

DIRECTIVE

WORKFORCE SERVICES

Number: WSD14-4

Date: September 25, 2014
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TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: WIA TITLE I ELIGIBILITY

EXECUTIVE SUMMARY:

Purpose:

This directive provides guidance for determining an individual's eligibility to participate in Workforce Investment Act (WIA) Title I programs.

Scope:

This directive applies to all Local Workforce Investment Areas (local areas) and other recipients of WIA funds.

Effective Date:

This directive is effective immediately.

REFERENCES:

- WIA of 1998; Title I: Workforce Investment System
- Jobs for Veterans Act 2002 (38 USC Section 4215)
- Title 20 Code of Federal Regulations (CFR) Part 652, et al.
- Training and Employment Guidance Letter [\(TEGL\) 26-13](#), Impact of the U.S. Supreme Court's Decision in United States v. Windsor on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration (June 18, 2014)
- [TEGL 11-11](#), and Changes 1 and 2, Selective Service Registration Requirements for WIA and Wagner-Peyser Funded Programs (November 23, 2011)
- [TEGL 10-09](#), Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (November 10, 2009)

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- [TEGL 17-05](#), Common Measures Policy for the Employment and Training Administration's Performance Accountability System and Related Performance Issues (February 17, 2006)
- [TEGL 22-04](#), and Change 1, Serving Military Service Members and Military Spouses Under the WIA Dislocated Worker Formula Grant (March 22, 2005)
- [TEGL 5-03](#), Implementing the Veterans Priority Provisions of the Jobs for Veterans Act (September 16, 2003)
- [TEGL 08-98](#), Selective Service Registration (November 4, 1998)
- Workforce Services Information Notice [WSIN13-31](#), Co-enrollment and WIA Reporting of Participants in New CalJOBSSM (December 10, 2013)

STATE-IMPOSED REQUIREMENTS:

This directive contains some State-imposed requirements. These requirements are indicated by ***bold, italic type***.

FILING INSTRUCTIONS:

This directive supersedes Directive WIAD04-18, dated March 29, 2005, and finalizes Draft Directive WSDD-96, issued for comment on January 21, 2014. The Workforce Services Division received 33 comments during the draft comment period. These comments resulted in substantive changes to the directive which can be viewed as highlighted text. The highlighted text will remain on the Internet for 30 days from the issuance date. A summary of the comments is provided as Attachment 2. Retain this directive until further notice.

BACKGROUND:

The WIA authorizes a workforce investment system to provide workforce preparation and employment to eligible adults, dislocated workers, and youth. Title 20 CFR Section 661.120 provides authority to state and local governments to establish their own eligibility policies, procedures, and definitions, as long as they are consistent with the WIA and its associated regulations.

The Employment Development Department created the WIA Eligibility Technical Assistance Guide (TAG) to assist local areas in establishing participant eligibility for the WIA adult, dislocated worker, and youth programs. The TAG was originally created in Program Year 2004-05 in cooperation with a Local Eligibility Advisory Workgroup; it has been revised to reflect changes in law and clarify policy.

POLICY AND PROCEDURES:

The WIA Eligibility TAG provides guidance regarding participant eligibility, source documentation, and documentation verification. Additionally, it clarifies areas of flexibility where local areas may develop their own eligibility policies, procedures and definitions. The TAG includes form fields to allow local areas to incorporate their local

guidance. Local areas are not required to use these form fields and may utilize other methods for releasing local eligibility guidance.

Local areas are required to develop local policies, procedures, and definitions as indicated in the TAG, and ensure this guidance is available to all front line staff responsible for determining eligibility. Local areas must ensure their local guidance complies with the requirements of the TAG, and all federal and State requirements.

Federal and State monitors and auditors will verify that the local eligibility policies, procedures, and definitions have been communicated and implemented within the local area. Local guidance that does not correctly reflect federal and State requirements may result in disallowed costs.

ACTION:

Bring this directive to the attention of all appropriate staff and subrecipients.

INQUIRIES:

If you have any questions, please contact your [Regional Advisor](#) at 916-654-7799.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Workforce Services Division

Attachments are available on the Internet:

1. WIA Eligibility Technical Assistance Guide ([PDF](#)) [330k] ([MS Word](#)) [517k]
2. [Summary of Comments](#)