

American Recovery and Reinvestment Act (ARRA) High Growth and Emerging Industries (HGEI) Eligibility Guidelines and Source Documentation Protocol and the Eligibility Crosswalk of ARRA HGEI Guidelines and Source Documentation

Purpose of these Performance Reporting and Eligibility Verification Tools: ARRA HGEI Eligibility Guidelines and Source Documentation Protocol and the Eligibility Crosswalks of ARRA HGEI Guidelines and Source Documentation

The ARRA HGEI Eligibility Guidelines and Source Documentation Protocol is intended to complement the Eligibility Crosswalks of ARRA HGEI Guidelines and Source Documentation. The Protocol Document and Eligibility Crosswalks are being provided to ARRA HGEI grantees to facilitate compliance with the eligibility and reporting requirements for ARRA HGEI grantees. These documents apply to the following ARRA HGEI grants: Energy Training Partnership Grants, Pathways Out of Poverty Grants, State Energy Sector Partnership and Training Grants, and Health Care and Other High Growth and Emerging Industries Grants.

Eligibility Crosswalk

Grantees will note that some of the criteria/definitions utilized in the ARRA HGEI SGAs may differ from definitions found in the Workforce Investment Act (WIA). Grantees may also note that ETA may be requesting verification of program eligibility that differs from that required in WIA. Grantees are responsible for determining that participants are eligible for their programs in accordance with the funding SGA through which the grant was awarded. The Eligibility Crosswalk is a tool that will assist ARRA HGEI grantees in making determinations of program eligibility for individuals who wish to participate in their programs. Grantees will use the Eligibility Crosswalk to ensure more accurate performance reporting which will help ETA to determine the success of the HGEI grant programs. This tool will also help ensure more accurate enrollment of participants, and reduce the risk of disallowed costs for enrolling and serving ineligible participants.

Energy Training Partnership and State Energy Sector Partnership and Training Grantees should note that their crosswalks only identify some of the populations whom these grantees may have determined are eligible to be served through their grants, as grantees may have included other populations in their statements of work that are not included in the crosswalks. The crosswalks for Pathways out of Poverty and Health Care and Other High Growth and Emerging Industries Grantees includes the categories of participants that are eligible to be served through these grants. However, as the SGAs for the Pathways out of Poverty and Health Care and Other High Growth and Emerging Industries Grants state, within these categories grantees may serve a range of individuals.

Utilizing Source Documentation

Grantees may use the Eligibility Crosswalk to assist them in identifying the most common source documentation for verifying an individual's program eligibility. The Eligibility Crosswalk provides examples of common documentation, and does not comprise an exhaustive list. Grantees are not limited to the examples provided in this tool, and may utilize many different types of appropriate source documentation to verify program eligibility, including information verified by workforce partners and other service providers. For example, grantees could obtain verification of income and residence status from Public Housing Authority case managers.

The term "source documentation" does not necessarily imply paper case files. Source documentation could include automated records in state systems and image files. For example, wage records must be reviewed using state databases. States may also have educational records, voter registration records, management information system (MIS) records documenting participation in other programs, or other types of MIS records that they can access to verify program eligibility. Good case notes and other information within the WIA system for individuals who are already receiving One-Stop system/WIA funded services will assist grantees in determining program eligibility and provide more information and context about the individual to determine if he/she could benefit from the program. Grantees may also utilize information that can be verified by workforce partners and other service providers. Some state WIA systems import automated case files from the state's TANF databases. These detailed case files constitute valid source documentation and may be used as appropriate to verify program eligibility. Grantees may utilize this information to verify income and unemployment status.

Self Attestation: Some Caveats When Using This Form of Source Documentation

Grantees should utilize the most appropriate form of documentation to verify program eligibility. Some eligible individuals will have difficulty accessing paper records supporting their eligibility for a program or service. However, appropriate documentation is important to avoid the risk of enrolling an ineligible individual which may subsequently result in disallowed costs to the grant. Information provided based on human judgment is more prone to error than information that does not involve human judgment. For example, determination of employment based on self-attestation alone is more likely to be in error than determination of employment from wage records, and is at greater risk of resulting in disallowed costs to grantees serving individuals who are ineligible for the program. As self attestation is more prone to error than many other forms of source documentation, it should be the source documentation of last resort.

In the event that program eligibility can not be readily verified by source documentation other than self-attestation at the point of intake, then the grantee may accept an individual's self attestation so that the individual can be enrolled in the program, and therefore, does not risk missing the opportunity to participate in and benefit from the program. The self-attestation should be signed by the participant and witnessed by an additional staff person, such as an intake counselor or case manager. Grantees should then seek to verify the information contained in the self-attestation by researching and recording other forms of source documentation and include the verified information or documentation in the participant's file.

Intake Form Information for Potential Participants and Self-Disclosure

Grantees should also advise potential participants on the reasons the information is being requested and how the information will be used. Grantees should include this information on their intake forms and the forms should inform participants that the information will be used by grantees as a record of their basis for determining eligibility of an applicant to participate in the grantee's program. Grantees should advise participants that the information requested on the form is voluntary. However, failure to provide key eligibility information may result in an individual being deemed ineligible for the grantee's program or services. While grantees will request participants' Social Security Numbers (SSNs), participants are not legally required to provide it as a condition for participation in ARRA HGEI funded programs, and cannot be denied participation in these programs for failure to provide SSNs. Participants will not be determined to be ineligible if they do not provide SSNs.

Grantees should also be aware that some of the populations that they will serve may not wish to disclose some sensitive information, such as disability status or a history of a criminal record. Grantees should make clear that in requesting this information the intention is not to exclude participation in the program, but rather to identify characteristics of the individual that may be a factor in determining an individual's eligibility for a program or service and adhering to the program's reporting requirements. For requests regarding disability status, the intake form or grantee staff should make clear to potential participants that providing information regarding disability status is voluntary, that the information will be kept confidential, that declining to disclose whether they have a disability will not cause the applicant to receive unfavorable treatment, and that the information will only be used in accordance with the law. Grantees may experience a higher response rate when recruiting targeted populations if it is stated on the intake form that they are seeking to train and serve from these populations. Grantees are also encouraged to adopt a protocol or policy within their organization that ensures all program staff are adhering to and applying the same objective guidelines for making determinations that individuals are eligible for the program.

Grantees must also be aware that there are specific legal requirements with regard to when disability-related inquiries can be made, what disability-related information can be requested, and how such information must be handled and stored. This document only refers to some of the requirements regarding asking about disabilities. Additionally, there may be specific legal requirements with regard to asking about the applicant's criminal record. ETA expects to provide technical assistance resources at a later date to assist grantees in meeting their nondiscrimination and equal opportunity obligations. Grantees may access guidance on the collection of disability-related information and additional compliance assistance tools from the U.S. Department of Labor's Civil Rights Center's website at: <http://www.dol.gov/oasam/programs/crc/Compassis.htm>. Grantees may also contact their State or local level Equal Opportunity Officer for assistance in meeting their nondiscrimination and equal opportunity obligations.

Guidance on Determining Eligibility for Specific Types of Individuals

The following is technical assistance regarding selected populations that are eligible to be served by one or more ARRA HGEI grants, highlighting specific aspects of determining eligibility for these individuals of which ETA wants to make sure grantees are aware. Grantees should consult the SGA through which their grant was awarded and their Eligibility Crosswalk to determine which of the populations below apply to them.

Workers Impacted by National Energy and Environmental Policy

ETA has defined this term as individuals who:

- 1) are currently employed in an occupation in the utilities; transportation and warehousing; manufacturing; construction; mining, quarrying, and oil and gas extraction; or other sectors that have been adversely affected by national energy and environmental policies; and have received a notice of termination or lay-off from employment; or
- 2) were employed in an occupation in the utilities; transportation and warehousing; manufacturing; construction; mining, quarrying, and oil and gas extraction; or other sectors that have been adversely affected by national energy and environmental policies; and are now unemployed.

Grantees serving these types of individuals are responsible for verifying that individuals are eligible for the program, and for developing and applying objective guidelines for making determinations that individuals are or have been employed in an occupation in one of the industries listed in the definition for Workers Impacted by National Energy and Environmental Policy or other sectors that have been adversely affected by national energy and environmental policies, as specified in their Statements of Work. Source documentation will not only verify participant's program eligibility but will also verify that grantees are enrolling the populations listed in their Statements of Work, and that their program participants

meet the definition for Workers Impacted by National Energy and Environmental Policy.

Individuals in Need of Updated Training Related to the Energy Efficiency and Renewable Energy Industries

ETA has defined this term as individuals who:

Individuals who are currently employed; or were terminated or laid-off or have received a notice of termination or lay-off from employment; or were self-employed but are now unemployed; and can benefit from training that will help them enter or advance in the energy efficiency and renewable energy industries identified in WIA section 171(e)(1)(B)(ii), and/or will enable them to acquire or enhance skills needed to enter occupations within one or more of the "growth, enhanced, and emerging" green industries.

Grantees serving these types of individuals are responsible for verifying that individuals are eligible for the program, and for developing and applying objective guidelines for making determinations as to whether individuals can benefit from training that will help them enter or advance in the energy efficiency and renewable energy industries and/or will enable them to acquire or enhance skills needed to enter occupations within one or more of the "growth, enhanced, and emerging" green industries, in accordance with the definition for Individuals in Need of Updated Training Related to the Energy Efficiency and Renewable Energy Industries. Source documentation will not only verify participant's program eligibility but will also verify that grantees are enrolling the populations listed in their Statements of Work, and that their program participants meet the criteria for this population.

Individuals Seeking Employment Pathways Out of Poverty and Into Economic Self-Sufficiency

ETA has defined this term as:

Individuals who reside in high poverty areas, which are areas where the poverty rate is 15% or greater, who demonstrate that they could benefit from skill training that will help them enter or advance in the energy efficiency and renewable energy industries identified in WIA section 171(e)(1)(B)(ii), and/or will enable them to acquire or enhance skills needed to enter occupations within one or more of the "growth, enhanced, and emerging" green industries.

Grantees are responsible for verifying that individuals are eligible for the program based on the poverty rates of the areas in which they reside, and for developing and applying objective guidelines for making determinations as to whether individuals can benefit from skill training that will help them enter or advance in the energy efficiency and renewable energy industries and/or will enable them to

acquire or enhance skills needed to enter occupations within one or more of the "growth, enhanced, and emerging" green industries, in accordance with the definition for Individuals Seeking Employment Pathways Out of Poverty and into Economic Self-Sufficiency. Source documentation will not only verify participant's program eligibility but will also verify that grantees are enrolling the populations listed in their Statements of Work, and that their program participants meet the definition for this population.

Incumbent Workers

ETA has established the following definition for this term:

Individuals who are incumbent workers who need training to secure full-time employment, advance in their careers, or retain their current occupations, such as low-wage workers, workers who need to upgrade their skills to retain employment, and workers who are currently working part-time.

Grantees serving these types of individuals are responsible for verifying that individuals are eligible for the program, and for developing and applying objective guidelines for making determinations as to whether individuals are in need of training to secure full-time employment, advance in their careers, or retain their current occupations.

Source documentation will not only verify participant's program eligibility but will also verify that grantees are enrolling the populations listed in their Statements of Work, and that their program participants meet the definition for this population.

Disadvantaged Individuals within Areas of High Poverty

ETA has defined this term as:

Individuals with no incomes or low incomes who live in areas where the poverty rate is 15% or greater and who can benefit from skill training that will help them enter or advance in the energy efficiency and renewable energy industries identified in WIA section 171(e)(1)(B)(ii), and/or will enable them to acquire or enhance skills needed to enter occupations within one or more of the "growth, enhanced, and emerging" green industries.

Grantees serving these types of individuals are responsible for verifying that individuals are eligible for the program and for making determinations as to whether individuals have no or low-income and live in areas where the poverty rate is 15% or greater. Grantees are also responsible for developing and applying objective guidelines for making determinations as to whether individuals can benefit from skill training that will help them enter or advance in the energy efficiency and renewable energy industries and/or will enable them to acquire or enhance skills needed to enter occupations within one or more of the "growth,

enhanced, and emerging" green industries. In making determinations as to whether individuals have no income or low incomes, grantees must use the WIA definition of a low-income individual and are responsible for developing and applying objective guidelines for determining whether participants are low income, and for utilizing objective source documentation to verify low income status.

WIA Public Law 105-220 Title I (29 USC 2801) defines a low-income individual as an individual who:

(A) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;

(B) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of--

(i) the poverty line, for an equivalent period; or

(ii) 70 percent of the lower living standard income level, for an equivalent period;

(C) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(D) qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);

(E) is a foster child on behalf of whom State or local government payments are made; or

(F) in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.

Source documentation will not only verify participant's program eligibility but will also verify that grantees are enrolling the populations listed in their Statements of Work, and that their program participants meet the definition for this population.