
Policy Number: Section 2 Policy 19

Effective Date: 9-10-19

Common Eligibility Policy

Purpose:

To establish a policy that outlines the common eligibility requirements for the WIOA Title I-B programs for the Central Arkansas Workforce Development Area.

Requirement:

In order to be enrolled in WIOA Title I-B activities, an individual must or should (depending on the requirement) provide documentation of eligibility in four areas: age/birthday, Social Security number (SSN), compliance with the Military Selective Service Act, and eligibility to work in the United States.

However, documentation of age/birthday, Social Security number (SSN), compliance with the Military Selective Service Act, and eligibility to work in the United States are not required if the individual is seeking Basic Career Services that do not require enrollment in WIOA Title I-B.

In some cases, the specific program may require additional eligibility requirements. Those additional requirements are addressed in the specific program policies such as "Eligibility for Adult Program."

Arkansas residency is not a requirement or preference.

Race/ethnicity, age, sex, and disability must be collected on every individual who is interested in being considered for WIOA Title I-B services.

Documentation for the following is required:

- **Age** – In the form of a legal document including, but not limited to: valid, government-issued identification
- **Social Security Number** - Proof of social security number must be requested for participation in any WIOA Title I-B program, but the SSN cannot be required unless/until the individual goes to work for an employer that uses E-verify, receives occupational training in a postsecondary program that qualifies for a Federal Pell Grant, or is required to document the SSN by a non-WIOA entity. If no SSN is provided, services may be limited. Case managers must notify applicants that the SSN is used for program performance purposes or is required by the particular service(s) being provided.

- **Selective Service Act** - With certain exceptions, each male must have enrolled for the Selective Service System (SSS) within 30 days of his 18th birthday and before he reaches the age of 26. As a general rule, individuals who were not exempt, but failed to register with SSS prior their 26th birthday, are ineligible for WIOA Title I-B programs. Exceptions: A man who has reached the age of 26 and who did not register for Selective Service when required may:
 - Present evidence to document an exception described below, or
 - Contact the Selective Service System to request a Status Information Letter for possible exception, or may provide documentation establishing that his failure to register was not **knowing and willful**. Both conditions of “knowingly” and “willful” must be met.
 - **“Evidence”** must describe in detail the circumstances that prevented him from registering and provide documentation of those circumstances. All appropriate documentation must be maintained in the participant file.
 - In determining whether the failure to register was **“knowing”**, the program provider should consider the following questions:
 - Was the individual aware of the requirement to register?
 - If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him?
 - On which date did the individual first learn that he was required to register?
 - Where did the individual live when he was between the ages of 18 and 26?
 - Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?
 - In determining whether the failure was **“willful,”** the program provider should consider the following questions:
 - Was the failure to register done deliberately and intentionally?
 - Did the individual have the mental capacity to choose whether or not to register and decided not to register?
 - What actions, if any, did the individual take when he learned of the requirement to register?
 - Common documentation to support a claim (self-attestation) that failure to register was **not** knowing and willful are:
 - Evidence that a man has served honorably in the U.S. Armed Forces, such as a DD Form 214 or his Honorable Discharge Certificate. Such documentation **may** be considered sufficient evidence that his failure to register was not willful or knowing.
 - Affidavits from parents, teachers, employers, doctors, etc. concerning mental or physical reasons for not registering may be helpful in making the determination regarding willful and knowing failure to register.
 - Men **not** required to register are:
 1. Men born before 1960 are not required to be registered with Selective Service to be eligible for federal grant programs such as WIOA.
 2. Members of the Armed Forces who were on active duty during the full time of age 18 to age 26 are not required to register. Any member who is discharged before the age of 26 must register within 30 days of discharge.
 3. Cadets and Midshipmen at Service Academies or Coast Guard Academy during the full time of age 18 to age 26 are not required to register. Any student who leaves the academy and is discharged from service before the age of 26 must register within 30 days of separation.
 4. Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, and Virginia Polytechnic Institute and State University during the full time of age 18 to age 26 are not required to register. Any

student who leaves the institution and is discharged from service before the age of 26 must register within 30 days of separation.

5. Lawful non-immigrants on visas (such as diplomatic and consular personnel and families, foreign students, tourists with unexpired Form I-94, or Border Crossing Document DSP-150) are not required to register.
 6. Immigrants who maintained valid visas described above from age 18 (or the time they entered the U.S., whichever is later) until age 26, and remained in the United States after the age of 26 are not required to register.
 7. Immigrants who did not enter the United States until after they were 26 years old are not required to register.
 8. Seasonal agricultural workers on H-2A Visas are not required to register.
 9. Individuals who were incarcerated, hospitalized, or institutionalized for medical reasons during the full time of age 18 to age 26 are not required to register. Any individual who leaves confinement before the age of 26 must register within 30 days of release.
 10. Individuals who were born female and have changed their gender to male are not required to register.
- **Conclusion-** If the program provider determines that the individual's failure to register was not knowing and willful and the individual is otherwise eligible, appropriate documentation and notes should be placed in participant's file and WIOA Title I-B services may be provided. If the program provider determines that evidence shows that the individual's failure to register was both knowing and willful, WIOA Title I-B services must be denied. Individuals denied services must be advised of the service provider's and local board's grievance and complaint procedures. Whether services are allowed or denied, the program provider must keep documentation related to evidence presented in the determination of eligibility relative to Selective Service.
- **Ability to Work in the United States** - Specific information required and acceptable documentation can be found on the USCIS I9 Form (OMB No. 1615-0047) and ADWS Policy No. WIOA I-B – 2.7 (Acceptable Documentation).
 - **Equal Opportunity Data and Nondiscrimination** - Equal opportunity (EO) data must be collected during registration for every individual who applies for WIOA Title I-B financially assisted aid, benefits, services, or training. These data are race and ethnicity, age, sex, and disability [20 CFR 675.300]. Individuals may not be discriminated against because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, except as required by federal law for particular programs.

Approved by: Michelle Allgood

Date: 9-10-19

Title: CAWDB Chairperson

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