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DEPARTMENT OF LABOR AND EMPLOYMENT DIVISION OF EMPLOYMENT AND TRAINING

WORKFORCE DEVELOPMENT PROGRAMS
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Category: Workforce Investment Act
Subject: WIA Eligibility Determination and Documentation
Source: Federal/State
Revise/Replace: PGL 01-03-WIA
Contact: Workforce Development Programs Director
Distribution: Managers, Workforce Development Staff, Workforce Region Directors, Fiscal
Colorado One-Stop System Policy Guidance Letter#: 08-17-WIA
Date: November 21, 2008

I. REFERENCE(S):

Title I of the Workforce Investment Act (WIA) of 1998; WIA Final Rules - 20 CFR Part 652, et al., published at 65 Fed. Reg. 49294 (August 11, 2000); Jobs for Veterans Act of 2002 (Public Law 107-288); Colorado House Bill 06S-1023, Restrictions on Public Benefits (July 31, 2006); ETA Training and Employment Guidance Letter (TEGL) 22-04, Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant (March 22, 2005); TEGL 19-01, change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking (July 15, 2008); TEGL 5-08, Policy for Collection and Use of Workforce System Participants' Social Security Numbers (November 13, 2008); CDLE Program Guidance Letter (PGL) 04-17-V, Implementing the Veterans' Priority Provisions in Public Law 107-288 (November 8, 2004); PGL 06-07-WIA, Guidelines for Implementing Colorado HB 1023 (August 7, 2006); PGL 06-09-WIA, WIA Waiver: Set-Aside Funds for "Local Activities" (August 18, 2006); PGL 08-02-M, Updated Poverty Income Guidelines for Program Year 2007 (January 24, 2008); PGL 08-04-WIA, Lower Living Income Standard Level (May 2, 2008); CDLE Technical Assistance Notice (TAN) 04-2, Questions Related to Eligibility and Case File Documentation for WIA Programs and Discretionary Grants (Revised August 2005)

II. PURPOSE:

To provide updated and comprehensive guidelines for workforce regions regarding the determination of eligibility for WIA programs, and to provide information on use of appropriate documentation to support eligibility determinations.

III. BACKGROUND:

The Workforce Investment Act of 1998 details the criteria by which applicants for WIA services can be deemed eligible to receive employment and training services funded under the Act. Local program operators must adhere to the law's eligibility guidelines to ensure all those who receive WIA-funded services are eligible.

Recent changes to the state definition of a substantial layoff for use in determining dislocated worker eligibility, along with new guidance from USDOL/ETA regarding WIA eligibility for victims of human trafficking, prompted a review of existing state policy. It was determined that local program operators could benefit from an updated Program Guidance Letter on WIA program eligibility which would incorporate these changes as well as changes resulting from HB 1023 (Restrictions on Public Benefits), the Jobs for Veterans Act of 2002, TEGL 5-08, Policy for Collection and Use of Workforce System Participants' Social Security Numbers, and TEGL 22-04, Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant. In addition, eligibility guidance from TAN 04-02 is integrated into this PGL, and guidance regarding the use of self-attestation as a method of last resort for documenting eligibility is included. Adult, Dislocated Worker, Youth, and Set Aside/Discretionary Grant eligibility guidelines are provided in separate attachments for ease of use.

IV: POLICY/ACTION:

Local Workforce Boards are required to establish and formally approve a local policy for making eligibility determinations for the three WIA funding streams under Title I – adult, dislocated worker, and youth. With this in mind, regions are expected to modify local policies and procedures as needed to incorporate the changes and additions to this PGL, including guidance on the use of self-attestation as a last resort when other documentation can't be found or accessed. Regions should disseminate revised PGL and local policy guidelines to appropriate staff and plan for them to participate in WIA eligibility training, which is being developed by CDLE for rollout during PY08.

V. IMPLEMENTATION DATE:

Upon receipt of this PGL.

VI. INQUIRIES:

Please direct all inquiries to your State Workforce Liaison at Workforce Development Programs.

Thomas J. Looft, Director
Workforce Development Programs

Attachments:

- #1 WIA Adult Program Eligibility Requirements, Glossary, and Documentation
- #2 WIA Dislocated Worker Program Eligibility Requirements, Glossary, and Documentation
- #3 WIA Youth Program Eligibility Requirements, Glossary, and Documentation
- #4 WIA Set Aside and Discretionary Grant Eligibility Requirements and Glossary
- #5 TEGL 22-04 – Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Program
- #6 TEGL 22-04, change 1 - Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant
- #7 TEGL 5-08, Policy for Collection and Use of Workforce System Participants' Social Security Numbers (November 13, 2008)