

**DIRECTIVE**  
WORKFORCE INVESTMENT ACT

Number: WIAD04-18

Date: March 29, 2005

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TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: TITLE I ELIGIBILITY

**EXECUTIVE SUMMARY:**

**Purpose:**

This directive provides updated requirements and technical assistance to California's workforce investment areas about determining applicant eligibility to participate in the Workforce Investment Act's (WIA) Title I-B adult, dislocated worker, and youth programs.

Changes to the Technical Assistance Guide (TAG) are briefly enumerated below in the Policy and Procedures portion of this directive.

**Scope:**

The requirements in this directive apply to Local Workforce Investment Areas (LWIA) and subrecipients responsible for determining the eligibility of applicants for Title I-B adult, dislocated worker, and youth activities.

**Effective Date:**

This directive is effective immediately.

**REFERENCES:**

- WIA of 1998; Title I: Workforce Investment System
- Jobs for Veterans Act (P.L. 107-288)
- Title 20 Code of Federal Regulations (CFR) Part 652, et al.
- Training and Employment Guidance Letter (TEGL) 8-98, Selective Service Registration (November 4, 1988)
- TEGL 5-03, Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act (September 16, 2003)

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**STATE-IMPOSED REQUIREMENTS:**

By the authority provided to State and local governments to establish their own policies, interpretations, guidelines and definitions (Title 20 CFR Section 661.120), this directive and its accompanying TAG contain State-imposed requirements, which are printed in ***bold, italic type***.

**FILING INSTRUCTIONS:**

This directive supersedes WIA Directive WIAD03-5, dated July 31, 2003, and finalizes WIA Draft Directive WIADD-84, issued for comment on December 15, 2004. Retain this directive until further notice.

**BACKGROUND:**

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

**POLICY AND PROCEDURES:**

The following changes have been made to the State's Eligibility TAG:

1. General guidance on implementing the veterans' priority of services provision of the *Jobs for Veterans Act* is incorporated.
2. Requirement to develop local policy and procedures to verify expired legal status or work authorization documents is added.
3. TEGL 5-03 is added as *Attachment 4*.

The LWIAs have opted for a variety of ways to comply with the State's requirement to make their policies, procedures, interpretations, guidance, and definitions available to all front line staff responsible for determining eligibility. The TAG was formatted to allow local areas to use form fields to incorporate their policies, procedures, interpretations, guidance, and definitions; however, that does not preclude other possibilities for locally releasing State and local eligibility guidance.

***The LWIAs shall review the TAG carefully and review their WIA eligibility policies, procedures, interpretations, guidance, and definitions to assure that they comply with the requirements of the TAG.*** The following are some of the major items contained in the TAG:

- ***The LWIAs are required to develop local policies, procedures, interpretations, guidance and definitions related to eligibility.***

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- ***Local policy must be revised to comply with any future federal or State requirements.***
- ***State and local policies, procedures, interpretations, guidance, and definitions included within the TAG must be communicated and implemented within the local area.***
- ***In accordance with the provisions of the TAG, LWIAs are responsible for ensuring that adequate documentation (including applicant statements) is contained in their participant case files to minimize the risk of disallowed costs.***

## **ACTION:**

Bring this directive to the attention of all appropriate staff and all subrecipients. ***Ensure that the content of the TAG, including your LWIA's policies, procedures, interpretations, guidance, and definitions are available to all front line staff responsible for determining eligibility.***

## **INQUIRIES:**

Please direct all inquiries about this directive to Georganne Pintar Baldwin, Local Policy Guidance Unit Manager, at (916) 654-7611.

/S/ BOB HERMSMEIER  
Chief  
Workforce Investment Division

Attachment is available on the Internet:

WIA Eligibility Technical Assistance Guide ([PDF](#)) [263k] ([MS Word](#)) [425k]