

WORKFORCE INVESTMENT BOARD OF TULARE COUNTY
(WIB)

WORKFORCE INVESTMENT ACT (WIA)

DATE: August 12, 2013

SUBJECT:
WIA Title I-B Eligibility
TAG

TUL 13-04

WIB DIRECTIVE

TO: WIB Service Providers and WIB Staff

SUBJECT: Workforce Investment Act Title I-B Eligibility Technical Assistance Guide (TAG)

PURPOSE:

The purpose of this directive is to provide technical assistance to WIB staff and WIB Service Providers about determining applicant eligibility to participate in the Workforce Investment Act's (WIA) Title I-B adult, dislocated worker, and youth programs.

Changes to the Technical Assistance Guide (TAG) are briefly enumerated below in the Policy and Procedures portion of this directive.

SUMMARY:

The WIA provides local areas increased flexibility to implement systems that best suit the needs of local communities. The State of California supports the idea that local workforce investment areas (local area) are best positioned to exercise this flexibility, which aids in ensuring a strong role for local boards in California's workforce investment system.

Wherever authority is reserved for a local area to develop eligibility policies, procedures, and definitions consistent with federal authorizing laws and regulations, the WIB has incorporated its own eligibility policies, procedures, and definitions in this technical assistance guide. Federal and state program auditors and monitors will verify that the local eligibility policies, procedures, and definitions have been communicated and implemented within the local area. Local policy must be consistent with State and federal policy. In cases where the State or Department of Labor adopts a policy subsequent to policy established at the local level, changes to the local policy may be required to bring it into compliance with federal or State requirements. Current State requirements are printed in bold, italic type.

SCOPE:

The requirements in this directive apply to WIB staff and WIB services providers responsible for determining the eligibility of applicants for WIA Title I-B adult, dislocated worker, and youth activities.

EFFECTIVE DATE:

This directive is effective upon release.

REFERENCES:

- WIA of 1998; Title I: Workforce Investment System
- Jobs for Veterans Act (P.L. 107-288)

- Title 20 Code of Federal Regulations (CFR) Part 652, et al.
- Training and Employment Guidance Letter (TEGL) 8-98, Selective Service Registration (11/4/88)
- TEGL 5-03, Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (9/16/03)
- WSD 13-1, Authorization to Work Verification Requirements (7/2/13)

WORKFORCE INVESTMENT BOARD OF TULARE COUNTY (WIB) — IMPOSED

REQUIREMENTS:

The contents of this directive contain Workforce Investment Board of Tulare County and State of California EDD imposed requirements

FILING INSTRUCTIONS:

This directive supersedes:

- WIA Title I-B Eligibility Technical Assistance Guide TUL 13-01 dated May 13, 2013

Retain this directive until further notice.

BACKGROUND

Title I-B of WIA authorizes a workforce investment system to provide workforce preparation and employment to eligible adults, dislocated workers, and youth. Section 661.120 of the WIA regulations provides authority to state and local governments to establish their own eligibility policies, procedures, and definitions as long as they are consistent with WIA and the WIA regulations.

POLICY AND PROCEDURES:

The following changes to the WIB Eligibility TAG have been made.

1. Inclusion of Authorization to Work Verification Requirements

ACTION:

Bring this directive to the attention of all affected staff and Service Providers. Ensure copies of the TAG are available to all front line staff responsible for determining eligibility.

INQUIRIES:

Please direct inquiries about this directive to the WIB office at (559) 713-5200.



Adam Peck
Executive Director
AP: DM: EC

Workforce Investment Act

Eligibility Technical Assistance Guide

Prepared By
Local Eligibility Advisory Workgroup and
Workforce Investment Division

Program Year 2013

ACKNOWLEDGEMENTS

This technical assistance guide represents the work and expertise of program practitioners and workforce development professionals. The Workforce Investment Division is grateful to all those who took time to share their knowledge and ideas, to review drafts, and to help in the development of this guide.

The Division especially appreciates the work of the ad hoc Eligibility Advisory workgroup whose work has culminated in this publication:

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We also acknowledge both the local area administrators who released valuable staff to work on this guide, and Steve Malliaras and Maria Remboulis Weidmark of the Department of Labor for their technical assistance.

DENNIS PETRIE
DEPUTY DIRECTOR

Workforce Development Branch

**Workforce Investment Act
Eligibility Technical Assistance Guide**

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I. LOCAL FLEXIBILITY

The Workforce Investment Act (WIA, the Act) provides local areas increased flexibility to implement systems that best suit the needs of local communities. The State of California supports the idea that local workforce investment areas (local area) are best positioned to exercise this flexibility, which aids in ensuring a strong role for local boards in California's workforce investment system.

Wherever authority is reserved for a local area to develop eligibility policies, procedures, and definitions consistent with federal authorizing laws and regulations, the local area should incorporate its own eligibility policies, procedures, and definitions in this technical assistance guide. Federal and State program auditors and monitors will verify that the local eligibility policies, procedures, and definitions have been communicated and implemented within the local area. Local policy must be consistent with State and federal policy. In cases where the State or Department of Labor (DOL) adopts a policy subsequent to policy established at the local level, changes to the local policy may be required to bring it into compliance with federal or State requirements. Current State requirements are printed in ***bold, italic*** type. **WIB policy updates will be issued as Directives, Information Bulletins, or other local guidance and, as appropriate, should be considered an addendum to this TAG.** View WIB policy bulletins at www.tularewib.org.

Local areas are required to develop their own policies, procedures, criteria, and definitions of eligibility, to ensure that federal requirements are consistently interpreted and applied by front line staff. This will assist the monitors in conducting reviews and avoid any confusion or misinterpretation of the federal requirements that could potentially result in disallowed costs.

This publication is formatted to allow local areas to enter their eligibility policies, procedures, and definitions. Areas of local flexibility are discussed below. ***Background*** material and ***Items to Consider*** prepared by the eligibility advisory workgroup accompany each item. Following each presentation is a hyperlink to the page where the local areas may enter their policies, procedures, criteria, or definitions related to each area of flexibility. Additional areas of flexibility are discussed in Sections II, III, IV, VII, and VIII.

Supplemental guidance will be published as needed throughout the year and should be attached to the current year's version of the Technical Assistance Guide (TAG). The supplemental guidance will be incorporated into the TAG annually in June of each program year. The revisions to the TAG will only require copying and pasting your local policy, procedures, and definitions into the newly released version. Although the pagination may change, we will make an effort to maintain the format, i.e., the text form fields will be in the same order and the instructions for them will hopefully remain unchanged.

Procedures and Eligibility Criteria for the Three Tiers of Service

Background: In her October 4, 2001, statement to the Committee on Health, Education, Labor and Pensions United States Senate, the Assistant Secretary of Labor for Employment and Training, reported that:

Some state and local boards have not established clear procedures and eligibility criteria for the three tiers of service: staff-assisted core services, intensive services, and training services. Emily Stover DeRocco

Local areas that comply with the requirements of this TAG have established clear procedures and eligibility criteria for the three tiers of services.

Items to consider: WIA is the nation's job training system for individuals that are unable to obtain other grant assistance for training or require assistance in addition to other grant assistance training programs.

Local areas cannot adopt a “work first” approach in developing local procedures and eligibility criteria for the three tiers of service. The adult and dislocated worker programs are not “work first” programs. Locally developed procedures and criteria must be designed to provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities [WIA Section 195]. The appropriate mix and duration of services should be based on each participant’s unique needs.

Participants may receive the three levels of service concurrently and the determination that an individual needs intensive and/or training services can be made without regard to how long the individual has been receiving core or intensive services. Neither is it necessary for all individuals to receive staff-assisted core services before receiving intensive services. In addition, job search is not the only core service that satisfies the federal requirement that an individual must receive at least one core service before receiving intensive services. Such decisions are based on each participant’s employment and training needs.

In developing local procedures and eligibility criteria for the three tiers of service, WIA-funded adult and dislocated worker services may not duplicate or supplant services traditionally funded by the Wagner-Peyser Act. (This does not preclude cooperative efforts among one-stop partners to provide seamless and comprehensive services to one-stop customers.)

Local areas and Service Providers should not adopt a “work first” approach in designing activities that lead from participation in core to intensive and training services. These activities should not be used to discourage individuals from participating in the program or to excuse local areas and Service Providers from serving individuals. Both the State and DOL view such activities as potential obstacles to the success of this program resulting in low enrollments and poor customer service.

Eligibility Documentation and Verification

Background: The Act and the regulations do not address the issues of eligibility documentation and verification. The DOL has not yet provided eligibility documentation and verification guidance; however, DOL allows considerable state and local flexibility in this area. Therefore, local areas are at liberty to establish their own documentation and verification policy and procedures.

The documentation and verification process should be customer friendly and not add to the frustrations already experienced by individuals who are out of work. It is the purpose of WIA programs to assist people who are having difficulty finding employment. It is not the intention of this program to discourage participation by imposing difficult documentation and verification requirements. Local areas have the flexibility and local discretion to design documentation and verification systems that are less burdensome than the predecessor programs. Section X of this technical assistance guide includes a form for local areas to use in developing their own lists of acceptable documentation. Sample tables of acceptable documentation are also included (*Attachment 3*) for local areas to adopt if they choose not to develop their own. Section IX includes a text form field for local areas to record their eligibility documentation and verification policy, procedures, and definitions. **Service Providers and applicants must make reasonable efforts to document eligibility for WIA-funded programs. However, the use of applicant statements (*Attachment 1*) are allowable to document those items that are not verifiable or are not readily available. The applicant’s difficulty in obtaining documentation does not need to entail privation or suffering (undue hardship) to justify using an applicant statement.**

In taking an applicant’s statement, it is not necessary to obtain corroboration unless there is reason not to believe the applicant.

An applicable male’s compliance with the Military Selective Service (see *Attachment 6*) and an adult’s eligibility to work (i.e. I-9, right-to-work) should be documented as required.

Items to consider: It is not necessary to determine that an adult is eligible in accordance with the priority system until it is determined that the individual is in need of intensive services, and, then, only if there is a priority system locally in effect. Service Providers only need to record equal opportunity information (the race/ethnicity, sex, age, and where known, disability status), record and document the right-to-work, age,

and compliance with the Selective Service registration requirement. If an adult is unable to obtain or retain employment through staff-assisted core services and requires intensive services, the remaining federal, State, and local documentation and verification requirements must be met before providing intensive services. To be eligible to receive staff-assisted core services as a dislocated worker, an individual must be determined to meet the definition of "dislocated worker" (Section 663.105). The tiered service structure does not apply to youth. All youth must be registered (Section 664.215) and must be determined to meet the eligibility criteria described in Section 664.200 (Title 20 CFR, WIA Final Rules).

Service Provider staff conducting WIA eligibility is responsible for ensuring that adequate documentation is contained in their participant case files to minimize the risk of disallowed costs. The State supports the development of a balanced local documentation and verification policy (Attachment 2) that is not excessively intrusive and burdensome and is, at the same time, a good faith and reasonable effort to establish WIA eligibility. WIA Eligibility and Documentation Requirements, WSD09-18

Eligibility for Services and Case Files

Background: The Act distinguishes between **general program eligibility** and **eligibility for services**. General program eligibility includes federally imposed criteria including right-to-work, Selective Service registration, age, targeted populations, and youth barriers. Eligibility for services is related to local determinations about the client's need for and ability to benefit from services. Adult and dislocated worker case files must contain determinations of the need for staff-assisted core, intensive and training services. These may be hard copy or electronic case files [Title 20 Code of Federal Regulations (CFR) Sections 663.160(b) and 663.240(b)]. Prudence requires local areas to provide guidance to Service Providers and case managers about the factors that should be considered in making these decisions and how these decisions should be documented in a participant's case file [see Documentation and Verification].

When reviewing a participant's eligibility for staff-assisted core, intensive and training services, (attachment 5) federal and State auditors and monitors will review a participant's eligibility for services against each area's eligibility policy, guidance, procedures, criteria, and definitions. Local eligibility policies and procedures must comply with federal and State requirements.

Items to consider: A participant is required to receive at least one intensive service before moving on to a training service. If the local area requires an individual employment plan, this would fulfill the intensive service requirement and provide an opportunity to document the training service provided. Local areas may develop forms to document these items or provide guidance to case managers about what information must be included in the case manager's notes.

A participant is required to receive at least one core service and one intensive service before moving on to a training service. The receipt of a core service and eligibility for intensive services should be documented in the case notes of a participant's case file. The receipt of intensive service and eligibility for training services should be documented on the participant's Individual Employment Plan (IEP).

Deficient in Basic Literacy Skills

Background: Definitions and eligibility documentation requirements regarding the *deficient in basic literacy skills requirement* criterion may be established at the local level.

These definitions may establish criteria needed to address local concerns, and must include a determination that an individual:

1. Computes or solves problems, reads, writes, or speaks English at or below the 8th grade level¹ on a generally accepted standardized test or a comparable score on a criterion referenced test, or

¹ The term "at or below the 8th grade level" means at or below grade level 8.9 (8th grade, 9th month).

2. 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.

[References: WIA Section 203(12) and Title 20 CFR Section 664.205]

The terms basic literacy skills and basic skills deficient are not identical. Basic literacy skills are a criterion for eligible youth. Basic skills deficient is used to determine whether out-of-school youth and the five percent youth standards are met.

Basic skills deficient means that an individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion referenced test. The Act does not provide local areas the flexibility to further define basic skills deficient.

Although the terms are different, youth goals may be developed for basic skills and basic literacy skills and their attainment may be reported for performance.

Items to consider: The Act and the regulations do not define the level of literacy necessary to function on the job, in the individual's family or in society. Survival skills such as computer skills, balancing a checkbook, budgeting a family's income, or filing a tax return, may be considerations when defining these areas. Such definitions may provide greater flexibility in achieving basic skills goals for an individual who is basic skills deficient and may have difficulty achieving an 8th grade level of literacy within a specified program period.

II. WIA ELIGIBILITY DETERMINATION AND REGISTRATION

All adults and dislocated workers who receive services funded under Title I-B of WIA, other than self-service or informational activities (core services other than staff assisted core services), must be determined eligible and registered. All youth must be determined eligible and registered in order to receive services funded under Title I-B of WIA.

For adults and dislocated workers, registration/enrollment occurs the first day on which the individual actually begins receiving staff-assisted core, intensive, or training services, or subsidized employment.

Once the application/eligibility process is completed and the documentation required to substantiate the client's eligibility for the program is obtained, and a decision is made to serve the individual, an enrollment form (electronic or hard copy) should be completed to enroll the individual into an activity.

There is no federal limit on how much time is allowed between the application date and enrollment/registration date, or how much time a local area has to document and verify eligibility. Many areas may be using 90 days as a general rule; however, there are no State mandated limits. Nevertheless, so much time should not elapse before enrollment/registration that it becomes unreasonable to assume the information about the individual is still true; otherwise, there may be disallowed costs associated with the individual's eligibility. In determining how much time is allowed between the application date and enrollment/registration date, local areas should be aware that delays in providing services reduce the number of days an individual will receive UI benefits while participating in WIA and increase the number of days an individual is not gainfully employed. The application form may be updated at any time.

Include below your local policy and procedures for (a) the amount of time clients and staff have to obtain documentation; (b) the amount of time allowed to review an applicant's information and confirm eligibility; (c) the amount of time that can elapse between the application date and the enrollment date; and any other applicable guidance.

Local Policy and procedures for time limits covering the application process: Thirty (30) days is the maximum amount of time that should elapse between the beginning date of the documentation collection process and the application date.

Fifteen (15) working days from the interview signature date is the amount of time allowed to review an applicant's information and confirm eligibility. Individuals may receive Universal Core and Wagner-Peyser services until WIA eligibility is determined (No registration required – See Attachment 5).

Ninety (90) days is the amount of time that can elapse between the application date and enrollment date.

The completed application form represents the local area's intention to provide staff-assisted core, intensive, or training services, or subsidized employment. Once the individual receives a service funded by the program in a physical location or through electronic technologies, the individual becomes an enrolled participant, and the information that is used in performance measurement begins to be collected.

Wherever there is a priority to serve low-income individuals and recipients of public assistance, it is not necessary to establish that an adult who is receiving staff-assisted core services is a recipient of public assistance or is a low-income individual. The priority only applies to the receipt of intensive and training services. The application form may be updated with this information at the time that it is determined that the individual needs, and will receive intensive services. However, to be eligible to receive staff-assisted core services as a dislocated worker, an individual must meet the definition of "dislocated worker."

Individuals for whom eligibility has been verified, and who have been determined eligible for multiple WIA programs may be enrolled concurrently in multiple WIA and one-stop partner programs.

Eligible youth who are 18 through 21 years of age may participate in the youth and/or adult program or both, depending on the services needed.

Once a participant exits WIA, the application, documentation, and verification process must be repeated before the individual can be enrolled/registered in WIA again.

LOCAL GUIDANCE ABOUT ELIGIBILITY FOR SERVICES AND CASE FILES - Include below local policy and procedures for determining eligibility for services and maintaining participant case records.

Local Policy - Determining eligibility for services and maintaining case records: The Act distinguishes between general program eligibility and eligibility for services. General program eligibility includes federally imposed criteria including citizenship/right-to-work, Selective Service registration, age, targeted populations, and youth barriers. Eligibility for services is related to local determinations about the client's need for and ability to benefit from services. Adult and dislocated worker case files must contain determinations of the need for intensive and training services. [20 CFR 663.160(b) and 663.240(b)]

A participant is required to receive at least one core service and one intensive service before moving on to a training service. The receipt of a core service and eligibility for intensive services should be documented in the case notes of a participant's electronic file and/or case file. The receipt of intensive service and eligibility for training services should be documented on the participant's Individual Employment Plan (IEP).

Note: This tiered service structure does not apply to youth (14-21). All youth must be determined eligible and registered in order to receive services funded under WIA Title I-B. [664.215]

III. GENERAL TITLE I-B ELIGIBILITY CRITERIA

The general eligibility criteria apply to all Title I programs.

ELIGIBLE TO WORK - Section 9601.5 of the California Unemployment Insurance Code requires that “each state or local government agency or community action agency, or any private organization contracting with a state or local government agency, that provides employment services, including, but not limited to, job training, retraining, or placement, shall verify an individual's legal status or authorization to work prior to providing services to that individual in accordance with procedures established under federal law.”

The documentation of an individual's employability (right-to-work) must be conducted in compliance with Title 8 CFR Section 274a.2 which states the federal requirements and procedures persons or entities must comply with when hiring, or when recruiting or referring for a fee, or when continuing to employ individuals in the United States. These requirements and procedures are published as the Immigration and Naturalization Service (INS) Form I-9, and take precedence over any State statute and regulation governing alien status determination.

Citizenship is a demographic reporting element required from time to time by the State for research and analysis. It is not necessary to document and verify citizenship, in addition to documenting an individual's employability.

Authorization To Work Verification Requirements

Workforce Services Directive WSD 13-1 (*Attachment 9*) provides guidance in implementing State requirements to verify an individual's authorization to work prior to providing Wagner-Peyser Act (WPA) and/or Workforce Investment Board (WIA) employment Services.

Staff providing WPA and/or WIA employment services must verify an individual's authorization to work in accordance with the requirements of the USCIS Form I-9, Employment Eligibility Verification. As specified in the Form I-9, staff must accept as evidence of employment authorization, any of the documents listed on the last page of Form I-9.

For further guidance, the One-Stop Operator and WIA providers contracted by the Workforce Investment Board of Tulare County, must be knowledgeable of and implement WSD 13-1 and its attachments. Staff must verify an individual's authorization to work no later than time of application for a WIA service funded program. Verification is not required for self-service or informational activities.

Authorization To Work Verification WSD 13-1 (*Attachment 9*)

1. Questions and Answers – Authorization to Work Verification
2. Samples of Acceptable Documentation for Authorization to Work Verification
3. Wagner-Peyser Act Employment Service Levels
4. Summary of Comments

Local Policy - Employability (Right To Work): The WIB's local policy regarding “Right to Work” is conducted in compliance with federal requirements Title 8 CFR Section 274a.2. Service Providers are to verify and track expiration dates of individuals' legal status or work authorization documentation and record expiration date of right to work documents in case notes. The One-Stop case management system, www.employmentconnect.org, provides staff resources to track WIA participant INS expiration dates. The alert will notify staff of an individual in their case load whose authorization to work is about to expire. Staff must take the necessary steps to obtain current INS documents to verify the participant continues to be eligible to receive WIA services.

The U.S. Citizenship and Immigration Services website; www.uscis.gov provides further guidance in obtaining appropriate I-9 documents and resources such as; Form I-9 English and M-274 Handbook for Employers. Note: The I-9 Spanish Form may only be used in Puerto Rico.

SELECTIVE SERVICE/MILITARY STATUS - Section 189(h) of the Workforce Investment Act (WIA) requires that a determination of selective service registration status (attachment 6) be made prior to enrollment in WIA Title I-B funded programs. Local areas shall ensure that each applicable male participating in any local program or activity established under Title I-B of WIA in their workforce investment area, or receiving any assistance or benefit under Title I-B, has not violated *Section 3 of the Military Selective Service Act (MSSA)*. All males who are at least 18 years of age and born after December 31, 1959, and who are not in the armed services on active duty, must be registered for the Selective Service. A youth who becomes 18 years of age while participating in a WIA program must register within 30 days of his 18th birthday.

Items to Consider: Occasionally, males who were subject to Selective Service System (SSS) registration, but did not register and are now beyond their 26th birth date, apply for assistance from the WIA program. The amendments to the MSSA provide that services must be denied to a male applicant 26 years or older, if it is determined that he knowingly and willfully failed to register. When it can be determined that the applicant did not knowingly or willfully fail to register, he can be considered for participation.

Local areas should develop policy and procedures for determining whether an individual knowingly and willfully failed to register. The DOL's TEGL 8-98, (*Attachment 6*) provides federal guidance in applying *Section 3 of the MSSA*.

[Reference: WIA Section 189(h), WIA Directive WIAD01-4, *Selective Service Registration*]

Local Policy and procedures for determining whether an individual knowingly and willfully failed to register: *Please see attachment 6* WIB Directive WIBD-01-7 *Selective Service Registration*

AGE - The following chart displays references to the Act and the regulations, the federally required age for participation, and the applicable Title I-B program.

REFERENCE	AGE	TITLE I PROGRAM
WIA Section 101(1)	18 or older	Title I-B—Adult
Title 20 CFR Section 663.110	18 or older	Title I-B—Dislocated Worker
WIA Section 101(13)	14-21	Title I-B—Youth

IV. PRIORITY OF WIA SERVICES

ADULT—The Secretary of Labor assumes that adult funding is generally limited because there are not enough adult funds available to provide services to all of the adults who could benefit from such services. However, the Secretary also recognizes that conditions are different from one area to another and funds might not be limited in all areas. Because of this, the regulations require that all local boards must consider the availability of funds in their area. In making this determination, the availability of other federal funding, such as *Temporary Assistance to Needy Families* funds, should be taken into consideration. Unless the local board determines that funds are not limited in the local area, priority for intensive and training services must be given to recipients of public assistance and other low-income individuals. States and local boards must establish criteria by which the local areas can determine the availability of funds and the process by which any priority will be applied. [Reference: *Title 20 CFR Part 652 et al. Preamble, Subpart F—Priority and Special Populations, p. 49343*]

The methodology used to determine whether or not funding is limited in a local area is not currently defined. However, the State Board is interested in standardizing the methods that are used to determine if funds are limited in a local area and may develop policy for local areas to use in making this determination in the future.

Local boards may administer their priority for adult recipients of public assistance and other low-income adults to include intensive and training services for other individuals.

Local Policy - Process by which the priority for adult intensive and training services will be applied:
As outlined in the Tulare County 5-year Strategic Plan, Core services will be universally available; however, eligible Veterans will receive priority for the receipt of intensive and training services.

Within the integrated service design, Core and Intensive services shall be expanded to individuals who are not recipients of public assistance or other low-income individuals. The One-Stop Operator must determine if an individual is eligible as a **Dislocated Worker prior to engaging the streamlined WIA Adult eligibility process**. Enrollment services requires the following;

- A. Successful completion of an Integrated WIA Application which is entered into the electronic data management system (www.employmentconnect.org); and
- B. Verification of: Right to Work, Birth Date, and Selective Service (if applicable); and
- C. Verification of Tulare County Residence

Because Integrated Service Design allows individuals to be eligible for Intensive and Training services without regard to income, there is a need to establish criteria to determine when it is appropriate to expend WIA training funds.

The criteria to determine if an individual is appropriate for training are;

- A. An individual must meet **WIA Adult** low-income guidelines for eligibility as defined in the WIB WIA Eligibility Technical Assistance Guide. (Documentation utilized to determine eligibility shall be retained in the electronic files.)
- or
- B. An **Employed Individual**, but not economically self-sufficient as defined in the most current WIB Self-Sufficiency Directive must be within 175% of the LLISL. (Documentation utilized to determine eligibility shall be retained in the electronic files.)

or

- A. An individual must meet **Dislocated Worker** eligibility as defined in the WIB WIA Eligibility Technical Assistance Guide. Dislocated Workers **do not** need to verify family size or income. (Documentation utilized to determine eligibility shall be retained in the electronic files.)

or

- B. A **Veteran** as defined in WIA. A veteran does not need to meet WIA Adult low-income guidelines for eligibility. (Documentation utilized to determine eligibility shall be retained in the electronic files.)

and

- Customer has completed Work Keys
- With regard to ITA's, the customer has researched the demand occupations in the labor market, and identified appropriate education and training providers. Customer has met WIB approved pre-requisites for requested training.

The determination of an individual's low-income status is discussed in Section VIII of this TAG.

VETERANS - On November 7, 2002, President Bush signed the *Jobs for Veterans Act* to revise and improve employment, training, and placement services furnished to veterans. Section 2(a) of the Act amended 38 U.S.C. 4215(a) by mandating priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in the U.S. Department of Labor (DOL) programs. For most DOL programs, implementing the veterans' priority will pose little difficulty. However, in a few programs, (including WIA Title I-funded adult, dislocated worker and youth programs), the veterans' priority will compete with existing statutory priorities that favor certain population groups.

Local Boards must ensure that veterans are afforded priority for DOL-funded employment and training services, if they meet the existing eligibility requirements. Veterans' priority is required under federal law; however, it is not intended to displace existing eligibility requirements for WIA. An individual must first qualify for WIA before a priority of service can be applied. Local boards must use the following guidelines when determining priority for DOL-funded services:

- If the existing provisions are mandatory, a veteran must meet both the existing provisions and the veterans' provisions to receive priority. A non-veteran receives priority over a veteran who does not meet the mandatory provisions.
- If the existing provisions are optional, a veteran receives priority

The Training and Employment Guidance Letter (TEGL) 5-03 (*Attachment 7*) provides specific guidance on (a) the interaction of the veteran's priority with existing program requirements that target specific groups, and (b) makes note of the fact that local programs are not required to change their allocations among services to reserve funds for veterans but (c) are required to ensure that eligible veteran workers are given priority over non-veterans for all available services. Additional guidance and detailed examples for a specific program is available at [Jobs for Veterans Act Q&A Guidance](#) Web page.

[References: *Jobs for Veterans Act 2002 (38 USC Section 4215)*; *TEGL 5-03: Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (P.L. 107-288)*; *Jobs for Veterans Act Q&A Guidance Web site--www.doleta.gov/programs/VETs*; and *TEGL 22-04: Serving Military Service Members and Military Spouses Under the WIA Dislocated Worker Formula Grant*]

Local Policy - Process by which the priority of services to veterans and other covered persons will be applied:

- First Priority: Veterans and/or eligible spouses who are public assistance recipients or low-income individuals who meet the existing program eligibility requirements or are dislocated workers
- Second Priority: Non-veterans who are public assistance recipients or low-income individuals who meet existing program eligible requirements
- Third Priority: Veterans and/or eligible spouses who meet existing program eligibility requirements
- Fourth Priority: Non-veterans who meet existing program eligibility requirements

V. ADDITIONAL ELIGIBILITY CRITERIA FOR DISLOCATED WORKERS

In addition to complying with Selective Service registration requirements and eligibility to work requirements, an individual must meet any one of the six following criteria to be eligible to receive dislocated worker services under Title I-B of WIA. Unless otherwise specified, local policy, guidance, procedures and definitions may be established wherever there is flexibility authorized by the Act and the regulations.

An eligible dislocated worker remains eligible for assistance after dislocation as long as the individual has not been employed in a job since dislocation and prior to application that paid a wage defined by the local board as a self-sufficient dislocated worker wage or leading to self-sufficiency or providing more than stopgap employment.

Stopgap employment means work an individual does only because he has lost the customary work for which his training, experience or work history qualifies him (see "underemployed"). Employment would be considered "stopgap" if the salary were substantially below the salary of the individual's primary occupation and/or if he/she is working substantially under the skill level of his customary occupation [Adapted from kansasjobs.org].

There may be times when stopgap employment provides a self-sufficient wage, e.g., contract employment or employment obtained through a temporary employment services agency. Such employment would not change the individual's dislocated worker status. The determination about whether or not an individual's employment since dislocation is stopgap employment must be made

on a case by case basis and take into consideration an individual's personal, family, financial, and employment situation. (Individuals engaged in stopgap employment are reported as not employed.)

Once an individual is registered as a dislocated worker, the individual remains a dislocated worker until exited from the program regardless of employment status or earnings. If a participant becomes employed in a full time, permanent job that pays a wage defined by the local board as self-sufficient or leading to self-sufficiency, the participant may continue to be served in the program until he/she is formally exited from the program.

Dislocated Worker

There are six methods for determining that an eligible adult is a dislocated worker.

The first method has been formatted for clarity. It has three conditions that must be met: (A), (B) and (C). For (B), there are two options for meeting the condition: (a) or (b).

The individual:

1. (A) Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; **AND**
 - (B) (a) Is eligible for or has exhausted entitlement to unemployment compensation; **or**
 - (b) Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in WIA 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**
- (C) Is unlikely to return to a previous industry or occupation; **or**

Local Policy - Sufficient attachment to the workforce: *A period of 90 cumulative full or part time workdays within the last one (1) year prior to the date of WIA application. For the purpose of this definition, a workday can include as little as two (2) hours of work. Part time employment conditions that, by their nature or design, restrict the number of hours available for work in any day are acceptable in determining sufficient attachment to the workforce. Examples include, but are not limited to school aides, baby sitters, domestics, etc.*

Local Policy – Unlikely to Return –

Due to current economic environment in Tulare County, including a very high unemployment rate, numerous increases in employer lay-offs, and limited employment opportunities, individuals that meet the two eligibility criteria described in (a) and (b) below for the Dislocated Workers categories Terminated/Laid off, and Voluntary Terminated and Dislocated Military Spouses, are determined to be eligible for WIA Dislocated Worker funded services and activities and need not prove (c) that the individual is unlikely to return to their previous industry or occupation (Attachment 8, "Rationale Unlikely-To-Return Expansion to Include All Dislocated Workers in Tulare County for 2013")

An individual who:

- a. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; and
- b. Is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law.
- c. Unlikely to return to previous industry or occupation (temporarily not required to prove)

TEMPORARILY NOT REQUIRED

When determining unlikely to return, **use at least one** of the following criteria: Worked in a declining industry/occupation, as documented on State or locally-developed lists of such industries/occupations. State lists are available from the Employment Development Department's (EDD) Labor Market Information Division. The following website will provide local labor market information for declining industry/occupation; <http://www.labormarketinfo.edd.ca.gov/?pageid=1003> . Select "Industry Employment" and then find Tulare County and select "Current Month" to find current local labor market information for local declining industries and determine unlikely to return to previous occupation and/or industry.

This information is updated on a monthly basis. Local lists must be developed by an appropriate entity, such as the Chamber of Commerce, the Local Workforce Investment Board, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information;

1. Customer has had a lack of job offers as documented by the local Job Service (JS)/UI office, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry/occupation;
2. Worked in an industry/occupation/job for which there are limited job orders in the EDD CalJOBS system at the time of eligibility determination as outlined by the local EDD field office or One-Stop staff with access to the CalJOBS database.
3. Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation, as documented through the assessment of the customer's educational achievement levels, testing, or other suitable means;
4. Has physical or other problems which would preclude reentry into the former industry/occupation, as documented by a physician or other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.);
5. Natural disaster that results in lost wages;
6. Mechanization;
7. Loss of agricultural land;
8. Any significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work dates.
9. Change in family situation that requires higher income.
10. As a civilian, recently separated Veterans are unlikely to return to their previous industry.
11. Customers who have been unemployed for 15 of the last 26 weeks are unlikely to return to their previous occupation. Their previous occupation and/or industry are highly compromised based on economic reports provided by EDD. The State average unemployment rate is 12 percent and Tulare County is well above the state average.

2. 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; or

Local Policy - Substantial layoff: Any temporary or permanent reduction in workforce by 10% of employees by department or total company, but not necessarily resulting in permanent closure

The Act permits funds to be used for intensive and training services for workers: (1) as soon as they have layoff notices; or (2) 180 days before layoff if employed at a facility that has made a general announcement that it will close within 180 days.

3. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services described in WIA 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; or

Local Policy - General announcement: The *general announcement* of plant closing criterion may include, among other things, a newspaper article or public notice. It is important to have a credible source of information, or a documented confirmation from the employer. Refer to **Section X. TABLE OF DOCUMENTATION TO ESTABLISH WIA ELIGIBILITY** for further acceptable documentation of general announcement.

General announcement of a plant closing and Substantial Layoff:

- WIB Business Service (WBS) will make the initial contact with the business either prior to or after the announcement of the plant closure and/or Substantial Layoff to offer Rapid Response services for the employees being affected.
- WBS will offer the employer on-site orientations to accommodate all employees and shifts.
- Core, Intensive, and training services will be made available through the One-Stop Centers.

4. 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

Local Policy - General Economic Conditions: The “*as a result of general economic conditions in the community in which the individual resides*” criterion may include, among other conditions, self-employment which locally has little demand or has been declining, or the local economy is declining. Examples include, but are not limited to, seasonal factors, unforeseen or unusual operating costs, and depressed market conditions. Refer to **Section X. TABLE OF DOCUMENTATION TO ESTABLISH WIA ELIGIBILITY** for further acceptable documentation of general economic conditions.

5. Is a displaced homemaker; or

[Reference: WIA Section 101(9) and (10)]

DISPLACED HOMEMAKER.—The term “displaced homemaker” means 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.

6. ***Has voluntarily terminated employment, and is receiving, or has been determined eligible to receive unemployment compensation or has subsequently exhausted entitlement to unemployment compensation since terminating employment voluntarily, and is unlikely to return to a previous industry or occupation.***

Farmworkers and the Unlikely to Return Standard

The inherently seasonal nature of farmworker occupations has been incorrectly perceived by some practitioners as disqualifying under the “unlikely to return to work” standard in WIA Section 101(9)(A). In fact, individuals that may have worked seasonally can be considered unlikely to return to work in a previous industry or occupation for a variety of reasons such as:

1. Change in family situation that requires higher income;
2. Disability that precludes returning to the same occupation;
3. Natural disaster that results in lost wages;
4. Loss of agricultural land;
5. Mechanization; or

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6. Any significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work dates.

Additionally, permanent closures or a substantial layoff from agricultural enterprises and facilities such as packaging, canneries, or farming are not excluded from the standard under WIA Section 101(9)(B). The WIA Section 101(9)(C) standard regarding those that were self-employed (including employment as a farmer, a rancher, or a fisherman) and are unemployed due to economic conditions that resulted from extreme or unusual weather patterns and agricultural market downturns can also apply to farmworkers.

Layoffs, Furloughs, Temporary Layoffs and Lockouts

Layoff means the permanent or temporary termination of employment of an employee because a position has been abolished, because of insufficient funds, because of lack of work, or for any other reason not reflecting discredit on the employee (such as, dismissal for inadequate performance, violation of workplace rules, cause, etc.).

Furlough means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons [Title 5 United States Code (USC) 7511(a)(5)]. As such, it is a temporary termination of employment or layoff.

Lockout means any refusal by an employer to permit any group of five or more employees to work as a result of a dispute with such employees affecting wages, hours or other terms or conditions of employment of such employees [Section 1132.8 of the California Labor Code].

DISCUSSION:

Individuals that are furloughed are laid off. Depending on the local definition of "unlikely to return," the circumstances of the applicant, and local economic conditions, furloughed individuals may or may not be likely to return to their previous industry or occupation. The local areas are in the best position to make this determination. If these individuals are likely to return to their previous industry or occupation and need more than core services, they may be served as adults. In some cases, a business, company or corporation's furloughs are in fact substantial layoffs and the unlikely to return provision does not apply. Local areas have the discretion to define "substantial layoff" since the definition depends on local economic conditions.

A lockout does not terminate the employer-employee relationship. Consequently, locked out employees are not eligible dislocated workers since they have not been terminated or laid off, are not eligible for unemployment compensation, and are likely to return to the same industry or occupation once the dispute is resolved. The same guidance applies to employees that are on strike. There may be locked out employees who for financial reasons seek other employment. These individuals may be served as adults.

In those cases mentioned above when individuals are not dislocated workers, local boards have the flexibility to serve them as adults even when there is a local priority to serve recipients of public assistance and other low-income individuals.

Displaced Homemaker

Displaced homemaker means an individual who has been providing unpaid services to family members in the home and who 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*. [Reference: WIA Section 101(10)]

Local Policy - Difficulty in obtaining or upgrading employment: Has had a lack of job offers as documented by the local Job Service (JS)/UI office, rejection letters from employers, or other documentation of unsuccessful efforts to obtain employment or upgrade employment.

Displaced Homemaker: May include spouses of Dislocated Workers, spouses of recently separated Veterans or surviving spouse of a Veteran.

UI PROFILING—*the Governor has determined that UI profiling methodology and referral process meets the dislocated worker eligibility criteria in WIA Section 101(9).* In such instances, no further documentation is needed to establish the *unlikely to return* criterion at WIA Section 101(9)(A)(iii). [Reference: Title 20 CFR Part 652 et al. Preamble, Subpart A—One-Stop System, p.49316]

Other Related Definitions

The following definitions apply to all Title I-B WIA programs.

EMPLOYED⁽¹⁾ - An employed individual is currently working as a paid employee or who works in his or her own business, profession or farm, worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family, or is one who was not working, but has a job or business from which he/she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.

NOT EMPLOYED⁽¹⁾ - An individual who does not meet the definition of employed or who, although employed, has received notice of termination of employment, **or has been engaged in stopgap employment since dislocation.**

[Reference: WIA Title I-B Standardized Record Data (WIASRD), Item 115]

UNDEREMPLOYED - Under employed means an individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational attainment. [Reference: TEGL 14-00 Change 1]

VI. ADULT AND DISLOCATED WORKER REQUIREMENTS TO RECEIVE STAFF-ASSISTED CORE, INTENSIVE OR TRAINING SERVICES

In addition to the eligibility requirements in Sections II, III, and IV, to receive services, adults and dislocated workers must also meet the eligibility requirements below.

ELIGIBILITY FOR STAFF-ASSISTED CORE SERVICES - For performance measurement of the adult and dislocated worker programs, WIA distinguishes self-service and informational activities as separate from the other activities within the WIA service categories (staff-assisted core, intensive, and training, attachment 5).

When there is significant staff involvement with a customer in terms of resources or time, individuals receiving staff-assisted core services are required to be registered. Local areas may determine what constitutes a significant use of resources and a significant use of staff time. Describe below your local area's criteria for staff involvement requiring an individual's registration for staff-assisted core services:

Local Policy - Significant use of resources and a significant use of staff time: Individuals, who are primarily seeking information and do not seek direct, one-on-one staff assistance, do not need to be registered. However, when an individual seeks assistance requiring significant staff involvement to take the next steps toward self-sufficient employment, then eligibility must be determined. [20 CFR Part 652 Preamble, Description of Regulatory Provisions, p. 49297]. For services other than self-service or

(1) These definitions are used to calculate some of the core indicators of performance for adults and older youth. This information is to be collected from the registrant at registration, not from wage records.
[Reference: WIA Title I-B Standardized Record Data (WIASRD), Item 115]

informational activities, individuals must be determined eligible and registered. In addition, equal opportunity data must be collected on every individual who is interested in being considered for WIA Title I-B financially assisted aid, benefits, services, or training, and has signified that interest by submitting personal information in response to a request from the WIB. [Reference: 20 CFR Sections 663.105 through 663.120]. The following are the core services that require registration when a *significant degree of staff assistance* is given to clients, and when application and registration are required.

- Staff assisted job search & placement assistance, including career counseling
- Follow-up services, including counseling regarding the workplace
- Staff assisted job referrals (such as testing & background checks)
- Staff assisted job development (working with employer & jobseeker)
- Staff assisted workshops and job clubs

There are two main factors to consider when determining which core services require adults and dislocated workers to be registered and counted in performance measurements:

1. Level of staff involvement with the customer. When there is significant staff involvement in terms of resources or time, individuals receiving the staff-intensive core services are required to be registered for the adult or dislocated worker programs (all youth customers must be registered).
2. Purpose of the service. The Act specifically excludes those individuals who participate in self-service activities only (such as browsing the Internet). For staff-assisted activities, the purpose of the service should be examined to determine if registration is required for the service. Services that are designed to inform and educate individuals about the labor market and their employment strengths, weaknesses, and the range of services appropriate to their situations should be considered informational in nature. Staff-assisted services that are designed to impart job seeking and/or occupational skills should require registration. [Reference: WIA Sections 101(1), 134(d)(2), 189(h), 188(a)(5), and TEGL 7-99]

ELIGIBILITY FOR INTENSIVE SERVICES

Adults and dislocated workers who may receive intensive services:

(a) Adults and dislocated workers who are

- Unemployed,
- Have received at least one core service and are unable to obtain employment through core services, and
- Are determined by a Service Provider to be in need of more intensive services to obtain employment.

(b) Adults and dislocated workers who are

- Employed,
- Have received at least one core service, and
- Are determined by a Service Provider to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

(c) Individuals whose services are provided through the adult funding stream, and are determined eligible in accordance with the State and local priority system, if any, in effect for adults. [Reference: WIA Section 134(d) (3)]

ELIGIBILITY FOR TRAINING SERVICES

Training services may be made available to employed and unemployed adults and dislocated workers who:

- (a) Have met the eligibility requirements for intensive services, have received at least one intensive service under Section 663.240, and have been determined to be unable to obtain or retain employment through such services;
- (b) After an interview, evaluation, or assessment, and case management, have been determined by a Service Provider or one-stop partner, to be in need of training services and to have the skills and qualifications to successfully complete the selected training program;
- (c) Select a program of training services that is directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate;
- (d) Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as Welfare-to-Work, State-funded training funds, Trade Adjustment Assistance and Federal Pell Grants established under *Title IV of the Higher Education Act of 1965*, or require WIA assistance in addition to other sources of grant assistance, including Federal Pell Grants [provisions relating to fund coordination are found at Title 20 CFR Section 663.320 and WIA Section 134(d)(4)(B)]; and
- (e) For individuals whose services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system, if any, in effect for adults. [Reference: WIA Sections 134(d) (4)]

Describe your local area's criteria for self-sufficiency below:

Local Criteria For Self-Sufficiency: The local self-sufficiency criteria for employed adults and dislocated workers are 175% of the LLSIL. View most recent Self-Sufficiency Level WIB Directive at www.tularewib.org

Within the integrated service design, Core and Intensive services shall be expanded to individuals who are not recipients of public assistance or other low income individuals. The One-Stop Operator must determine if an individual is eligible as a Dislocated Worker prior to engaging the streamlined WIA Adult eligibility process. Enrollment requires the following:

- A. Successful completion of an Integrated Application which is entered into the electronic data management system (www.employmentconnect.org); and
- B. Verification of: Right to Work, Birth Date, and Selective Service (if applicable); and
- C. Verification of Tulare County Residence

Because Integrated Service Design allows individuals to be eligible for Intensive and Training services without regard to income, there is a need to establish criteria to determine when it is appropriate to expend WIA training funds.

The criteria to determine if an individual is appropriate for training are;

- A. Unemployed, underemployed or is dislocated from employment and needs training to obtain/retain employment **or**
- B. An employed individual, **but not economically self-sufficient** as defined in the most current WIB Self Sufficiency Directive located at www.tularewib.org. Family income must be within 175% of the LLISL for employed workers only. Dislocated Workers do not need to verify income.

and

- Customer has completed Work Keys
- With regard to ITA's, the customer has researched the demand occupations in the labor market, and identified appropriate education and training providers. Customer has met WIB approved prerequisites for requested training.

VII. ELIGIBILITY CRITERIA FOR YOUTH

Eligible Youth

An individual shall be eligible to participate in youth services if such an individual meets the definition of eligible youth:

- A. Is not less than age 14 and not more than age 21; and
- B. Is a low-income individual; and
- C. Is an individual who is one or more of the following:
 - 1) *Deficient in basic literacy skills*;
 - 2) A school dropout;
 - 3) Homeless, a runaway, or a foster child;
 - 4) Pregnant or a parent;
 - 5) An offender; or
 - 6) An individual who *requires additional assistance* to complete an educational program, or to secure and hold employment (may be defined at the State or local level per Title 20 CFR Section 664.210).
[Reference: WIA Section 101(13)]

Describe your local area's definition and eligibility documentation requirements for *deficient in basic literacy skills* below:

Local Policy - Deficient in Basic Literacy Skills: Deficient in basic literacy skills is defined as an individual that computes or solves problems, reads, writes, or speaks English at or below the 8th grade level (8th grade, 9th month) on a generally accepted standardized test. Basic skills testing may include all of the areas cited above but must at a minimum include testing in English reading and math. The CASAS and TABE are commonly accepted forms for documentation of basic literacy skills; however, acceptable documentation may also include any of the standardized tests identified in the State of California Employment Development Department's *Workforce Investment Act Job Training Automation System Client Forms Handbook*.

Situations may arise where standardized testing is not an appropriate mechanism for determining the level of an individual's basic literacy skills, (i.e., individuals with skill levels obviously at or below the 8th grade level, individuals who refuse testing or otherwise cannot be tested). In such cases survival/living skills may be the criterion used in evaluating and defining the level of English literacy skills necessary to function on the job, in the individual's family or in society.

The **Youth Services Customer Profile** is a locally developed assessment tool used with all youth seeking WIA services in Tulare County. The *Strengths, Interests, and Goals* segment of the Profile includes a section on *Life Skills Goals*. When standardized testing is not possible (due to disability or individual function level) for determining the level of an individual's basic literacy skills, the *Life Skills Goals* section of the *Customer Profile* shall be used as the pre/post test in evaluating and defining the level of English literacy skills necessary to function on the job, in the individual's family or in society.

Please note: Common performance measures require all out-of-school youth (those not attending any school) to be tested for basic literacy and numeracy skills using a generally accepted standardized test. Therefore, the *Life Skills* section of the *Customer Profile* will **not be an acceptable tool for evaluating basic literacy and numeracy levels for out-of-school youth unless disability or individual functioning level prohibits standardized testing. This must be clearly explained in case notes.**

A low-income youth is eligible for services if he/she *requires additional assistance to complete an educational program, or to secure and hold employment*. Definitions and eligibility documentation requirements related to this criterion may be established at the local level. Describe your local area's criteria, definitions, and eligibility documentation requirements below.

Local Policy – Requires Additional Assistance: A low-income youth may be identified as requiring additional assistance to complete an educational program, or to secure and hold employment if one or more of the following is true at the time of application:

- Has a core grade point average (GPA) of 1.5 or less;
- Has repeated at least one secondary grade level or is one year over age for grade;
- For each year of secondary education, is at least two semester credits behind the rate required to graduate from high school;
- Is deemed at risk of dropping out of school by a school official (must document through the *School Referral Form*);
- Is a previous dropout or has been suspended five or more times or has been expelled;
- Out of school youth;
- Disconnected youth (an individual between the ages of 14 and 21 that has not been regularly employed or attended school in the past six months);
- Is an emancipated youth;
- Has aged out of foster care;
- Youth of incarcerated parent(s);
- Is a court/agency referral mandating school attendance;
- Gang-involved youth or at-risk of gang involvement (at risk of gang involvement: family, significant others are gang members or the neighborhood in which youth lives and/or attends school is a documented high intensity gang area);
- Has been referred to or are being treated by an agency for a substance abuse related problem;
- Has never held a job and/or is deficient in occupational skills related to employment goal (older youth);
- Has been fired from a job within the 12 months prior to application (older youth);
- Has never held a full-time job for more than 13 consecutive weeks (older youth);
- Has experienced recent traumatic events, is a victim of abuse, or resides in an abusive environment as documented by a school official or other qualified professional;
- Has a limited ability to communicate in English resulting in a barrier to employment;
- Native American youth;
- Has a personal or family history of seasonal or chronic unemployment (i.e. migrant or seasonal farmworker youth);

Examples of acceptable documentation verifying a youth requiring additional assistance may include school records, WIB School Referral Form, Telephone Verification (attachment 2), written statement from cognizant agency, Applicant Statement (attachment 1), case record (notes) of "observable condition", etc. Specific documentation requirements are listed in the *Table of Documentation*.

SCHOOL DROPOUT - The term *school dropout* means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. Youth enrolled in alternative schools, including Adult schools, are not school dropouts. [References: WIA Section 101(39); Title 20 CFR Sections 664.300 and 664.310]

OFFENDER - The term *offender* means any adult or juvenile who:

- A. Is or has been subject to any stage of the criminal justice process, for whom services under this Act may be beneficial; or
- B. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction. [Reference: WIA Section 101(27)]

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PREGNANT or PARENTING - The term *pregnant or parenting youth* means an individual who is under 22 years of age and who is pregnant, or a youth (male or female) who is providing custodial care for one or more dependents under age 18. [Reference: WIA Sections 101(13) and 129(c) (5) (D)]

OTHER RESPONSIBLE ADULT - *For purposes of authorizing a minor to participate in WIA programs, the signature of a parent, guardian, or other responsible adult is required. This provision allows the local areas to enroll minors with the authorization of individuals other than a parent or legal guardian.*

The definition of "other responsible adult" includes:

- *A relative with whom the individual resides.*
- *An adult who has been delegated custodial or administrative responsibilities in writing, either temporarily or permanently, by parents or by an appropriate agency.*
- *An agency or organization representative who is in a position to know the individual's circumstances (i.e., that they could not get a parent's or guardian's signature authorizing participation), for example, a clergy person, a school teacher or other school official, a probation or other officer of the court, a foster parent.*
- *A representative of an agency which provided support services to the individual and who is aware of the individual's circumstances (i.e., that they cannot get a parent's or guardian's signature authorizing participation) for example, a social worker, a homeless shelter official, a child protective worker, a health clinic official.*
- *Other responsible adults determined by the local board as appropriate to authorize the individual's participation.*

OUT-OF-SCHOOL YOUTH - An individual may be served as an out-of-school youth, if such an individual meets the definition of *eligible youth*, and

- A. Is a school dropout; or
- B. Has received a secondary diploma or its equivalent but is
 - 1. Basic skills deficient,
 - 2. Unemployed, or
 - 3. Underemployed.

[Reference: WIA Section 101(33)]

The DOL CLARIFICATION OF OUT-OF-SCHOOL YOUTH—All eligible youth are out-of-school youth except those who are attending any school and have not received a secondary school diploma or its recognized equivalent and except those who are attending post-secondary school and are not basic skills deficient.

TRUANCY - The California Department of Education publication *2002 Work Permit: Frequently Asked Questions* states that: A truant/dropout is in violation of California's compulsory school attendance laws and a school district is not permitted to sanction violation of those laws by issuing a permit to work. A truant/dropout is subject to arrest, and the parents are subject to infraction fines if the minor is found working without a work permit.

Five Percent Eligibility Exceptions

Not more than five percent of participants served by WIA Youth programs may be individuals who do not meet the income criteria for eligible youth, but are within one or more of the following categories:

- A. School dropout;
- B. Basic skills deficient, as defined in WIA Section 101(4);

- C. Are one or more grade levels below the grade level appropriate to the individual's age;
 - D. Pregnant or parenting;
 - E. Possess one or more disabilities, including learning disabilities;
 - F. Homeless or runaway;
 - G. Offender; or
 - H. Face *serious barriers to employment* as identified by the state or the local board.
- [Reference WIA Section 129(c) (5)]

Local boards may define the term *serious barriers to employment* and describe it in the local plan [Title 20 CFR Part 652 et al. Preamble, Subpart B—Eligibility for Youth Services, p. 49349]. Include your local area's definition of serious barriers to employment below:

Local Policy – Serious Barriers to Employment: Serious barriers to employment include the following:

- A core GPA of 1.5 or less;
- Deemed at risk of dropping out of school by a school official;
- Previous dropout or has been suspended or expelled from school;
- Referred to or being treated by an agency for a substance abuse related problem;
- Experienced recent traumatic events, victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional;
- Emancipated Youth;
- Aged out of foster care;
- Court/agency referrals mandating school attendance;
- Never held a job (older youth);
- Has been fired from a job within the 12 months prior to application (older youth);
- Has never held a full-time job for more than 13 consecutive weeks (older youth);
- Has a limited ability to communicate in English resulting in a barrier to employment.
- Examples of acceptable documentation verifying a youth requiring additional assistance may include school records, TCWIB School Referral Form, Telephone Verification (attachment 2), written statement from cognizant agency, Applicant Statement, case record (notes) of "observable condition", etc. Specific documentation requirements are listed in the Table of Documentation.

VIII. LOW-INCOME INDIVIDUAL DETERMINATION

To be eligible to receive youth services an individual must be low-income. Unless the local board determines that funds are not limited in the local area for the adult program, priority must be given to recipients of public assistance and other low-income individuals for intensive and training services. The Act defines low-income individual in Section 101(25). The definition of low-income individual applies to the priority to serve low-income adults and eligible youth. Related to the definition of low-income individual are the definitions of *poverty level*, *public assistance*, *family*, *dependent children*, *emancipated minor*, *out-of-family youth*, *lower living standard income level*, *homeless*, and *individual with a disability*. All of these definitions are listed on the following pages.

LOW-INCOME INDIVIDUAL - The term *low-income individual* means 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 six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, public assistance, and old-age and survivors insurance benefits received under Section 202 of the Social Security Act) that, in relation to family size, does not exceed the higher of:
 - 1. The poverty line, for an equivalent period; or
 - 2. Seventy 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 application for the program involved to be eligible to receive) food stamps;
- (D) Qualifies as a homeless individual;
- (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 (A) or (B), but who is a member of a family whose income does not meet such requirements. [Reference: WIA Section 101(25)]

Public Law 106-501 amended the Older Americans Act of 1965 by stating in part that, eligible individuals under the Older Americans Act may be deemed by local boards established under Title I of WIA to satisfy the requirements for receiving services under such title that are applicable to adults. This is similar to the eligibility allowance under the Job Training Partnership Act.

Title 42 of the United States Code, Section 3003 provides that full and special consideration shall be given to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need. (Local areas might consider including the number of referrals of older Americans to be accepted under Title I of WIA in its memorandum of understanding with one-stop providers of activities under the Older Americans Act.)

PUBLIC ASSISTANCE - The term *public assistance* means federal, state, or local government cash payments for which eligibility is determined by a needs or income test. The statutory definition of public assistance contains a two-part test: (1) the program must provide cash payments, and (2) eligibility for the program must be determined by a needs or income test. [Reference: WIA Section 101(37)]

WIA Eligibility Technical Assistance Guide

FAMILY - The term *family* 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 husband, wife, and dependent children.
- B. A parent or guardian⁽¹⁾ and dependent children.
- C. A husband and wife.

[Reference: WIA Section 101(15)]

DEPENDENT CHILDREN - *Dependent children shall be defined as individuals, aged 0-21, whose circumstances fall into one of the following categories:*

- A. *Under the age of 18, who are not emancipated minors (emancipated minor is defined below), and are living in a single residence with their parent(s) or guardian(s).*
- B. *Age 18-19 who are full-time students in a secondary school or equivalent, and are living in single residence with their parent(s) or guardian(s).*
- C. *Age 18-21, who are not full-time students in a secondary school or equivalent, and are living in a single residence with their parent(s) or guardian(s), shall have their dependency established according to locally established policy and procedures.*

If the 18-21 year-old is a dependent family member (e.g. the youth is claimed as a dependent on the parent's income tax), then income is calculated based on wages, salaries, tips, etc. of all family members. If the older youth is determined not to be a dependent family member (e.g., the youth is not claimed as a dependent on the parent's income tax), the older youth's income is based on his or her own wages, salaries, tips, etc.

It is not possible to develop policy that will cover every situation. At some point, common sense, humanity and good case records must compensate for the deficiencies of policies to anticipate every situation.

Include below local policy and procedures for determining the dependency of older youth age 18-21 who are not full-time students in a secondary school or equivalent, and are living in a single residence with their parent(s) or guardian(s).

Local Dependency Policy And Procedures For: Youth age 18-21 who are not full-time students in a secondary school (high school) or equivalent, and are living in a single residence with their parent(s) or guardian(s):

- If the 18-21 year-old is a dependent family member (e.g. the youth is claimed as a dependent on the parent's income tax), then income is calculated based on wages, salaries, tips, etc. of all family members. If the older youth is determined not to be a dependent family member (e.g., the youth is not claimed as a dependent on the parent's income tax), the older youth's income is based on his or her own wages, salaries, tips, etc.
- Income shall be calculated following the standards incorporated in this TAG.
- If the individual claims little or no income he/she must submit a statement that little or no income was received during the past six-months. If an individual provided work and/or services for which the household would typically pay, and in lieu of wages received lodging, food, and similar necessities, this information should be included in his/her statement. Specific documentation requirements are listed in the *Table of Documentation*.

(1) For purposes of Category B, references to the term "guardian" refer to LEGAL guardian.

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EMANCIPATED MINOR - The *California Family Code*, Section 7002, defines *emancipated minor* as any person under the age of 18 years who:

- A. Has entered into a valid marriage, whether or not such marriage was terminated by dissolution;
- B. Is on active duty with any of the armed forces of the United States of America; or
- C. Has received a declaration of emancipation pursuant to California Family Code 7122.

OUT-OF-FAMILY YOUTH - Court adjudicated youth separated from the family (including incarcerated youth), homeless, runaway, and emancipated youth for purposes of determining income eligibility are a "family of one."

POVERTY LEVEL - The *poverty level* means the income level at which families are considered to live in poverty, as annually determined by the Department of Health and Human Services. [Reference: published annually in the *Federal Register*] - View latest TCWIB Directive at www.tularewib.org

LOWER LIVING STANDARD INCOME LEVEL - The *lower living standard income level* (LLSIL) means the income level (adjusted for regional, metropolitan, urban, and rural differences and family size), determined annually by the Secretary based upon the most recent *lower living family budget* issued by the Secretary. [Reference: published annually in the *Federal Register*] - View latest TCWIB Directive at www.tularewib.org

INDIVIDUAL WITH A DISABILITY - The term *disability* means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such an individual;
2. A record of such an impairment; or
3. Being regarded as having such impairment.

[References: WIA Section 101(17); Title 20 CFR Section 664.250; Section 3 of the Americans with Disabilities Act of 1990]

An individual with a disability whose own income meets the low-income criteria, but is a member of a family whose income does not meet the low-income requirements, is a low-income individual.

HOMELESS - The term *homeless, homeless individual or homeless person* includes:

1. An individual who lacks a fixed, regular, and adequate nighttime residence; and
2. An individual who has a primary nighttime residence that is -
 - (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 accommodation for human beings.

[References: WIA Section 101(25)(D); Section 103 of the Stewart B. McKinney Homeless Assistance Act]

INCOME ELIGIBILITY DETERMINATION PROCESS - *Income eligibility* is a function of family resources and family size.

Income is:

- Monetary compensation for services, including wages, tips, salary, commissions, or fees before any deductions
- Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expense)
- Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses)
- Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends (e.g., wages from the California Conservation Corp)
- Alimony, Military family allotments, or other regular support from an absent family member or someone not living in the household
- Private pensions, government employee pensions (including military retirement pay)
- Regular insurance or annuity payments (including state disability insurance)
- College or university scholarships (not needs-based), grants, fellowships, and assistantships
- Net gambling or lottery winnings
- Severance payments
- Terminal leave pay
- Social Security Disability Insurance payments

Income is not:

- Unemployment Insurance
- Child support payments (including foster care child payments)
- Need-based Public Assistance payments (including TANF, Supplemental Security Income, Emergency Assistance money payments, and non-federally-funded general assistance or general relief money payments)
- Social Security Old Age and Survivors' Insurance benefit payments
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants
- Supplemental Educational Opportunity Grants and Federal Work Study
- Needs-based scholarship assistance
- Loans
- Veterans Benefits
- Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance
- Capital gains
- Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury
- Non-cash benefits such as employer paid or union-paid portion of health insurance or other fringe benefits, food or housing received in lieu of wages
- The value of food and fuel produced and consumed on farms
- The imputed value of rent from owner occupied non-farm or farm housing
- Medicare, Medicaid, food stamps, school meals, and housing assistance
- Allowances, earnings and payments to individuals participating in programs under this Act (except OJT wages)

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[Adopted from WIA Section 101(25)(B) and Training and Employment Information Notice 29-91]

When a federal statute excludes income received under that statute in determining eligibility for programs operated under other federal laws, such income is also excluded in WIA eligibility determination.

The total of included income for the most recent six-month period is multiplied by two to determine the annual income. The income from each family member is included in the total family income. The annual income is located on the published poverty/lower living standard guidelines according to family size. Below is a sample table for illustrative purposes only. The Living Income Standard (LLSIL) and Poverty Guidelines are updated annually. **The most current WIB Directive 70 Percent Lower Living Income Standard (LLSIL) and Poverty Guidelines are located at www.tularewib.org.**

SAMPLE CHART

Family Size							
	1	2	3	4	5	6	Each Add'l. add
70% LLSIL							
Annual	\$9,443	\$15,476	\$21,247	\$26,230	\$30,951	\$36,201	\$5,250
6 Months	\$4,722	\$7,738	\$10,624	\$13,115	\$15,476	\$18,101	\$2,625
100%	\$13,490	\$22,108	\$30,353	\$37,471	\$44,216	\$51,716	\$7,500
Poverty Guidelines							
Annual	\$10,830	\$14,570	\$18,310	\$22,050	\$25,790	\$29,530	\$3,740
6 Months	\$5,415	\$7,285	\$9,155	\$11,025	\$12,895	\$14,765	\$1,870

Since only the income received during the six-month period immediately prior to the individual's application for WIA funded services is used for income determination, the State annually publishes charts that show the six-month, as well as the annual, figures for each family size. An applicant's actual family income during the six-month income determination period can be compared with the six-month figures on the charts. ***If multiplying the six-month income by two, overstates the actual annual income, the actual annual income should be used.***

IX. ELIGIBILITY DOCUMENTATION AND VERIFICATION

Describe your local area's eligibility documentation and verification policy and procedures below.

Eligibility documentation and verification policy and procedures: The Act and the regulations do not address the issues of eligibility documentation and verification. The United States Department of Labor (DOL) has not yet provided eligibility documentation and verification guidance. The DOL allows considerable state and local flexibility in this area. Therefore, local areas are at liberty to establish their own documentation and verification policy and procedures.

The documentation and verification process should be customer friendly and not add to the frustrations already experienced by individuals who are out of work. It is the purpose of WIA programs to assist people who are having difficulty finding employment. It is not the intention of this program to discourage participation by imposing difficult documentation and verification requirements.

Service Providers and applicants must make reasonable efforts to document eligibility for WIA-funded programs. However, the use of applicant statements is allowable to document those items that are not verifiable or are not readily available. The applicant's difficulty in obtaining documentation does not need to entail privation or suffering (undue hardship) to justify using an applicant statement.

In taking an applicant's statement, it is not necessary to obtain corroboration unless there is reason not to believe the applicant or the applicant is a minor under the age of 18.

Section X. TABLE OF DOCUMENTATION TO ESTABLISH WIA ELIGIBILITY is the list of acceptable documentation to use when establishing WIA eligibility for adults, dislocated workers, and youth programs.

Service Providers conducting WIA eligibility is responsible for ensuring that adequate documentation is contained in their participant intake/case files (electronic or hard copy) to minimize the risk of disallowed costs. The State supports the development of a balanced local documentation and verification policy that is not excessively intrusive and burdensome and is, at the same time, a good faith and reasonable effort to establish WIA eligibility.

DEFINITIONS:

In the context of establishing eligibility:

Verification means to confirm an eligibility requirement through examination of official documents, e.g. birth certificates, public assistance records, or speaking with official representatives of cognizant agencies.

Documentation means to maintain physical evidence, which is obtained during the verification process, in participant files.

WORKFORCE INVESTMENT BOARD of TULARE COUNTY

APPLICANT STATEMENT

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT I _____

If applicant cannot obtain a satisfactory witness or provide a telephone contact, explain above.

I ATTEST THAT THE INFORMATION STATED ABOVE IS TRUE AND ACCURATE, AND UNDERSTAND THAT THE ABOVE INFORMATION, IF MISREPRESENTED, OR INCOMPLETE, MAY BE GROUNDS FOR IMMEDIATE TERMINATION AND/OR PENALTIES AS SPECIFIED BY LAW.

APPLICANT'S SIGNATURE and DATE

PARENT or GUARDIAN SIGNATURE
(Youth Only)

APPLICANT'S ADDRESS

RELATIONSHIP TO APPLICANT

OFFICE USE ONLY

The above applicant statement is being utilized for documentation of the following eligibility criteria:

SIGNATURE and DATE OF CERTIFYING STAFF
WIB-84 (11/10)

WORKFORCE INVESTMENT BOARD of TULARE COUNTY
TELEPHONE VERIFICATION FORM

WIA ELIGIBILITY VERIFICATION BY TELEPHONE OR DOCUMENT INSPECTION		
APPLICANT'S IDENTIFICATION NUMBER <input type="checkbox"/> <input type="checkbox"/> NAME OR NUMBER OF DOCUMENT <input type="checkbox"/>		
APPLICANT'S LAST NAME	FIRST NAME	M.I.
PRIMARY ELIGIBILITY ITEM TO BE VERIFIED: _____		
AGENCY PROVIDING VERIFICATION: _____		
AGENT VERIFYING ELIGIBILITY ITEM: _____		
DATE & TIME OF VERIFICATION: _____		
APPLICANT/PARTICIPANT RECORD/I.D. NUMBER: _____		
TELEPHONE NUMBER OF AGENCY PROVIDING VERIFICATION: _____		
ADDITIONAL ELIGIBILITY ITEMS VERIFIED (LIST & RECORD DATA FOR EACH)		

I ATTEST THAT THE INFORMATION RECORDED BY ME ON THIS DOCUMENT WAS OBTAINED THROUGH TELEPHONE CONTACT OR DOCUMENT INSPECTION ON THE ABOVE DATE. AS INDICATED BY THE AGENT, ALL INFORMATION WAS OBTAINED FROM DATA PREVIOUSLY DETERMINED AND RECORDED IN THE APPLICANT'S RECORDS AT THE AGENCY PROVIDING THE ELIGIBILITY VERIFICATION.		
OR		
I ATTEST THAT THE DOCUMENT INSPECTED, VERIFIED THE PRIMARY/SECONDARY ITEMS REQUIRED TO DETERMINE ELIGIBILITY FOR THE WIA PROGRAM.		
STAFF SIGNATURE and DATE: _____		

X. TABLE OF DOCUMENTATION TO ESTABLISH WIA ELIGIBILITY

INTRODUCTION

This attachment provides a comprehensive list of Title I-B eligibility criteria aligned with recommended documentation sources. A file copy of any one document listed per eligibility criterion is satisfactory, unless otherwise specified.

For cases where documentation cannot or may not be copied, and/or is not readily obtainable, documents may be inspected or information verified by telephone. Please use the Workforce Investment Board of Tulare County (WIB) Telephone Verification/Documentation Inspection form WIB 83.

Applicant statements may be used when an item is unverifiable or it is unreasonably difficult for the applicant to obtain. The WIB developed Applicant Statement form WIB 84 may be used. The applicant statement may be prudently used wherever it is listed, as acceptable documentation in the table below and other documentation may not be easily obtained.

TABLE OF DOCUMENTATION

ADULT AND DISLOCATED WORKERS	
GENERAL ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
BIRTH DATE/AGE Note: Applicants must be age 18 or older at the time of registration to participate in this program.	<ul style="list-style-type: none"> • Baptismal or Church Record • Birth Certificate • DD-214 Form • Driver's License • Federal, State or Local Government Issued Identification Card • Hospital Record of Birth • Passport • Public Assistance/Social Service Records • School Records • Telephone Verification • Work Permit
U.S. WORK AUTHORIZATION Note: Latest I-9 documents may be accessed at: http://www.uscis.gov/files/form/i-9.pdf In response to inquiries about the validity of unsigned social security cards, the most recent versions of the card state that, "This card is invalid if not signed by the number holder unless health or age prevents signature." Unsigned social security cards for minors (under 18 years) are acceptable for WIA eligibility purposes. However, the social security card must be signed prior to the youth starting work (i.e. work experience), or upon turning 18 years of age.	<ul style="list-style-type: none"> • Verification Document(s) that Satisfy List A of the I-9 • Verification Document(s) that Satisfy List B <u>and</u> C of the I-9

ADULT AND DISLOCATED WORKERS, continued

GENERAL ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
<p>*RESIDENCY (Tulare County)</p> <p>Note: The documentation listed must show proof of current (within 60 days) residence at time of certification.</p> <p>*Priority for WIA Title I-B Intensive and Training services is given to Tulare County residents.</p>	<ul style="list-style-type: none"> • Computer Printout from other Government Agencies • Driver's License • Food Stamp Award Letter • Homeless (See Requirements for Homeless Individuals) • Housing Authority Verification • Insurance Policy (Residence or Auto) • Landlord Statement • Lease • Letter from Social Service Agency or School • Library Card • Medicaid/Medicare Card • Phone Directory • Postmarked Mail Addressed to Applicant • Property Tax Record • Public Assistance Records • Rent Receipt • School Identification Card • Selective Service Registration Card • Utility Bill (gas, electric, water, cable, telephone, etc.) • Voter Registration Card • Applicant Statement
<p>SELECTIVE SERVICE REGISTRANT</p> <p>Note: Each male registrant 18 years of age or older born on or after January 1, 1960, must present evidence that he has complied with <i>Section 3</i> of the Military Selective Service Act.</p> <p>Each male who turns 18 years of age during WIA participation must also submit evidence that he has complied with the requirements of the Military Selective Service Act.</p>	<ul style="list-style-type: none"> • Acknowledgement Letter • Form DD-214 • Screen printout of the Selective Service Verification Internet site: http://www4.sss.gov/regver/verification1.asp • Selective Service Advisory Opinion Letter • Selective Service Registration Card • Selective Service Registration Record (Form 3A) • Selective Service Verification Form • Stamped Post Office Receipt of Registration

(1) Men who separate from active military duty for any reason before they turn age 26 must register for Selective Service. See "Who Must Register" chart at www.sss.gov/must.htm for specific military-related requirements.

(2) Since January 1995, the Selective Service System has been issuing "status information letters" in lieu of previous system of "advisory opinion letter."

DISLOCATED WORKERS

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
(Verify each criterion unless specified otherwise)	(Only one document from this column per eligibility criterion is required)
ELIGIBILITY GROUP A – Dislocated	
<p>A.1. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; and</p>	<ul style="list-style-type: none"> • Worker Adjustment and Retraining Notification Act (WARN) notice • Photocopy of a printed media article or announcement describing the layoff. The photocopy must include the name of the medium in which published and the date of publication. • Employer or union representative letter or statement • Applicant Statement
<p>A.2.</p> <p>(a) Is eligible for or has exhausted entitlement to unemployment compensation;</p>	<ul style="list-style-type: none"> • Unemployment Insurance Records, or UI check stubs • Statement by an Unemployment Insurance representative
OR	
<p>(b) 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</p>	<ul style="list-style-type: none"> • Pay check stubs • W-2 and/or Tax Returns • Unemployment Insurance records • Statement by the employer or union representative • Statement by an Unemployment Insurance representative • Applicant Statement / Self Attestation
<p>A.3. Is unlikely to return to a previous industry or occupation.</p>	<ul style="list-style-type: none"> • Appointment Notice of referral to an Initial Assistance Workshop (IAW); • Screen print of IAW schedule; or • Reemployment Plan generated from IAW; or • Invitation Letter to Self Employment Assistance (SEA) orientation; or • Screen print of SEA schedule. • Rejection Letters <p>NOTE: If one of the above is not available, documented telephone verification from the EDD field office will suffice.</p>

DISLOCATED WORKERS, continued

ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
ELIGIBILITY GROUP A – Recently Dislocated, continued	
<p>A.3. (Continued) Is unlikely to return to a previous industry or occupation.</p>	<ul style="list-style-type: none"> • Internet site, such as CalJOBS that indicates lack of industry/occupation availability • Screen print of Labor Market Information Division screens that indicates lack of industry/occupation availability • Doctor statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Vocational rehabilitation counselor's statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Marriage or birth certificates to show change in family situation. • Applicant Statement
ELIGIBILITY GROUP B – Plant Closure/Substantial Layoff	
<p>B.1. 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;</p>	<p><u>Closure or substantial layoff:</u></p> <ul style="list-style-type: none"> • Bankruptcy documents, if declared under <i>Chapter 7</i>, Title 11 U.S.C. Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Statement from the employer or union representative • Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual • Copy of a valid WARN notice provided by the employer or authorized representative • Telephone Verification • Applicant Statement <p><u>Notice of Layoff or Laid-off:</u></p> <ul style="list-style-type: none"> • Copy of a valid WARN notice provided by the employer or authorized representative • Copy of other specific notice to employee of intent to lay-off • Unemployment Insurance Form 501 (Separation Statement), when completed on both sides and signed by an employer representative • Employer or union representative letter or statement • Telephone Verification • Applicant Statement

DISLOCATED WORKERS, continued

ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
ELIGIBILITY GROUP B – Plant Closure/Substantial Layoff, continued	
B.2. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days;	<ul style="list-style-type: none"> • Bankruptcy documents, if declared under <i>Chapter 7</i>, Title 11, U.S.C. Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Statement from the employer or union representative • Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual
OR	
B.3. For purposes of eligibility to receive core services only, is employed at a facility at which the employer has made a general announcement that such facility will close.	<ul style="list-style-type: none"> • Bankruptcy documents, if declared under <i>Chapter 7</i>, Title 11, U.S.C. Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Statement from the employer or union representative • Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual
ELIGIBILITY GROUP C - Self-employed	
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.	<ul style="list-style-type: none"> • Bankruptcy documents listing both the name of the business and the applicant's name • Business License • Copy of a completed federal income tax return (Schedule SE) for the most recent tax year • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Copy of articles of incorporation for the business listing the applicant as a principal • Applicant Statement

DISLOCATED WORKERS, continued

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
(Verify each criterion unless specified otherwise)	(Only one document from this column per eligibility criterion is required)
ELIGIBILITY GROUP D – Displaced Homemaker	
<p>D. Is a displaced homemaker.</p> <p>(May include spouse of Dislocated Worker, or recently separated Veteran, or surviving spouse of a Veteran)</p>	<ul style="list-style-type: none"> • Applicant Statement / Self Attestation • May use the same documents listed for the eligible spouse of a Dislocated Worker and/or Veteran
VOLUNTARILY TERMINATED EMPLOYMENT & UI ELIGIBLE	
<p>E. Has voluntarily terminated employment and has been determined eligible to receive UI benefits.</p>	<ul style="list-style-type: none"> • Appointment Notice of referral to an Initial Assistance Workshop (IAW); or • Screen print of IAW schedule; or • Reemployment Plan generated from IAW; or • Invitation Letter to Self Employment Assistance (SEA) orientation; or • Screen print of SEA schedule. <p>NOTE: If one of the above is not available, documented telephone verification from the EDD field office will suffice.</p>

MISCELLANEOUS CRITERIA

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
(Verify each criterion unless specified otherwise)	(Only one document from this column per eligibility criterion is required)
ADULT PROGRAM PRIORITY	
<p><u>The definition of low-income individual applies to the priority to serve low-income adults and eligible youth.</u></p>	
VETERANS' PRIORITY OF SERVICE	
<p>A veteran/covered person, as defined in Section 4215 of the Jobs for Veterans Act, is entitled to priority of service under WIA Title 1 programs, e.g. adult, youth and dislocated worker.</p>	<ul style="list-style-type: none"> • DD 214 • Veterans Administration Letter or Records
UNEMPLOYED	
<p>EMPLOYED—An employed individual is currently working as a paid employee or who works in his or her own business, profession or farm, worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family, or is one who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.</p>	<ul style="list-style-type: none"> • Layoff notice • Unemployment Insurance records • Telephone Verification • Applicant Statement / Self Attestation
UNDEREMPLOYED	
<p>Applies to displaced homemaker and older youth.</p>	<ul style="list-style-type: none"> • Check Stubs • Telephone Verification • Applicant Statement

YOUTH	
ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
<p><u>The general eligibility criteria for youth are the same as for adults and dislocated workers: Birth Date/Age; U.S. Work Authorization; and Selective Service Registration. Acceptable documentation for these criteria is the same as adults and dislocated workers on the first page of this table.</u></p>	
<p>CASH PUBLIC ASSISTANCE</p> <p>Note: The applicant receives or is a member of a family that receives cash payments under a federal, state, or local income-based public assistance program.</p>	<ul style="list-style-type: none"> • Authorization to Receive Cash Public Assistance • Public Assistance Check • Public Assistance Identification Card Showing Cash Grant Status • Public Assistance Records/Printout • Refugee Assistance Records/Printout • Signed Statement from Health & Welfare • Telephone Verification
<p>FAMILY INCOME</p> <p>Note: Documentation should be provided for each applicable <i>inclusive</i> income source received by the applicant and each family member for the six-month income period immediately preceding the determination date.</p> <p>It is necessary to verify family size when utilizing family income eligibility.</p> <p>An applicant who claims little or no income must submit a statement that little or no income was received during the past six months, and that he/she was not employed for that period.</p>	<ul style="list-style-type: none"> • Accountant Statement • Alimony Agreement • Award Letter from Veterans Administration • Bank Statements (Direct Deposit) • Compensation Award Letter • Court Award Letter • Employer Statement • Farm or Business Financial Records • Housing Authority Verification • Pay Stubs • Pension Statement • Public Assistance Records • Quarterly Estimated Tax for Self-employed Persons (Schedule C) • Social Security Benefits Records • Telephone Verification with Employer • Unemployment Insurance Documents and/or Printout • Applicant Statement

YOUTH, continued

ELIGIBILITY CRITERIA (Only one Economic Eligibility criterion in the left column need be verified)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
<p>FAMILY SIZE/INDIVIDUAL STATUS</p> <p>Note: In addition to documentation of family size, additional documentation may be required to establish that the family is living in a single residence.</p> <p>Persons ordinarily included in the definition of family, but claiming to be no longer dependent, must attest to their individual status. The head of household in which that person resides, if possible, should corroborate such statement. Individuals must also show source of support.</p> <p>Note: A social security card is invalid if not signed by the number holder unless health or age prevent signature.</p>	<ul style="list-style-type: none"> • Lease • Telephone Verification • Birth/Baptismal Certificates or Church/Hospital Records of Birth • Decree of Court • Divorce Decree • Social Security Cards • Alien Registration Cards • Landlord Statement • Marriage Certificate • Medical Card • Public Assistance/Social Service Agency Records • Written Statement from a 24 Hour Care Facility or Institution (e.g. Mental, Prison) • Most Recent Tax Return Supported by IRS Documents • Applicant Statement
<p>FOOD STAMPS</p> <p>Note: The documentation listed must show that the applicant is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).</p>	<ul style="list-style-type: none"> • Authorization to Obtain Food Stamps • Food Stamp Card with Current Date • Food Stamp Receipt • Postmarked Food Stamp Mailer with Applicable Name and Address • Statement from County Welfare Office • Public Assistance Records/Printout • Telephone Verification with County Welfare Office

WIA Eligibility Technical Assistance Guide

FOSTER CHILD Note: Must be a foster child for which State or local government payments are made on his/her behalf.	<ul style="list-style-type: none"> • Court Records/Documentation • County Welfare Office Records/Statement • Medical Card • Telephone Verification • Verification of Payments Made on Behalf of the Child • Written Statement from Cognizant Agency • Applicant Statement
HOMELESS	<ul style="list-style-type: none"> • Statement from a Social Service Agency • Statement from an Individual Providing Temporary Residence • Statement from Shelter • Telephone Verification • Applicant Statement

YOUTH, continued

ELIGIBILITY CRITERIA (Only one Economic Eligibility criterion in the left column need be verified)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
INDIVIDUALS WITH DISABILITIES Note: Disability status as well as income must be verified. The applicant's disability must constitute or result in a substantial barrier to employment. An individual with a disability shall be considered a family of one for eligibility purposes.	<ul style="list-style-type: none"> • Letter from Drug or Alcohol Rehabilitation Agency • Medical Records • Observable Condition • Physician's Statement • Psychiatrist or Psychologist Diagnosis/Statement • Rehabilitation Evaluation • School Official Statement • Sheltered Workshop Certification • Social Security Administration Disability Records • Social Service Records/Referral • Veterans Administration Letter/Records • Vocational Rehabilitation Letter/Statement • Workers Compensation Records/Statement • Telephone Verification • Applicant Statement
ADDITIONAL REQUIREMENTS (Only one eligibility criterion in the left column need be verified)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
BASIC LITERACY SKILLS DEFICIENT	<ul style="list-style-type: none"> • Standardized Test • Survival/Living Skills Assessment • School Records

SCHOOL DROPOUT	<ul style="list-style-type: none"> • School Records • School Referral Form • Applicant Statement
HOMELESS OR RUNAWAY	<ul style="list-style-type: none"> • Applicant Statement • Statement from a Social Service Agency • Statement from an Individual Providing Temporary Residence • Statement from Shelter • Telephone Verification
FOSTER CHILD Note: Must be a foster child for State or local government payments are made on his/her behalf	<ul style="list-style-type: none"> • Court Records/Documentation • County Welfare Office Records/Statement • Medical Card • Telephone Verification • Verification of Payments Made on Behalf of the Child

YOUTH, continued	
ELIGIBILITY CRITERIA (Only one Economic Eligibility criterion in the left column need be verified)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
PREGNANT OR PARENT	<ul style="list-style-type: none"> • Written statement from Cognizant Agency • Birth Certificate • Hospital Record of Birth • Medical Card • Statement from Physician • Statement from School Program for Pregnant Youth • School Records • Telephone Verification • Written Statement from Social Services Agencies • Applicant Statement
OFFENDER	<ul style="list-style-type: none"> • Court Documents • Letter of Parole • Police Records • Statement from Halfway House • Statement from Probation Officer • Newspaper • Telephone Verification • Applicant Statement
IS AN INDIVIDUAL WHO REQUIRES ADDITIONAL ASSISTANCE TO	<ul style="list-style-type: none"> • Public Assistance Records • School Records

WIA Eligibility Technical Assistance Guide

COMPLETE AN EDUCATIONAL PROGRAM, OR TO SECURE AND HOLD EMPLOYMENT	<ul style="list-style-type: none"> • School Referral Form • Decree of Court • Telephone Verification • Written Statement from Cognizant Agency • Reference "Acceptable Documentation" for Specific Barrier(s) • Applicant Statement
5% EXCEPTION (Only one criterion in the left column need be verified)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
SCHOOL DROPOUT	<ul style="list-style-type: none"> • School Records • School Referral Form • Applicant Statement
BASIC LITERACY SKILLS DEFICIENT	<ul style="list-style-type: none"> • Standardized Test • Survival/Living Skills Assessment • School Records
INDIVIDUALS WITH EDUCATIONAL ATTAINMENT THAT IS ONE OR MORE GRADE LEVELS BELOW THE GRADE LEVEL APPROPRIATE TO THE AGE OF THE INDIVIDUALS	<ul style="list-style-type: none"> • Telephone Verification with the School • School Referral Form • Report Card • School Records
YOUTH, continued	
5% EXCEPTION (Only one criterion in the left column need be verified)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
PREGNANT OR PARENTING	<ul style="list-style-type: none"> • Birth Certificate • Hospital Record of Birth • Medical Card • Statement from Physician • Statement from School Program for Pregnant Youth • School Records • Telephone Verification • Written Statement from Social Services Agencies • Applicant Statement
INDIVIDUALS WITH DISABILITIES	<ul style="list-style-type: none"> • Letter from Drug or Alcohol Rehabilitation Agency • Medical Records • Observable Condition • Physician's Statement • Psychiatrist or Psychologist Diagnosis/Statement • Rehabilitation Evaluation • School Official Statement • Sheltered Workshop Certification • Social Security Administration Disability Records

	<ul style="list-style-type: none"> • Social Service Records/Referral • Veterans Administration Letter/Records • Vocational Rehabilitation Letter/Statement • Workers Compensation Records/Statement • Telephone Verification • Applicant Statement
HOMELESS OR RUNAWAY	<ul style="list-style-type: none"> • Statement from a Social Service Agency • Statement from an Individual Providing Temporary Residence • Statement from Shelter • Applicant Statement • Telephone Verification
OFFENDER	<ul style="list-style-type: none"> • Court Documents • Letter of Parole • Police Records • Statement from Halfway House • Statement from Probation Officer • Newspaper • Telephone Verification • Applicant Statement
YOUTH, continued	
5% EXCEPTION (Only one criterion in the left column need be verified)	ACCEPTABLE DOCUMENTATION (Only one document from this column per eligibility criterion is required)
OTHER ELIGIBLE YOUTH WHO FACE SERIOUS BARRIERS TO EMPLOYMENT AS IDENTIFIED BY THE LOCAL BOARD	<ul style="list-style-type: none"> • Public Assistance Records • Telephone Verification • Applicant Statement • School Records • School Referral Form • Written Statement from Cognizant Agency

Assessing And Determining Income

Individuals normally receive wages or income payments under one of the following increments.

STRAIGHT OR SALARY—the straight pay is income received without variation in the gross pay from pay period to pay period. The information may be provided in a series of pay stubs or one, cumulative pay stub. The weekly gross pay is multiplied by 52 to determine the annual gross wages; bi-weekly is multiplied by 26; bi-monthly is multiplied by 24; and monthly is multiplied by 12.

Example 1: Bi-weekly pay stubs indicate a gross amount of \$548.

$$26 \times \$548 = \$14,248 \text{ is the annualized gross income}$$

Example 2: Year to Date earnings \$16,812 with bi-monthly payment. There were 18 bi-monthly payments of \$934.

$$16,812 \div 18 = 934$$

$$24 \times \$934 = \$22,416 \text{ is the annualized gross income}$$

VARYING—when reported earnings vary from pay period to pay period, the average of the earnings submitted is annualized. The earnings may be submitted on a number of pay stubs or on one, cumulative pay stub.

Example: Six weekly pay stubs report the following gross earnings: \$534, \$475, \$398, \$534, \$498, and \$534.

Add: $\$534 + \$475 + \$398 + \$534 + \$498 + \$534 = \$2,973$

Divide: $\$2,973 \div 6 = \495.50 is the average gross weekly earnings

Multiply: $\$495.50 \times 52 = \$25,766$ is the annualized gross income

INTERMITTENT—Earnings are varied and include periods of unemployment. With as much data as possible, annualized income is determined by adding the reported earnings.

WIA CORE, INTENSIVE, AND TRAINING SERVICES

Core Services – Self-Service Informational (no registration required)	WIA Core Services (registration required)	WIA Intensive Services (registration required)	WIA Training Services (registration required)
Determination of eligibility to receive assistance under Title I-B	Staff assisted job search & placement assistance, including career counseling	Comprehensive & specialized assessment, such as diagnostic testing & interviewing	Occupational skills training
Outreach, intake (which may include WPRS referrals) & orientation to the One-Stop center	Follow-up services, including counseling regarding the workplace	Full development of individual employment plan	On the job training
Initial assessment of skill levels, aptitudes, abilities & need for supportive services	Staff assisted job referrals (such as testing & background checks)	Group counseling	Workplace training & cooperative education programs
Employment statistics information including job vacancy listings, job skill requirements for job listings, & info. On demand occupations	Staff assisted job development (working with employer & jobseeker)	Individual counseling & career planning	Private sector training programs
Performance info. On eligible training providers	Staff assisted workshops and job clubs	Case management	Skill upgrading & retraining
Performance info. On the local One-Stop delivery system		Short-term pre-vocational services	Entrepreneurial training
Information on supportive services and referral to supportive services		Follow-up services, including counseling for registrants (those previously receiving intensive/training services) after entering employment	Job readiness training
Information regarding filing for Unemployment compensation			Adult education and literacy activities in combination with training
Assistance in establishing eligibility for welfare-to-work activities and for other training and education programs			Customized training
Resource room usage			
Internet browsing (job, information and training searches)			
Internet accounts (Career Kit, Personnel Kit)			
Initial development of employment plan			
Talent referrals (informational, e.g. talent scouts, labor exchange referrals of resumes without further screening)			
Workshops and job clubs			

U.S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION JTPA/SSS
	CORRESPONDENCE SYMBOL TDCP
	DATE November 4, 1998

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 8-98

TO: ALL STATE JTPA LIAISONS
ALL STATE EMPLOYMENT SECURITY AGENCIES
ALL STATE WORKER ADJUSTMENT LIAISONS
ALL ONE-STOP CAREER CENTER SYSTEM LEADS

FROM: DAVID HENSON
Director
Office of Regional Management

SUBJECT: Selective Service Registration

1. Purpose. To provide updated guidance to Job Training Partnership Act (JTPA) grantees on applying the Selective Service registration requirement and to rescind TEIN No. 20-94.
2. References. JTPA §604, Enforcement of Military Selective Service Act, as amended (MSSA); Training and Employment Guidance Letter (TEGL) No. 4-89; and Training and Employment Information Notice (TEIN) No. 20-94.
3. Background. Only those males who are subject to, and have complied with, the registration requirements of MSSA are eligible for participation in JTPA-funded programs and services. Section 604 of the JTPA, as amended, requires the Secretary of Labor to insure that each individual participating in any JTPA program, or receiving any assistance under the Act, has not violated the requirements of §3 of the MSSA (50 U.S.C. App. 453). This section requires that every male citizen and every other male residing in the United States must register with the Selective Service System (SSS) between their 18th and 26th birth dates. The Director of the SSS and the Secretary of Labor are required to cooperate in carrying out these provisions.

RESCISSIONS TEIN NO. 20-94	EXPIRATION DATE Continuing
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DISTRIBUTION

In 1986, the MSSA was amended by Public Law 99-661, §1366 to require the registration status to be examined and confirmed as follows:

- (g) A person may not be denied a right, privilege, or benefit under federal law by reason of failure to present himself for and submit to registration under section 3 [50 U.S.C. App. 453] if - -
 - (1) the requirement for the person to register has terminated or become inapplicable to the person; and
 - (2) The person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register.

The Conference Report to the amendment clarified "that a non-registrant is not to be denied any federal benefit if he can demonstrate that his failure to register was not knowing or willful." This provision was added "in order not to penalize an individual with an obvious disqualifying handicap, such as total paralysis of the limbs, or an individual who has been honorably discharged from the armed services." (See TEGl No. 4-89)

Occasionally, males who were subject to SSS registration, but did not register and are now beyond their 26th birth date, apply for assistance from the JTPA program. In the past, when grantees completed the "advisory form" for such applicants, the SSS responded with an "advisory opinion letter" which, in effect, ruled on an applicant's compliance with the JTPA's requirement to register with the SSS.

Since January 1995, the SSS has been issuing "status information letters" indicating an applicant's Selective Service Status, in lieu of the previous system of "advisory opinion letters." This current practice is pursuant to SSS's determination that final decisions for disbursing federally financed domestic benefits, services, rights, or training, rests solely with the various provider agencies which disburse them. In the case of JTPA, these provider agencies are the SDAs and SSAs.

- 4. Policy. The SDA/SSA programs disbursing services or benefits have the responsibility for deciding the above cases and determining eligibility for services or benefits on a case-by-case basis.
 - a. Males between the Ages of 18 and 26. Individuals, who are required to register, but have not registered, and have not yet reached their 26th birth date, should be referred to SSS for registration prior to enrollment in JTPA.
 - b. Males over the Age of 26 Who Did Not Register. Any male over 26 years old who possesses a "Status Information Letter" from the SSS indicating that he was required to register, but did not, and now cannot be registered because the law does not allow for registration after the age of 26, is presumptively disqualified from participation in JTPA-funded services and activities. The burden then falls on the applicant to provide evidence explaining why he failed to register with the SSS. This could include a written explanation from the applicant, stating his circumstances at the time of the required registration, and his reasons for not registering, together with supporting documentation.

Since the JTPA grantee is now authorized to make these determinations for eligibility purposes, the JTPA staff should evaluate the evidence presented by the applicant and make a determination regarding whether or not the applicant's failure to register with the SSS when he was required to register is consistent with the above cited amendment to P.L. 99-661, §1366. If after reviewing the evidence, the SDA/SSA determines that the preponderance of the evidence shows that a man's failure to register was not a knowing and willful failure and he is otherwise eligible, services may be granted. If the determination is that the evidence shows the applicant's failure to register was

knowing and willful, JTPA services must be denied. Applicant's denied services should be advised of the available grievance procedures under JTPA. Decisions by the local program are appealable to the State (see Item 6.below).

5. Examples of Documentation/Evidence Which Could be Provided by the Applicant. A non-registrant should be encouraged to offer as much evidence and in as much detail as possible to support his case. Following are examples of documentation/evidence that may be of assistance to SDAs/SSAs in making a determination in these cases:

- a. Service in Armed Forces. A man provides evidence that he served honorably in the U.S. Armed Forces by submitting a copy of his DD Form 214 attesting to his service, or a copy of his Honorable Discharge Certificate. Such documents may be considered prima facie evidence that his failure to register with the SSS was not willful or knowing.
- b. Aliens Entering U.S. On or After Age 26. Alien males who entered the U.S. on or after attaining their 26th birthday are exempt from the Selective Service registration requirements. Immigration and Naturalization Service (INS) Form I-94 (Arrival/Departure Record) and INS Form I-551 (Alien Registration Receipt Card commonly called the "green card") held by aliens will show the birth date of the alien. Also, INS has granted legal status and employment authorization to some lawful seasonal agricultural workers (SAWs) and some formerly illegal aliens under the 1986 Immigration Reform and Control Act (IRCA).
- c. Immigrant Aliens. Immigrant aliens, and refugees, parolees, asylees, SAWs, and IRCA-legalized aliens with work permits can be enrolled into JTPA programs only after an SSS registration or exemption is established as outlined above. INS Form I-688 (Temporary Resident Card) will be helpful in establishing the alien's status.
- d. Former Illegal Aliens. Male aliens 26 years of age or older who entered the U.S. illegally and who were subsequently granted legal status by the INS (IRCA-legalized aliens) or who were born after December 31, 1959, but who are not registered with the SSS can be enrolled into JTPA only after a "status information" letter (formerly called an "advisory opinion letter") has been obtained from SSS. If SSS issues a status information letter that it has no evidence that such individuals knowingly and willfully failed to register, the individuals should provide the SDA/SSA reasons why SSS has no evidence of their registration, and in so doing, provide evidence to convince the SDA/SSA that they did not knowingly or willfully fail to register. The individuals can then be enrolled into JTPA programs, if they are otherwise eligible.

If SSS is silent on this question, then the SDA must make the determination, as described above (see TEGL No. 4-89, Item 5.). [It is important to remember that §167(a)(5) of JTPA prohibits participation of an alien without, legal status from INS, even if there is a determination that there is evidence to show the applicant did not knowingly and willfully fail to register with the SSS (see TEGL No. 4-89, Item 5.)].

- e. Non-Immigrant Aliens. Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families; foreign students; and tourists with unexpired Forms I-94, I-95A or Border Crossing Documents I-185, I-186, I-586, or I-444) are not required to register with the Selective Service, but must be authorized to work in the United States under §167(a)(5) to be eligible for JTPA.
 - f. Third Party Affidavits. Third Party Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to SDAs/SSAs in making determinations in cases regarding willful and knowing failure to register with the SSS.
6. Grievance/Appeal Procedures. The JTPA and its regulations provide a system for handling grievances, complaints, hearings, and appeal rights under JTPA. The specific procedures to be followed are

developed at the local and State levels in accordance with the provisions of the Act and the regulations at 20 CFR Part 627 Subpart E. Under JTPA, the State is responsible for making sure that there is a process in place to handle JTPA complaints/appeals at the local level. If a person does not receive a decision at the local level within 60 days of filing a complaint or grievance or is dissatisfied with the decision they receive, they have the right to request a review of their complaint by the State. Please note that under federal rules, the State's decision is final.

7. **Action Required.** States are requested to ensure that the information contained in this issuance is provided to all SDAs/SSAs, and other staff responsible for JTPA eligibility determinations and/or reviews.
8. **Inquiries.** Questions may be directed to your Regional Office. Additional information is available at the SSS web site: www.sss.gov. States, SDAs, and SSAs are encouraged to contact their legal staff if further assistance is required as local and State policies are developed.

Employment and Training Administration Advisory System

Employment and Training Administration
Washington, D.C. 20210

CLASSIFICATION

"Jobs for Veterans Act"

CORRESPONDENCE SYMBOL

OWI

DATE

September 16, 2003

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 5-03

TO: ALL STATE WORKFORCE LIAISONS
ALL STATE WORKFORCE AGENCIES
ALL ONE-STOP SYSTEM LEADS
ALL STATE RAPID RESPONSE COORDINATORS
ALL STATE BUSINESS RELATIONS GROUP CONTACTS
ALL ETA DISCRETIONARY GRANTEEES
ALL ETA COMPETITIVE GRANTEEES
ALL ETA DEMONSTRATION GRANTEEES

/s/

FROM: EMILY STOVER DeROCCO
Assistant Secretary

SUBJECT: Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (PL 107-288)

1. Purpose. To inform states and other Department of Labor (DOL)-funded workforce investment system partners of the veterans' priority provisions of the "Jobs for **Veterans** Act" and to provide general guidance as to the implementation of these provisions.
2. References. "Jobs for Veterans Act" (Pub. L. 107-288)
3. Background. On November 2, 2002, President Bush signed the "Jobs for Veterans Act" (Pub. L. 107-288). Section 2(a) of the Act 38 U.S.C. 4215(a) creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in DOL training programs.
4. Policy Guidance. Twenty DOL-funded workforce programs are covered by the section 4215 veterans' priority. Most of these programs have only general program eligibility requirements and do not target specific participant groups. DOL also administers a number of programs that have existing statutory targeting provisions that must be taken into account when applying the veterans' priority.

RESCISSIONS**EXPIRATION DATE**

Continuing

The programs affected include, but are not limited to: the Workforce Investment Act (WIA) Adult and Dislocated Worker formula-funded program, Wagner-Peyser Employment Services, the Trade Act programs, National Emergency Grants, the Senior Community Service Employment Program (SCSEP), the Migrant and Seasonal Farmworker program, the Indian and Native American program, H-1B Technical Skills Training Grants, Job Corps, WIA Demonstration Projects, Youth Opportunity Grants, the WIA Youth formula-funded program, Labor Market Information Formula Grants, Pilots, Research and Development, and the Career One-Stop Electronic Tools and other Internet-based self-service tools operated by DOL grantees.

For most DOL programs, implementing the veterans' priority will pose few practical difficulties. However, in a few programs, the veterans' priority will compete with existing statutory priorities that favor certain population groups. These programs include SCSEP, the WIA-funded Adult and Youth programs, and the Welfare-to-Work (WtW) program.

Individual guidance will be issued separately for each affected ETA program. This will include guidance on electronic and other self-service service delivery methods where the priority is applicable. In the interim, the purpose of this Training and Employment Guidance Letter (TEGL) is to provide the workforce investment system with general guidance regarding the statute and its scope, as well as an understanding of how the veterans' priority will affect current business processes as it is implemented. For WIA, this TEGL is applicable to operations under current law. At the time of WIA reauthorization, veterans' priority guidance will be updated.

5. Interaction of Veterans' Priority With Existing Program Requirements That DO NOT Target Specific Groups. While the exact manner in which the veterans' priority is applied will vary considerably depending upon the services offered, the law requires that the individual receiving priority must first meet the program's existing eligibility requirements. Thus, for all programs, veterans must meet the program eligibility requirements in order to obtain priority of service.
6. Interaction of Veterans' Priority With Existing Program Requirements That DO Target Specific Groups. For programs with existing targeting provisions, the veterans' priority must be applied by assessing a person's status in light of both the veterans' priority and the existing provision(s). The terms used for these targeting provisions (such as priority, preference, and spending requirements or limitations) may vary by program. The specific term used for these targeting provisions is not as important as the effect the provisions have on the program. It is important to distinguish the targeting provisions that are statutory and mandatory compared with those that are regulatory and/or optional. The veterans' priority is a statutory mandate, but one that is not intended to displace the core function of the program.

Cases Where The Existing Targeting Is Required By Law

For example, certain targeting provisions are derived from a statutory mandate that requires a priority or preference for a particular group of participants or requires spending a certain portion of program funds on a particular group of participants. These are mandatory priorities. For these programs, the veterans' priority is applied as follows:

- An individual meeting both the veterans' and the mandatory priorities or spending requirement or limitation would obtain the highest preference for the program.
- Non-veterans within the program's mandatory priority would receive a preference over eligible veterans outside the program-specific mandatory priority or spending requirement or limitation.
- Similarly, eligible veterans outside the program-specific mandatory priority or spending requirement or limitation would receive priority over non-veterans outside the priority or spending requirement or limitation (once the spending requirement or limitation is met).

Cases Where the Existing Targeting is Discretionary and Not Required by Law

Other targeting provisions may require the program to focus on a particular group of participants, or to make efforts to provide a certain level of service to such a group, but do not specifically mandate that the favored group be served before other eligible individuals. Whether these provisions are found in statute or regulation, these are discretionary or optional priorities. The veterans' priority is applied as follows:

- The veterans' priority would take precedence over these priorities. Within the program as a whole, grantees are required to implement the veterans' priority in advance of the opportunities and services provided to the population group covered by the optional priority.

As mentioned earlier, individual guidance for implementing the veterans' priority provisions of the Jobs for Veterans Act for each DOL program will be issued separately.

7. Impact on Workforce Investment System Processes. Assuming that workforce investment system state and local policies, operational management decisions, and related work processes do not inherently discriminate against veterans, priority of service to veterans should be provided within the context of existing policies, operational management, and related work processes.

Specific guidance will soon be issued pertaining to individual DOL programs. In the interim, this TEGL provides several broad examples to illustrate how the veterans' priority principles will be applied to a number of workforce investment system processes.

- Worker Profiling and Reemployment Services Program - States currently develop their own statistical models for profiling unemployment insurance claimants for referral to services. The veterans' priority requirement will not impose a change in state profiling models but rather in the way claimants are referred to services. Claimants with the highest probabilities of exhaustion, including veterans, will still be referred to services first. This means that non-veterans with a higher probability of exhaustion will be referred ahead of veterans with a lower probability of exhaustion. However, in cases where the statistical model produces identical probabilities for a number of claimants, veterans will receive priority in referral to service. If states have

information on veteran status at the time they do their referrals, they can use this to resolve ties produced by their statistical model by giving priority to veterans over non-veterans with the identical probability of exhaustion. Alternatively, states can opt to simply refer all people in the tied group.

- Adult/Dislocated Worker Local Resource Allocation and Individual Training Accounts (ITAs) - Consistent with the principle that veterans' priority must be applied within the existing context of the relevant Department of Labor program, the Jobs for Veterans Act does not change the requirement that participants must qualify as eligible under the Workforce Investment Act, nor does it change local area ability to budget funds among core, intensive, training and supportive serves. Local programs are not required to change their allocations among services to reserve funds for veterans, but are required to ensure that eligible veteran workers are given priority over non-veterans for all available services.
- National Programs such as the Senior Community Services Employment Program (SCSEP) or Employment and Training Programs for Native Americans - Perhaps more than any others, national programs such as these most clearly reflect situations where targeting is required by law. They will, therefore, need to follow the principles outlined earlier in section six of this guidance in order to assure that the dual intentions of Congress (i.e., to serve carefully specified populations and to provide priority service to veterans) are simultaneously accomplished.
- Program Registration - When there is a registration requirement associated with receipt of services for an impacted program or grant, collection of the individual's veteran status will be necessary.

- Self-Service Tools - Any informational or service delivery Web site developed with funding from an impacted program or grant will be expected to provide information on veterans' priority and how to access assistance via the nearest One-Stop Center in receiving priority service from any applicable program or grant. Specific, forthcoming policy guidance on the veterans' priority as it applies to self-service tools will provide further detail. It is important to note that self-service tool instructions on accessing veterans' priority assistance will be expected to go beyond mention of, or referral to, Local Veteran Employment Representatives and Disabled Veterans Outreach Programs.

8. WIA Planning and the Plan Modification Process. Under WIA, states are required to develop a five-year strategic plan for workforce investment. State plans include information on how a state's workforce investment system operates within the context of WIA relative to administration of Title I services to adults, dislocated workers, and youth, and the development of statewide One-Stop delivery systems. State plans are an important tool to ensure that veterans' priority is implemented relative to Title I program delivery, especially where there are cross-program-funded services in the context of the One-Stop system. Following WIA passage, ETA issued planning guidance for the required Strategic Five Year Plan for Title I of WIA and the Wagner-Peyser Act. Language in the planning guidance currently requires states to identify how services will be delivered to veterans in a state's One-Stop service delivery system. There are specific circumstances when a state plan must be modified, including when changes in federal or state law or policy substantially change the assumptions upon which the plan is based (20 CFR 661.230).

The passage of the Jobs for Veterans Act is a federal law change that fits this definition. Because current state plans are effective through either Program Year (PY) 2003 or PY 2004, and due to the fact that WIA is due to be reauthorized in 2003, the initial focus for implementation of the veterans' priority will be to require states to modify their existing state plans under current WIA regulations and planning guidance. After reauthorization has taken place, WIA regulations and planning guidance will be updated to include specific language on the veterans' priority.

9. Grant Agreement Language. Specific grant language on the veterans' priority will be required to ensure that all grantees are fully aware of the new law's requirements and of their obligation to design service delivery strategies accordingly. This is of particular importance for demonstration, discretionary, or competitive grants such as National Emergency Grants, Youth Opportunity Grants and WIA demonstration projects. ETA will provide all grantees with the necessary grant language (consistent across all grants) in the form of a unilateral modification which elaborates upon the existing ETA grant provision that currently requires compliance with all federal laws (including newly enacted ones). The letter will also cross-reference this policy guidance and all relevant, forthcoming specific policy guidance for the particular program or grant activity. No formal grant modification will be required. All subsequent Solicitations for Grant Award will also reference the veterans' priority and the relevant policy guidance.
10. Reporting and Data Collection. The Secretary of Labor is required to develop an annual report to Congress beginning in PY 2003 on whether veterans are receiving priority of service, whether they are being fully served by impacted programs/grants and whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market. To fulfill this requirement, programs/grants will need to collect veteran status information from individuals served by their programs/grants.

To develop a more standardized approach across various workforce programs as required by implementation of common measures for job training programs, ETA is in the process of revising its data collection systems. ETA will introduce this revised data collection system through of a Federal Register notice. Following a public comment period, ETA anticipates finalizing and implementing the revised data collection system.

ETA is engaged in a number of activities for performance measurement and reporting systems, including data validation and implementation of common measures for job training programs. With regard to veterans' priority, ETA intends for this revised data collection system to include the following features:

- (1) Data elements will be consistent across programs and grants and will include items such as number of veterans served by service component (i.e., services provided, programs/funding sources used, and outcomes).
- (2) Until new reporting systems are in effect, ETA will report on requirements under the Jobs for Veterans Act through existing processes.
- (3) The existing definition of veteran varies across programs and funding streams. In conjunction with the Veterans' Employment and Training Service, ETA will standardize this definition and apply it to affected programs/grants.

11. Action Required. States shall inform all appropriate staff, subgrantees, contractors and Local Workforce Investment Boards of the contents of these instructions. Discretionary grantees should similarly familiarize themselves, their subgrantees and subcontractors with this guidance. Planning should begin in anticipation of the release of specific program guidance from ETA in the form of a Question and Answer Web site within the next month.

12. Inquiries. States should direct all inquiries to the appropriate ETA Regional Office.

RATIONALE FOR "UNLIKELY-TO-RETURN" EXPANSION TO INCLUDE ALL DISLOCATED WORKERS IN TULARE COUNTY FOR 2013

The economic downturn of 2006 through 2009 and the ongoing weak economic recovery is one of the worst in U.S. history. Job losses have totaled near 5.2 million around the nation. For the first 11 months of 2012 the national unadjusted unemployment rate stood at 8.1 percent, down slightly from the 9.0 percent unadjusted rate of 2011. Job growth across the nation has been weak and new claims for unemployment insurance applications, as of December 29, 2011 increased by 15,000 to a seasonally adjusted 381,000 according to the U.S. Labor Department. The current four-week average stands at 348,750.

Economists expect the job growth to be low and slow during 2013.

Since the recession began, the rise in unemployment has been concentrated among persons who lost jobs, as opposed to job leavers or people joining the labor force. From December 2007 to December 2012, the total number of job losers has increased to 10.1 million, and their share of total unemployment has risen from 50.0 to 67.1 percent.

The number of unemployed individuals experiencing long spells of joblessness also has risen. In February 2013, 4.8 million persons had been unemployed for 27 weeks or longer, up from 1.3 million at the start of the recession. Longer periods of unemployment for some workers and greater underemployment for others are among the impacts of this new kind of labor market. In 2011, the average period of unemployment in California reached 37 weeks, the longest average since 1948.

Layoffs have multiplied because of dysfunction in the financial system, which is prompting even healthy companies to shed workers and shut down operations out of concern they may soon lose access to credit. Uncertainty about any economic recovery has prevented many companies from hiring additional employees.

The unemployment rate in the Tulare County was 15.7 percent in December 2012, up from a revised 14.5 percent in November 2012, and below the year-ago estimate of 16.5 percent. This compares with an unadjusted unemployment rate of 9.7 percent for California and 7.6 percent for the nation during the same period.

Economists believe that the local unemployment rate will remain around this high number for three to four more years, as new jobs are created, discouraged workers who have dropped out of the labor market will re-enter thus keeping the labor force numbers elevated.

At that rate of job creation, it would take eight to ten years to absorb the current number of those unemployed. There is no clear indication that jobs will be created any faster for the region and a job growth rate of 1% to 2% is the most optimistic for employment growth in the next several years.

Therefore with these unemployment figures and the outlook for slow and weak job growth for the next several years, tremendous competition for jobs will exist and it is unlikely that many laid-off and discouraged workers will be able to return to their former occupation or to their former industry for employment.

DIRECTIVE

WORKFORCE SERVICES

Number: WSD13-1

Date: July 2, 2013
69:123:df:15826

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: AUTHORIZATION TO WORK VERIFICATION REQUIREMENTS

EXECUTIVE SUMMARY:**Purpose:**

This directive provides guidance in implementing the State requirement to verify an individual's authorization to work prior to providing Wagner-Peyser Act (WPA) and/or Workforce Investment Act (WIA) employment services.

Scope:

This directive applies to the Workforce Development Community, including Local Workforce Investment Areas (local area), Local Workforce Investment Boards, Community Based Organizations, and Employment Development Department (EDD) staff.

Effective Date:

This directive is effective on date of issue.

REFERENCES:

- Title 8 Code of Federal Regulations (CFR), Section 274a.2, Verification of Identity and Employment Authorization
- California Unemployment Insurance Code, Section 9601.5
- Training and Employment Guidance Letter 17-05, Subject: Common Measures Policy for the Employment and Training Administration's Performance Accountability System and Related Performance Issues (February 17, 2006)
- The U.S. Citizenship and Immigration Services (USCIS), Handbook for Employers, Instructions for Completing Form I-9, www.uscis.gov/files/form/m-274.pdf.
- The USCIS [Form I-9](#), Employment Eligibility Verification
- Workforce Services Information Notice WSIN12-32, Subject: New CalJOBSSM Service Codes (February, 27, 2013)

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STATE-IMPOSED REQUIREMENTS:

This directive contains only State-imposed requirements.

FILING INSTRUCTIONS:

This directive finalizes Workforce Services Draft Directive WSDD-76, issued for comment on September 28, 2012. The Workforce Services Division received nine comments during the draft comment period. These comments resulted in three substantive changes to the directive which can be viewed as highlighted text. The highlighted text will remain on the Internet for 30 days from the issuance date. A summary of the comments is provided as Attachment 4. Retain this directive until further notice.

BACKGROUND:

Under California law, an individual must have authorization to work in the United States to be eligible to receive WPA and/or WIA employment services. Section 9601.5 of the California Unemployment Insurance Code requires that "each state or local government agency or community action agency, or any private organization contracting with a state or local government agency, that provides employment services, including, but not limited to, job training, retraining, or placement, shall verify an individual's legal status or authorization to work prior to providing services to that individual in accordance with procedures established under federal law."

The federal procedures for verifying an individual's authorization to work are included in Title 8 CFR, Section 274a.2. This section specifies that the requirements published in the USCIS Form I-9, Employment Eligibility Verification, are to be used in verifying and documenting that an individual is authorized to work in the United States.

POLICY AND PROCEDURES:

Staff providing WPA and/or WIA employment services must verify an individual's authorization to work in accordance with the requirements of the USCIS [Form I-9](#), Employment Eligibility Verification. As specified in the Form I-9, staff must accept as evidence of employment authorization, any of the documents listed on the last page of Form I-9. Individuals may present any List A document or a combination of a List B and a List C document. To view frequently asked questions regarding acceptable Form I-9 documents, see Attachment 1, Questions and Answers – Authorization to Work Verification. To view representative images of acceptable Form I-9 documents, see Attachment 2, Samples of Acceptable Documents for Authorization to Work Verification.

The differences between the WPA and WIA programs necessitate separate guidance for each program as provided below. However, whenever possible, EDD and partner agency management are encouraged to coordinate verification between the two programs to increase efficiency of the process and prevent participants from having to repeatedly present Form I-9 documents.

Verification Requirements for WPA Services

Staff must verify an individual's authorization to work prior to providing **staff-assisted services**. The three WPA service delivery modes are briefly described below. A more comprehensive list of WPA services is provided in Attachment 3, Wagner-Peyser Act Employment Service Levels.

- **Self-service:** An individual uses services in a One-Stop Career Center with minimal or no staff assistance (e.g., self-service labor market research, résumé preparation, job search, etc.). Self-service includes staff establishing access to New CalJOBSSM for an individual or looking up a password.
- **Facilitated self-help service:** An individual asks for, or indicates a need for, short term or specific program information that is provided either:
 - Individually by staff
 - In a group setting (e.g., orientation)
 - Directed and guided by staff (e.g., provision of labor market information or information on training providers)
- **Staff-assisted service:** One-on-one assistance (e.g., counseling, bonding assistance, case managed services, etc.) that may be long term or a one time in depth service, and is usually given by a program specialist.

The three WPA service delivery modes correlate with the New CalJOBSSM service code categories as provided in the table below.

WPA Service Delivery Mode	New CalJOBSSM Service Code Category
Self-service	Housekeeping Informational Core A Core A – Self Service
Facilitated self-help	Core A – Staff Assisted
Staff-assisted	Core B Intensive

For definitions of the New CalJOBSSM service code categories, and a list of the New CalJOBSSM service codes, visit Workforce Services Information Notice [WSIN12-32](#), New CalJOBSSM Service Codes.

Although authorization to work verification is not required for self-service and facilitated self-help service activities, local management may establish office policies and procedures which require authorization to work verification at an earlier point in the customer flow process. When establishing local office policies and procedures, management should ensure those policies do not require individuals to repeatedly present Form I-9 documents.

Verification Requirements for WIA Services

Staff must verify an individual's authorization to work no later than time of application for a WIA funded program. Verification is not required for self-service or informational activities; however, local areas have the discretion to establish policies and procedures requesting authorization to work documents prior to the time of application (e.g., at time of intake, or any point in the customer flow up until the time of application). Local areas must keep either hard copies or scanned copies of the individual's Form I-9 documents for State monitoring purposes.

California Workforce Services Network

The Right to Work Verification screen will display when staff assist an individual in the New CalJOBSSM if the individual's authorization to work has not been verified. This Right to Work Verification screen includes two columns of documents that satisfy the Form I-9 requirements: (1) documents that establish identity, and (2) documents that establish employment authorization. See the screen shot below.

The Right to Work Verification screen allows staff to record which authorization to work documents the individual provided. Staff are required to complete this screen for an individual prior to providing WPA staff-assisted services or enrollment in a WIA funded program; however, local offices may establish policies and procedures which require staff to complete this screen earlier in the process (e.g., at time of intake). Therefore, when not required to verify authorization to work, staff may select the "Remind me later" option at the bottom of the screen. See the screen shot below.

ACTION:

Please bring this directive to the attention of all relevant parties.

INQUIRIES:

If you have any questions, please contact your [Regional Advisor](#) at (916) 654-7799.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Workforce Services Division

Attachments are available on the Internet:

1. [Questions and Answers – Authorization to Work Verification](#) (PDF)
2. [Samples of Acceptable Documents for Authorization to Work Verification](#) (PDF)
3. [Wagner-Peyser Act Employment Service Levels](#) (PDF)
4. [Summary of Comments](#) (PDF)

QUESTIONS AND ANSWERS AUTHORIZATION TO WORK VERIFICATION

1. **Q. Can a local policy specify which documents staff will accept for verification?**
A. No. An individual may choose which document(s) he or she wants to present from the Lists of Acceptable Documents on the last page of Form I-9. Staff must accept any document (from List A) or combination of documents (one from List B and one from List C) listed on Form I-9 that reasonably appear on their face to be genuine and to relate to the person presenting them.

2. **Q. May staff accept a photocopy of a document presented by an individual?**
A. No. Individuals must present original documents. The only exception is that an individual may present a certified copy of a birth certificate.

3. **Q. May staff accept an expired document?**
A. No. Expired documents are no longer acceptable for Form I-9. However, staff may accept Employment Authorization Documents (Forms I-766) and Permanent Resident Cards (Forms I-551) that appear to be expired on their face, but have been extended by U.S. Citizenship and Immigration Services.

For example, Temporary Protected Status beneficiaries whose Employment Authorization Documents (Forms I-766) appear to be expired may be automatically extended in a Federal Register notice. These individuals may continue to work based on their expired Employment Authorization Documents (Forms I-766) during the automatic extension period specified in the Federal Register notice. When the automatic extension of the Employment Authorization Document (Form I-766) expires, staff must reverify the individual's employment authorization.

Note: Some documents, such as birth certificates and Social Security cards, do not contain an expiration date and should be treated as unexpired.

4. **Q. Why can't individuals present an expired document?**
A. The U.S. Department of Homeland Security wants to ensure that documents presented are valid and reliably establish both identity and employment authorization. Expired documents may not portray a valid status. They are also prone to tampering and fraudulent use. This policy takes into account the limits placed on these documents by their issuing authorities.
5. **Q. Can staff accept documents that used to be on the Form I-9 but aren't now?**
A. No. Staff may only accept documents included on the List of Acceptable Documents on the most current Form I-9. When an individual must be reverified because his or her employment authorization has expired, staff should ensure that they use the most current Form I-9.

6. **Q. When can individuals present receipts for documents in lieu of actual documents from the Lists of Acceptable Documents?**
- A. The "receipt rule" is designed to cover situations in which an individual is authorized to work at the time of verification, but he or she is not in possession of a document listed on the Lists of Acceptable Documents accompanying Form I-9. Receipts showing that a person has applied for an initial grant of employment authorization or for renewal of employment authorization are not acceptable.
- There are three different documents that qualify as receipts under the rule:
1. A receipt for a replacement document when the document has been lost, stolen, or damaged. The receipt is valid for 90 days, after which the individual must present the replacement document.
- Note: This rule does not apply to individuals who present receipts for new documents following the expiration of their previously held document.
2. A Form I-94/I-94A containing a temporary I-551 stamp and a photograph of the individual, which is considered a receipt for the Permanent Resident Card (Form I-551). The individual must present Form I-551 by the expiration date of the temporary I-551 stamp or within one year from the date of issuance of Form I-94/I-94A if the I-551 stamp does not contain an expiration date.
 3. A Form I-94/I-94A containing an unexpired refugee admission stamp. This is considered a receipt for either an Employment Authorization Document (Form I-766) or a combination of an unrestricted Social Security card and List B document. The employee must present an Employment Authorization Document (Form I-766) or an unrestricted Social Security card in combination with a List B document to complete Form I-9 within 90 days after the date of hire or, in the case of reverification, the date employment authorization expires.
7. **Q. An individual has applied for a new Employment Authorization Document (Form I-766). Is the receipt notice acceptable for Form I-9 purposes?**
- A. In this case, the receipt notice is **not** an acceptable receipt for Form I-9 purposes. An individual with temporary employment authorization and holding an Employment Authorization Document (Form I-766) should apply for a new card at least 90 days before the expiration of his or her current document. If an individual applied for a new card at least 90 days before his or her current card expired but is nearing the end of the 90-day processing period without a decision from the U.S. Citizenship and Immigration Services (USCIS), instruct the individual to call the National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) about the status of his or her application. The USCIS strongly encourages that individuals first call the National Customer Service Center before visiting a USCIS office to prevent possible delays. If an individual prefers to check on the status of his or her application at a USCIS office, he or she may schedule an InfoPass appointment at www.infopass.uscis.gov. When an individual's current Employment Authorization Document (Form I-766) expires, he or she must be able to present a List A document, a List C document, or an acceptable receipt under the receipt rule to satisfy Form I-9 reverification requirements.

8. **Q. May staff continue to use earlier versions of Form I-9?**
A. No, staff must use the current version of Form I-9. A revision date with an "N" next to it indicates that all previous versions with earlier revision dates, in English or Spanish, are no longer valid. Staff may also use subsequent versions that have a "Y" next to the revision date. If in doubt, go to www.uscis.gov/i-9 to view or download the most current form.
9. **Q. What is the staff's responsibility concerning the authenticity of document(s) presented?**
A. Staff must examine the document(s), and if they reasonably appear on their face to be genuine and to relate to the person presenting them, they must accept them. To do otherwise could be an unfair immigration-related employment practice. If the document(s) do not reasonably appear on their face to be genuine or to relate to the person presenting them, staff must reject the document(s) and ask for other documents that satisfy the requirements of Form I-9.
10. **Q. What is a U.S. passport card?**
A. A passport card is a wallet-size document issued by the U.S. Department of State. While its permissible uses for international travel are more limited than the U.S. passport book, the passport card is a fully valid passport that attests to the U.S. citizenship and identity of the bearer. As such, the passport card is considered a "passport" for purposes of Form I-9 and has been included on List A of the Lists of Acceptable Documents on Form I-9.
11. **Q. How do staff know whether a Native American tribal document presented by an individual is acceptable for Form I-9 purposes?**
A. In order to be acceptable, a Native American tribal document should be issued by a tribe recognized by the U.S. federal government. Because federal recognition of tribes can change over time, to determine if the tribe is federally recognized, staff should check the Bureau of Indian Affairs website at www.bia.gov.
12. **Q. The Native American tribal document is listed on both List B and List C of Form I-9. Does this mean that an individual may present this document to prove both identity and employment authorization?**
A. Yes. If an individual presents a Native American tribal document, it establishes both identity and employment authorization on Form I-9, so staff do not need any other documents from the individual.
13. **Q. If an individual presents a Social Security card that is unsigned, may staff accept such a card as evidence of employment authorization?**
A. Yes. Unsigned Social Security cards are acceptable as evidence of employment authorization unless the card states on the back "not valid unless it has been signed." Staff may accept an unsigned Social Security card as long as the card reasonably appears to be genuine and to relate to the person presenting it.
14. **Q. If an individual presents a Social Security card that is laminated, may staff accept such a card as evidence of employment authorization?**
A. It depends. Staff may not accept a laminated Social Security card as evidence of employment authorization if the card states on the back "not valid if

laminated." Lamination of such cards renders them invalid. Metal or plastic reproductions of Social Security cards are not acceptable.

15. **Q. Some individuals have presented Social Security Administration printouts with their name, Social Security number, date of birth, and their parents' names as proof of employment authorization. May staff accept such printouts in place of a Social Security card as evidence of employment authorization?**
 - A. No. Only a person's official Social Security card or a receipt for a replacement card issued by the Social Security Administration is acceptable.
16. **Q. Is a military ID card ever acceptable as List A evidence of both identity and employment authorization?**
 - A. Yes, but only if the employer is the U.S. military and the Form I-9 is completed in the context of military enlistment. In the case of an individual lawfully enlisted in the U.S. Armed Forces, a valid, unexpired military ID card may be accepted as a List A document by the Armed Forces only. No other employer may accept a military ID card as a List A document.
17. **Q. An individual presented two documents from the Lists of Acceptable Documentation on the last page of the Form I-9, each containing a different last name. The individual explained that she had just gotten married and changed her last name, but had not yet changed the name on the other document. Can staff accept the document with the different name?**
 - A. Staff may accept two documents containing different last names provided that they resolve the question of whether the document reasonably relates to the individual. Staff also may wish to attach a brief memo to the documentation stating the reason for the name discrepancy, along with any supporting documentation the individual provides. An individual may provide documentation to support his or her name change, but is not required to do so. If, however, staff determine that the document with a different name does not reasonably appear to be genuine and to relate to her, they may ask her to provide other documents from the Lists of Acceptable Documents on Form I-9.
18. **Q. An individual presented Form I-9 documents issued by the Immigration and Naturalization Service (INS) rather than the U.S. Department of Homeland Security (DHS). Can staff accept these documents?**
 - A. Yes, staff can accept a document issued by INS if the document is unexpired and reasonably appears to be genuine and to relate to the individual presenting it. Effective March 1, 2003, the functions of the former INS were transferred to three agencies within the new DHS: U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement. Most immigration documents acceptable for Form I-9 use are issued by USCIS. Some documents issued by the former INS before March 1, 2003, such as Permanent Resident Cards or Forms I-94 noting asylee status, may still be within their period of validity. If otherwise acceptable, a document should not be rejected because it was issued by INS rather than DHS. It should also be noted that INS documents may bear dates of issuance after March 1, 2003, as it took some time in 2003 to modify document forms to reflect the new USCIS identity.

SAMPLES OF ACCEPTABLE DOCUMENTS FOR AUTHORIZATION TO WORK VERIFICATION

Below are representative images of some of the documents that are acceptable for establishing an individual's authorization to work. They are provided to assist staff in reviewing Form I-9 documents presented to them. Note: These images are not comprehensive. In some cases, many variations of a particular document exist and new versions may be published subsequent to the publication of this directive.

U.S. Passport

The U.S. Department of State issues the U.S. passport to U.S. citizens and noncitizen nationals. There are a small number of versions still in circulation that may differ from the main versions shown below.

Current U.S. Passport cover and open



Older U.S. Passport cover and open



U.S. Passport Card

The U.S. Department of State began producing the passport card in July 2008. The passport card is a wallet-size card that can only be used for land and sea travel between the United States and Canada, Mexico, the Caribbean, and Bermuda.

Passport Card front and back



Permanent Residence Card

On May 11, 2010, the U.S. Citizenship and Immigration Services (USCIS) began issuing the newly redesigned Permanent Resident Card, also known as the Green Card, which is now green in keeping with its long-standing nickname. The card is personalized with the bearer's photo, name, USCIS number, alien registration number, date of birth, and laser-engraved fingerprint, as well as the card expiration date.

Note that on the new card, shown below, the lawful permanent resident's alien registration number, commonly known as the A number, is found under the USCIS # heading. The A number is also located on the back of the card.

Current Permanent Resident Card (Form I-551) front and back

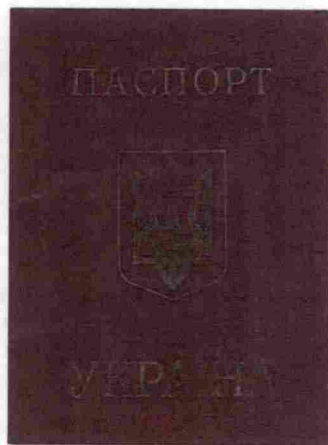


Older version Permanent Resident Card (Form I-551) front and back



Foreign Passport with I-551 Stamp or Machine-Readable Immigrant Visa

Unexpired Foreign Passport with I-551 Stamp



I-551 Stamp

PROCESSED FOR I-551.
TEMPORARY EVIDENCE OF
LAWFUL ADMISSION FOR
PERMANENT RESIDENCE
VALID UNTIL _____
EMPLOYMENT AUTHORIZED

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[illegible]

State-issued Driver's License

A driver's license can be issued by any state or territory of the United States (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) or by a Canadian government authority, and is acceptable if it contains a photograph or other identifying information such as name, date of birth, gender, height, eye color, and address.

Some states may place notations on their drivers' licenses that state the card does not confirm employment authorization. For Form I-9 purposes, these drivers' licenses, along with every other state's, establish the identity of an employee. When presenting any driver's license, the individual must also present a List C document that establishes employment authorization.

Driver's License from California

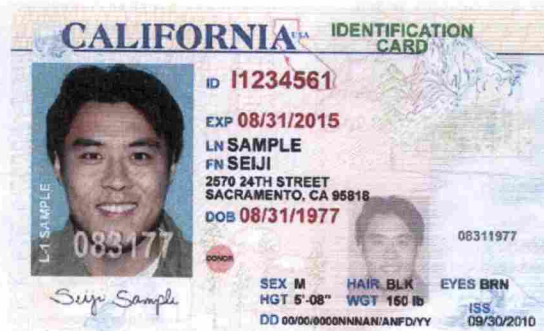


State-issued ID Card

An ID card can be issued by any state (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) or by a local government, and is acceptable if it contains a photograph or other identifying information such as name, date of birth, gender, height, eye color, and address.

Some states may place notations on their ID cards that state the card does not confirm employment authorization. For Form I-9 purposes, these cards, along with every other state's, establish the identity of an employee. When presenting any state-issued ID card, the employee must also present a List C document that establishes employment authorization.

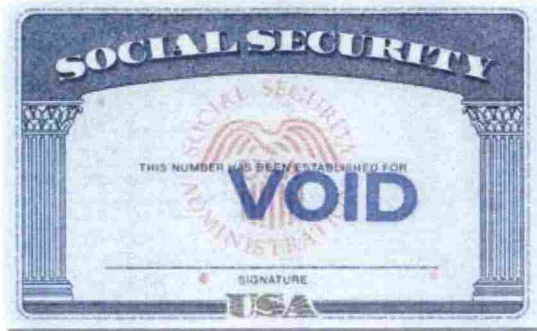
Identification card from California



U.S. Social Security Account Number Card

The U.S. Social Security account number card is issued by the Social Security Administration (older versions were issued by the U.S. Department of Health and Human Services), and can be presented as a List C document unless the card specifies that it does not authorize employment in the United States. Metal or plastic reproductions are not acceptable.

U.S. Social Security Card



Certifications of Birth Issued by the U.S. Department of State

These documents may vary in color and paper used. All will include a raised seal of the office that issued the document, and may contain a watermark and raised printing.

Certification of Birth Abroad Issued by the U.S. Department of State (FS-545)



Certification of Report of Birth Issued by the U.S. Department of State (DS-1350)



Birth Certificate

Only an original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States that bears an official seal is acceptable. Versions will vary by state and year of birth.

Birth Certificate

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COPIY OF CERTIFICATE OF BIRTH
State of Rhode Island

VOID

Name: John R. Doe
Sex: Male
Date of Birth: Feb. 5, 2002
Place of Birth: The Memorial Hospital, Pawtucket, Providence, Rhode Island
Parents: John R. Doe, Providence, Rhode Island
Mother: [Redacted], Pawtucket, Providence, Rhode Island
Hospital: [Redacted], Pawtucket, Providence, Rhode Island
City: Pawtucket, RI
State: RI
Date: Feb. 5, 2002

I hereby certify that this is a true and exact copy of the document on which registered.
Signed: [Redacted] State Office, Providence, Rhode Island
SEP 11 2002

U.S. Citizen Identification Card (Form I-197)

Form I-197 was issued by the former Immigration and Naturalization Service to naturalized U.S. citizens. Although this card is no longer issued, it is valid indefinitely.

U.S. Citizen Identification Card (Form I-197)

Form I-197 (Rev. 8-1-81)
UNITED STATES
DEPARTMENT OF JUSTICE
IMMIGRATION AND
NATURALIZATION SERVICE
U.S. CITIZEN
IDENTIFICATION CARD
N° 121415

THIS CARD MAY BE REVOKED AT ANY
TIME. IT IS ISSUED FOR THE SOLE
PURPOSE OF IDENTIFYING THE HOLD-
ER TO A U.S. IMMIGRATION OFFICER
AT A PORT OF ENTRY.

PHOTOGRAPH

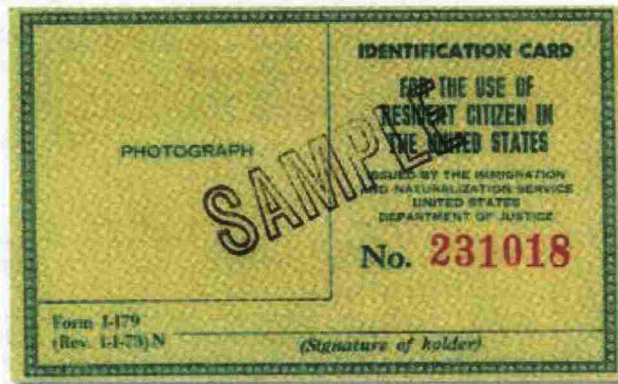
SIGNATURE OF HOLDER

SEP 11 2002

Identification Card for Use of Resident Citizen in the United States (Form I-179)

Form I-179 was issued by the former Immigration and Naturalization Service to U.S. citizens who are residents of the United States. Although this card is no longer issued, it is valid indefinitely.

Identification Card for Use of Resident Citizen in the United States (Form I-179)



WAGNER-PEYSER ACT EMPLOYMENT SERVICE LEVELS

(This is not an all-inclusive list)

Self-service (authorization to work documents <u>not</u> required)	Facilitated Self-help Service (authorization to work documents <u>not</u> required)	Staff-assisted Service (authorization to work documents required)
America's Job Center of California SM (AJCC) employment and workforce information service	Orientation	Initial assessment
Self-service registration	Provision of information on training providers	Workshop
Self-service information on training providers	Provision of labor market research	Job finding club
Self-service labor market research	Job fair	Referred to Workforce Investment Act (WIA) services (not training)
Self-service job search	Use of the AJCC resource room/equipment	Transitional Assistance Program Workshop
Self-service initial résumé	Initial Assistance Workshop	Job referral
Self-service résumé – update and additions		Resume preparation assistance
Self-service – informed of veteran priority of service		Job development contacts (working with employer and job seeker)
Skills self-assessment		Bonding assistance
Staff establishes access to New CalJOBS SM for an individual		Job search/placement assistance, including career counseling
Staff looks up a password for an individual		Tax credit eligibility determination (including Work Opportunity Tax Credit)
Information regarding filing for Unemployment Insurance compensation		Proficiency testing
		Testing/background check as required by employer
		Personalized Job Search Assistance
		Job Service intake profiling (including Worker Profiling and Reemployment Services)
		Unemployment Insurance Navigator
		Reemployment and Eligibility Assessment Services

Self-service (authorization to work documents <u>not</u> required)	Facilitated Self-help Service (authorization to work documents required)	Staff-assisted Service (authorization to work documents required)
		Counseling (individual or group)
		Career guidance/planning
		Objective assessment
		Interest and aptitude testing
		Development of Individual Employment Plan / Individual Service Strategy / Employability Development Plan
		Referred to registered apprenticeship program
		Referred to Job Corps
		Referred to other federal, state, or local (non-WIA) training
		Referred to educational services (non federal/state/local)
		Referred to WIA training
		Mentorship
		Adult literacy, basic skills or GED preparation
		Short term pre-vocational services
		Out-of-area job search assistance
		Internship
		Work experience
		Case management
		English as a second language
		Reading and/or math testing
		Placed in Job Corps
		Placed in federal training (including Trade Adjustment Assistance (TAA) and WIA)
		Placed in state and local training (non TAA, WIA)

Summary of Comments
Draft Directive "Authorization to Work Verification Requirements"

There were nine comments to the draft version of this directive:

Comment #1: As an integrated partner with the Employment Development Department (EDD), we strive to coordinate all services between the Wagner-Peyser Act (WPA) and Workforce Investment Act (WIA) programs. Consequently, the requirement to verify authorization to work for job fairs (a WPA facilitated self-help service) will hamper our ability to serve both job seekers and businesses as follows:

- Most of the job fairs have sponsors other than our agency. These sponsors may not be in favor of a registration process they do not require. As a result, our participation in those events may be negatively affected.
- Moving a large number of people through registration quickly and efficiently would require a large number of computers and staff.
- Staff would need to turn away customers who are not interested in registration, thereby limiting the candidate pool available to businesses.
- Requiring a pre-registration for an event would lead to additional traffic in our resource area resulting from customers without computers registering.
- Requiring both authorization to work documents and registration paperwork would be nearly impossible. Job seekers come prepared with resumes, not authorization to work documents.

Resolution: The EDD revised the "Verification Requirements for WPA Services" section of the directive to not require authorization to work verification prior to customers receiving staff-assisted services.

Comment #2: Will the EDD provide training to staff regarding how to determine if Form I-9 documents are counterfeit?

Resolution: No, staff are not expected to be document experts. Staff must examine the document(s), and if they reasonably appear on their face to be genuine and to relate to the person presenting them, they must accept them. Staff may also use Attachment 2 of the directive to view examples of acceptable Form I-9 documents.

Comment #3: Are staff required to verify an individual's authorization to work at time of WIA Application or WIA Enrollment/Date of Participation? The directive states that this must be done no later than the time of application/registration. However, the EDD Client Forms Handbook contains two different forms: 1) The WIA Application (used for eligibility) and 2) The EDD WIA Enrollment/Registration form (used to document WIA enrollment/date of participation).

Resolution: Staff must verify an individual's authorization to work when completing the WIA Application. This information has been clarified in the "Verification Requirements for WIA Services" section of the directive.

Comment #4: Many One-Stop Career Centers [now referred to as the America's Job Center of CaliforniaSM (AJCC)] do not review authorization to work documents at the reception point. Generally, there is a local intake process after which customers are able to use a number of universal services, including the Resource Room. Staff assisting in the Resource Room include WPA and WIA funded staff. According to the draft directive, WPA staff participation may require that authorization to work documents are reviewed. Given the reduced staffing levels that both WIA and WPA are currently experiencing, this policy will create additional workload and negatively impact customer service.

Resolution: The EDD revised the "Verification Requirements for WPA Services" section of the directive to not require authorization to work verification prior to customers receiving staff-assisted services.

Comment #5: The first five services listed under the Facilitated self-help service column of Attachment 3, Wagner-Peyser Act Employment Service Levels, should be placed under the Self-service column. These services represent minimal staff involvement and have virtually the same services under the Self-Service column.

Resolution: The EDD revised the "Verification Requirements for WPA Services" section of the directive to not require authorization to work verification prior to customers receiving staff-assisted services.

Comment #6: For State monitoring purposes, Local Workforce Investment Areas (local areas) are required to retain copies of Form I-9 documents from individuals receiving WIA services. Are local areas required to retain copies of Form I-9 documents from individuals receiving WPA services?

Resolution: No, local areas are only required to retain copies of Form I-9 documents from individuals receiving WIA services.

In those instances in which copies of Form I-9 documents must be retained from individuals receiving WPA services (e.g., veterans, case managed individuals, etc.), EDD staff will be responsible for retaining the documentation.

Comment #7: In Attachment 1, Questions and Answers, #14, the answer states that "a receipt for a replacement card issued by the Social Security Administration" is acceptable as evidence of employment authorization. Could you please confirm this information.

Resolution: Yes, a receipt issued by the Social Security Administration for the replacement of a lost, stolen, or damaged card is acceptable as evidence of employment authorization. The receipt is valid for 90 days, after which the individual must present the replacement Social Security card. Please see Attachment 1, Questions and Answers, #6, When can individuals present receipts for documents in lieu of actual documents from the Lists of Acceptable Documents?

Comment #8: In Attachment 1, Questions and Answers, #13, the answer states that "staff may accept a Social Security card that has not been signed." Many Social Security cards indicate that the card is not valid unless it has been signed. Could you please confirm that unsigned Social Security cards are acceptable as evidence of employment authorization?

Resolution: Yes. Unsigned Social Security cards are acceptable as evidence of employment authorization unless the card states on the back "not valid unless it has been signed." Staff may accept an unsigned Social Security card as long as the card reasonably appears to be genuine and to relate to the person presenting it.

Comment #9: In the America's Job Center of CaliforniaSM (AJCC) I am familiar with, there is a reception desk in the lobby where clients check-in to use services. When clients check-in for the first time, they are asked to register and provide authorization to work documents; this gives them full access to all services available at the AJCC.

When clients check-in, we get an accurate count of how many clients use our WPA services and how often they visit. If customers receiving only self-service activities are not required to check-in or provide authorization to work documents, we will have no accurate mechanism for tracking WPA customer usage. If we only track facilitated self-help and staff assisted services, it will paint a very abstract picture of the actual numbers of clients frequenting our AJCCs and our WPA numbers will plummet.

Resolution: If a local office establishes a policy requiring verification for staff-assisted services only, staff can still track self-service and facilitated self-help services provided using CalJOBSSM. In CalJOBSSM, the Right to Work Verification screen will display when staff assist an individual if the individual's authorization to work has not been verified. If the local policy does not require staff to verify authorization to work for a particular service level, staff may select the "Remind me later" option at the bottom of the screen. This option allows staff to track services provided without checking authorization to work documents, and is allowable until staff provide a staff-assisted service. The EDD has added a new section in the directive, California Workforce Services Network, to reflect this information.