

10/25/2006
Workforce 411 Fall Conference
Eligibility Session Questions and Answers

1. *Social Security Card may not be enough to verify Citizenship/Authorization to work verify status, as the SSN may have bought at the black market.*

A. The Source Documentation Guidance provides the minimal documentation requirements. However, in some cases, local areas may have different comfort levels based on specific local knowledge. These local conditions may require establishing more restrictive local documentation requirements. There is nothing to prevent local areas from deciding not to accept a documentation that is in this guidance, however, local policy should not be so restrictive so as to make the eligibility determination an unnecessary burden.

2. *Are dislocated workers who are 17 eligible as dislocated workers?*

A. No. Participants must first meet the age eligibility for the adult programs before they can be considered for services under the dislocated worker programs.

3. *For males born before 1960, is it the client's responsibility to provide documentation of selective service registration?*

A. Selective service registration is not required for males born before 1960.

4. *If a client is too old to register, is he ineligible for WIA services?*

A. Local areas must determine whether the failure to register was willful and knowing. If the failure to register was not willful or knowing, self-attestation and other supporting documentation to this effect is appropriate.

5. *If the family income six months before the date of eligibility is above the guidelines, is it appropriate to wait and see if this individual becomes eligible in the future?*

A. Sometimes it may be appropriate to wait. A client may become eligible in a month or so, it is appropriate to re-determine the eligibility at that time.

6. *Is CRIS-E screen print out appropriate for documenting eligibility?*

A. CRIS-E screen print out is appropriate for documenting Age/Birth Date, SSN, Citizenship/Authorization to Work, receipt of Food Stamps, and Cash Public Assistance. The determination of the appropriate documentation for family size is left up to the local areas.

7. *If an individual feels that she/he has a disability, but it has not been documented by a professional source, can we accept it?*

A. Yes, Disability can be real or perceived. While local areas are encouraged to gather as much information as possible without violating any Civil Rights laws, it is not required to have a detailed description of the nature of the disability or for it to be verified by a professional. Disability may be documented through a self-attestation statement.

8. *What is the definition of family?*

Two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A. A husband, wife, and dependent children.
- B. A parent(s) or guardian(s) and dependent children.
- C. A husband and wife.

NOTE: An individual with a disability with a major barrier to employment will be considered an individual for determining family size. (Previously known as family-of-one.)

NOTE: The issue of guardianship concerning dependent children may be determined by decree of court, or may be determined by a state or federal agency which has established or assumed guardianship.

DEPENDENT CHILDREN are defined as those children living in a single residence with parent(s) or guardian(s) and who are included in one of the following categories:

1. children aged 18 and under,
2. children aged 18 to 21 who are not attending school and who are not supporting themselves,*
3. children aged 18 to 23 who are attending **full-time** secondary or post-secondary school and are not supporting themselves,*
4. children aged 18 to 23 who are attending **part-time** secondary or post-secondary school and are not supporting themselves,*
5. biological or adoptive children aged 18 or over who are unable to work due to a medically-documented, permanent, physical or mental disability.

NOTE: Dependent children "living in a single residence with parent(s) or guardian(s)" would include children living away from home while attending a post secondary educational institution, but where permanent residence is the same as the parent(s) or guardian(s).

*NOT SUPPORTING THEMSELVES is defined as having a maximum income of \$3,200 for the last twelve months. This corresponds to maximum earnings allowable when claiming dependency status for Federal tax purposes.

9. *Are we looking at the income in the past 6 months when determining the criteria for "not supporting themselves"?*

- A. No, we are looking at the income in the past 12 months for dependent children who are not supporting themselves.

10. Can a local board set an income requirement for training?

A. If a local area is in limited funds, access to intensive and training services is restricted to those individuals who meet the low income criteria. Local areas may establish additional more restrictive parameters if they so choose.

11. An individual was denied Unemployment Compensation (UC), but was reassessed and got it. Can this individual be served as dislocated worker?

A. Yes. WIA eligibility can be reevaluated. It is also appropriate to serve this individual as an Adult before the re-determination as Dislocated Worker is made. However, WIA does not intend to serve individuals as dislocated workers who quit or walk off of a job.

12. Is an email from local UC staff enough to verify receipt of UC?

A. Yes.

13. Are there any time limits for serving dislocated workers? For example, if a dislocated worker got a job after dislocation, but did not like it and quit, is he still eligible as dislocated worker?

A. There is no expressed timeframe for eligibility. It depends on the type of job and occupation that the participant engaged in since the dislocation. Local areas should establish a policy that is going to be applied consistently. This policy must take into consideration whether the DW accepted a position in his/her occupation, (occupation is usually defined as a profession or job that the person performs for at least 12 months full time or 24 months part time), whether this position is full time or part time, the comparability of earnings, etc.

14. Is military retirement excluded in the income calculation?

A. No. Military pensions are includable income. Even though Section 667.255 of the WIA regulations state that military pay or allowances are excluded from the income calculation, military retirement payment is not considered to be in the same category as pay received while serving on active duty.

15. Are individuals who retire from the military eligible as dislocated workers?

A. No they are not. However, individuals who are discharged under honorable circumstances either voluntarily or involuntarily from the military service may be dislocated workers if they meet the other criteria of “unlikely to return to previous industry or occupation”, and the other general eligibility requirements.

16. How does veterans’ priority of service work with limited funds and income guidelines?

A. All things being equal, veterans must be given preference in all instances, regardless of whether the area is in limited funds or not. When an area is in limited funds, DOL states that low income and public assistance recipients must be given priority of service. So, if two individuals are candidates for WIA training, have six-month incomes of \$1,000 each, and one is a veteran, the veteran would receive priority over the non-veteran.

17. Under what conditions can a county be in limited funds, while the area is not?

A. Limited funds policy must apply area wide. The Local Workforce Investment Boards must determine when funds are limited, and this criteria must be applied to the area as a whole. Limited funds policy can not be determined county by county.

18. Is an expired green card ok for documenting Citizenship/Authorization to Work?

A. Part 274a.12 (1) of CFR Title 8 states that “An alien who is a lawful permanent resident (with or without conditions pursuant to section 216 or the Act), as evidenced by Form I-551 issued by the service. An expiration date on the Form I-551 reflects that only the card must be renewed, not that the bearer’s work authorization had expired.” With this, the local areas may want to understand why this individual has an expired green card. Has the individual applied for a new one? Is the individual in the process of becoming a naturalized citizen? Both of these processes may take many months to complete. Are there any characteristics such as a criminal record that prevent the individual from getting a new green card? Are there deportation proceedings against this individual? If the individual can provide documentation or some kind of justification that his/her legal status has not changed, local areas should contact the US Citizenship and Immigration Service for assistance in determining "authorization to work" status. In this case, a self-attestation form and other documentation that supports the claims may be accepted. An expired green card does not automatically mean that this individual is no longer a permanent resident.

19. What documentation is needed for local incumbent workers?

Incumbent workers have to meet the eligibility criteria for citizenship/authorization to work and selective service registration. Acceptable source documentation for these categories is the same as for the adult and dislocated worker. Furthermore, incumbent workers must have an Individual Employment Plan (IEP) that addresses the individual’s skill levels, needs and desired outcomes. These requirements and further guidance of developing an Incumbent Worker program are provided in WIATL 22B at the following address:

http://www.ohioworkforce411.gov/docs/workforceprof/Waiver_for_Incumbent_Worker_ProgramB.pdf

20. How do we verify family size?

A. This is a local choice, local areas should have a policy in place that addresses documentation of family size.

21. Can we accept a pay stub as documentation for a social security number?

A. Yes, if the pay stub contains the name and a social security number, it is acceptable.

22. Does the One-Stop/WIA workers have access to The Work Number to get employment verification?

A. The Work Number is a private company that provides employment and income verification. Their services require payment subscription. More information can be found at: <http://www.theworknumber.com>. Verification from The Work Number that an

individual is employed, or the amount of wages/salary received is as an acceptable source documentation.