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TECHNICAL ASSISTANCE NOTICE #04-2, revised
SUBJECT: Questions related to eligibility and case file documentation for WIA programs and discretionary grants
DATE: Revised August 2005

Please Note: The following technical assistance notice should be viewed as an official state communication from CDLE's Workforce Development Programs Office. **The contents of this TAN will be incorporated into future PGLs on related subjects.**

PURPOSE: To provide updated information on documentation and requirements for determining WIA basic and Dislocated Worker eligibility. (All changes are highlighted in yellow.) To answer questions raised by workforce center operators regarding eligibility and case file documentation for WIA programs; to answer questions that have arisen during compliance monitoring regarding eligibility and case file documentation for WIA discretionary grants.

A. WIA - BASIC PROGRAM ELIGIBILITY DOCUMENTATION

1. Question: What is appropriate documentation of **Selective Service** registration when a WIA applicant was eligible to register, but is now age 26 or older and did not register because he:

- Was **incarcerated, hospitalized, or institutionalized**
- Served in the **military**
- Was **homeless**, or
- Is a **non-citizen**

Answer: The **Selective Service** website advises that an individual who is applying for Federally funded job training assistance, but has not registered for Selective Service, should provide evidence to the official (in this case the WIA representative) that "his failure to register was not knowing and willful."

Documentation that can be accepted for this purpose may include:

- **Incarcerated/Institutionalized:** A copy of a statement from the Dept. 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 **entire** 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.
- **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 **at any time during his period of eligibility.**

- **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, can be used.

2. Question: Must a **Social Security number** be verified and must a Social Security card be signed?

Answer: 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 signed 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 PGL 01-03-WIA1 and its attachments.)

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.

3. Question: Is a **picture ID** required to determine WIA youth eligibility? Can WIA pay for a picture ID?

Answer: A **picture ID** is not required as long as other appropriate documents are available to document eligibility. WIA can pay for a picture ID as a supportive service if the client is enrolled in the program.

B. WIA DISLOCATED WORKER PROGRAM ELIGIBILITY DOCUMENTATION

1. Question: What types of documentation can be used to document the **job of dislocation** for a Dislocated Worker?

Answer: As stated in PGL 01-03-WIA 1, the **job of dislocation** can be documented by using the work history obtained from the applicant as part of the signed WIA application. This work history should contain at least the following information for the last five years:

- Names of the employers
- Dates of employment
- Job titles
- Wages and number of hours worked per week

The intake worker or case manager must then identify which of the jobs listed is the job of dislocation rather than a stop gap job. This will likely be determined in conjunction with documentation obtained to show proof of layoff or UI eligibility.

2. Question: What forms of documentation can be used to verify a **layoff** for Dislocated Worker eligibility? Can the UI Notice of Decision be used to document a layoff, as well as UI eligibility, for the Dislocated Worker program?

Answer: One of the categories for Dislocated Worker eligibility is laid off, eligible for Unemployment Insurance, and unlikely to return to the previous occupation. Each of these conditions must be documented. The most common and acceptable forms of documentation for a **layoff** are:

- Layoff letter from the employer
- Public notice of a layoff
- Self-attestation of layoff together with a printout of UI wage data for the claimant showing wages from the employer in question

Some workforce regions have utilized the **UI Notice of Decision**, which grants UI benefits to a claimant, as proof of a layoff as well as proof of UI eligibility. In many cases these notices indicate that the claimant was fired for cause or quit a job, but is nonetheless being granted a UI benefit award. Other Notices of Decision clearly state that the claimant lost his job through no fault of his own, or lost his job because of a layoff. **Unless the UI Notice of Decision specifically states that the claimant has been laid off or lost his job through no fault of his own, or the Decision contains the Legal Citation: Colorado Employment Security Act 8-73-108(4) to justify the benefit award, the notice cannot be used to document a layoff; it can only be used to document eligibility for Unemployment Insurance.**

Proof of layoff can also be documented by using a screen print of the CUBS 04 screen, provided that the columns entitled CLMNT SEP and EMPL SEP both contain an 09 code, which stands for lack of work. Please see **Attachment 1** for examples of acceptable CUBS 04 screens.

3. Question: What forms of documentation can be used to demonstrate **eligible for UI** for Dislocated Worker eligibility?

Answer: One of the categories for Dislocated Worker eligibility is laid off, eligible for Unemployment Insurance, and unlikely to return to the previous occupation. Each of these conditions must be documented. The most common and acceptable forms of documentation for **UI eligibility** are:

- UI letter - Monetary Determination **with wages \$2500 or more in the base period**
- UI letter – Notice of Decision
- Print of UI wage data screen
- Print of UI wage claim screen showing award of benefits

Regions should be aware that not all UI claimants receive a Notice of Decision letter. Only those claimants with a claim issue to be resolved receive a Notice of Decision.

4. Question: What forms of documentation can be used to demonstrate “**unlikely to return**” as part of Dislocated Worker eligibility?

Answer: One of the categories for Dislocated Worker eligibility is laid off, eligible for Unemployment Insurance, and unlikely to return to the previous occupation. Each of these conditions must be documented. As indicated in PGL 01-03-WIA1, **unlikely to return** can be documented by using one or more of the following:

- Labor market information showing that the applicant skills are not currently in demand (such as the Job Vacancy Survey)
- Labor market information showing that the applicant cannot meet the skills requirements for jobs currently available in their chosen occupation (such as want ads, Choices, COCIS, etc.)
- Labor market information showing no jobs or only stop gap jobs are available that match the applicant’s skills (such as a JobLink search, want ads, Job Vacancy Survey, etc.)
- Job search logs put together by the client that demonstrate no job offers received for a period of weeks prior to WIA enrollment, or
- Documentation of acquired physical limitations or injuries that make an individual unable to perform the same work as the job of dislocation

5. Question: Does documentation of **UI Profiling** make an applicant eligible for the Dislocated Worker program?

Answer: As stated in PGL 01-03-WIA1, an applicant selected through the **UI Profiling** system is considered automatically eligible for the Dislocated Worker program. A copy of the UI Profiling document should be kept in the client case file.

6. Question: Can a Trade Adjustment Assistance (TAA) certification or eligibility document be used to document a **plant closure** for Dislocated Worker program eligibility?

Answer: TAA certifications generally do not contain information regarding whether a plant closure has occurred. In addition, many TAA certifications are issued when only a portion of employees are being laid off. As a result, TAA documents cannot be used to verify a **plant closure** unless they specifically state that a plant closure occurred.

7. Question: For purposes of determining **Displaced Homemaker** eligibility for the Dislocated Worker program, is alimony considered to be a replacement for the income lost as a result of a divorce? If so, would this make the applicant ineligible for the Dislocated Worker program?

Answer: Alimony should not be considered as a replacement for lost income because in most cases alimony payments are much lower than the spousal

income that was lost. As a result, a person receiving alimony should still be considered eligible for the Dislocated Worker program if they meet the remaining criteria for the definition of **Displaced Homemaker**.

8. Question: When are military service members considered to be eligible Dislocated Workers? When are military spouses who leave their jobs to follow a spouse considered to be eligible Dislocated Workers?

Answer: TEGL 22-04 – Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant is **Attachment 2** to this TAN. It explains in detail the conditions under which a military service member or a military spouse should be considered an eligible Dislocated Worker.

C. WIA DISCRETIONARY GRANT CASE FILE DOCUMENTATION

1. Question: If a WIA discretionary grant is designed to serve **youth**, must the youth meet the same eligibility requirements as those for the formula-funded youth program?

Answer: If a WIA discretionary grant was funded as part of a “required statewide activity,” the **youth** must meet the same eligibility as the formula-funded youth program. 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, age (as defined by the grant), and Selective Service (for older youth); and all clients need to be enrolled in JobLink. The WIA 10% competitive grants and the WIA Summer Job Hunt funds fall under the “allowable statewide activities” definition.

2. Question: If a WIA discretionary grant is designed to provide **direct services** (such as supportive services or ITAs) to clients, must the local region comply with WIA sequential delivery of services, every 90-day service, and 12-month follow-up requirements?

Answer: If the services are similar or equivalent to WIA formula grant services, the WIA sequential delivery of services, every 90-day service, and 12-month follow-up requirements apply to the case management and case file documentation for the discretionary grant clients. However, for special projects, such as those providing incumbent worker or other services not similar to formula grant services, the WIA sequential service delivery, 90-day service, and 12-month follow-up requirements do not apply.

3. Question: If a WIA discretionary grant is designed to serve **incumbent workers**, must the local region document client eligibility, or may the region rely on the employer’s I-9 process for determining eligibility?

Answer: Regions may rely on the employer's I-9 process or may obtain separate documentation to demonstrate WIA eligibility. If relying on the employer, regions do not have to obtain copies of the I-9 documentation. However, the employer should be asked to sign a written agreement stating that he is responsible for providing copies of the eligibility documentation as needed, and this documentation may be subject to audit by the State or the US Department of Labor.

4. Question: If a WIA discretionary grant is designed to serve **incumbent workers**, must the local region enroll each client in the JobLink database, or may the region rely on the employer to report client activity levels and outcomes?

Answer: Although USDOL allows regions to rely on paper documentation of client enrollments, activities, and outcomes for incumbent workers, the State requires enrollment in JobLink and tracking of client activities and outcomes in JobLink for monitoring purposes.

5. Question: If a WIA discretionary grant is designed to serve **incumbent workers**, must the local region document each worker's need for training, or may the region rely on the employer to identify and assess those needing training?

Answer: Regions may rely on the employer's assessment process or conduct their own assessment process. If relying on the employer, regions do not have to obtain copies of the assessment documentation. However, the employer should be asked to sign a written agreement stating that he is responsible for providing copies of the assessment documentation as needed, and this documentation may be subject to audit by the State or the US Department of Labor.

D. WIA GENERAL CASE FILE DOCUMENTATION REQUIREMENTS

1. Question: What documentation is necessary to demonstrate that a client is meeting **priority of service** for the WIA Adult program?

Answer: Each region is required to develop a local policy regarding priority of service for the WIA Adult program. In addition to defining the target groups for **priority of service**, this policy should identify case file documentation standards for demonstrating that an individual meets each of priority of service criteria. This means that the local policy needs to specify which documents can be used to determine that an individual meets the low income standard for priority of service, and each additional criterion defined in the policy.

2. Question: If the **WIA registration** is completed on-line by the intake worker or case manager, what documentation of the registration is required in the case file?

Answer: The **WIA on-line registration** should be printed out at the time of registration, signed by the applicant, and placed in the applicant case file. This establishes a permanent record of what was initially entered into JobLink, and is necessary for data validation purposes.

3. Question: What documentation is needed to demonstrate that a youth requires “**additional assistance**” for WIA Youth program eligibility?

Answer: Because the State has not chosen to issue a policy that defines “**additional assistance**” as relates to WIA Youth program eligibility, each region has the responsibility for determining its own definition of this eligibility category. A local policy should be developed that specifies what conditions must be met for a youth to require additional assistance and what documentation is needed to demonstrate this eligibility category.

4. Question: What is the minimum needed to document **initial assessment** of WIA clients?

Answer: In many case files, the only documentation of **initial assessment** is the WIA application, a short case note, and an ‘IA’ service in JobLink. In addition to these items, the case file should contain one or more of the following types of information for initial assessment and to document the need for intensive services:

- Questionnaires or detailed notes containing information about interests, current skills, goals, barriers, etc. that demonstrate the need for intensive services
- TABE or other test results used to determine basic skills deficiency
- A record of the individual’s unsuccessful attempts to find work, and/or labor market information documenting that permanent jobs at a sustainable wage, utilizing the client’s current skills, are not available

5. Question: What is the minimum needed to document **comprehensive assessment** of WIA clients?

Answer: In many case files, the only documentation of **comprehensive assessment** is the Individual Employment Plan (IEP), or the Individual Service Strategy (ISS), a short case note, and a ‘CA’ service in JobLink. In addition, the case file should contain the following types of information:

- Case notes that detail the reasons for and types of comprehensive assessments that were conducted and provide an analysis of any formal test results.
- Results and interpretations of any formal assessment testing that was conducted
- An IEP or ISS that addresses barriers, results of assessments, goals and objectives, and action steps to achieve objectives; and that is updated to reflect outcomes of planned objectives

- Test results, case notes, and/or an IEP or ISS that documents the need for training services
- Entry of additional JobLink activity codes, as appropriate, such as CS for counseling

6. Question: What is the minimum documentation required to demonstrate the need for a WIA-funded **supportive service**?

Answer: The need for a WIA-funded **supportive service** should be documented as follows:

- A case note or supportive service request form should include the type of supportive service needed, the WIA activity or plan objective that requires it, a brief statement of why the client is unable to seek the service on his own, and a brief statement of why non-WIA resources were unavailable to cover the cost
- When providing multiple instances of transportation assistance, the justification needs to occur as part of the initial request only.
- The IEP or ISS should identify the barrier and activity/objective that require the supportive service.
- A supportive service activity code should be entered in JobLink for each service provided, with the exception of multiple occurrences of transportation assistance. In this instance, an open TR service may be entered into JobLink, provided that the transportation vouchers are kept in client case file to document the frequency of the service.
- The JobLink record also needs to include an open WIA activity code such as WIA job search, work experience, occupational training, etc. whenever a supportive service is provided.
- Case managers are encouraged to keep a supportive services log in each case file that includes the type of service, date, cost, and activity involved. (This information can be extracted from JobLink, if previously data entered into the system.)

7. Question: What is the minimum documentation required to demonstrate the need for training services?

Answer: The documentation requirements listed in question B-4: “Unlikely to Return,” and question D-5: “Comprehensive Assessment,” detail the types of documents that can be used to justify the **need for training** services. In most cases, these documents should be obtained in addition to those gathered as part of an Individual Training Account (ITA) request packet. This is necessary because most ITA request packets document demand occupation, job training requirements, customer choice of training providers, the training budget, and the customer’s ability to succeed in the chosen training program, but do not document the need for the training.

8. Question: What documentation is needed to demonstrate that **non-WIA**

resources were unavailable to pay for training?

Answer: The following are examples of what can be used to document the effort to identify **non-WIA sources** of funding for training:

- A case note detailing the types of scholarships, loans, or other potential resources investigated and the results of the investigation
- A financial analysis form or budget worksheet prepared for the Individual Training Account (ITA) request packet, that includes a section listing the types of scholarships, loans, or other resources investigated and the results of the investigation
- A copy of the Free Application for Federal Student Aid (FASFA) results letter or other documents with results of financial aid applications

9. Question: When should **attendance** or **progress** in an activity be tracked and what documentation can be used to track client attendance or progress?

Answer: Whenever WIA is paying for an activity involving client participation, **attendance** or **progress reports** should be obtained. Example activities include prevocational classes, workshops, leadership activities for youth, work experience, vocational training, OJT, customized training, etc. Documents from the instructor, site supervisor, or training institution; grades reports; sign-in sheets from workshops; and other similar documents can be used to verify the attendance or progress of the client, and demonstrate completion of the activity. Case notes showing regular contact with the client should also contain information on client progress.

10. Question: What documentation is needed to track **post-exit activities**?

Answer: Case managers are encouraged to revise or create a new ISS or IEP for the 12-month follow-up period. In addition to this document, the case manager needs to:

- Enter an FL service each time the client is contacted for basic follow-up information
- Enter the appropriate service code for any regular WIA service provided in addition to the follow-up contact. These services need to be tied to the objectives of the exit ISS or IEP and can include any allowable WIA service, subject to the limitations of local policies. Entry of such services after exit should not trigger any error messages in the JobLink system.
- Enter a case note for each client follow-up service and, as needed, to further explain additional services
- Document attendance or outcomes of any activity that WIA is paying for during the follow-up period
- Document retention or credentials for WIA performance outcomes

11. Question: What documentation is required to **verify employment** for an

entered employment exit?

Answer: Verification of employment is not required, but is strongly encouraged because it validates the decision to exit the client and will be reviewed as part of the State's annual data validation process. Employment may be verified by:

- Contacting an employer and entering a note regarding the contact in the case file
- Obtaining a copy of a pay stub, work ID, or other document providing proof of employment