



Workforce Issuance

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☒ **Policy** ☐ **Information**

To: Chief Elected Officials
MassHire Workforce Board Chairs
MassHire Workforce Board Directors
MassHire Career Center Directors
MassHire Fiscal Officers
MassHire DCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
MassHire Department of Career Services

Date: May 14, 2020

Subject: **WIOA Title I Youth Eligibility**

Purpose: To notify MassHire Workforce Boards, MassHire Career Center Operators, youth practitioners, and other workforce partners of **updated guidance** regarding the eligibility requirements for youth served under Title I of the Workforce Innovation and Opportunity Act (WIOA).

Updates: New guidance on sending eligibility documents via secure email. (Page 4)

Attachment B: - Eligibility Source Documentation

- Updated to allow verification of eligibility documentation through livestream (video sharing) such as Zoom, WebEX, or Adobe Connects or other virtual media platform.
- Updated to allow the use of electronic signatures on eligibility documentation.

Attachment F: Documentation Inspection Form

- Updated Instructions for use of the form to include verification of eligibility documents presented through livestream.

Attachment G: Secure Email Setup Instructions

Provides instruction for the Commonwealth of Massachusetts Secure Email Delivery Instructions

Background: WIOA presents an extraordinary opportunity to improve job and career options for our nation's workers and jobseekers through an integrated, job driven public workforce system that links diverse talent to businesses. It supports the development of strong, vibrant regional economies where businesses thrive and people want to live and work.

WIOA places a priority on serving out-of-school youth, providing work-based experiences, and improving services to youth with disabilities. WIOA promotes career pathways, increased attainment of recognized credentials and post-secondary certificates or degrees.

Youth must meet eligibility requirements to participate in the WIOA Title I Youth Program. Eligible youth are those who are 14-24 years of age and face specific barriers to school completion or employment.

Policy: MassHire Workforce Boards, in consultation with local chief elected officials, must establish WIOA 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 WIOA Title I Youth eligibility issues:

- Local parameters for the definition of *Requires Additional Assistance*
- Local parameters for the definition of *Self-sufficiency*

This policy guidance is subject to revision as additional guidance is issued from the U.S. Department of Labor.

WIOA Title I Youth Participant Eligibility

WIOA establishes separate criteria for Out-Of-School Youth (OSY) and In-School Youth (ISY).

An Out-Of-School Youth is defined as an individual who is:

- (a) Not attending any school (see definition in Attachment A);
- (b) Not younger than 16 or older than 24 at the time of enrollment (participants may continue to receive services beyond the age of 24 once they are enrolled in the program § 681.210); **and**
- (c) Meets one or more of the following conditions:

- (1) School Dropout;
- (2) Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter. School year calendar is based on how a local school district defines its school year quarters;
- (3) Recipient of a secondary school diploma or its recognized equivalent who is low-income and basic skills deficient or an English language learner;
- (4) An offender (subject to the juvenile or adult justice system);
- (5) A homeless individual, aged 16 to-24 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994, a homeless child or youth aged 16 to 24 who meets the criteria defined in sec. 725(2) of the McKinney Vento Homeless Assistance Act, or a runaway;
- (6) An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care of kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 USC 677), or in an out-of-home placement.
- (7) Pregnant or parenting;
- (8) An individual with a disability;
- (9) Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment (WIOA sections 3(46) and 129(a)(1)(B))

An In-School Youth is defined as an individual who is:

- (a) Attending school (see definition in Attachment A);
- (b) Not younger than 14 or (unless an individual with a disability who is attending school under State law) older than 21 at the time of enrollment;
- (c) Low-income; **and**
- (d) Meets one or more of the following conditions:
 - (1) Basic Skills Deficient;
 - (2) An English Language Learner;
 - (3) An Offender;
 - (4) A homeless individual, aged 14-21 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994, a homeless child or youth aged 14 to 21 who meets the criteria defined in sec. 725(2) of the McKinney Vento Homeless Assistance Act, or a runaway;
 - (5) An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care of kinship guardianship or adoption, a child eligible for assistance under 477 of the Social Security Act (42 USC 677) or in an out-of-home placement;
 - (6) Pregnant or parenting;
 - (7) An individual with a disability;
 - (8) Requires additional assistance to complete an educational program or to secure or hold employment.

Documentation

Documentation is necessary to support WIOA Title I Youth Eligibility. Local areas must verify and confirm that youth are eligible to participate in WIOA youth services through an examination of documents. Documentation may be stored electronically, however documentation must be available to program, fiscal monitors and auditors for monitoring purposes. Local workforce areas must retain records for a period of at least three (3) years after the submittal of the final closeout expenditure report for that funding period.

Staff must ensure measures are taken to maintain appropriate information security and privacy of documents sent electronically for purposes related to Title I eligibility. Senders of electronic documents must use secure methods when emailing eligibility documents. Instruction for the Commonwealth of Massachusetts Secure Email Delivery Instructions are provided in Attachment G.

Documentation sent via email must be included in the customer file along with the completed Attachment F – Documentation Inspection Form.

A list of documentation that demonstrates participant eligibility can be found in Attachment B.

Low-Income

A low-income individual is one who:

- Receives, or in the past 6 months 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 (SNAP), or the supplemental security income program established under Title XVI of the Social Security Act, or State or local income-based public assistance;
- Is in a family with total income that does not exceed the higher of –
 - (I) The poverty line; or;
 - (II) 70 percent of the lower living standard income level;
- A homeless individual;
- Receives or is eligible to receive free or reduced-price lunch;
- A foster child on behalf of whom State or local government payments are made;
- An individual with a disability whose own income meets the low-income level for eligibility purposes;
- Youth who reside in a High Poverty Area (defined as at least 25% poverty rate).

Non- Low-Income Exception

In accordance with § 681.250 (c) of WIOA, a low-income exception may be applied to 5 percent of the newly enrolled youth participants in a program year that ordinarily would be required to be low-income for eligibility purposes and who meet all other eligibility criteria for WIOA youth except the low-income criteria.

The 5 percent non- low-income exception is applicable to:

1. An in-school youth who is not low-income.
2. An out-of-school youth who meet one of the following conditions:
 - Recipient of a secondary school diploma or its recognized equivalent who is basic skills deficient or an English language learner who is not low-income.
 - Individual who requires additional assistance to enter or complete an educational program or to secure or hold employment who is not low-income.

The low-income calculation is based on youth who are in enrolled in the current program year (from July on), and does not include participants who are “carried in from the previous fiscal year.

Requires Additional Assistance Limitation for In-School Youth

In accordance with WIOA Sec. 129 (a)(3)(B), not more than 5 percent of ISY newly enrolled in a program year may be eligible based on this barrier.

US Citizenship or Authorization to Work in the United States if a Non-US Citizen

Eligible youth must also be a citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, and parolee, and other immigrant authorized by the Attorney General to work in the United States (§188(a)(5)).

Selective Service Registration Requirements for Males Under 26

Before being enrolled in WIOA Title I – funded services, all males who are not registered with the Selective Services and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov. If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I funded services. If a man under the age of 26 refuses to register with Selective Service, WIOA Title I funded programs must be suspended until he registers.

For transgender customers, compliance with selective service is predicated on the individual’s gender as assigned at birth/as recorded on a birth certificate.

FOR FEMALE TO MALE (FTM) INDIVIDUALS

People who were assigned female at birth are not required to register with the Selective Service regardless of their current gender or transition status. A male who was assigned female at birth may provide an exemption from registering with Selective Service when applying to a WIOA funded program. A Status Information Letter (SIL) to prove exemption from registering with Selective Service can be requested through the Selective Service website <https://www.sss.gov/Portals/0/PDFs/Status.pdf>. A request can also be made by telephone at 1-888-655-1825.

FOR MALE TO FEMALE (MTF) INDIVIDUALS

People who were assigned male at birth are required to register with the Selective Service within thirty days of their eighteenth birthday. This includes those who may have transitioned before or since then. Individuals can register on-line for Selective Service by visiting the Selective Service by visiting:

<https://www.sss.gov/Home/registration>.

Pursuant to the USDOL policy that final decisions for disbursing federally financed domestic benefits, services, rights, or training, rests solely with the provider agencies that disburse them, the local Title I operator is responsible for determining if an individual seeking services under Title I meets Selective Service requirements. As such, the Title I operator must determine for any Title I applicant who was required to register with Selective Service and failed to do so, whether that failure was knowing or willful. It is the responsibility of the individual to demonstrate that such failure to register was not knowing or willful. All such determinations must be documented in the participant's case file. DOL [TEGL 11-11 Change 2](#), issued 05/16/2012.

Action

Required: MassHire Workforce Boards must ensure compliance with this guidance and develop local policies and standard operating procedures for the determination of eligibility for youth participation in the WIOA program.

Effective: Immediately

References: [Workforce Innovation and Opportunity Act Overview, July 22, 2014](#)
[Workforce Innovation and Opportunity Act](#)
[Training and Employment Guidance Letter WIOA No. 23-14 "Workforce Innovation and Opportunity Act" \(WIOA\) Youth Program Transition](#)
[Training and Employment Guidance Letter WIOA No. 8-15: Operating Guidance for the Workforce Innovation and Opportunity Act \(WIOA\)](#)
[WIOA Notice of Proposed Rules](#)
WIOA Final Regulations 20 CFR Parts 603, 651, 652, et al.
[National Center for Transgender Equality](#)

Attachments: A - Definitions
B - Eligibility Source Documentation (*updated 5/14/2020*)
C - Alternative Forms of Documentation
D - Applicant Statement Form
E - Telephone Verification Form
F – Document Inspection Form (*updated 5/14/2020*)
G - Secure Email Setup Instructions (*new 5/14/2020*)