JOHN HICKENLOOPER
Governor

ELLEN GOLOMBEK
Executive Director

ELISE LOWE-VAUGHN
Director

DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF EMPLOYMENT AND TRAINING

WORKFORCE DEVELOPMENT PROGRAMS
633 17th Street, 7th Floor
Denver, CO 80202-3627

Category:	Workforce Investment Act
Subject:	WIA Eligibility Determination and Documentation
Source:	Federal/State
Revise/Replace:	PGL 08-17-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, Revised April 2015	
Date: April 6, 2015	

April 2015 Revisions Highlighted in Yellow

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);
TEGL 22-04 - Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant
TEGL 22-04, change 1 - Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant
TEGL 5-08, Policy for Collection and Use of Workforce System Participants' Social Security Numbers (November 13, 2008)
TEGL 11-11, Change 2 – Selective Service Registration Requirements for Employment and Training Programs (May 16, 2012)
TEGL 09-12, Services to Victims of Human Trafficking (October 24, 2012)
TEGL 02-14, Eligibility of Deferred Action for Childhood Arrivals Participants for WIA and Wagner-Peyser
TAN 12-1: Using UI Documents and Screens for Dislocated Worker Eligibility
PGL 11-17-WIA: Data Integrity and the Customer Participation Cycle
PGL 14-05-WIA: Guidelines for Affidavit of Immigration Status
PGL 14-07-V: Veterans Priority of Service

II. PURPOSE:

To provide updated guidelines for workforce regions regarding the determination of eligibility for WIA programs (a WIOA eligibility PGL will be issued at a later date), and to provide information on use of appropriate documentation or self-attestation to support eligibility determinations. Included in the updates are:

- Updates to the INS (Immigration and Naturalization Service) documents that can be used to document lawful presence and authorization to work in this country
- Addition of the ability to enroll employed workers in the Dislocated Worker program up to 180 days prior to the layoff date if the employer has issued a formal notice of layoff or plant closure
- Correction that only a non-expired Driver's License can be used for Affidavit of Immigration documentation
- Ability to use a state's Gold Star driver's license or ID card alone, in place of a driver's license and Social Security card, for basic WIA eligibility **(see the WIA Eligibility Documentation Checklist in Attachments 1-4, and Attachment 12 – Samples of New Drivers' Licenses)**
- Ability to use a non-Gold Star license or ID card with a SAVE verification printout, instead of a driver's license/ID card and Social Security card
- Addition of the CUBS W5 screen to the list of UI screens that may be printed to document WIA Dislocated Worker eligibility (**see the WIA Eligibility Documentation Checklist in Attachment 2, and Attachment 11, Revised TAN 12-1: Using UI Screens and Documents for DW Eligibility)**
- Addition of other state's driver's licenses for the Affidavit of Immigration (**see the WIA Eligibility Documentation Checklist in Attachments 1-4)**
- Addition of Attachment 8: TEGL 11-11, Change 2 – Selective Service Registration Requirements for Employment and Training Programs.
- Addition of Attachment 9: TEGL 09-12, Services to Victims of Human Trafficking
- Addition of Attachment 10: TEGL 02-14, Eligibility of Deferred Action for Childhood Arrivals Participants for WIA and Wagner-Peyser
- Addition of Attachment 11: Revised TAN12-1, Using UI Screens and Documents for Dislocated Worker Eligibility
- Addition of Attachment 12: Samples of New Drivers' Licenses
- Addition of Attachment 13: Connecting Colorado Supply/Demand Report
- Revised Attach 1- 4: AD/DW/Youth/Discretionary Grant Eligibility – self-attestation guidelines

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, 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 general 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: adult, dislocated worker, and youth. 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. Self-attestation guidance in the local policy should identify a form to be signed off when self-attestation is necessary and the circumstances under which self-attestation will be allowed.

Regions are advised to conduct a careful and detailed review of the revisions and additions to this PGL. In addition, regions should disseminate this PGL to appropriate staff and ensure that local policies and procedures are revised to incorporate the changes. Regional Liaisons will be available to provide technical assistance as needed.

V. IMPLEMENTATION DATE:

Upon receipt of this PGL.

VI. INQUIRIES:

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

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Elise Lowe-Vaughn, Director
Workforce Programs, Policy, and Strategic Initiatives

Attachments:
1. WIA Adult Program Eligibility Requirements, Revised April 2015
2. WIA Dislocated Worker Program Eligibility Requirements, Revised April 2015
3. WIA Youth Program Eligibility Requirements, Revised April 2015
4. WIA Set Aside and Discretionary Grant Eligibility Requirements, Revised April 2015
5. TEGL 22-04 - Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant
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)
8. TEGL 11-11, Change 2 – Selective Service Registration Requirements for Employment and Training Programs (May 16, 2012)

9. TEGL 09-12, Services to Victims of Human Trafficking (October 24, 2012)
10. TEGL 02-14, Eligibility of Deferred Action for Childhood Arrivals Participants for WIA and Wagner-Peyser
11. TAN 12-1: Using UI Documents and Screens for Dislocated Worker Eligibility
    a. EUC-8
    b. Notice of Decision
    c. CUBS 20 Screen
12. Samples of New Drivers' Licenses
13. Connecting Colorado Supply and Demand Report for DW Eligibility