



**POLICY ISSUANCE 2021-13**

**Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker Program  
Eligibility | October 4, 2021**

- TO:** Maryland Department of Labor (MD Labor) Division of Workforce Development and Adult Learning (DWDAL) staff and Local Workforce Development Area (Local Area) Directors;
- FROM:** MD Labor, DWDAL
- SUBJECT:** Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated worker Program Eligibility
- PURPOSE:** To provide comprehensive policy guidance on the Workforce Innovation and Opportunity Act (WIOA) Title I Program Eligibility
- ACTION:** The following entities will ensure that all employees are aware of and receive copies of this policy: Local Area Directors; American Job Center Labor Exchange Administrators; DWDAL and central office managers. WIOA policies are available [on the MD Labor website](#).
- EXPIRATION:** Until cancelled and replaced
- QUESTIONS:**

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**CANCELLATIONS**

The following are hereby **cancelled and replaced** by this policy issuance:

- Policy Issuance 2018-06, “Workforce Innovation and Opportunity Act (WIOA) Title I Program Eligibility,” dated August 21, 2018 and
- Policy Issuance 2013-05, “Priority of Service for Low Income Individuals”.

Archived policies are available at: <http://www.labor.maryland.gov/employment/wifi/>.

# GENERAL INFORMATION

## WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014, and went into effect July 1, 2015. WIOA supersedes the Workforce Investment Act of 1998 (WIA) and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. To help both businesses and job seekers meet their needs, the workforce system established under WIOA is integrated by design. WIOA envisions connecting businesses with job seekers, through meaningful partnerships among workforce, education, human services, and economic development entities which ensure optimum results and leveraging of resources. The law addresses the needs of job seekers through establishing a workforce system that helps them access employment, education, training, and supportive services to succeed in the labor market. Through American Job Centers,<sup>1</sup> WIOA works to address employer needs by matching them to the necessary skilled workers to compete in the global economy. This policy outlines the eligibility requirements for the WIOA Title I: Adult, Dislocated Worker, and Youth Programs.

## WIOA TITLE I PROGRAM IN MARYLAND

The Maryland Department of Labor Division of Workforce Development and Adult Learning (MD Labor DWDAL) oversees the WIOA Title I program, and the program is administered by the Local Workforce Development Areas (Local Areas). WIOA Title I includes workforce development activities and authorizes job training and related services to unemployed and underemployed individuals.

WIOA Title I program offerings include the:

- A. Adult Program,
- B. Dislocated Worker Program, and
- C. Youth Program.

This policy issuance covers eligibility criteria and documentation for the WIOA Title I Adult and Dislocated Worker Programs. DWDAL's WIOA Title I Youth Program policy can be found at:

<http://www.labor.maryland.gov/employment/mpi/>.

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<sup>1</sup> 20 CFR 678.900 designates the name "American Job Center" as the common identifier for the one-stop delivery system.

# **PARTICIPANT ELIGIBILITY CRITERIA FOR WIOA TITLE I ADULT AND DISLOCATED WORKER PROGRAMS**

The following sections outline the participant eligibility requirements for each WIOA Title I Adult and Dislocated Worker programs.

## **ADULT PROGRAM**

To participate in the WIOA Adult Program, an individual must meet the following eligibility requirements:

- A. 18 years of age or older;
- B. United States (U.S.) citizen or non-citizen authorized to work in the U.S.; and
- C. Meet Military Selective Service registration, if applicable.<sup>2</sup>

## **WIOA Target Populations & Priority of Service**

For WIOA Title I Adult Program employment and training services, Local Areas must provide Priority of Service to individuals in the following target populations, in accordance with WIOA, Maryland’s State Plan,<sup>3</sup> and their approved Local Plan:<sup>4</sup>

<b>Target Populations: Individuals with Barriers to Employment</b>
Displaced Homemakers
Eligible migrant and seasonal farmworkers
Ex-offenders
Homeless individuals
Individuals facing substantial cultural barriers
Individuals with disabilities, including youth with disabilities
Individuals within two years of exhausting lifetime eligibility under Part A of the Social Security Act
Individuals who are English language learners
Individuals who are unemployed, including the long-term unemployed
Individuals who have low levels of literacy
Individuals without a High School Diploma
Low income individuals (including Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) recipients)
Native Americans, Alaskan Natives, and Native Hawaiians
Older individuals
Single parents (including single pregnant women and non-custodial parents)
Veterans
Youth who are in or have aged out of the foster care system

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<sup>2</sup> Certain individuals may be exempt from Selective Service. Local Areas must have a process in place for documenting exceptions.

<sup>3</sup> The State Plan can be found here: <http://www.labor.maryland.gov/wdplan/wdstateplan.pdf>.

<sup>4</sup> Current and archived Local Plans can be found here: <http://www.labor.maryland.gov/wdplan/wioalocalplans.shtml>.

Maryland is committed to ensuring its target populations are able to access the WIOA system on a priority basis. According to [Training and Employment Guidance Letter \(TEGL\) 7-20](#), priority must be provided in the following order:

<b>Priority of Service for the WIOA Title I Adult Program</b>	
<b>First Priority</b>	Veterans and eligible spouses who are included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient receive first priority for services with WIOA Adult formula funds for individualized career services and training services.
<b>Second Priority</b>	Non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.
<b>Third Priority</b>	Veterans and eligible spouses who are not included in WIOA's priority groups.
<b>Fourth Priority</b>	Priority populations established by the Governor's Workforce Development Board and/or Local Workforce Development Board.
<b>Fifth Priority</b>	Non-covered persons outside the groups given priority under WIOA.

In addition to veterans and their eligible spouses, TEGL 7-20 specifies that at least 75 percent of a State's participants receiving individualized career and training services in the Adult program are from at least one of the following priority groups: recipients of public assistance, individuals who are basic skills deficient, or those who are low income. (TEGL 7-20 specifies that at least 75 percent of a State's participants receiving individualized career and training services in the Adult program are from the first and second priorities.)

## **DISLOCATED WORKER PROGRAM**

To participate in the WIOA Dislocated Worker Program, an individual must meet the definition of a Dislocated Worker. According to WIOA, a Dislocated Worker must:

- A. Be a U.S. citizen or authorized to work in the U.S.;
- B. Meet Military Selective Service Registration, if applicable;<sup>5</sup> and
- C. Meet the definition in WIOA Section 3(15):
  1. (i) Has been terminated or laid off, or has received a notice of termination or layoff, from employment; (ii)(I) Is eligible for or has exhausted entitlement to unemployment compensation; or (II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and (iii) Is unlikely to return to a previous industry or occupation;

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<sup>5</sup> Certain individuals may be exempt from Selective Service. Local Areas must have a process in place for documenting exceptions.

2. (i) Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;  
(ii) Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or  
(iii) For purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
3. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or,
4. Is a displaced homemaker; or
5. (i) Is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or  
(ii) is the spouse of member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

# SOURCE DOCUMENTATION FOR WIOA TITLE I PROGRAMS

## SELF-ATTESTATION

There are circumstances that may warrant self-attestation, as detailed below. Self-attestations are not to be used as the primary method of verifying data elements. Self-attestation should only be used when the preferred options of paper documentation or third party corroboration are not available. Self-attestation occurs when a participant states their status for a particular data element, such as “pregnant or parenting youth,” and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) the participant identifying their status for permitted criteria and (b) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the State management information system, with an electronic signature. Local Areas’ policies should indicate whether self-attestation is conducted on physical forms or electronically. See *Attachment A – Sample Self-Attestation Form* for an optional form for Local Areas to use in documenting self-attestations.<sup>6</sup>

## PARTICIPANT FILE CASE RECORDS FOR WIOA TITLE I PROGRAMS

Local Area and other grantee staff must develop an adequate organization system to ensure that the information contained in participant<sup>7</sup> records is well documented, protected, consistent, accessible, and accurate from the point of program registration to the point of exit.<sup>8</sup> Case notes refer to either paper or electronic statements by the case manager that identify, at a minimum, the following: (a) a participant's status for a specific data element, (b) the date on which the information was obtained, and (c) the case manager who obtained the information. Case notes must tell a story regarding all services that are received. Supervisors and directors must ensure that all staff document case notes in both the Maryland Workforce Exchange (MWE) and individual participant files. Examples of a needs assessment could be an intake form or an objective assessment. Local Areas must upload documentation or include images of the documentation in the MWE if they use electronic record management. Local Areas that use only electronic records, and no physical case files, should note that in local policy and procedures. All records, both electronic and physical, must be maintained in accordance with [TEGL 39-11](#) and DWDAL’s policy concerning privacy and data security<sup>9</sup> to maintain confidentiality and protect Personally Identifiable Information (PII). PII is participant-level and employee data that either by itself, or when combined with other data, can link to a specific individual or identity.

When determining eligibility, staff are encouraged to document all barriers to employment that an individual discloses. This information is key to the determination of local performance metrics and ultimately the negotiation of local performance goals. It also helps to determine Priority of Service and provides an accurate understanding of the customers served through Maryland’s workforce system.

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<sup>6</sup> Local Areas that use a Self-Attestation Form will need to translate the form into the languages indicated as applicable to that Local Area in the DWDAL Language Access Plan. The Self-Attestation Form is a “vital document.” The DWDAL and Division of Unemployment Insurance Language Access Plan is available at the following link:

<http://www.labor.maryland.gov/employment/wioa-access.pdf>.

<sup>7</sup> A “participant” is an individual engaged in a core program beyond self-service or information-only services. A “youth participant” is a reportable individual when they have satisfied all applicable program requirements for the provision of services, including eligibility determination, an objective assessment, and development of an individual service strategy, and received 1 of the 14 WIOA youth program elements identified in sec. 129(c)(2) of WIOA.

<sup>8</sup> The “point of exit” refers to the last date a participant received services, not including self-service, information only, or follow up services, where no future services are scheduled. These services are not counted in the measurement of 90 calendar days of “no service”. An exiter may access the system and receive services assigned by the system.

<sup>9</sup> DWDAL’s current and archived policies are available at the following link:

<http://www.labor.maryland.gov/employment/mpi/>.

The following chart details the acceptable source documentation for each eligibility criterion.

## GENERAL PROGRAM ELIGIBILITY

Criteria	Acceptable Documentation
<p><b>Citizen or Authorized to Work in the U.S.</b></p> <p>Per <a href="#">TEGL 02-14</a>, Deferred Action for Childhood Arrivals (DACA) individuals are considered to be “immigrants authorized by the Attorney General to work in the United States.” Therefore, DACA participants with employment authorization may access any WIOA services for which they otherwise would qualify.</p>	<ul style="list-style-type: none"> <li>A. Alien Registration Card indicating Right to Work               <ul style="list-style-type: none"> <li>1. Department of Human Services (DHS)/U.S. Citizenship and Immigration Services (USCIS) Forms I-551 (Permanent Resident Card or Alien Registration Receipt Card),</li> <li>2. I-94 (Departure/Arrival Record),</li> <li>3. I-94A,</li> <li>4. I-197 (U.S. Citizen I.D. Card),</li> <li>5. I-179 (Identification Card for Use of Resident Citizen in the U.S.), or</li> <li>6. I-766 (Employment Authorization Document);<sup>10</sup></li> </ul> </li> <li>B. Baptismal Certificate (If place of birth is shown);</li> <li>C. Birth Certificate;</li> <li>D. DD-214, Report of Transfer or Discharge (If place of birth is shown);</li> <li>E. SNAP records;</li> <li>F. Foreign Passport Stamped Eligible to Work (Unexpired);</li> <li>G. Hospital Record of Birth;</li> <li>H. Naturalization Certificate;</li> <li>I. Public Assistance Records;</li> <li>J. U.S. Passport or U.S. Passport Card (Unexpired);</li> <li>K. Native American Tribal Document;</li> <li>L. Voter Notification Card; or</li> <li>M. Consular Report of Birth Abroad.</li> </ul>
<p><b>Selective Service Registrant<sup>11</sup></b></p>	<ul style="list-style-type: none"> <li>A. Selective Service Acknowledgement Letter;</li> <li>B. Form DD-214 “Report of Separation”;</li> </ul>

<sup>10</sup> Starting in January 2021, USCIS will replace the sticker that is currently issued to lawful permanent residents (LPRs) to extend the validity of their Form I-551, Permanent Resident Card (PRC or “Green Card”), with a revised Form I-797, Notice of Action. LPRs file Form I-90, Application to Replace Permanent Resident Card, when their Green Cards expire or are about to expire. The revised Form I-797 notice will serve as a receipt notice for the Form I-90. When presented together with the Green Card, the revised Form I-797 notice will extend the Green Card’s validity for 12 months from the date on the front of the Green Card and will serve as temporary proof of the LPR’s status.

<sup>11</sup> The law requires virtually all male U.S. citizens and male immigrants residing in the U.S. to register within 30 calendar days of their 18th birthday. Therefore, to be in compliance with the law, a man turning 18 is required to register during the period of time beginning 30 days before, until 30 days after his 18th birthday. Selective Service can accept a late registration, but not after a man has reached his 26th birthday. Certain limited exemptions exist and, in those instances, documentation for selective service exemption would suffice. See the [Select Service System for more information](#).



	<ul style="list-style-type: none"> <li>C. Screen printout of the <a href="#">Selective Service Verification site</a>,<sup>12</sup></li> <li>D. Selective Service Registration Card;</li> <li>E. Selective Service Verification Form (Form 3A); or</li> <li>F. Stamped Post Office Receipt of Registration.</li> </ul>
<b>Age/Birth Date</b>	<ul style="list-style-type: none"> <li>A. Driver's License (current, not expired);</li> <li>B. Baptismal Record;</li> <li>C. Birth Certificate;</li> <li>D. DD-214;</li> <li>E. Report of Transfer or Discharge Paper;</li> <li>F. Federal, State, or Local Identification Card;</li> <li>G. Passport;</li> <li>H. Hospital Record of Birth;</li> <li>I. Public Assistance/Social Security Records;</li> <li>J. School Records or ID Cards;</li> <li>K. Work Permit; or</li> <li>L. Family Bible.</li> </ul>
<b>Social Security Number (SSN)<sup>13</sup></b>	<ul style="list-style-type: none"> <li>A. Social Security Card;</li> <li>B. Passport;</li> <li>C. Military ID;</li> <li>D. Other Federal or State ID with SSN;</li> <li>E. DD-214, Report of Transfer or Discharge (if SSN is listed);</li> <li>F. Employment records (if SSN is listed);</li> <li>G. Internal Revenue Service (IRS) Form Letter 1722;</li> <li>H. Pay stub (if SSN is listed);</li> <li>I. W-2 Form; or</li> <li>J. Cross-match with Unemployment Insurance (UI) records.</li> </ul>

<sup>12</sup> For males who have already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and the date of birth.

<sup>13</sup> Per [TEGL 5-08](#), local grantees should request a Social Security number from all applicants to aid in performance reporting, but services cannot be denied to anyone for refusing to furnish a Social Security number when their citizenship/alien status can be documented via other means.

## WIOA TITLE I ADULT PROGRAM – PRIORITY POPULATIONS

Criteria	Acceptable Documentation
<p><b>Displaced Homemaker</b></p> <p>An individual who has been providing unpaid services to family members in the home and who:</p> <p>(A) (i) has been dependent on the income of another family member but is no longer supported by that income; or (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and</p> <p>(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.</p>	<ul style="list-style-type: none"> <li>A. Signed Intake Application or Enrollment Form;<sup>14</sup></li> <li>B. Cross-Match with Public Assistance Records;</li> <li>C. Copy of Spouse’s Layoff Notice;</li> <li>D. Copy of Spouse’s Death Certificate;</li> <li>E. Copy of Spouse’s Permanent Change of Station (PCS) Orders (for a military move or assignment);</li> <li>F. Copy of Divorce Records;</li> <li>G. Copy of Applicable Court Records;</li> <li>H. Copy of Bank Records (showing financial dependence on spouse, no separate individual income support, or no employment income earned);</li> <li>I. Needs Assessment;</li> <li>J. Signed Individual Employment Plan; or</li> <li>K. Self-Attestation.</li> </ul>
<p><b>Eligible Migrant and Seasonal Farmworker</b></p> <p>Eligible Migrant and Seasonal Farmworkers – The term “eligible migrant and seasonal farmworkers” means individuals who are eligible migrant farmworkers or are eligible seasonal farmworkers.</p> <p>Eligible Migrant Farmworkers – The term “eligible migrant farmworker” means</p> <p>(A) an eligible seasonal farmworker whose agricultural labor requires travel to a job site such the farmworker is unable to return to a permanent place of residence within the same day; and</p> <p>(B) a dependent of the farmworker.</p> <p>Eligible Seasonal Farmworker – The term “eligible seasonal farmworker” means</p> <p>(A) a low-income individual who (i) for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and (ii) faces multiple barriers to economic self-sufficiency; and</p> <p>(B) a dependent of the person.</p>	<ul style="list-style-type: none"> <li>A. Case Notes;</li> <li>B. Cross-Match with Public Assistance Records;</li> <li>C. National Farmworker Jobs Program (NFJP) Eligibility Documentation;</li> <li>D. Cross-Match with State Management Information System (MIS); or</li> <li>E. Self-Attestation.</li> </ul>

<sup>14</sup> Also called a “WIOA Intake or Registration Form.”

<p><b>Ex-Offender</b></p> <p>An adult or juvenile—  (A) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or  (B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction for committing delinquent acts, such as crimes against persons, crimes against property, statute offences, or other crimes.</p>	<ul style="list-style-type: none"> <li>A. Case Notes;</li> <li>B. Documentation from the Juvenile or Adult Criminal Justice System;</li> <li>C. Written Statement or Referral Document from a Court or Probation Officer;</li> <li>D. Referral Transmittal from a Reintegration Agency;</li> <li>E. Signed Intake Application or Enrollment Form;</li> <li>F. Needs Assessment;</li> <li>G. Signed Individual Service Strategy;</li> <li>H. Federal Bonding Program Application; or</li> <li>I. Self-Attestation.</li> </ul>
<p><b>Homeless Individual</b></p> <p>An individual who lacks a fixed, regular, and adequate nighttime residence; and includes—  (i) an individual who—(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; (II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations; (III) is living in an emergency or transitional shelter; (IV) is abandoned in a hospital; or (V) is awaiting foster care placement;  (ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or  (iii) migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399) who qualify as homeless under this section because the children are living in circumstances described in this paragraph.</p>	<ul style="list-style-type: none"> <li>A. Case Notes;</li> <li>B. Signed Intake Application or Enrollment Form;</li> <li>C. Written Statement or Referral Transmittal from a Shelter or Social Service Agency;</li> <li>D. Needs Assessment;</li> <li>E. Signed Individual Service Strategy;</li> <li>F. A letter from caseworker to support provider; or</li> <li>G. Self-Attestation.</li> </ul>
<p><b>Individual facing substantial cultural barriers</b></p> <p>“Cultural barriers” are barriers that exist when a participant perceives themselves as possessing attitudes, beliefs, customs or practices that influence a way of thinking, acting or working that may serve as a hindrance to employment.</p>	<ul style="list-style-type: none"> <li>A. Signed Intake Application or Enrollment Form or</li> <li>B. Self-Attestation.</li> </ul>
<p><b>Individual with a disability</b></p> <p>An individual with:  (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;  (B) a record of such an impairment; or  (C) being regarded as having such an impairment (as described in the Americans with Disabilities Act § 12102 (3)).</p>	<ul style="list-style-type: none"> <li>A. School 504 Records Provided by the Student or</li> <li>B. Self-Attestation.</li> </ul>
<p><b>Individual within two years of exhausting lifetime eligibility under Part A of the Social Security Act</b></p>	<ul style="list-style-type: none"> <li>A. TANF Eligibility Verification</li> <li>B. TANF Period of Benefit Receipt Verification</li> <li>C. Referral Transmittal from TANF</li> </ul>

<p>This refers to the Temporary Assistance for Needy Families (TANF) program. Each State defines lifetime eligibility for TANF. In Maryland, individuals can receive TANF benefits for up to five years. If individuals reach year four and five of receipt of TANF benefits, these individuals become a targeted population according to WIOA, irrespective of the fact that after year five, individuals may continue to receive TANF benefits due to hardship.</p>	<p>D. Cross-Match with TANF Public Assistance Records</p>
<p><b>Individual who is an English Language Learner</b></p> <p>An eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and:</p> <p>(A) whose native language is a language other than English; or</p> <p>(B) who lives in a family or community environment where a language other than English is the dominant language.</p>	<p>A. Case Notes;  B. Assessment Test Results;  C. Applicable Records from Education Institution (transcripts or other school documents);  D. Signed Intake Application or Enrollment Form;  E. Signed Individual Service Strategy;<sup>15</sup> or  F. Self-Attestation.</p>
<p><b>Individual who is unemployed</b></p> <p>An individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.</p>	<p>A. Public Assistance Records;  B. Refugee Assistance Records;  C. Cross-Match with Public Assistance Database;  D. Cross-match to State UI Database;<sup>16</sup> or  E. Self-Attestation.</p>
<p><b>Individual who has low levels of literacy</b></p> <p>Basic Skills Deficient/ Low Levels of Literacy- With respect to an individual:</p> <p>(A) Who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or,</p> <p>(B) Who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.</p>	<p>A. Case Notes;  B. National Reporting System (NRS) Approved Assessment Test Results;<sup>17</sup> or  C. Applicable Records from Education Institution (transcripts or other school documentation).</p>
<p><b>Individual without a High School Diploma</b></p>	<p>A. Cross-Match with Postsecondary Education Database;  B. Copy of Educational Institution Enrollment Record;</p>

<sup>15</sup> Local Areas may also use an Individual Employment Plan to verify that an individual is an English Language Learner if written in their local policy and procedures.

<sup>16</sup> There are several places in BEACON where staff can obtain evidence regarding whether a claimant is unemployed. Staff's access to these functions will depend on their security role in BEACON. Local Areas may refer to MD Labor Division of Unemployment Insurance’s handbook “Claimant Services 101: Account Maintenance” for more information on where to find relevant eligibility data in the BEACON platform.

<sup>17</sup> See DWDAL’s policy on assessments for more information at: <http://www.labor.maryland.gov/employment/mpi/>.

	<ul style="list-style-type: none"> <li>C. Applicable Records for Education Institution (attendance record, transcripts, report card, or school documentation);</li> <li>D. Signed Intake Application or Enrollment Form;</li> <li>E. Electronic Records;<sup>18</sup> or</li> <li>F. Self-Attestation.</li> </ul>
<p><b>Low income individual</b></p> <p>An individual who—</p> <ul style="list-style-type: none"> <li>(i) Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through SNAP established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for TANF program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;</li> <li>(ii) is in a family with total family income that does not exceed the higher of—(I)the poverty line; or (II) 70 percent of the Lower Living Standard Income Level;</li> <li>(iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 H. R. 803—12 (42 U.S.C. 14043e– 2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));</li> <li>(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C.1751 et seq.);</li> <li>(v) is a foster child on behalf of whom State or local government payments are made; or</li> <li>(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.</li> </ul>	<ul style="list-style-type: none"> <li>A. Award Letter from Veteran’s Administration;</li> <li>B. Bank Statements;</li> <li>C. Pay Stubs;</li> <li>D. Compensation Award Letter;</li> <li>E. Court Award Letter;</li> <li>F. Pension Statement;</li> <li>G. Employer Statement/Contract;</li> <li>H. Family or Business Financial Records;</li> <li>I. Housing Authority Verification;</li> <li>J. Quarterly Estimated Tax for Self-Employed Persons;</li> <li>K. Social Security Benefits;</li> <li>L. UI Claim Documents;</li> <li>M. Copy of Authorization to Receive Cash Public Assistance;</li> <li>N. Copy of Public Assistance Check;</li> <li>O. Public Assistance Eligibility Verification;</li> <li>P. Cross-Match with Refugee Assistance Records;</li> <li>Q. Cross-Match with Public Assistance Records;</li> <li>R. Cross-Match with UI Wage Records; or</li> <li>S. Self-Attestation.</li> </ul> <p>The following documentation is considered acceptable when documenting family size in relation to low-income status: Applicant statement; birth certificate; court/divorce decree; landlord statement; lease; marriage certificate; medical card; most recent tax return supported by IRS Documents (i.e., Form Letter 1722); Public assistance/Social Service Agency records; Public housing authority (if resident of or on waiting list); Written statement from publicly supported 24 hour care facility or institution.</p>
<p><b>Native American, Alaskan Native, and Native Hawaiian</b></p>	<ul style="list-style-type: none"> <li>A. Signed Intake Application or Enrollment Form.</li> </ul>
<p><b>Older Individual</b></p> <p>An individual age 55 or older.</p>	<ul style="list-style-type: none"> <li>A. Driver’s License;</li> <li>B. Baptismal Record;</li> <li>C. Birth Certificate;</li> <li>D. DD-214;</li> <li>E. Report of Transfer or Discharge Paper;</li> <li>F. Federal, State, or Local Identification Card;</li> <li>G. Passport;</li> <li>H. Hospital Record of Birth;</li> </ul>

<sup>18</sup> Electronic records are participant records created, stored or transferred in a form that only a computer can process and maintained in the State's management information system. Records can be numeric, graphic, or text. They can also include magnetic storage media such as tapes or disks.

	<ul style="list-style-type: none"> <li>I. Public Assistance/Social Security Records;</li> <li>J. School Records or ID Cards;</li> <li>K. Work Permit; or</li> <li>L. Family Bible.</li> </ul>
<p><b>Single parent (including single pregnant women and non-custodial parents)</b></p>	<ul style="list-style-type: none"> <li>A. Case Notes;</li> <li>B. TANF Single Parent Eligibility Verification;</li> <li>C. Needs Assessment;</li> <li>D. Signed Intake Application or Enrollment Form;</li> <li>E. Signed Individual Service Strategy or Employment Plan; or</li> <li>F. Self-Attestation.</li> </ul>
<p><b>Veteran</b></p> <p>A person who served in any branch of the armed and who was discharged or released therefrom under conditions other than dishonorable.</p> <p>Note: Contact the DWDAL Veterans Program Manager, LeRoy Thomas, at <a href="mailto:leroy.thomas@maryland.gov">leroy.thomas@maryland.gov</a> for any questions related to veterans and eligible spouses.</p>	<ul style="list-style-type: none"> <li>A. DD-214;</li> <li>B. Cross-Match with Department of Defense Records;</li> <li>C. Cross-Match with Veterans Service Database; or</li> <li>D. A Letter from the Veterans' Administration.</li> </ul>
<p><b>Youth who is in or who has aged out of the foster care system</b></p> <p>An individual is eligible to participate as a foster care recipient if that individual was placed in an out-of-home placement by the Maryland Department of Human Services (DHS) and either:</p> <p>(1) Resided in an out-of-home placement on the individual's 18th birthday or at the time the individual graduated from high school or successfully obtained a high school diploma;</p> <p>(2) Resided in an out-of-home placement on the individual's 13th birthday and was placed into guardianship or adopted out of an out-of-home placement after the individual's 13th birthday; or,</p> <p>(3) Resided in an out-of-home placement in the State for at least one year on or after the individual's 13th birthday and returned to live with the individual's parents after the out-of-home placement ended.</p> <p>An individual is also considered an eligible foster care recipient if that individual is a younger sibling of a foster care recipient who is eligible, so long as the younger sibling exited foster care through a concurrent placement into guardianship or adoption by the guardian or adoptive family.</p>	<ul style="list-style-type: none"> <li>A. Case Notes;</li> <li>B. Signed Intake Application or Enrollment Form;</li> <li>C. Written Statement or Referral Transmittal from a Shelter or Social Service Agency;</li> <li>D. Needs Assessment;</li> <li>E. Signed Individual Service Strategy;</li> <li>F. A letter from caseworker or support provider; or</li> <li>G. Self-Attestation.</li> </ul>

## WIOA TITLE I DISLOCATED WORKER PROGRAM

Criteria	Acceptable Documentation
(A)(1) Terminated or laid off or has received a notice of termination or layoff from employment	<ul style="list-style-type: none"> <li>A. Verification from Employer;</li> <li>B. Rapid Response List;</li> <li>C. Notice of Layoff;</li> <li>D. Public Announcement with Follow-Up Cross-Match with UI Database; or</li> <li>E. Self-Attestation.</li> </ul>
(ii)(I) Is eligible for or has exhausted entitlement to UI; OR (II) has been employed for a duration sufficient to demonstrate to the appropriate entity at a one-stop venter referred to in section 121(e), attachment to the workforce, but is not eligible for UI due to insufficient earning or having performed services for an employer that were not covered under a State UI law	<ul style="list-style-type: none"> <li>A. Cross-Match to State UI Database;</li> <li>B. Cross-Match to State MIS Database;</li> <li>C. Referral Transmittal by RESEA or WPRS; or</li> <li>D. Self-Attestation.<sup>19</sup></li> </ul>
(iii) is unlikely to return to a previous industry or occupation	<ul style="list-style-type: none"> <li>A. Current Labor Market Information (LMI) showing occupations and/or industries in decline;</li> <li>B. Printout of State or local LMI data;</li> <li>C. Printout from O*Net;</li> <li>D. Case notes documenting “unlikely to return to a previous industry or occupation”.</li> </ul>
(B)(i) Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at a plant, facility, or enterprise (ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days (iii) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close	<ul style="list-style-type: none"> <li>A. Verification from Employer;</li> <li>B. Rapid Response List;</li> <li>C. Notice of Layoff;</li> <li>D. Public Announcement with Follow-Up Cross-Match with UI Database; or</li> <li>E. Self-Attestation.</li> </ul>
(C) Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters	<ul style="list-style-type: none"> <li>A. Evidence of failure of business supplier or business customer;</li> <li>B. Court documents;</li> <li>C. Self-Attestation with a Letter from the Department of Human Services for Refugees/Asylees;<sup>20</sup></li> <li>D. Insurance claims, or other proof of income loss</li> </ul>

<sup>19</sup> Self-Attestation may only be used for this criterion if the participant is a person who meets condition: filed a claim and has been determined eligible for benefit payments under one or more State or Federal UI programs and whose benefit year or compensation, by reason of an extended duration period, has not ended and who has not exhausted their benefit rights, AND (1) but was not referred to service through the state's WPRS system or the RESEA program; OR (2) but has exhausted all UI benefit rights for which they have been determined eligible, including extended supplemental benefit rights.

<sup>20</sup> Refugees and asylees, who may not able to verify their dislocation event using the typical documentation procedures, due to extenuating circumstances, may elect to use Self-Attestation. At a minimum, those who self-attest shall provide the following: (1) Letter of Self-Attestation and (2) A letter from the refugee/asylee service organization approved by the Department of Human Services as a refugee assistance vendor.

	<ul style="list-style-type: none"> <li>E. Disaster insurance claim;</li> <li>F. Federal or State Declaration of Disaster or Emergency;</li> <li>G. Proof of Eligibility for Disaster Unemployment Assistance (DUA) from MD Labor Division of Unemployment Insurance; or</li> <li>H. Cross-match to State UI Database<sup>21</sup></li> </ul>
(D) Is a displaced homemaker	<ul style="list-style-type: none"> <li>A. Signed Intake Application or Enrollment Form;</li> <li>B. Cross-Match with Public Assistance Records;</li> <li>C. Copy of Spouse’s Layoff Notice;</li> <li>D. Copy of Spouse’s Death Certificate;</li> <li>E. Copy of Spouse’s PCS Orders (for a military move or assignment);</li> <li>F. Copy of Divorce Records;</li> <li>G. Copy of Applicable Court Records;</li> <li>H. Copy of Bank Records (showing financial dependence on spouse, no separate individual income support, or no employment income earned);</li> <li>I. Needs Assessment; or</li> <li>J. Signed Individual Employment Plan; or</li> <li>K. Self-Attestation.</li> </ul>
<p>(E)(i) is the spouse of a member of the Armed Forces on active duty and who has experience a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member</p> <p>(ii) is the spouse of member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment</p>	<ul style="list-style-type: none"> <li>A. DD-214;</li> <li>B. Cross-Match with Department of Defense Records;</li> <li>C. Cross-Match with Veterans Service Database; or</li> <li>D. A Letter from the Veterans’ Administration.</li> </ul>

<sup>21</sup> There are several places in BEACON where staff can obtain evidence regarding whether a claimant is unemployed. Staff’s access to these functions will depend on their security role in BEACON. Local Areas may refer to MD Labor Division of Unemployment Insurance’s handbook “Claimant Services 101: Account Maintenance” for more information on where to find relevant eligibility data in the BEACON platform.



## **MONITORING AND TECHNICAL ASSISTANCE**

MD Labor acknowledges the U.S. Department of Labor (USDOL) has the authority to conduct performance and eligibility verification monitoring to ensure that federal awards are used for authorized purposes in compliance with law, regulations, and State policies, and that those laws, regulations, and policies are enforced properly. To ensure that policies are being followed and expectations are being met, Local Areas and all grantees should also expect MD Labor to conduct monitoring as appropriate.<sup>22</sup>

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<sup>22</sup> See DWDAL's policy on monitoring for more information at: <http://www.labor.maryland.gov/employment/mpi/>.

## **FAIR PRACTICES AND ACCESSIBILITY**

It is MD Labor's policy that all persons have equal opportunity and access to services and facilities without regard to race, religion, color, sex (including pregnancy, childbirth and related medical conditions, transgender status, gender identity, and sexual orientation), marital status, genetic information, age, national origin or ancestry (including Limited English Proficiency), disability, veteran status or political affiliation or belief. Local Areas may refer to MD Labor's Nondiscrimination Plan<sup>23</sup> and Language Access Plan<sup>24</sup> for more information on accommodations and services.

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<sup>23</sup> MD Labor's Nondiscrimination Plan is available at the following link: <http://www.labor.maryland.gov/employment/ndp/>.

<sup>24</sup> The DWDAL and Division of Unemployment Insurance Language Access Plan is available at the following link: <http://www.labor.maryland.gov/employment/wioa-access.pdf>.

## REFERENCES

### LAW

- [Workforce Innovation and Opportunity Act](#) (WIOA), 29 U.S.C. § 3101 *et. seq* (2015) and
- [Maryland Code Ann., Labor & Employment §11-501 et seq.](#)

### REGULATION

- 20 CFR Parts 603, 651, 652, 678 *et al.*, “[Workforce Innovation and Opportunity Act; Final Rule;](#)”
- 29 CFR Part 38, “[Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act;](#)”

### FEDERAL GUIDANCE

- Training and Employment Guidance Letter (TEGL) 7-20, “[Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act \(WIOA\) Adult Program,](#)” dated November 24, 2020;
- TEGL 23-19, “[Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor \(DOL\) Workforce Programs,](#)” dated June 18, 2020;
- TEGL 19-16, “[Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act \(WIOA\) and the Wagner-Peyser Act Employment Service \(ES\), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules,](#)” dated March 1, 2017;
- TEGL 37-14, “[Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System,](#)” dated May 29, 2015;
- TEGL 2-14, “[Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs,](#)” dated July 14, 2014;
- TEGL 39-11, “[Guidance on the Handling and Protection of Personally Identifiable Information \(PII\),](#)” dated June 28, 2012;
- TEGL 11-11, Change 2, “[Selective Service Registration Requirements for Employment and Training Administration Funded Programs,](#)” dated May 16, 2012;
- TEGL 11-11, Change 1, “[Selective Service Registration Requirements for Employment and Training Administration Funded Programs,](#)” dated January 20, 2012; and
- TEGL 5-08, “[Policy for Collection and Use of Workforce System Participants’ Social Security Numbers,](#)” dated November 13, 2008.

### OTHER REFERENCES

- [Maryland WIOA State Plan, 2020-2024;](#)
- [Maryland Local Plans;](#)
- [MD Labor DWDAL Policy Issuances;](#)
- WIOA Technical Document 2016-01, “[Definitions for WIOA Implementation;](#)”
- [MD Labor’s Nondiscrimination Plan;](#)
- [DWDAL and Division of Unemployment Insurance Language Access Plan;](#) and
- [Select Service System.](#)

# **ATTACHMENTS**

Attachment A – Sample Self-Attestation Form

**SAMPLE**  
**Self-Attestation Form**  
WIOA Title I: Adult and Dislocated Worker Programs

The Self-Attestation Form is to be completed, signed, and dated by the customer only.

**Please initial next to the statements below that apply to you:**

	I am a displaced homemaker.
	I am a Migrant and Seasonal Farmworker.
	I am a reentrant/ex-offender.
	I am experiencing homelessness.
	I am facing substantial cultural barriers that affect my ability to gain employment.
	I have a disability.
	I am an English language learner.
	I do not have a High School Diploma.
	I have a low income.
	I am a single parent (includes single pregnant women and non-custodial parents).
	I am a youth who is in or who has aged out of the foster care system.

**ONLY complete this portion of the form if you have been terminated or laid off from employment. Please initial next to the statements below if they apply to you:**

	I was terminated or laid off or have received a notice of termination or layoff from employment. Date of termination: _____
	I was terminated or laid off or have received a notice of termination or layoff from employment <u>as a result of any permanent closure of, or any substantial layoff</u> at, a plant, facility, or enterprise. Date of termination: _____
	I am employed at a facility at which the employer has made a general announcement that such facility will close within 180 days.
	I am employed at a facility at which the employer has made a general announcement that such facility will close.

I attest that the information provided by me are true and accurate to the best of my knowledge. I understand that this information may be subject to verification and that the above information, if misrepresented or incomplete, may be grounds for immediate termination from any WIOA program and/or penalties as specified by law.

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.