

WorkSource Information Notice (WIN)

Employment System Administration and Policy

Policy-related | Fiscal | Performance | Q&A | Other

Number: WIN 0109 Change 3
Date: May 14, 2021
Expiration Date: June 2, 2021

TO: Workforce Development System Partners

FROM: Gary Kamimura, Policy Manager

SUBJECT: WIOA Title I-B verbal self-attestation and remote eligibility documentation and registration requirements during the COVID-19 emergency.

Purpose:

To communicate temporary, minimum requirements for verbally self-attested (presumptive) and remote or virtual eligibility documentation and registration for Workforce Innovation and Opportunity Act (WIOA) Title I-B programs when in-person engagement is not possible due to the COVID-19 emergency.

Action Required:

Local Workforce Development Boards (LWDBs) and their contractors must distribute this guidance broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

Content:

The COVID-19 emergency in Washington has temporarily closed WorkSource (one-stop) centers across the state for in-person services. The closures prevent WIOA Title I-B service providers from conducting in-person eligibility and other assessments, verifying and imaging acceptable documentation to establish eligibility or priority of service, and acquiring dated signatures from individuals for the purpose of registering them in the WIOA Title I-B youth, adult, and dislocated worker programs.

This WIN establishes the temporary, minimum requirements for eligibility documentation and registration into WIOA Title I-B programs due to COVID-19 impacts. Individuals enrolled by these means can receive all WIOA Title I-B services. This state guidance is retroactively effective to **April 29, 2020** to align with federal guidance from the U.S. Department of Labor (see *References* and [Attachment B](#)).

1. Minimum Requirements for Documenting Eligibility for WIOA Title I-B Programs

Verbal self-attestation is allowed to document eligibility for criteria for which self-attestation is not otherwise allowed per DOL guidance, but should not be used as a first resort. LWDBs and their service providers should attempt to collect eligibility source documentation when possible. However, while one-stop offices remain closed due to COVID-19 impacts, full verbal self-attestation is allowed if clearly documented in case files as follows:

- a. The case manager and applicant conduct the eligibility determination and registration verbally by phone with the case manager **case-noting** the following in the ETO management information system:
 - i. That verbal self-attestation was necessary due to a one-stop office closure caused by COVID-19.

The WorkSource System is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge.

- ii. Each eligibility and priority of service criterion to which the applicant is self-attesting with a statement that reads, "I attest that [applicant name] verbally self-attested to the eligibility and priority of service criteria cited above."
 - iii. That the case manager has provided to the applicant the *Equal Employment Opportunity and Complaint and Grievance Procedures* and *WIOA Title I-B Program Data Collection Certification* information (see [Attachment A](#)) verbally or in hard copy and that the applicant verbally acknowledged understanding the information by a statement that reads, "I attest that I provided the Equal Employment Opportunity and Complaint and Grievance Procedures and WIOA Title I-B Program Data Collection Certification statements to [applicant name] on [date] and [applicant name] attested to understanding the information."
- b. If determined eligible per the process described in paragraph 1, the case manager verbally obtains from the applicant all information required for federal reporting and records the information in the appropriate sections and fields in the ETO management information system.

2. Remote or Virtual Eligibility Documentation

Eligibility determination is a critical and non-waivable element of DOL-funded programs. LWDBs and their service providers should, but are not required, to maintain acceptable documentation to determine eligibility. LWDBs and their service providers should, but are not required, to collect source documentation demonstrating eligibility when possible as follows:

a. Application Process

This process is allowable for all categories of WIOA Title I-B adult and dislocated worker services and WIOA Title I-B youth program elements.

During the process, the case manager and applicant initiate the WIOA Eligibility Application Touchpoint in ETO while performing applicable assessments:

- a. Verbally by phone
- b. By other platforms such as e-mail, text, chat, Skype, Zoom or WebEx
- c. A combination of the above

b. Verification and Documentation during the Application Process:

During the application process, supporting eligibility and priority of service documentation are obtained and verified:

- a. By electronic means (e-mailed or texted attachments, scans, digital photographs, electronic signature platforms such as DocuSign or Verisign).
- b. Through copies of documents sent via postal pickup or mail drop-off at local centers.
- c. Through a combination of the above in order to safeguard Personally Identifiable Information (PII).

NOTE: Self-attestation and Applicant Statement are allowable methods of verification for a certain number of eligibility criteria. Local areas are encouraged to review [WorkSource System Policy 1019, Revision 4](#), Eligibility Policy and Handbook (definition on page 4 of the policy and pages 26-36 of the handbook). Local areas are also encouraged to review their local documentation requirements regarding self-attestation, as described in Section 3.e.i of the policy.

c. Signature Collection and Alternatives

Required signature, for eligibility documentation (including WIOA eligibility application, EO and Complaint and Grievance Procedures, data collection certification, and self-attestation/applicant statement forms), are obtained via:

- i. Electronic document signing platforms (e.g., DocuSign, Verisign)
- ii. Electronically transmitted digital photos of signed documents
- iii. Postal mail pick up or drop off of paper forms
- iv. A combination of the above
- v. E-mail (can be used in place of signature)
 - A. For the WIOA application and EO and Complaint and Grievance Procedures, the applicant must reply in the affirmative that he or she has read and understood the information. The response and date stamp on the e-mailed reply indicates completion of the form.
 - B. For the data collection certification and self-attestation/applicant statement forms, the applicant must reply in the affirmative that he or she or they certify the information is true and accurate. The response and date stamp on the e-mailed reply indicates completion of the form.

d. Documentation in ETO

All supporting documentation sent by the applicant via any of the methods described above must be maintained by the case manager in a manner that allows the information to be made available for future local, state, or federal monitoring or audit reviews. Examples include, but are not limited to:

- i. Uploads into the ETO management information system
- ii. Printed documents maintained in a physical file
- iii. Storage in electronic folders in secure directory

e. Security of Customer Data

Per the ETA Coronavirus (COVID-19) FAQs, the security of customer data and its transmission as well as ease of customer access must be considered. Local areas must maintain appropriate information security and privacy must be maintained to avoid disclosing Personally Identifiable Information (PII) through transmission of documents from personal computers, tablets, or cell phones if they are not encrypted. Such information may be mailed through the U.S. Postal Service, including the Affidavit of Immigration. See [Training and Employment Guidance Letter \(TEGL\) 39-11](#) for additional guidance. SSNs may not be emailed, texted or entered in video conference chats and may only be verbally provided or delivered through an encrypted and secure e-mail or document collection method.

Please also follow your organizational policies and protocols for securing and protecting computing and telecommunication equipment and PII that may be stored on them.

f. Local Policy Alignment

Local areas may wish to reconsider local policy definitions, using their local approval procedures, regarding eligibility requirements, for those affected by COVID-19 layoffs and business closures that might not be previously eligible under local policy as described in [WorkSource System Policy 1019, Revision 4, Eligibility Policy and Handbook, Section 3.e.ii-iv](#). For example, for the Dislocated Worker program, LWDBs are responsible for addressing local parameters for the definition of:

- “Unlikely to return to previous industry or occupation,”
- “Substantial layoff,” and
- “Unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters” for determining eligibility of self-employed individuals, including family members and farm or ranch hands, under WIOA Section 3(15)(C).

3. This guidance is in effect no longer than 6 months (November 8, 2020), unless WTECB determines by an earlier date that one-stop centers have reopened to the extent that WIOA Title I-B case managers can engage applicants in person. If that happens, the rescinding of this WIN will be communicated through GovDelivery and other appropriate communication channels. Depending on the COVID-19 situation, WTECB may also extend this guidance beyond November 8, 2020. If that happens, the extension will be broadcast via GovDelivery as a Change 1 to this WIN and through other appropriate communication channels.

References:

ETA Coronavirus (COVID-19) FAQs for Workforce Innovation and Opportunity Act (WIOA) - General; U.S. Department of Labor, Employment and Training Administration; April 29, 2020.

Website:

<https://wpc.wa.gov/policy/state/guidance>

Direct Inquiries To:

*Employment System Administration and Policy
Policy, Data, Performance and Integrity Division
Employment Security Department
P.O. Box 9046
Olympia, WA 98507-9046
SystemPolicy@esd.wa.gov*

Attachments:

[Attachment A](#) – Equal Employment Opportunity and Complaint and Grievance Procedures and WIOA Title I-B Program Data Collection Certification

[Attachment B](#) – ETA Coronavirus (COVID-19) FAQs for Workforce Innovation and Opportunity Act – General; U.S. Department of Labor, Employment and Training Administration; April 29, 2020.

Attachment A

Equal Employment Opportunity and Complaint and Grievance Procedures

RIGHTS: You have the right to file a complaint if you feel you have a complaint relating to your employment and/or training and will not be penalized for filing a complaint. Your complaint must contain sufficient information for us to determine who is authorized to handle the complaint.

FILING A COMPLAINT: To file a complaint, contact a local staff person and tell her/him that you want to file a complaint. Local staff will provide you with the necessary information and assistance to put your complaint in writing. Within 25 days of filing the complaint, a solution will be offered to resolve the matter. If you feel that your complaint is not resolved during this initial resolution effort, a hearing will be scheduled.

INFORMATION REGARDING HEARINGS: A hearing will be provided within sixty (60) days of the receipt of a complaint, unless the complaint is resolved prior to the hearing date. The following information will be provided to you prior to the hearing date: The date of the notice, name of the complainant, and the name of the party against whom the grievance or complaint is filed; The date, time, and place of the hearing; A statement of the alleged violations; and The name, address, and telephone number of the contact person issuing the notice.

DECISION AND APPEAL PROCESS: A hearing decision will be provided within 60 days of filing your complaint, unless the complaint is resolved without a hearing. If you are not satisfied with the final decision, or if a decision has not been reached within the 60 day timeframe, you may send a written and signed notice of appeal via e-mail to ESDGPStateComplaintOfficer@esd.wa.gov or by mail at:

Employment Connections Division
Attn: State Complaint Officer
Employment Security Department
PO Box 9046
Olympia, WA 98507-9046

The Workforce Development Council is an Equal Opportunity Employer and Provider of Employment and Training Services. Auxiliary aids and services are available upon request to individuals with disabilities. For Washington Telecommunications Relay Service dial 711 or 1-800-833-6384.

Equal-opportunity notice

It is against the law for this recipient of Federal financial assistance to discriminate on the following basis: Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and Against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act of 2014 (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I-financially assisted program or activity. Recipients, as program providers, must not discriminate in any of the following areas: Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program activity. What to do if you believe you have experienced discrimination: If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's equal-opportunity officer

or

The Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW Room N-4123
Washington, DC 20210

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action."

Equal opportunity and nondiscrimination complaint process

If you have questions regarding discrimination complaint matters in which WorkSource Washington or the Employment Security Department are a party, you may contact your local equal-opportunity office.

If you wish to file or inquire about filing a discrimination complaint in which WorkSource Washington or the Employment Security Department **have not** been a party, please contact:

The U.S. Equal Employment Opportunity Commission (Seattle Office)
800-669-4000 (toll-free)

and/or

The Washington State Human Rights Commission
800-233-3247 (toll-free)

WIOA Title I-B Program Data Collection Certification

I certify that the information provided on this document is true and accurate to the best of my knowledge and belief. I understand that such information is subject to verification and further understand 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.

Attachment B

Excerpted from page 5 of the *ETA Coronavirus (COVID-19) FAQs for Workforce Innovation and Opportunity Act (WIOA) - General* updated 4/29/20.

(New as of 4/29/20) Q: How can American Job Center staff determine customer eligibility remotely/virtually for ETA-funded programs? Can staff view eligibility documentation (e.g., birth certificates, driver's license, etc.) via Skype to determine eligibility and temporarily sign a self-attestation that they viewed the documents?

Response: Eligibility determination is a critical and non-waivable function of ETA programs, and grantees should keep documentation files used to determine eligibility. There are multiple mechanisms to review and save such documentation. For example, program staff can obtain and save a screenshot of the eligibility documentation to a particular participant file, if the grantee policy allows. Whatever mechanism is used, appropriate information security and privacy must be maintained. Grantees are ultimately responsible for ensuring the accuracy and validity of documents. Eligibility processes should include some type of validation. For more information, see TEGL 07-18, *Guidance for Validating Jointly Required Performance Data Submitted under the Workforce Innovation and Opportunity Act (WIOA)*.

(New as of 4/29/20) Q: Can grantees use "presumptive eligibility" based on self-attestation for programs?

Response: There are multiple forms of acceptable source documentation for WIOA eligibility. Self-attestation may be used for a number of eligibility criteria as noted in ETA program and performance guidance; however, it should not be used as a first resort. Local areas and grantees should attempt to collect other source documentation demonstrating eligibility when possible. During this time where COVID-19 is impacting programs' ability to physically collect documentation, documentation may be accepted verbally as long as it is clearly documented in the case file.