisted activity funded through Title I, the applicant becomes a Title I participant and must be counted for purposes of Title I performance measures. For more information about the progression of eligibility and tiers of service for adult and dislocated workers under Title I please see *Attachment B1: Tiers of Service*, and *B2: Proposed Registration for WIA Services*.

Access to Title I Youth Activities

All youth between the ages of 14-21 must be registered and determined eligible in order to participate in youth activities. Registration must include EEO data. All youth participants must be counted for performance measures. Registration and eligibility procedures for youth may be conducted at the One-Stop Career Center,

or at another point of service to youth, but the procedures must be conducted in accordance with this policy and with the local board's eligibility policy. The location(s) at which youth eligibility determinations will be conducted must be clearly described in the local area's policies or standard operating procedures. Note: Youth activities are *not* divided into core/intensive/training tiers of service as they are for adults and dislocated workers.

In accordance with WIA regulations (20 CFR 661.120) which gives states (and local areas) the authority to establish policies and guidelines with respect to eligibility and definitions relating to program operation, the Commonwealth has clarified Title I eligibility guidelines with regard to youth who are in state custody. To that end formal definitions of "State Custody Youth" and "Juvenile Justice Committed Youth" have been developed (see Attachment D) and guidance for determining/documenting this cohort's Title I eligibility has been addressed in this revision. The process for establishing this cohort's eligibility for Title I services has been reviewed by the U.S. Department of Labor Employment and Training Administration (ETA) and deemed to be consistent with WIA low-income requirements iterated at §101(25).

In the interest of streamlining a verifiable method of document examination for state custody youth, this policy permits examination of certain documentation to be recorded on a standard Commonwealth of Massachusetts agency referral letter (Attachment J). The letter shall attest to the status of a participant as a state custody youth or foster child and verify birth date and citizenship.

Use of the letter as the method of verification requires effective working relations with the local area office(s) of the relevant state agencies, particularly the Department of Youth Services (DYS) and the Department of Children and Families (DCF - formerly the Department of Social Services - DSS). Local Workforce Investment Boards are strongly encouraged to develop written memoranda of agreement with these agencies that describe the nature of the inter-organizational relationship, the process for referrals among local partners and the parameters for use of the foster child/state custody youth letter (attachment J). Authorized signatories for the letter must be limited to only state employee case managers or supervisors (of the relevant agencies) who have viewed the actual documents.

Priority for Services for Title I Adult Activities

The regulations require that recipients of public assistance and other low-income adults be given priority for intensive and training services if funding is limited for adult employment and training activities. Local boards are required to determine the extent to which funding is limited and then to decide whether or how the priority will be applied based on local conditions. Local determinations in regard to funding limitations and adult priority for services must be described in the Memorandum of Understanding (MOU) covering Title I services and funding. *See Attachment C: Priority for Services* for additional guidance.

Documentation Requirements

The U.S. Department of Labor (USDOL) has not issued documentation requirements for eligibility under the Workforce Investment Act. Under the Job Training Partnership Act (JTPA), however, extensive documentation requirements were issued by USDOL in 1993 for adults and youth in the “Title II Eligibility Documentation” technical assistance guide (TAG). The Commonwealth described state policy adopting the TAG as the basis for local documentation of eligibility. *See Attachment F: Eligibility Documentation*

Under §184 of the Act, in order to avoid sanctions for inappropriate expenditure of funds, state and local recipients must be shown to have acted with due diligence in the monitoring of the implementation of the grant. Such monitoring is meant to ensure that there is not a willful disregard of the requirements of the Act, gross negligence, or failure to observe accepted standards of administration. Local operators must ensure, therefore, that applicants for services certify, under penalty of perjury, that the eligibility information provided is accurate. Local operators must also ensure that procedures are in place to verify the consistency and accuracy of provided documentation. These procedures should draw from the documentation sources listed in Attachments E and F.

Policy: Local Workforce Investment Boards, in consultation with the chief elected officials, must establish Title I eligibility policies and procedures consistent with the guidance provided herein. In formulating local policies and procedures, local Boards must specifically address the following Title I eligibility issues:

- Local priority for adult intensive and training services
- Local parameters for the definition of *Requires Additional Assistance* (sixth youth barrier for low-income youth)
- Local parameters for the definition of *Serious Barriers to Employment* (for 5% youth)
- Local parameters for the definition of *Self-sufficiency*

References: Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rule (20 CFR 652 et al)
Training and Guidance Letter 03-04
Massachusetts General Laws C.119 &120
Code of Massachusetts Regulations 109 & 110

Inquiries: Inquiries should be directed to PolicyQ&A@detma.org . Please reference the MassWorkforce Issuance number with any inquiry.

Attachments:

- A - Eligibility Criteria
- B1 - Tiers of Service
- B2 - Registration for WIA Services
- C - Priority for Services (Adults)
- D - Definitions
- E - Selective Service Registration Requirements
- F - Eligibility Documentation
- G - Alternate Forms of Documentation
- H - Telephone Verification Form
- I - Applicant Statement Form
- J - Foster Child/State Custody Youth Letter