WIOA Guidance Letter 16-02

KANSASWORKS

DATE: January 10, 2017

TO: LWDB Executive Directors

FROM: Mike Beene, Director Workforce Services

CC: Workforce Services, Fiscal, CRC

RE: Enrollment and Documentation Standards

Purpose: The purpose of this Technical Guidance Letter is to clarify the difference between a reportable individual and a participant as defined in WIOA and to review basic career services and individualized career services and their effect on Wagner-Peyser (WIOA Title III) and WIOA Title I Adult, Dislocated Worker and Youth program enrollments and their impact on performance measures. In addition, this Technical Guidance Letter reviews eligibility and establishes minimum documentation standards for WIOA Title III and WIOA Title I program participants.

References:. WIOA Sec. 134 (c)(2) and Sec. 3(15), 20 CFR Parts 677.150, 678.430, 680.110, 680.120, 680.130, TEGL 10-16, TEGL 22-15

Background: Reportable individuals and participants have been defined by 20 CFR 677.150. WIOA has established three types of career services: basic career services, individualized career services and follow-up services. This policy will clarify when reportable individuals become participants and count towards performance measures under each program and what client documentation is needed to support participant enrollment in WIOA Title I Adult Dislocated Worker and Youth programs and the WIOA Title III Wagner-Peyser program.

It is important to note that significant differences exist between a WIOA and Wagner-Peyser (Title III) enrollment including the documentation needed under each program to support an enrollment. This Technical Guidance Letter will examine these variances and the minimum enrollment and documentation standards for each program.

Table of Contents

Enrollment and Documentation Standards

Enrollments

Wagner-Peyser services are available to any person who wishes to access them without regard to eligibility, employment or income status. Any individual accessing the services whether electronically or at a workforce center should be enrolled in the Wagner-Peyser program. This includes individuals who access the services themselves (self-service) or are provided services with significant staff involvement. All individuals receiving either self-service or services with significant staff involvement under Wagner-Peyser would be enrolled in the Wagner-Peyser program and thus would be included in Wagner-Peyser performance measures.

WIOA Title I Adult, Dislocated Worker and Youth programs have specific eligibility requirements for each funding stream and varies significantly from Wagner-Peyser with regard to enrollment requirements. Programs must include participants in their performance calculations. A participant could have different documentation requirements depending on the level of service received (basic versus individualized), but all participants will be included in performance calculations. Reportable individuals, who are not participants, are not included in performance calculations.

Definitions and Their Applicability on Performance Accountability

The following definitions are provided as a tool in establishing performance accountability.

A. *Reportable individual:* An individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including:

- Individuals who provide identifying information;

- Individuals who only use the self-service system; or

- Individuals who only receive information-only services or activities

Self-service occurs when individuals independently access any workforce development system program's information and activities in either a physical location, such as a one-stop center resource room or partner agency, or remotely via the use of electronic technologies.

Self-service does not uniformly apply to all virtually accessed services. For example, virtually accessed services that provide a level of support beyond independent job or information seeking on the part of an individual would not quality as self-service.

- Wagner-Peyser self-services result in a participant as well as a performance count for Wagner-Peyser. Since no eligibility requirements exist for Wagner-Peyser, enrollment documentation requirements do not apply. Enrollments may be done when self-services are received through a registered account on **KANSAS**WORKS.com or they may be recorded when individuals access such services through the workforce center. Documentation is not required for self-service users of the system.

  Note: Wagner-Peyser staff assisted services, including job referrals, establish the need for Work Authorization to be determined. This may be documented through self-attestation.

Information-only services or activities are activities or services that provide readily available information that does not require an assessment by a staff member of the individual's skills, education or career objectives. In a public workforce development setting, information activities or services may include both self-service basic career services and staff-assisted basic career services. Both are designed to inform and educate an individual about the labor market and to enable an individual to identify his or her employment strengths, weaknesses, and range of appropriate services. However, basic career services that require significant staff involvement are not considered information only services or activities.

B. *Participant:* A reportable individual who has received services after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination with the exception of the following services:

- Individuals who only use the self-service system;
- Individuals who receive information-only services or activities, which provide readily available information that does not require an assessment by a staff member of the individual's skills, education, or career objectives.

Participant Service Levels

As noted earlier, all Wagner-Peyser self-service participants are included in Wagner- Peyser performance measures regardless of the level of staff involvement.

Adult and Dislocated Workers

Adults and Dislocated Workers who receive services funded under WIOA Title I Adult and Dislocated Worker programs, other than self-service or information-only activities, must be registered and must be a participant.

To be eligible to receive career services as an Adult in the Adult and Dislocated Worker programs, an individual must be 18 years of age or older. To be eligible to receive career services as a Dislocated Worker in the adult and dislocated worker programs, an individual must meet the definition of "dislocated worker" at WIOA sec. 3(15).

There are three types of career services defined by WIOA sec. 134(c)(2) and 20 CFR Part 678.430: basic career services, individualized career services, and follow-up services.

Basic career services are:

(1) Eligibility determinations for the adult, dislocated worker, or youth programs;
(2) Outreach, intake, and orientation to information and other services available through the one-stop delivery system;
(3) Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs;
(4) Labor exchange services;
(5) Referrals to and coordination of activities with other programs and services;
(6) Workforce and labor market employment statistics information, including accurate information relating to local, regional, and national labor market areas;
(7) Performance information and program cost information on eligible providers of education, training, and workforce services by program and type of providers;
(8) Information, about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system;
(9) Information, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance,
(10) Information and meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation.
(11) Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

Not all basic career services trigger inclusion as a participant. These are the basic career services that trigger inclusion as a participant:

- Initial assessment of skill levels and supportive service needs;
- Staff-assisted job search assistance (not self-directed job search assistance)
- Staff-assisted placement assistance (not self-directed placement assistance)
- Career Counseling (includes staff-assisted career guidance)
- Provision of information and meaningful assistance filing for UI
- Assistance establishing eligibility for financial aid

Individualized career services are:

(1) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers;
(2) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about eligible training providers;
(3) Group counseling;
(4) Individual counseling;
(5) Career planning;
(6) Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
(7) Internships and work experiences;
(8) Workforce preparation activities;
(9) Financial literacy services;
(10) Out-of-area job search assistance and relocation assistance; and
(11) English language acquisition and integrated education and training programs.

All individualized career services trigger inclusion as a participant.

Follow-Up services are:

(1) Counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment

Youth

Youth (ages 14 – 24) who receive services funded under WIOA Title I Youth programs, other than self-service or information-only activities, must be registered and must be a participant.

To be eligible to receive career services as a Youth, an individual must be either an in-school (ISY) or out-of-school (OSY) youth as defined by WIOA.
  An In-School Youth is an individual who is:
1. Attending school, as defined by State law, and
2. Not younger than age 14 or older than age 21 (unless an individual with disability attending

school under State law who is older than 21), and
3. Low income*, including youth living in a 'high poverty area', and
4. One or more of the following:
    a. Basic Skills deficient
    b. An English language learner
    c. An Offender
    d. Homeless, runaway, foster-care, aged-out foster or out-of-home placement
    e. Pregnant or parenting
    f. An individual with a disability
    g. Requires additional assistance to complete an educational program OR to secure or hold employment

An Out-Of-School Youth is an individual who is:
1. NOT attending any school, as defined by State law, and
2. Not younger than age 16 or older than age 24, and
3. One or more of the following:
    a. School drop-out
    b. Within the age of compulsory school attendance, but has not attended school for the at least the most recent complete school year calendar quarter
    c. A recipient of a secondary school diploma or its equivalent who is low income* and is:
        i. Basic Skills deficient, or
        ii. An English language learner
    d. An individual subject to the juvenile or adult justice system
    e. Homeless, runaway, foster-care, aged-out foster or out-of-home placement
    f. Pregnant or parenting
    g. An individual with a disability
    h. A low-income* individual who requires additional assistance to complete an educational program OR to secure or hold employment

*Low Income exception - not more than 5% of the youth served in a local area may be otherwise eligible youth except for being low income.

Youth services include:
1. Objective assessment, including academic and occupational skills as well as service needs and strengths
2. Individual Service Strategies (ISS) identifying career pathways including education and employment goals, achievement objectives and services
3. Case management, including follow-up
4. Tutoring, study skills training and dropout prevention/recovery strategies leading to

secondary school diploma/equivalent (or recognized certificate when appropriate for individuals with disabilities) or a recognized postsecondary credential

5. Alternative school services or dropout recovery services, as appropriate
6. Paid and unpaid work experiences that have an academic and occupational component such as:
    a. Pre-apprenticeship
    b. Work experience; summer as well as school year
    c. Internships and job shadowing
    d. On-Job Training
7. Occupational skills training
8. Education offered concurrently with, and in the context of, workforce preparation and training
9. Leadership development
10. Supportive Services
11. Adult Mentoring, which may occur both during and after program participation
12. Follow-up services
13. Comprehensive guidance and counseling
14. Financial literacy education
15. Entrepreneurial skills training
16. Labor market information, career awareness and exploration
17. Transitional preparation to postsecondary education and training

Customer Type		Included in Performance?	Minimum Documentation Needed
Reportable Individual			
	Basic career services (self-service)	No	Self-attestation only
Participant			
	Basic career services (staff-assisted)	Yes	Date of Birth and Self-attestation
	Individualized career services	Yes	Date of Birth; Work Authorization; Priority groups (if applicable) - Veteran's Status, TANF, Public Assistance, Low-Income; Self-attestation
	Follow-up services	Yes	Only available to enrolled participants

Source Documentation

A WIOA Title I Adult and Dislocated Worker programs participant enrollment creates the need for the collection of data elements necessary to establish eligibility, carryout federal and state reporting requirements, evaluate services, determine outcome information and carryout monitoring activities. Documentation of specific data elements must be completed as part of the WIOA enrollment process. For most data elements there are various documents that can be used as source documentation. All source documentation should consistently validate/document the data elements in question. In addition to collecting and retaining hard-copy source documentation on data elements, computer cross- match, State MIS data, self-attestation and enrollment case notes are often acceptable forms of source documentation. The following represents minimum source documents necessary to support program enrollments by type of service:

Reportable Individual – Basic Career Services (self-service)

- All required data elements can be documented through self-attestation including Date of Birth.

Participant – Basic Career Services (staff-assisted)

- Date of Birth: This data element must be validated through a copy of a legal document (birth certificate, driver's license, work permit, hospital records, etc.) or cross-matched with the Department of Vital Statistics.

- Work Authorization: This data element may be validated through self-attestation at the basic career services level, however, individualized career services and training services will require supporting documentation, such as a work permit.

- All other data elements may be validated through self-attestation (printing and signing the view screen in **KANSAS**WORKS.com

Participant – Individualized Career Services:

- Date of Birth: Legal document as noted above.

- Work Authorization: documentation showing U.S. citizenship or legal right to work in the U.S.

- Veteran's Status (if applicable): DD-214, cross-match with veteran's database or acceptable documentation.

- TANF (if applicable): database, cross match or acceptable documentation

- Other Public Assistance (if applicable): copy of cash public assistance authorization, copy of public assistance check, medical card showing cash grant status, public assistance records, refugee assistance records, cross match with public assistance database.

- Low Income (if applicable): alimony agreement, applicant statement, award letter from veteran's administration, bank statements, compensation award letter, court award letter, pension statement, employer statement, family or business financial records, housing authority verification, pay stubs, public assistance records, quarterly estimated tax for self-employed persons, SSI benefits, UI documents.

- All other data elements may be validated through self-attestation (printing and signing the view screen in **KANSAS**WORKS.com

Source Document Definitions

1. Cross-match: A cross match requires validation to find detailed supporting evidence for a data element. A social security number (SSN) with dates of publication and services received is detailed supporting evidence.

    a. Note: Only finding a SSN is not a cross-match

    b. Example: In a cross-match for Public Assistance using a non-WIOA database such as Department for Children and Families, the occurrence of a SSN match is NOT detailed supporting evidence while the occurrence of the SSN with dates of participation and services received is detailed supporting evidence.

2. State MIS: Unless otherwise noted, specific detailed information stored in the State's information system to support an element.

    a. Note: A checkmark on a computer screen is not detailed information to support an element. The date of first training in and of itself is not detailed information while the date of first training in addition to the type of training and training provider is sufficient detailed information. This level of detail is valid source documentation and makes it unnecessary to further validate the data element in the local workforce center.

3. Self-Attestation: Self-Attestation occurs when a participant states his or her status for a particular data element and then signs and dates a form acknowledging this status. The form and signature can be on paper or in the state management information system, with an online signature.

    a. Note: The key elements for self-attestation are:

   i. The participant identifying his or her status for a permitted element; and

   ii. Signing and dating a form attesting to this self-identification.

  4. Case Notes: Case notes refer to either paper or electronic statements by the case manager that identifies, at a minimum, the following

   a. The participant's status for a particular element;

   b. The date on which the information was obtained; and

   c. The case manager who obtained the information.

Signatures

The signature of the applicant must be obtained attesting the information on the application is true to the best of the applicant's knowledge and there is no intent to commit fraud. The actual or electronic signature acknowledges the information on the application will be used to determine eligibility and the applicant may be required to document the accuracy of the information. It should also note the information is subject to external verification (e.g. USDOL or independent auditors) and may be released for such purposes. The signature also acknowledges that, if found ineligible subsequent to enrollment, the applicant will be terminated and removed from the WIOA performance participant count. The terminated applicant will however remain in the WP/WIOA participant and WP performance participant tally. If the applicant is terminated as a result of falsifying information on the application they may also be prosecuted for fraud and/or perjury.

An authorized staff member should thoroughly review the entire eligibility assessment application and determine if the information is complete, consistent, and the eligibility determination is correct. If the eligibility verification is met, the staff member should sign and date the eligibility assessment. The application may be placed in a **KANSAS**WORKS.com pending queue in order to complete the eligibility and documentation process prior to enrollment.

Pending Guidance

The U.S. Department of Labor – Employment and Training Administration is expected to issue further guidance on eligibility and source documentation requirements for WIOA. Local areas are encouraged to keep up-to-date on guidance from the Department of Labor as it relates to source documentation.

Helpful Links

Attachment A of TEGL 22-15 contains a list of the most recent source documentation requirements for all data elements; and it can be found by clicking the following link:

https://wdr.doleta.gov/directives/attach/TEGL/TEGL_22-15.pdf

Local boards are encouraged to check the link below for further WIOA Data Validation Source Documentation requirements:

https://www.doleta.gov/performance/reporting/

For questions or additional technical assistance, please email to: WorkforceSvcs@ks.gov