

Attachment #4 – WIA SET-ASIDE AND DISCRETIONARY GRANT
ELIGIBILITY CRITERIA AND GLOSSARY

Revised October 2008

ALL SET ASIDE AND DISCRETIONARY GRANTS

Basic WIA eligibility applies to all formula program set-aside grants and all WIA 10% and 25% discretionary grants, including citizenship/immigration status, selective service, age, and veterans' priority of service (see **Attachment #1**).

Note: Other eligibility requirements can be set as part of an approved set-aside or discretionary grant application.

DISLOCATED WORKER SET ASIDE AND DISCRETIONARY GRANTS

Basic WIA eligibility applies to these grants. In addition, those served must meet one of the 6 categories of Dislocated Worker eligibility as identified in **Attachment 2**, **OR** those served must be incumbent workers in need of training to avoid a layoff

YOUTH SET ASIDE AND DISCRETIONARY GRANTS

If a WIA discretionary grant designed to serve youth ages 14-21 was funded as part of a "required statewide activity," the **youth** must meet the same eligibility as the formula-funded youth program (see **Attachment #4**). If the grant was funded as part of an "allowable statewide activity," and considered to be a research project, a demonstration project, or a non-traditional employment program, non-WIA eligible youth may be enrolled. However, basic WIA eligibility needs to be documented including citizenship/immigration status, age (as defined by the grant), and selective service.

BASIC ELIGIBILITY CRITERIA

Each of the following eligibility elements must be documented for each applicant. Please refer to attachments 1-3 for comprehensive checklists of allowable forms of documentation. Other forms of documentation not listed must be reviewed by a State Workforce Liaison on a case-by-case basis. Photocopies of documentation kept on file, or scanned documents stored in electronic document management systems, must be legible.

1. Citizenship/Eligible to Work – Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. Applicants shall also prove legal US citizenship in accordance with the Colorado Revised Statutes 24-76.5. They shall possess **one** of the acceptable forms of identification (ID), and Complete the Affidavit of Immigration Status form for all participants 18 years and older. If the participant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied. (**Exception:** Per TEGl 19-01, change 1, operators may not deny WIA-funded services to victims of severe forms of human trafficking based on their immigration status.)

Note: If a Social Security number is being used to document citizenship, or if the participant is being entered into a paid work experience activity, the original card needs to be presented along with a picture ID. Both documents should be copied so that signatures and Social Security numbers are legible. (Additional types of documentation that can be used to demonstrate citizenship are listed in attachment 1-3). If the Social Security number is simply being used as the unique identifier in JobLink, the number does not need to be verified. If the client prefers not to

provide a Social Security number, a pseudo number can be created for use in JobLink. Per TEGL 5-08, local grantees should request a Social Security number from all applicants to aid in performance reporting, but services cannot be denied to anyone for refusing to furnish a Social Security number when their citizenship/alien status can be documented via other means.

2. Selective Service/Military Status – All participants shall be in compliance with the Selective Service Act requirements. All males who are at least 18 years old and born after December 31, 1959 and who are not in the armed services on active duty shall be registered.

3. Age at enrollment must be 18 or older Adult or Dislocated Worker grants. Age at enrollment for Youth will be defined within the approved grant application.

GLOSSARY

Local program staff making eligibility determinations for the set-aside or discretionary grant program should make use of the following definitions:

APPLICANT (AN INDIVIDUAL) – An individual who applies to a WIA Grant recipient or sub-recipient for employment, training and/or services provided under WIA.

CITIZENSHIP – Designation of an applicant as a citizen of the United States or a lawfully admitted permanent resident alien, lawfully admitted refugee or parolee, and other individuals authorized by the Attorney General to work in the United States. If the applicant indicates that he/she is not a citizen or an “eligible non-citizen,” the applicant is ineligible for WIA. (Form 12A – Immigration Affidavit shall be included in every application for applicants 18 years or older effective 8/1/2006).

PARTICIPANT – An individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services) under a program authorized by this Act. Participation shall be deemed to commence on the day following eligibility determination, on which the participant began receiving subsidized employment, training, or other services provided under this Act in either a physical location (One Stop Center or affiliate site) or remotely through electronic technologies. Customers receiving only self-service or informational activities are not considered to be participants in the WIA programs.

SELECTIVE SERVICE – Only those males who are subject to, and have complied with, the registration requirements of Military Selective Service Act (MSSA) are eligible for participation in WIA funded programs and services. Every male citizen and every other male residing in the United States shall 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. In 1986 the MSSA was amended to require the registration status to be examined and confirmed as follows:

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:

- The requirement for the person to so register has terminated or become inapplicable to the person; **AND**
- 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 following is the documentation required for persons eligible to register but who neglected to register and are now over 26 years old:

- **Incarcerated, hospitalized, or institutionalized** – A copy of a statement from the Department of Corrections, or other institution, indicating the duration of the stay can be used to demonstrate that the individual was not available to register with Selective Service during his period of Selective Service eligibility.
- **Veteran** – A copy of a DD214 showing other than a dishonorable discharge can be used in lieu of a Selective Service registration. In addition, the veteran can provide a Selective Service waiver document (obtainable by the Selective Service System).
- **Homeless** – A letter from a homeless shelter or a statement signed by the applicant can be utilized to attest to the applicant’s inability to register for Selective Service while he was still eligible.
- **Non-citizen** – An alien registration card or other immigration document showing the date of entry into the United States, and demonstrating that this date was beyond the date of his 26th birthday.

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.”

DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION

Documenting eligibility with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. However, the basic WIA eligibility data elements of **age and immigration status cannot be self-attested**. Please review the most current or relevant Data Validation PGL to assist in determining when it is appropriate to use self-attestation; or consult with your local MIS coordinator if the data element in question is not addressed by the PGL. An acceptable self-attestation statement should be a signed document that includes information clearly addressing the eligibility criteria you are trying to capture, and should adhere to local self-attestation policy guidelines.