

WORKFORCE SYSTEM GUIDANCE No. 04-2015 (Change 1), September 11, 2017

TO: PENNSYLVANIA WORKFORCE INVESTMENT BOARD
BUREAU OF WORKFORCE DEVELOPMENT ADMINISTRATION
BUREAU OF WORKFORCE PARTNERSHIP AND OPERATIONS
CENTER FOR WORKFORCE INFORMATION AND ANALYSIS
LOCAL ELECTED OFFICIALS
LOCAL WORKFORCE DEVELOPMENT BOARD CHAIRS AND EXECUTIVE DIRECTORS
PA CAREERLINK® OPERATORS AND ONE-STOP PARTNERS

FROM: Eileen Cipriani
Deputy Secretary for Workforce Development

SUBJECT: Self-Certification and Telephone/Document Inspection Verification – Initial Implementation of the Workforce Innovation and Opportunity Act (*Change 1*)

- I. **Purpose.** The purpose of this guidance is to provide technical assistance to Chief Elected Officials and other local workforce system stakeholders with regard to the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) title I eligibility determinations when self-certification is used by an applicant. This guidance addresses the appropriate use of self-certification for title I program eligibility and data validation requirements.

The information reflected in this workforce system guidance is subject to change based on the issuance of US Department of Labor (USDOL) regulations, guidance and the Department’s determinations.

- II. **Summary of Changes.** On December 23, 2015, the Department issued Workforce System Guidance (WSG) 04-2015, *Self-Certification and Telephone/Document Inspection Verification—Initial Implementation of the Workforce Innovation and Opportunity Act*. This change:
- Updates the “References” to include the Final Regulations for WIOA;
 - adds “Long-Term Unemployed (Disaster Grant DWG)” to the list for self-certification at section V.D;
 - revises the bullet in the self-certification list at section V.D. labelled “Permanently or Temporarily Laid Off as a Consequence of the Disaster (Dislocated Worker)” to state, “Permanently or Temporarily Laid Off as a Consequence of a Disaster (Disaster Grant DWG)”;
 - adds the “Rescissions”, which rescinds the original policy; and
 - removes the appendices. *Note:* The forms associated with this policy (i.e., Self-Certification Form and Telephone/Document Inspection Verification Form) can be found in the *List of Policies and Procedures for WIOA* in the Help Center of CWDS.
- III. **References.**
- Workforce Innovation and Opportunity Act of 2014 (WIOA or Opportunity Act), Public Law (Pub. L.)
 - Workforce Innovation and Opportunity Act, Department of Labor Only, Final Rule, 20 C.F.R. Parts 603, 651, 652, et al. (2016)

- Workforce Innovation and Opportunity Act, Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions, Final Rule, 20 C.F.R. Parts 676, 677, and 678 (2016)
- Training and Employment Guidance Letter (TEGL) No. 35-14, *WIOA Operating Guidance for National Farmworker Jobs Program (NFJP) Employment and Training and Housing Grantees*
- Training and Employment Guidance Letter (TEGL) No. 6-14, *Program Year (PY) 2013/Fiscal Year (FY) 2014 Data Validation and Performance Reporting Requirements and Associated Timelines, Attachment A: Source Documentation Requirements for Program Year (PY) 2013 Workforce Investment Act (WIA) Data Element Validation (C. TYPES OF SOURCE DOCUMENTATION)*
- Training and Employment Guidance Letter (TEGL) No. 12-01, *Clarification on Selected Activities and Issues under the WIA; Attachment C: Cross-Cutting Eligibility, Documentation, and Verification Issues for Adults and Youth under WIA*
- PA Workforce Investment Information Notice (WIIN) No. 3-99, Change 2, *Title I WIA Eligibility Criteria for Registration and WIA Acceptable Eligibility Verification*, Attachments I and J

IV. **Definitions.**

- ***Self-Attestation:*** Self-attestation (also referred to as an applicant statement) occurs when an individual states his or her status for a particular data element, such as “runaway youth,” and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) the individual identifying his or her status for permitted elements and (b) signing and dating a form attesting to this self-identification.
- ***Self-Certification:*** Self-certification means an individual’s signed attestation that the information said individual submitted to demonstrate eligibility for a program under title I of WIOA is true and accurate. (Exception: Per WIOA Section 167 ‘National Farmworker Jobs Program’ (NFJP) self-certification is performed when an eligible migrant and seasonal farmworker (MSFW) signed attestation that the information he/she submits to demonstrate eligibility for the NFJP is true and accurate).

V. **Background.** The Opportunity Act allows for self-certification to validate those eligibility items requiring documentation that, in rare cases, may cause undue hardship for applicants to obtain, particularly those with barriers to employment. In order to reduce the risk of enrolling ineligible individuals (which may result in disallowed costs), some states and local areas had, under WIA, instituted overly stringent documentation requirements. While limiting the use of self-certification assists in ensuring eligibility determinations are valid, restricting the use of self-certification entirely could present obstacles for both applicants and workforce system staff.

VI. **Eligibility Verification.** The Pennsylvania Department of Labor & Industry (Department) establishes and maintains a data validation system pursuant to US Department of Labor (USDOL) instruction. The local workforce development boards must ensure to the maximum extent feasible the accuracy of the data entered into the state’s system of record, the Commonwealth Workforce Development System (CWDS). The elements required for data element validation focus on eligibility, outcomes, services and program follow-up. For the purposes of determining eligibility, documentation may be required as evidence supporting the legitimacy of an individual’s acceptability for participation in a particular WIOA-funded program. Local workforce staff must confirm eligibility for certain programs and services through an examination of provided documentation. Once data is verified and entered in CWDS, such information is validated by the Department.

- A. Verification before program participation.** Workforce system staff must verify eligibility prior to the provision of services as required under federal and state statute and regulations. Additionally, this mandate helps reduce the risk of enrolling ineligible individuals in title I programs, which may result in disallowed costs.
- B. Bridging the gap until eligibility is determined.** As Wagner-Peyser Act (W-P) or WIOA title III services are universally available (i.e., there are no eligibility requirements to receive such services), individuals whose eligibility is not yet determined may receive services associated with this funding. W-P services may serve as a bridge to ensure individuals have access to services (until such time as the individual's title I-B program eligibility is determined). Upon determination, participants (once eligible and participating in a program) may continue to receive W-P services, as well as services associated with the applicable title I programs. Note: The Department encourages referral to W-P for assessment services, particularly in the case of the youth population, while eligibility for title I services is being determined.
- C. Verification and documentation.** It is important to note that verification is far different than hard-copy documentation.
- **Verification** means to confirm eligibility requirements through examination of documents (e.g., birth certificates or public assistance records) or speaking with representatives of authorized agencies.
 - **Documentation** means to maintain physical evidence, which is obtained during the verification process, in participant files. Examples of such evidence are copies of documents (where legally permitted)

VII. Self-Certification. It is the position of the Department to permit local workforce development boards to use self-certification as an allowable source for documenting eligibility only under the circumstances and conditions contained herein.

- A. Acceptable use.** USDOL allows for self-certification as a viable source for documenting eligibility. The Department requires that in the circumstances where self-certification is permissible (by the Department), that with the exception of out-of-school youth, it be limited and only available after all other sources of eligibility verification are exhausted (i.e., self-certification is the "last resort" for documenting title I program eligibility).
- B. Rare circumstances.** The Department allows for self-certification to verify those eligibility items requiring documentation that, in rare cases, may cause undue hardship for applicants to obtain, particularly those with barriers to employment. Self-certification may be accepted from an individual who has experienced a loss of documentation due to:
- Natural or man-made disaster such as fire, flood, tornado;
 - Eviction from residence resulting in a loss of supporting documentation; or
 - Individual is fleeing or has fled an abusive or untenable home situation.
- C. Youth.** To ease burdens on both applicants and providers and serve out-of-school youth who are most in need, the commonwealth will allow self-attestation for out-of-school youth for the purpose of WIOA eligibility determination, consistent with federal rulemaking. The commonwealth will require LWDBs

and youth service providers to accept such self-attestation as identified in the following subparagraph.

D. Self-Certification List. Workforce staff must use self-certification in a manner reflective of the aforementioned guidance (i.e. limited and rare circumstances; or last resort) and only for the following criteria elements:

- Date of Actual Dislocation (Dislocated Worker)
- Displaced Homemaker (Dislocated Worker)
- Reemployment Opportunity is Poor / Unlikely to Return-to-Work (Dislocated Worker)
- Permanently or Temporarily Laid Off as a Consequence of a Disaster (Disaster Grant DWG)
- Long-Term Unemployed (Disaster Grant DWG)
- English Language Learner (Youth)
- Homeless (Youth and Adult)
- In/Aged Out of Foster Care System (Youth)
- Offender (Youth)
- Pregnant or Parenting (Youth)
- Requires Additional Assistance (Youth)
- Runaway (Youth)
- School Status at time of Registration (Youth)

E. Local Application of Eligibility and Self-Certification. All local workforce development areas must develop a local **eligibility policy** with self-certification determination and verification procedures clearly articulated and reflective of state policy and guidance. The policy must address the local workforce development board's procedures to ensure that self-attestations used for eligibility purposes are standardized and well defined. To avoid disallowed costs or other administrative findings, each local workforce development area must develop or adopt a statistically valid random sampling methodology with a reasonable range of tolerance to verify applicant self-certification usage and to monitor self-attestations. The **random sampling methodology** must include the procedures in place to sample and test the veracity of self-attestations for all title I programs eligibility; and its procedures must be included in each local area's eligibility policy.

VIII. Telephone/Document Inspection Verification. Local boards are required to address in their local plan strategies for assisting individuals with barriers, to include methods of validating eligibility for such individuals. Additionally, the Department encourages the use of **telephone verification** and **documentation inspection verification** to verify eligibility, especially in consideration of individuals with barriers to employment.

The Department requires local boards to consider the use of telephone prior to self-certification to verify eligibility criteria. When applicable, eligibility criteria may be verified by telephone contacts with recognized governmental or social services agencies, or by document inspection. The information obtained must be verified and recorded on the **Telephone/Document Inspection Verification Form (Appendix B)**. Information recorded must be adequate to enable a monitor or auditor to report back to the cognizant agency or the document used. (In some cases, the information provided by the agency through telephone contact may be sufficient to satisfy multiple eligibility criteria. Verification of eligibility through document inspection is appropriate when documents cannot or may not be copied).

IX. Applicant Statement. An applicant statement is a form of self-attestation and as such is like self-certification in that it is among the least preferred methods of documenting and verifying eligibility criteria

in the commonwealth. If an applicant statement is used in the eligibility determination process, a rationale must be provided via case notes on CWDS in the applicant's electronic case record describing the other methods of verifying eligibility the workforce staff attempted prior to the use of an applicant statement. Neither applicant statements nor self-attestations may be used for family size/family income criteria in determining eligibility. Additionally, all self-attestations must be incorporated in the local workforce board's (required) random sampling process.

- X. **Standardized Forms.** The Department has developed standardized forms to assist local workforce development boards in collecting the information necessary to verify title I programs eligibility criteria and verify acceptable documentation sources, to include self-certification and telephone and document inspection verification. These forms can be found in the *List of Policies and Procedures for WIOA* in the Help Center of CWDS.
- XI. **Contact Entity.** Technical assistance and/or inquiries regarding this guidance should be directed to the Pennsylvania Department of Labor & Industry, Director of the Bureau of Workforce Partnership and Operations by emailing the following resource account: RA-LI-BWPO-PCS@pa.gov
- XII. **Rescissions.** Workforce System Guidance (WSG) 04-2015, *Self-Certification and Telephone/Document Inspection Verification—Initial Implementation of the Workforce Innovation and Opportunity Act*, December 23, 2015.
- XIII. **Accessibility.** Workforce system directives are available on the PA Department of Labor & Industry website at <http://www.dli.pa.gov>