



DATE: August 28, 2020

DIRECTIVE NO: 57-20

RECISSION: La Cooperativa Directives No. 06-09, 07-09, 09-09, and 28-12

TO: All La Cooperativa Subrecipients

SUBJECT: Guidelines for Dislocated Worker (DW) Eligibility for WIOA Services and Documentation of Case Files

REFERENCES:

- Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128)
- Title 20 Code of Federal Regulations (CFR) Section 680
- Training and Employment Guidance Letter (TEGL) No. 12-19: Subject: Operating Guidance for The Workforce Innovation and Opportunity Act (March 18, 2020)
- TEGL No. 19-16, Subject: Operating Guidance for The Workforce Innovation and Opportunity Act (March 1, 2017)
- WSDD15-06, Subject: Selective Service Registration
- TEGL No. 11-11, Change 2, Subject: Selective Service Registration Requirements for Employment and Training Administration Funded Programs (May 16, 2012)
- Title 50 United States Code "Military Selective Service Act," Appendix 453

PURPOSE:

The purpose of this directive is to provide La Cooperativa Campesina de California (LCCDC) subrecipients funded with Dislocated Worker (DW) funds with guidance for establishing Workforce Innovation and Opportunity Act (WIOA) Title I program eligibility.

POLICY AND PROCEDURES:

1107 9th Street, Suite 420, Sacramento, CA 95814 - (916) 388-2220 - Fax (916) 388-2425

Jorge De Nava
Chairperson



Marco Lizarraga
Executive Director

This policy guidance is based on the WIOA legislation, U.S. Department of Labor (DOL) regulations, the WIOA Final Rules, Training and Employment Guidance Letters (TEGLs) and State of California Employment Development Department (EDD) Directives related to these programs.

Documentation and Verification Process

As part of the WIOA application process, the individual will be asked to provide documentation to verify all information required for eligibility determination. Acceptable documents that can be used to verify eligibility are listed on the “Table of Acceptable Documentation for Program Eligibility” (See Attachment).

The verification process is required by La Cooperativa, the State, and DOL to determine and record the validity of the eligibility information collected.

Second Review Process

The final step in the eligibility certification process is the second review, conducted by someone other than the person who initially determined eligibility, to ensure that eligibility was properly documented. It consists of a review of the documentation used to verify the required eligibility criteria for completeness and accuracy.

The second review must be conducted on, or prior to, the applicant's enrollment date and documented on the WIOA CalJOBS Application Form.

Documentation and Verification

WIOA does not address eligibility documentation and verification; however, the DOL has implemented source documentation requirements for data validation to ensure subrecipients maintain and report accurate program information. These source documentation requirements are listed in the Table of Acceptable Documentation for Program Eligibility attached to this directive, and are the only documentation sources subrecipients may accept in establishing WIOA program eligibility. Documentation is defined as physical evidence, which is obtained during the verification process. Such evidence includes copies of documents, documented telephone verification evidence, and/or, if no other documentation is available, a signed participant attestation (See La Cooperativa Directive No. 49-19, “Participant Self Attestation.” The definitions of these types of documentation are defined as follows:

Documentary Evidence - Official written evidence of the applicant's circumstances as issued by a governmental agency, social service organization, or business entity. Photocopies (unless expressly prohibited on the document) must be taken of all documents submitted at the time of eligibility certification and maintained in the applicant's hard copy file for subsequent monitoring reviews and/or audits by La Cooperativa, State or DOL monitors.

Telephone Verification - For cases where documentation cannot or may not be copied, and/or is not readily obtainable, documents may be inspected or information verified by telephone. A Telephone Verification may be used to document any WIOA eligibility criteria with the exception of the verification of the right-to-work in the United States. The Telephone Verification serves a dual purpose:

At a minimum, the documentation telephone verification must include the following:

- Applicant's Name
- Applicant's CalJOBS State ID Number
- Primary Eligibility Item to Be Verified
- Agency Providing Verification
- Agent Verifying Eligibility Item
- Date and Time of Verification
- Applicant/Participant Record/I.D. Number
- Phone Number of Agency Providing Verification
- Eligibility Worker's Signature and Date

Examples of agencies that may assist in verifying eligibility information via telephone are:

- Social Security Administration
- Veterans Administration
- Medical and Health Facilities
- Vocational Rehabilitation Facilities
- Drug and Alcohol Rehabilitation Facilities
- Housing Authorities
- Homeless Shelters
- Judicial Agencies and Institutions
- Employers
- Other state or local government agencies

Participant Self Attestation – Subrecipients may use an applicant's self attestation to document those items which, in some cases, are not verifiable, or which may cause undue hardship for individual applicant to obtain, as indicated in the Table of Acceptable Documentation for Program Eligibility. An applicant's self-attestation of the required eligibility information may be used only after all reasonable attempts to secure official documentation have been made and failed. A case note in CalJOBS must indicate:

- The applicant's full name
- Clear statements of the issues being documented
- Attempts made by the case manager to obtain required documentation information
- The applicant's signature

- Date signed
- Case manager's signed affidavit will serve as witness to all self-attestation documents

When using an applicant's self attestation, it is not necessary to obtain a signature from a corroborative witness, unless:

- There is doubt about the accuracy of the self-attestation, or;
- If the staff member taking the attestation decides that additional backup information is necessary, or the information appears to be contradictory to other information gathered.

Note: La Cooperativa does not allow the use of self attestation to verify the following required information:

- Authorization to work in the United States;
- Military Selective Service registration or exemption;
- Social Security Number (SSN);
- Birth date/age;
- Unemployment Insurance (UI) eligibility or exhaustion
- Receipt of cash public assistance;
- Receipt or determination of eligibility for food stamps under the Supplemental Nutrition Assistance Program (SNAP);
- Basic skills deficiency;
- Living in "high poverty area"; and
- Veteran and covered spouse status for veterans' priority.

100% Up Front Verification of Eligibility

One hundred percent (100%) up front eligibility determination is required of all WIOA participants funded by LCCDC. Verification of participant eligibility will be reviewed on the date such determination was made and the supporting data maintained in each participant's case file.

Eligibility will be verified for all funding sources that, at the time of intake, the participant has been determined eligible on the WIOA Intake and Registration Form.

Training Services Eligibility Requirements

Training services may be made available to individuals who, after a documented interview, evaluation or assessment and documented career planning have been determined eligible as a Dislocated Worker to receive WIOA training services and:

1) Are determined to be in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and

2) Have the skills and qualifications to participate successfully in training services; and

3) Have selected a program of training services that is directly linked to the employment opportunities in the local area, or in another area to which the individuals are willing to commute or relocate; and

4) Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds (e.g., Temporary Assistance for Needy Families (TANF), Trade Adjustment Assistance (TAA), and Federal Pell Grants) or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants.

Note: In determining whether a participant requires WIOA assistance in addition to other grant sources, subrecipients should take into account the full cost of participating in training services (including supportive services, dependent care and transportation costs) and other appropriate costs; and have selected an approved program of study from the State's Eligible Training Provider List (ETPL).

The case file must contain a determination of need for training services as identified through the interview, evaluation or assessment, and career planning. There is no requirement that career services be provided prior to receiving training services; however, if career services are not provided before training, the subrecipient must document the circumstances that justified its determination to provide training without first providing a career service. La Cooperativa requires that detailed case notes are entered into CalJOBS by the subrecipient to justify the provision of training services without first providing career services. An exception to any of the requirements outlined in this training services policy must be clearly documented in case notes.

Dislocated Worker Eligibility Criteria

Dislocated workers must meet the following registration criteria to move from Basic Career Services to Individualized Career Services or Training Services:

- Be 18 Years or older;
- Selective Service registration requirements;
- Provide proof of the right to work in the U.S.;
- Demonstrate need for services beyond Basic Career Services to

- achieve employment;
- If employed, the individual must meet the local self-sufficiency standards
- Veterans' priority must be considered.
- Meet the definition of a Dislocated Worker.

Dislocated Worker Categories and Criteria

The following outlines the requirements for which an individual may be defined as a Dislocated Worker:

- Terminated or laid off, or has received notice of termination or layoff, **and**
- is eligible for or has exhausted entitlement to unemployment insurance (UI) **and**
- is unlikely to return to previous industry or occupation.

- Terminated or laid off, or has received notice of termination or layoff, **and**
- has been employed for sufficient duration (based on state policy) to demonstrate workforce attachment but is not eligible for UI due to insufficient earnings, **or**
- the employer is not covered under the State UI law, **and**
- is unlikely to return to previous industry or occupation.

- Individual is terminated or laid off, or has received notice of terminating or layoff, from employment as a result of the permanent closure of or substantial layoff at a plant, facility or enterprise.

- Individual is employed at a facility at which the employer has made a general announcement that the facility will close.

- Individual was previously self-employed (including farmers, ranchers and fishermen), but is unemployed due to general economic conditions in the community of residence or because of natural disaster.

- Displaced Homemaker – An individual who has been providing unpaid services to a family member in the home and has been dependent on the income of another family member but is no longer supported by that income; or is the dependent spouse of a member of the Armed Forces or active duty and whose family income is significantly reduced because of a deployment, or a call or order to active duty, or a permanent change of situation, or the service-connected death or disability of the family member; and is unemployed or under employed and is experiencing difficulty obtaining or upgrading employment.

- National Dislocated Worker Grants (DWG): Individual does not meet criteria outlined for Dislocated Worker in categories above, but is an individual that

meets DWG eligibility outlined under WIOA Title ID National Programs, Sec. 170 National Dislocated Worker grants, relating to Sec 170(b)(1)(A) workers affected by major economic dislocations OR Sec 170(b)(1)(B) workers affected by an emergency or major disaster.

Unlikely to Return Criteria

LCCDC allows the use of any of the following considerations in defining “unlikely to return” when written documentation is available to prove that the participant:

- Worked in a declining industry or occupation, as documented on the State locally developed list of such industries or occupations, **or**
- Has had a lack of job offers as documented by the local Job Service (JS) Unemployment Insurance (UI) office, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry or occupation; **or**
- Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry or occupation, as documented through the assessment of the client’s educational achievement levels, testing, or other suitable means; **or**
- Has physical or other problems which would preclude reentry into the former industry or occupation, as documented by a physician/other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor); **or**
- Has a poor employment history indicating a reduced capacity or ability to be re-employed in the former industry or occupation. Documentation to verify poor employment history may include, but is not limited to, proof that:
 - Employment has been limited to one or more part-time (20 hours per week or less), or short-term (four months or less), jobs within the prior year, which were for the purpose of income maintenance rather than a career path (i.e., employment in “dead end” jobs, which would not prepare the customer for permanent reemployment in the previous industry or occupation);
 - Unemployment insurance and/or public assistance receipt in the prior year, with little or no employment in interim periods, indicating a poor work history; or
 - Terminated or laid-off due to mechanization, which is defined as “to do or operate by machinery, not by hand;” or
 - A natural disaster that results in lost wages for equal to or greater than 60 days; or

- The former industry or occupation has depressed local labor market conditions due to one or more of the following:
 - ❖ Changing seasonal employment patterns; **or**
 - ❖ Effects of extreme or unusual weather patterns.
- Determination by a Subrecipient staff that an individual's likelihood of returning to their previous industry or occupation is unlikely due to circumstances that cause significant barriers to employment. Barriers to employment include:
 - Offender
 - High school dropout
 - Homeless
 - Cultural or language barrier
 - Older worker (55+)
 - Basic skills deficient
 - Lack of necessary skills to become reemployed due to the current requirements of the industry or occupation (to be identified by an assessment of the individual's current skills and abilities and compared to current labor market demands, or rejection letters from employers for lack of necessary skills)

Unlikely to Return – Farmworkers and Other Seasonal Workers

Farmworkers or individuals who worked seasonally can be considered unlikely to return to work in a previous industry or occupation for a variety of reasons such as:

- Change in family situation that requires higher income;
- Disability that precludes returning to the same occupation;
- Natural disaster that results in lost wages;
- Loss of agricultural land;
- Economic conditions that resulted from extreme or unusual weather patterns and agricultural market downturns;
- Permanent closures or a substantial layoff from agricultural enterprises and facilities such as packaging, canneries or farming;
- Mechanization; or
- Any significant variance to normal seasonal employment patterns, resulting in uncertain return-to work dates.

Subrecipients may use one of the rationales listed above to indicate that the farmworker or individual who worked seasonally is unlikely to return to their previous industry or occupation. As with all documentation, if there is no documentary evidence from an official source, document the failed attempts to obtain the documents and then an applicant attestation may be used.

Employed Dislocated Worker Self-Sufficiency Guidelines

For an employed individual to be enrolled as a Dislocated Worker, LCCDC requires the following self-sufficiency conditions to be met:

- (1) The person meets the definition of a dislocated worker;
- (2) Is currently employed; AND,
- (3) Is earning 70% or less of his/her pre-dislocation wage.

Requirements for Agricultural Dislocated Worker with a Disability

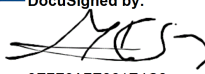
- Participants must meet all eligibility requirements established under the WIOA Dislocated Workers program, and;
- The individual states they have a physical or mental impairment that substantially limits one or more of the major life activities. The individual's statement is sufficient. Because of specific confidentiality requirements with respect to medical information, medical records should not be requested to validate the individual's statement.
- The individual is in need of re-training and assistance due to the injuries that prohibit them to continue in their current agricultural related fields.
- To support this eligibility requirement, subrecipients must ensure that a signed statement from the participant is obtained. All documentation certifying eligibility must be maintained in the participants' case files.

ACTION:

LCCDC and its subrecipient shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

INQUIRIES:

Inquiries should be addressed to Marina Tapia at 916-388-2224.

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Marco Lizarraga
Executive Director

Attachment

ATTACHMENT**TABLE OF ACCEPTABLE DOCUMENTATION FOR PROGRAM ELIGIBILITY**

The matrix below provides an overview of program training eligibility criteria and documentation requirements. The requirements in this matrix outline eligibility criteria and related documents, however, there may be requirements beyond the eligibility documentation requirements described in this matrix. Subrecipients must use their judgment when using documents listed to ensure the document used proves the eligibility criteria and that all other enrollment and eligibility requirements have been met.

Criteria	Documentation Requirement	Self Attestation
Citizen/Legally Entitled to Work in the US	<ul style="list-style-type: none"> Accepted I-9 Documentation, such as: driver's license/ID card along with Social Security card 	No
Age	Date of Birth: <ul style="list-style-type: none"> Driver's license Baptismal record Birth certificate DD-214 Report of Transfer or Discharge paper Federal, state or local ID card Passport Hospital record of birth Public assistance/social service records Work permit Cross match with Department of Vital Statistics (Department of Health's Center for Health Statistics) 	No
Selective Service Registration	<ul style="list-style-type: none"> Selective Service acknowledgement letter Form DD-214 "Report of Separation" Screen printout of the Selective Service Verification site Selective Service Registration Card Selective Service Verification (Form 3A) Stamped Post Office Receipt of Registration 	No
Dislocated Worker Program	Date of Actual Qualifying Dislocation: <ul style="list-style-type: none"> Self-attestation Verification from employer Rapid Response list Notice of layoff Public announcement with cross-match with UI record Displaced Homemaker: <ul style="list-style-type: none"> Self-attestation 	Yes

	<ul style="list-style-type: none">• Public assistance records• Court records• Divorce Papers• Bank records• Spouse's layoff notice• Spouse's death record	
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