



**Workforce Innovation and Opportunity Act (WIOA) Title 1 Program Eligibility | June 25, 2015**

**TO:** Division of Workforce Development and Adult Learning (DWDAL) staff and Local Workforce Investment Area (LWIA) Directors and staff

**FROM:** Division of Workforce Development and Adult Learning  
Maryland Department of Labor, Licensing and Regulation

**SUBJECT:** Workforce Innovation and Opportunity Act (WIOA) Title 1 Program Eligibility Requirements

**PURPOSE:** To provide policy guidance on DWDAL’s expectations and requirements for WIOA Title 1 program eligibility verification to Local Workforce Investment Boards, American Job Centers, Youth Representatives and other WIOA partners of eligibility requirements under WIOA for Youth, Adult, and Dislocated Worker.

**ACTION:** Local Workforce Development Area (LWDA) Directors, American Job Center (AJC) administrators, and central office managers will ensure all employees are aware of and receive copies of this policy. DWDAL policies are available [on the DLLR website](#).

**EFFECTIVE:** July 1, 2015

**EXPIRATION:** Until Cancelled.

**QUESTIONS:**

Tanya Washington  
Monitoring and Compliance Manager  
410.767.2173  
[tanya.washington@maryland.gov](mailto:tanya.washington@maryland.gov)

Lloyd Day  
Director of Workforce Development  
410.767.2995  
[lloyd.day@maryland.gov](mailto:lloyd.day@maryland.gov)

Erin Roth  
Director of Policy, DWDAL  
410.767.5870  
[erin.roth@maryland.gov](mailto:erin.roth@maryland.gov)

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## **CANCELLATIONS**

The following is hereby cancelled, replaced, and archived by this policy issuance:

- Workforce Investment Act (WIA) Title I Program Eligibility, December 3, 2014.

Archived policies are available at: <http://www.dllr.state.md.us/employment/>.

## **GENERAL INFORMATION**

The U.S. Department of Labor (USDOL)'s Employment and Training Administration (ETA) has statutory and regulatory authority to administer and monitor performance of the Maryland Department of Labor, Licensing and Regulation (DLLR)'s Division of Workforce Development and Adult Learning (DWDAL) job training and employment programs. This includes the Workforce Innovation and Opportunity Act (WIOA) Title 1 programs:

- Adult Program;
- Dislocated Worker Program; and,
- Youth Programs – Out of School Youth (OSY) and In School Youth (ISY).

ETA uses information that is collected during monitoring of WIOA Title 1 programs to assess the performance of the State, Local Workforce Development Areas (LWDAs), and other grantees to assure requisite data are provided and programs are monitored. Therefore, all State, LWDAs, and other grantees must collect and report timely and accurate information on all WIOA Title 1 programs' participants, as required.

# **PARTICIPANT FILE CASE RECORDS FOR WIOA TITLE 1 PROGRAMS**

LWIA staff and other grantee staff must develop an adequate organization system to ensure that the information contained in participant records is well documented, consistent, accessible and accurate from the point of program registration to the point of exit. Case notes must tell a story regarding all services that are received. Supervisors and directors must ensure that all staff document case notes in both the Maryland Workforce Exchange (MWE) and individual participant files, as prescribed in this policy.

The following sections detail WIOA Title 1 participant eligibility criteria and source documentation requirements for data validation.

## **PARTICIPANT ELIGIBILITY CRITERIA FOR WIOA TITLE 1 PROGRAMS**

Title 1 of WIOA provides authority for three programs: Adult, Dislocated Worker, and Youth programs. The following sections outline the eligibility requirements for each program's participants.

### **Adult Program**

To participate in the WIOA Adult Program, an individual must meet the following eligibility requirements:

1. 18 years of age or older;
2. U.S. citizen or non-citizen authorized to work in the U.S.;
3. Meet Military Selective Service registration, if applicable.

WIOA Section 134(c)(3)(E) PRIORITY – With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), priority shall be given to recipients of public assistance, other low-income individual, and individual who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.

### **Dislocated Worker Program**

To participate in the WIOA Dislocated Worker Program, an individual must first meet the definition of a Dislocated Worker. According to WIOA, a dislocated worker must:

1. Be a U.S. citizen or non-citizen authorized to work in the U.S.;
2. Meet Military Selective Service Registration, if applicable;
3. Meet the definition in WIOA Section 3(15):

- (A) (i) Has been terminated or laid off, or has received a notice of termination or layoff, from employment;
- (ii) (I) is eligible for or has exhausted entitlement to unemployment compensation; or (II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), 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
- (iii) is unlikely to return to a previous industry or occupation;
- (B) (i) 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;

- (ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
- (iii) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
- (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; or,
- (D) Is a displaced homemaker; or
- (E) (i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or (ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

### **Youth Program**

The WIOA Section 3(18) law established a separate criterion for Out-of-School Youth (OSY) and In-School Youth (ISY). In order for an individual to participate in the WIOA Youth Program, he or she must meet the appropriate definition:<sup>1 2</sup>

1. Be a U.S. citizen or non-citizen authorized to work in the U.S.;
2. Meet Military Selective Service registration, if applicable.

### **Out-of-School Youth is defined as an individual who is:**

1. Not attending any school (per definition of State Law);
2. Not younger than 16 or older than 24 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program; and
3. One or more of the following:
  - a) A School dropout;
  - b) A youth who is within the age of compulsory school attendance,<sup>3</sup> but has not attended school for at least the most recent complete school year calendar quarter. School year calendar quarter is based on how a local school district defines its school year quarters;

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<sup>1</sup> The term “low-income,” used with respect to a youth participant, includes a youth living in a high-poverty area.

<sup>2</sup> Note: Youth enrolled beginning July 1, 2015 must meet the new eligibility criteria provided in WIOA. On July 1, 2015, all WIA youth participants who are still enrolled in the WIA youth program must be grandfathered into the WIOA youth program, even if the participant would not otherwise be eligible for WIOA. Local youth programs are not required to complete an eligibility re-determination if the participant has been determined eligible and enrolled under WIA. Further, these participants must be allowed to complete the WIA services specified in their individual service strategy.

<sup>3</sup> Effective July 1, 2015, each child who resides in Maryland and is 5 years old or older and under 17 shall attend a public school regularly during the entire school year, unless the child is otherwise exempted due to attainment of a high school diploma or GED; is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age or has completed such instruction; is married; is active military; attends an alternate education program; or is within any other exemptions listed in Education Article, §7-301, Annotated Code of Maryland. Effective July 1, 2017, the age for compulsory public school attendance will change to ages 5-18. (Source: Education Article, §7-301, Annotated Code of Maryland (Age for Compulsory Public School Attendance)).

- c) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English Language learner;
- d) An individual who is subject to the juvenile or adult justice system;
- e) A homeless individual, a runaway, an individual who is in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or an individual who is in an out of home placement;
- f) An individual who is pregnant or parenting;
- g) An individual with a disability;
- h) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. (WIOA sections 3(46) and 129(a)(1)(B).

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

- a) Attending school (per definition of State Law);
- b) Not younger than 14 or (unless an individual with a disability who is attending school under State law) older than 21 at the time of enrollment;
- c) Low-income; and
- d) Meets one or more of the following barriers provided in WIOA section 129(a)(1)(C)(iv):
  - a. Basic skills deficient
  - b. An English language learner
  - c. An offender
  - d. A homeless youth or a runaway, in foster care or has aged out of the foster care system.
  - e. Pregnant or parenting
  - f. A youth who is an individual with a disability
  - g. An individual who requires additional assistance to complete an educational program or to secure or hold employment.

In addition, **up to five percent** of the youth participants served by a LWIA may be individuals who do not meet the income criterion for eligible youth, provided that they are within one or more of the following categories:

- School dropout;
- “Basic skills deficient,” as according to WIOA Section 3;
- Is one or more grade levels below the grade level appropriate to the individual’s age;
- Pregnant or a parent;
- Possess one or more disabilities, including learning disabilities;
- Homeless or runaway;
- Offender; or,
- Face serious barriers to employment as identified by the Local Workforce Investment Board (LWIB).

If the family of a disabled youth does not meet the income eligibility criteria, then the disabled youth may be considered a low-income individual if the youth’s own income:

- Meets the income criteria established in WIOA Section 3(36)(A);
- Meets the income eligibility criteria for cash payments under any Federal, State or local public assistance program.
- Meets the low-income definition clause (ii) (income that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level), but who is a member of a family whose income exceeds this income requirement is eligible for youth services.

## DOCUMENTATION REQUIREMENTS FOR WIOA TITLE 1 PROGRAM ELIGIBILITY

The following chart details the acceptable source documentation for each eligibility criterion, with references.

<b>Documentation Requirements for WIOA Title 1 Program Eligibility</b>		
ELIGIBILITY CRITERIA	REFERENCES	ACCEPTABLE DOCUMENTATION
<p><b>SOCIAL SECURITY NUMBER</b></p> <p>Note: 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.</p>	<ul style="list-style-type: none"> <li>• TEGL 05-08</li> </ul>	<ul style="list-style-type: none"> <li>• DD-214, Report of Transfer or Discharge (if SSN is listed)</li> <li>• Driver’s License (if SSN is listed)</li> <li>• Employment Records</li> <li>• IRS Form Letter 1722</li> <li>• Letter from Social Services Agency</li> <li>• Pay Stub with full SSN</li> <li>• Social Security Administration NUMI Printout</li> <li>• Social Security Benefits</li> <li>• Social Security Card</li> <li>• W-2 Form</li> </ul>
<p><b>CITIZEN OR AUTHORIZED TO WORK IN U.S.</b></p>	<ul style="list-style-type: none"> <li>• WIOA Sec. 188(a)(5)</li> </ul>	<ul style="list-style-type: none"> <li>• Alien Registration Card indicating Right to Work (DHS/USCIS Forms I-151, I-551, I-94, I-688A, I-197, I-179, I-766, I-688, I-688B)</li> <li>• Baptismal Certificate (If place of birth is shown)</li> <li>• Birth Certificate</li> <li>• DD-214, Report of Transfer or Discharge (If place of birth is shown)</li> <li>• Food Stamp Records</li> <li>• Foreign Passport Stamped Eligible to Work (Unexpired)</li> <li>• Hospital Record of Birth</li> <li>• Naturalization Certification</li> <li>• Public Assistance Records</li> <li>• U.S. Passport (Unexpired)</li> <li>• Native American Tribal Document</li> <li>• Voter Registration Card</li> </ul>
<p><b>SELECTIVE SERVICE REGISTRANT</b></p> <p>(The law requires virtually all male U.S. citizens and male immigrants residing in the U.S. to register within 30 days of their 18<sup>th</sup> birthday. Therefore, to be in compliance with the law, a man turning 18 is required to register during the period of time beginning 30 days before, until 30 days after his 18<sup>th</sup> birthday.) This information was taken directly from <a href="http://www.sss.gov">www.sss.gov</a>.</p>	<ul style="list-style-type: none"> <li>• WIOA Sec. 189(h)</li> <li>• TEGL 11-11, Change 1</li> <li>• TEGL 11-11, Change 2</li> </ul>	<ul style="list-style-type: none"> <li>• Selective Service Acknowledgement Letter</li> <li>• Form DD-214 “Report of Separation”</li> <li>• Screen printout of the Selective Service Verification site: <a href="http://www.sss.gov/RegVer/wfVerification.aspx">www.sss.gov/RegVer/wfVerification.aspx</a> (For males who have already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and the date of birth)</li> <li>• Selective Service Registration Card</li> <li>• Selective Service Verification Form (Form 3A)</li> <li>• Stamped Post Office Receipt of Registration</li> </ul>
<p><b>BIRTH DATE/AGE</b></p>	<ul style="list-style-type: none"> <li>• TEGL 6-14</li> </ul>	<ul style="list-style-type: none"> <li>• Baptismal Record</li> <li>• Birth Certificate</li> <li>• DD-214, Report of Transfer or Discharge Paper</li> <li>• Driver’s License</li> <li>• Federal, State or Local Government Identification Card</li> <li>• Hospital Record of Birth</li> <li>• U.S. Passport (Unexpired)</li> </ul>



## Documentation Requirements for WIOA Title 1 Program Eligibility

ELIGIBILITY CRITERIA	REFERENCES	ACCEPTABLE DOCUMENTATION
		<ul style="list-style-type: none"> <li>• Public Assistance/Social Service Records</li> <li>• School Records/Identification Card</li> <li>• Work permit</li> <li>• Cross match with Department of Vial Statistics</li> <li>• Tribal Records</li> </ul>
TEMPORARY ASSISTANCE TO NEEDY FAMLIES (TANF)	<ul style="list-style-type: none"> <li>• TEGL 6-14</li> </ul>	<ul style="list-style-type: none"> <li>• Cross match with TANF public assistance records</li> </ul>
OTHER PUBLIC ASSISTANCE RECIPIENT (GENERAL ASSISTANCE, REFUGEE CASH ASSISTANCE, FOOD STAMP ASSISTANCE)	<ul style="list-style-type: none"> <li>• TEGL 6-14</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of authorization to receive cash public assistance</li> <li>• Copy of public assistance check</li> <li>• Medical card showing cash grant status</li> <li>• Public assistance records</li> <li>• Refugee assistance records</li> <li>• Cross match with public assistance database</li> </ul>
HOMELESS INDIVIDUAL AND/OR RUNAWAY YOUTH	<ul style="list-style-type: none"> <li>• TEGL 6-14</li> <li>• WIOA Sec. 3(24)(G)</li> </ul>	<ul style="list-style-type: none"> <li>• Written statement from an individual providing temporary residence, shelter or social service agency</li> <li>• WIOA intake or registration form</li> <li>• Self-attestation</li> </ul>
OFFENDER	<ul style="list-style-type: none"> <li>• WIOA Sec. 3(38)</li> <li>• TEGL 6-14</li> </ul>	<ul style="list-style-type: none"> <li>• Documentation from juvenile or adult criminal justice system</li> <li>• Documented phone call with court or probation representatives</li> <li>• WIOA intake or registration form</li> <li>• Self-attestation</li> </ul>
LOW INCOME (Family Income)	<ul style="list-style-type: none"> <li>• WIOA Sec. 3(36)</li> <li>• TEGL 6-14</li> </ul>	<ul style="list-style-type: none"> <li>• Alimony Agreement</li> <li>• Applicant statement</li> <li>• Award letter from veteran's administration</li> <li>• Bank statements</li> <li>• Compensation award letter</li> <li>• Court award letter</li> <li>• Pension statement</li> <li>• Employer statement/contact</li> <li>• Family or business financial records</li> <li>• Housing authority verification</li> <li>• Pay stubs</li> <li>• Public Assistance records</li> <li>• Quarterly estimated tax for self-employed persons</li> <li>• Social Security benefits</li> <li>• UI documents</li> </ul>
DISPLACED HOMEMAKER	<ul style="list-style-type: none"> <li>• TEGL 6-14</li> <li>• WIOA Sec. 3(16)</li> </ul>	<ul style="list-style-type: none"> <li>• Public Assistance records</li> <li>• Court records</li> <li>• Divorce papers</li> <li>• Bank records</li> <li>• Spouse's layoff notice</li> <li>• Spouse's death record</li> <li>• Self-attestation</li> </ul>
PREGNANT OR PARENTING	<ul style="list-style-type: none"> <li>• TEGL 6-14</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of child's birth certificate</li> <li>• Baptismal record</li> <li>• Observation of pregnancy status</li> <li>• Doctor's note confirming pregnancy</li> </ul>

## Documentation Requirements for WIOA Title 1 Program Eligibility

ELIGIBILITY CRITERIA	REFERENCES	ACCEPTABLE DOCUMENTATION
		<ul style="list-style-type: none"> <li>• Self-attestation</li> </ul>
BASIC SKILLS DEFICIENT	<ul style="list-style-type: none"> <li>• WIOA Sec. 3(5)</li> <li>• TEGL 6-14</li> </ul>	<ul style="list-style-type: none"> <li>• Standardized assessment test</li> <li>• School records</li> <li>• Case notes</li> </ul>
YOUTH WHO ARE IN OR HAVE AGED OUT OF THE FOSTER CARE SYSTEM	<ul style="list-style-type: none"> <li>• TEGL 6-14</li> </ul>	<ul style="list-style-type: none"> <li>• Written confirmation from social service agency</li> <li>• Case notes</li> </ul>
INDIVIDUAL WITH A DISABILITY	<ul style="list-style-type: none"> <li>• WIOA Sec. 3(25)</li> </ul>	<ul style="list-style-type: none"> <li>• Letter from Drug or Alcohol Rehabilitation Agency</li> <li>• Letter from Child Study Team Stating Specific Disability</li> <li>• Medical Records</li> <li>• Observable Condition (Applicant Statement needed)</li> <li>• Physician's Statement</li> <li>• Psychiatrist's Diagnosis</li> <li>• Psychologist's Diagnosis</li> <li>• Rehabilitation Evaluation</li> <li>• School Records</li> <li>• Sheltered Workshop Certification</li> <li>• Social Service Records/Referral</li> <li>• Social Security Administration Disability Records</li> <li>• Veterans Administration Letter/Records</li> <li>• Vocational Rehabilitation Letter</li> <li>• Workers Compensation Records</li> </ul>
FAMILY SIZE		<ul style="list-style-type: none"> <li>• Applicant Statement</li> <li>• Birth Certificate</li> <li>• Court/Divorce Decree</li> <li>• Landlord Statement</li> <li>• Lease</li> <li>• Marriage Certificate</li> <li>• Medical Card</li> <li>• Most Recent Tax Return supported by IRS Documents (e.g. Form Letter 1722)</li> <li>• Public Assistance/Social Service Agency Records</li> <li>• Public Housing Authority (If resident of or on waiting list)</li> <li>• Written Statement from a Publicly Supported 24 Hour Care Facility or Institution</li> </ul>
ELIGIBLE FOR FREE OR REDUCED PRICE LUNCH UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT (42 U.S.C. 1751 et seq.) DURING THE MOST RECENT SCHOOL YEAR	WIOA Sec. 3(36)(A)(iv)	<ul style="list-style-type: none"> <li>• Notification Letter from School</li> <li>• Notification of Eligibility</li> <li>• Statement from School</li> </ul>

## **TECHNICAL ASSISTANCE**

LWDA staff, State staff, and other grantee staff are encouraged to request technical assistance from the DWDAL Monitoring and Compliance Unit when appropriate. When necessary, the Monitoring and Compliance Manager or a designee will seek technical assistance from USDOL to request and provide clarity.

## **MONITORING**

The State of Maryland acknowledges that the USDOL has the authority to monitor and assess performance and eligibility verification processes for WIOA Title 1 programs.

To ensure that policies are being followed and expectations are being met, the State, LWDAs, and all grantees should expect DWDAL to also conduct monitoring.

***DISCLAIMER:*** This policy is based on DWDAL's interpretation of the statute along with the Notice of Proposed Rulemaking released by USDOL in April 2015. This policy may be subject to change as additional federal regulations and TEGs are released. This policy is not intended to be permanent and should be viewed as a placeholder until final federal regulations are released in early 2016.

## REFERENCES

### LAW

- [Workforce Innovation and Opportunity Act of 2014 \(WIOA\)](#);
- Education Article, §7-301, Annotated Code of Maryland (*Age for Compulsory Public School Attendance*)

### USDOL GUIDANCE

- Training and Employment Guidance Letter WIOA (TEGL) 23-14, [Workforce Innovation and Opportunity Act \(WIOA\) Youth Program Transition](#), dated March 26, 2015;
- Training and Employment Guidance Letter (TEGL) 06-14, [Program Year \(PY\) 2013/Fiscal Year \(FY\) 2014 Data Validation and Performance Reporting Requirements and Associated Timelines](#), dated September 10, 2014;
- TEGL 11-11 Change 2, [Selective Service Registration Requirements for Employment and Training Administration Funded Programs](#), dated May 16, 2012;
- TEGL 11-11 Change 1, [Selective Service Registration Requirements for Employment and Training Administration Funded Programs](#), dated January 20, 2012;
- TEGL 5-08, [Policy for Collection and Use of Workforce System Participants' Social Security Numbers](#), dated November 13, 2008.

### OTHER REFERENCES

- Workforce Innovation and Opportunity Act Overview: [Fact Sheet on the WIOA Youth Program](#), dated July 22, 2014;
- [Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Notice of Proposed Rulemaking](#) Pages 20573-20687 [FR DOC# 2015-05528] (joint Notice of Proposed Rulemaking (NPRM) with the Departments of Education and Labor, dated April 16, 2015);
- [Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking](#) Pages 20689-20966 [FR DOC# 2015-05530] (NPRM - Labor only), dated April 16, 2015.