

Issue : Documentation and Verification of Youth Eligibility under the WIA

Discussion. To be eligible for youth services under the WIA, young people must be between the ages of 14 and 21, low-income, and meet at least one of the six specified barriers to employment (e.g., deficient in basic skills; a school dropout; homeless; a runaway, or a foster child; pregnant or parenting; an offender; or require additional assistance to complete their education or secure employment. Section 101 (25), defines a low-income individual as one who:

- 1) Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program;
- 2) Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, public assistance, and old-age and survivors insurance benefits received under section 202, of the Social Security Act) that, in relation to family size, does not exceed the higher of:
 - a. the poverty line, for an equivalent period; or
 - b. seventy percent of the lower living standard income level, for an equivalent period
- 3) Is a member of a household that receives (or has been determined within the six-month period prior to application for the program involved to be eligible to receive) food stamps;
- 4) Qualifies as a homeless individual;
- 5) Is a foster child on behalf of whom state or local government payments are made; or
- 6) Is an individual with a disability whose own income meets the requirements of a program described in (1) or (2), but who is a member of a family whose income does not meet such requirements.

Many eligible youth have difficulty accessing paper records supporting their income eligibility, particularly those who are homeless, in foster care or in the juvenile justice system. Participation in the National School Lunch Program is no longer a substitute for income eligibility under the WIA. In addition to documenting low-income eligibility, many local areas are instituting overly stringent documentation requirements for other eligibility factors in order to reduce the risk of enrolling ineligible individuals, which may result in disallowed costs. Intake staff spend a substantial portion of time assisting youth in acquiring documentation, reducing staff time available for direct outreach and initial counseling with youth on program options. In many instances, youth must make repeat visits to complete the registration process, which delays the completion of their registration and diminishes service to these youth customers.

The criteria used to determine if youth are eligible for services under the WIA are similar to the Job Training Partnership Act's (JTPA) eligibility criteria, with one exception: the procedures for identifying the serious barriers that youth who do not meet the minimum eligibility income criteria may face regarding employment. Under the WIA, the local board has primary responsibility for identifying these barriers (20 CFR 664.220 (h)). Under the JTPA, the service delivery areas were required to submit a request to the Governor identifying and justifying the additional category of youth with a poor work

history or those that were unemployed. The

Governor was responsible for approving the request and providing the approved request to the Secretary. Section 4(8), of the JTPA defines the term “economically disadvantaged” in much the same way as WIA defines the low-income individual.

Under the JTPA, a technical assistance guide (TAG) was issued in 1993, entitled “Title II Eligibility Documentation.” The guide defined acceptable documentation to support each element of eligibility for the youth programs established under that Title. The guide provided for either documentation of eligibility requirements or use of a random sampling method, for non-summer youth program participants. Since transitioning to WIA, many local areas continue to rely on the guidance in the JTPA TAG on eligibility documentation or have devised alternate methods that would provide more flexibility in determining those youth who are eligible to receive services under the WIA. The regulations (20 CFR 661.120) give states and local governments authority to establish their own policies and guidelines relating to verifying and documenting eligibility, as long as they are consistent with the statute, the regulations and other federal statutes.

Question: What further guidance can DOL provide on eligibility documentation, or what existing guidelines, including proxy measures, can be relied upon by the WIA system?

Answer: The Department does not plan to issue an eligibility documentation TAG under the WIA as it did under the JTPA. The regulations (20 CFR 661.120) give states and local governments authority to establish their own policies, interpretations, guidelines and definitions relating to program operations, such as verifying and documenting eligibility, as long as they are consistent with WIA, the regulations (20 CFR Part 652 *et. seq.*), and federal statutes and regulations governing One-Stop partner programs. States and local areas can continue to use the JTPA TAG as a reference based on the areas that are relevant under the WIA. Some areas that may still be relevant include, but are not limited to, documenting low income eligibility, residence, age, selective service registration status, citizenship or eligibility to work, and barriers to employment. While states may incorporate areas that are still relevant, they are encouraged to develop their own policies and guidelines regarding eligibility.

One option to streamline the registration process for youth is to allow for self-certification to verify those eligibility items that, in some cases, are not verifiable or may cause undue hardship for individuals to obtain. When self-certification of eligibility is allowed, it is also important to incorporate a random sampling methodology to determine the accuracy of the self-certification method for determining WIA eligibility. The JTPA TAG included a sampling method for selecting self-certified participants who would be required to prove their eligibility. However, this method places a higher proportion of burden on smaller states than is necessary. The Department is currently exploring a sampling methodology that could be applied across the WIA adult, dislocated worker and youth programs. This approach is similar to the intake sampling method developed in 1990 by the Job Corps program that allows for self-certification by the non-sampled group. At intake, a predetermined percentage is selected to document eligibility based on the size of the state (or local area, if required by the state). This sampling method would not be required, but could provide an effective approach for reducing the burden of requiring 100 percent eligibility documentation for every individual registered for WIA services.

Another way to help reduce the burden of documenting eligibility for individual service providers is for states and/or local areas to develop their own policies and guidance to determine acceptable eligibility documentation. States and/or local areas can specify the procedures and documentation required for eligibility verification as long as these policies and guidelines are consistent with the WIA, the regulations, and federal statutes and regulations governing One-Stop partner programs. Some states developed other references to assist local areas in developing their own TAGs, policies and procedures, such as the:

- *Workforce Investment Act Eligibility Technical Assistance Guide*, prepared by the California Employment Development Department (www.edd.ca.gov/rwiad01-w.pdf)*
- *Workforce Investment Information Notice No.3-99, Change 1*, prepared by the PA Department of Labor and Industry (www.paworkforce.state.pa.us/)*
- *Workforce Investment Act Eligibility Technical Assistance Guide*, prepared by the Texas Workforce Commission (www.twc.state.tx.us/boards/weletters/letters/77-99c2.pdf)*

All three of these guides include a listing of the eligibility criteria for each WIA funding stream; definitions of the criteria from the Act; other applicable federal and state regulations and/or requirements; and examples of acceptable definitions. To assist local areas in defining and documenting “low-income,” the California and Texas TAGs specifically define what sources of payments can be included and excluded from the calculation of income.

**NOTE: These state issued TAGs and information notices are referenced for purposes of illustration of what some states have done. Their mention in this document does not constitute an official endorsement by the ETA.*