**Attachment #4 – WIOA DISCRETIONARY GRANT**

**ELIGIBILITY CRITERIA, GLOSSARY AND DOCUMENTATION CHECKLIST**

**March2017 Revisions are Yellow Highlighted**

**ADULT DISCRETIONARY GRANTS**

Basic WIOA eligibility applies to all Adult discretionary grants, including citizenship/immigration status, selective service, age, and veterans priority of service **(see Attachment #1).**

**Note:** Additional eligibility criteria may be established as part of a discretionary grant application.

**DISLOCATED WORKER (DW) DISCRETIONARY GRANTS**

Basic WIOA eligibility applies to all DW 25% and other discretionary grants, including citizenship/immigration status, selective service, age, and veterans’ priority of service (**see Attachment #1**). In addition, those served must meet one of the nine (9) categories of Dislocated Worker eligibility as identified in **Attachment 2**, **OR** must be incumbent workers in need of training to avoid a layoff.

**Note:** Other eligibility requirements may be established as part of a discretionary grant application.

**YOUTH DISCRETIONARY GRANTS**

If a WIOA discretionary grant designed to serve youth ages 14-21 or 18-24 was funded as part of a “required statewide activity,” the **youth** must meet the same eligibility as the formula-funded youth program (**see** **Attachment #3**). If the grant was funded as part of an “allowable statewide activity,” and considered to be a research project, a demonstration project, or a non-traditional employment program, non-WIOA eligible youth may be enrolled (such as youth with a different age range, not low income, etc.). However, basic WIOA eligibility needs to be documented including citizenship/immigration status, age (as defined by the grant), and selective service.

**ELIGIBILITY CRITERIA**

Each of the following eligibility elements must be documented for each applicant. Please refer to the comprehensive checklist of allowable forms of eligibility documentation contained in this attachment. Photocopies of documentation kept on file must be legible.

**1. Citizenship/Alien Status/Eligible to Work** – Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. (**Exception:** Per TEGL 09-12 (**see Attachment 9**) operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status.)

**Note:** If a Social Security number is being used to document citizenship in conjunction with a driver’s license (unexpired), or if the participant is being entered into a paid work experience activity, the original SSN card needs to be presented along with a picture ID. Both documents should be copied so that any signatures and Social Security numbers are legible. If the Social Security number is simply being used as the unique identifier in Connecting Colorado, the number does not need to be verified. If the client prefers not to provide a Social Security number, a pseudo number can be created for use in Connecting Colorado. A picture IDis not required as long as other appropriate documents are available to document eligibility. WIOA can pay for a picture ID as a supportive service

if the client is enrolled in the program. (Additional types of documentation that can be used to demonstrate citizenship are listed in the Documentation Checklist section of this attachment.)

**2. Selective Service/Military Status** – All participants shall be in compliance with the Selective Service Act requirements. All males who are at least 18 years old and born after December 31, 1959 and who are not in the armed services on active duty shall be registered.

**3. Age** at enrollment must be 18 or older; AND

**4. Lawful Presence** - Applicants shall also prove lawful presence in the United States in accordance with the Colorado Revised Statutes 24-76.5. They shall possess **one** of the acceptable forms of identification (ID) listed in the Documentation Checklist below, and complete the Affidavit of Immigration Status form, for all applicants 18 years and older. If the applicant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied.

**Note:**Deferred Action for Childhood Arrivals (DACA) participants may not possess a lawful presence document, and also may have been issued a driver’s license or ID not valid for public benefits. USDOL **TEGL 02-14 requires that we serve these individuals even though they will not be able to demonstrate lawful presence. As a result, an Affidavit of Immigration is not required for eligibility.**

**GLOSSARY**

Local program staff making eligibility determinations for the set-aside or discretionary grant program should make use of the following definitions:

**APPLICANT (AN INDIVIDUAL)** – An individual who applies to a WIOA Grant recipient or sub-recipient for employment, training and/or services provided under WIOA.

**CITIZENSHIP** – Designation of an applicant as a citizen of the United States or a lawfully admitted permanent resident alien, lawfully admitted refugee or parolee, and other individuals authorized by the Attorney General to work in the United States. If the applicant indicates that he/she is not a citizen or an “eligible non-citizen,” the applicant is ineligi­ble for WIOA. (Per state statute, an Affidavit of Immigration Status shall be completed as part of the enrollment process for applicants 18 years or older, effective August 1, 2006).

**PARTICIPANT** – An individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services) under a program authorized by this Act. Participation shall be deemed to commence on the day the participant receives his first participation service as defined in PGL 12-06-WIA: Data Integrity and the Customer Participation Cycle. Customers receiving self-service or informational activities are not considered to be participants in the WIOA programs.

**SELECTIVE SERVICE** – Only those males who are subject to, and have complied with, the registration requirements of Military Selective Service Act (MSSA) are eligible for participation in WIOA funded programs and services. Every male (citizen or non-citizen) residing in the United States shall register with the Selective Service System (SSS) between their 18th and 26th birth dates.

A person may not be denied a right, privilege or benefit under Federal law by reason of failure to present himself for and submit to registration under section 3 [50 U.S.C/ App. 453] if:

* The requirement for the person to so register has terminated or become inapplicable to the person; **AND**
* The person shows by a preponderance of the evidence that the failure of the person to register was **not** a knowing and willful failure to register.

This provision was added “in order not to penalize an individual with an obvious disqualifying handicap, such as total paralysis of the limbs, or an individual who has been honorably discharged from the armed services.”

**For complete guidance regarding the Selective Service requirements for participation in WIOA programs and grants, regions are to review Attachment 8: TEGL 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Programs, dated May 16, 2012**

In addition to guidance provided in TEGL 11-11, Change 2, the following documentation may be used for persons eligible to register but who neglected to register and are now over 26 years old:

* **Incarcerated, hospitalized, or institutionalized** – A copy of a statement from the Department of Corrections, or other institution, indicating the duration of the stay can be used to demonstrate that the individual was not available to register with Selective Service during his period of Selective Service eligibility.
* **Veteran** – A copy of a DD214 showing other than a dishonorable discharge can be used in lieu of a Selective Service registration. In addition, the veteran can provide a Selective Service waiver document (obtainable by the Selective Service System).
* **Homeless** – A letter from a homeless shelter or a statement signed by the applicant can be utilized to attest to the applicant’s inability to register for Selective Service while he was still eligible.
* **Non-citizen** – An alien registration card or other immigration document showing the date of entry into the United States, and demonstrating that this date was beyond the date of his 26th birthday.

**DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION**

Documenting eligibility with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. However, the basic WIOA eligibility data elements of **age and immigration status cannot be self-attested**. Please review the most current or relevant Data Validation PGL to assist in determining when it is appropriate to use self-attestation; or consult with your local MIS coordinator if the data element in question is not addressed by the PGL. . An acceptable self-attestation statement should be a signed document (such as a signed WIOA application), attesting to the truthfulness and accuracy of all answers, that includes information clearly addressing the eligibility criteria you are trying to capture, and should adhere to local self-attestation policy guidelines. A copy of this document should be retained in the customer case file (hard copy or electronic file.)

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**WIOA BASIC ELIGIBILITY DOCUMENTATION CHECKLIST**

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| **Eligibility** | **Required Documentation** | **Comment** |
| Citizenship/Alien Status/Eligible to Work  (At least 1 or more documents are required)  **(See Attachment 12 for sample Star licenses and IDs)** | \_\_\_ REAL-ID Compliant Driver’s License or State ID (unexpired) with a Star in upper right corner (no Social Security Card required) (See Attach 12: Samples of New Drivers Licenses)  \_\_\_ Soc. Security Card AND non-Star DL/ID Card  (unexpired)  \_\_\_ U.S. Passport  \_\_\_ Birth Certificate  \_\_\_ Baptismal Certificate (if place of birth is shown)  \_\_\_ Consular Report of Birth Abroad issued by the U.S.  Dept. of State (Form DS-1350, or FS-545)  \_\_\_ DD-214, Report of Transfer or Discharge (if place  of birth is shown)  \_\_\_ Foreign Passport stamped “Eligible to Work” (not  expired) or accompanied by I-94, stamped, with class code indicating authorization to work  \_\_\_ Hospital Record of Birth  \_\_\_ Alien Registration Card (I-551) (not expired)  \_\_\_ INS Form I-94 or I-94A, stamped, with class code indicating authorization to work (not expired)  \_\_\_ INS Form I-179, I-197, or I-766 (not expired)  \_\_\_ T-visa issued to victims of human trafficking (See  Attachment 9: TEGL 09-12)  \_\_\_ Naturalization Certification  \_\_\_ Native American Tribal Document  \_\_\_ Certificate of Degree of Indian Blood  \_\_\_ SAVE Verification Printout AND non-Star Driver’s  License or State ID (unexpired). No SSN card required.  \_\_\_ Self-Attestation as a last resort if DACA eligible (See  Attachment 10: TEGL 02-14) | CO license or ID card must not say:  “not valid for federal identification, voting, or public benefits purposes.” |
| Selective Service  (1 is required for those required to register) | \_\_\_ On-line verification at www.sss.gov  \_\_\_ Acknowledgement Letter from Selective Service  \_\_\_ Selective Service Verification Form  \_\_\_ Selective Service Registration Card  \_\_\_ Selective Service Advisory Opinion Letter  \_\_\_ Selective Service Registration Record (Form 3A)  \_\_\_ Selective Service Waiver Document (for veterans)  \_\_\_ Stamped Post Office Receipt of Registration  \_\_\_ DD-214  \_\_\_ Cross match with Veterans data |  |
| Social Security Number  **(Not required for eligibility – create pseudo SSN instead). • Does not have to be signed. •** SSN may be required for participation in paid work experiences, internships, or wage subsidy programs | \_\_\_ DD-214, Report of Transfer or Discharge  \_\_\_ IRS Form Letter 1722  \_\_\_ Letter from Social Security Agency  \_\_\_ Pay Stub  \_\_\_ Social Security Benefits  \_\_\_ Social Security Card  \_\_\_ W-2 Form |  |

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| **Eligibility** | **Required Documentation** | **Comment** |
| Affidavit of Immigration Status  (Signed affidavit required in conjunction with one of the listed forms of ID for age 18 & older) | \_\_\_ Colorado Driver’s License or ID Card (except if the  license or ID clearly states “not valid for federal  identification, voting, or public benefit purposes”), not  expired  \_\_\_ U.S. Military Card  \_\_\_ Military Dependent ID Card  \_\_\_ U.S. Coast Guard Merchant Mariner Card  \_\_\_ Native American Tribal Document  \_\_\_ U.S Passport  \_\_\_ Copy of birth certificate filed with a state office of vital  statistics or equivalent agency in applicant’s state of  birth  \_\_\_ Consular Report of Birth Abroad issued by the U.S.  Dept. of State (Form DS-1350, or FS-545)  \_\_\_ Certificate of Naturalization issued by DHS (Form N-  550 or N-570)  \_\_\_ Certificate of Citizenship issued by DHS (Form N-560 or  N-561)  \_\_\_ Valid immigration document demonstrating lawful  presence and verified through the SAVE system.  \_\_\_ Other valid State’s driver’s license/State ID card, from a  “lawful presence” state  **Note:** All states are considered to be “lawful presence” states including the District of Columbia with the exception of Hawaii, Illinois, Maryland, Nebraska, New Mexico, Utah, and Washington. If the face of the license of ID card states that it is an Enhanced Driver’s License of ID Card, then it can be accepted as a lawful presence document.  **Note:**Deferred Action for Childhood Arrivals (DACA) participants may not have a lawful presence document listed above and also may have been issued a driver’s license or ID not valid for public benefits. **Federal policy requires that we serve these individuals even though they will not be able to demonstrate lawful presence. As a result, an Affidavit of Immigration is not required for eligibility.** |  |
| AGE  (1 is required) | \_\_\_ Baptismal Record  \_\_\_ Birth Certificate  \_\_\_ Driver’s License  \_\_\_ Federal, State, or Local photo ID  \_\_\_ DD-214  \_\_\_ Passport  \_\_\_ Hospital record of birth  \_\_\_ Public assistance/social service record  \_\_\_ School records or ID card  \_\_\_ Work permit  \_\_\_ Cross match with Dept. of Vital Statistics  \_\_\_ Tribal records |  |