

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

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Effective:	April 15, 2024

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers

Courtney Arbour

From: Courtney Arbour, Director, Workforce Development Division

Subject: Workforce Innovation and Opportunity Act: Ineligible Participants—Update

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with information and updated guidance on:

- the discontinuation of Exit Reason 21–Ineligible for WIA in The Workforce Information System of Texas (TWIST) as individuals are no longer “exited” from programs; and
- service completion codes in WorkInTexas.com used to document determinations of Workforce Innovation and Opportunity Act (WIOA) participants’ ineligibility following enrollment.

This updated letter provides clarification relating to the implementation of WorkInTexas.com as the Texas Workforce Commission’s (TWC) workforce case management system.

RESCISSIONS:

WD Letter 31-07

BACKGROUND:

WorkInTexas.com automatically exits participants when no services have been provided and no future services are planned with WIOA or other common exit programs for 90 consecutive calendar days. However, the participants are still included in performance data.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter

and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

NLF: Board must ensure that Workforce Solutions Office staff members follow the guidance in this WD Letter when closing WIOA activities and programs in WorkInTexas.com.

NLF: Boards must be aware that once a participant has been determined eligible to receive WIOA-funded services, the participant remains eligible until:

- staff documents the completion of services using the appropriate service completion code; and
- common exit from the period of participation occurs.

NLF: Boards must be aware that:

- WIOA does not require a provider to reverify a participant’s eligibility during a period of participation; and
- the Board may be required to terminate a participant’s WIOA services if:
 - the participant fails to meet federally mandated responsibilities after eligibility determination (for example, failure to register with US Selective Service or expired authorization to work status); or
 - the Board discovers through normal course of business practices (for example, through case management or monitoring reviews) that the participant was never eligible for WIOA-funded services.

NLF: Boards must ensure that Workforce Solutions Office staff members document the appropriate service completion code for ineligibility in the WorkInTexas.com Case Notes, as follows:

- **Service Completion Code–Failure to Register with US Selective Service:**
WIOA §189(h) requires that staff makes a determination of Selective Service registration status for all males prior to enrollment in any WIOA-funded services or activities. In order to enforce the Military Selective Service Act, as amended, males entering the WIOA program before turning 18 years old must register for Selective Service within 30 days before or after their 18th birthday to continue receiving WIOA services.
- **Service Completion Code–Expired Authorization to Work Status:**
WIOA §188(a)(5) states that individuals participating in WIOA must be authorized to work in the United States. A participant may receive WIOA-funded services, based on eligibility, for the period permitted under their authorized work status. For example, a participant whose work authorization expires in three months may not be enrolled in a six-month training program. An expired work authorization must be renewed, if applicable, before a participant may receive further WIOA-funded services.
- **Service Completion Code–Eligibility Misrepresented/Misunderstood:**

Eligibility to participate in WIOA services is based on the principle that the participant has acted in good faith and provided accurate information that has been verified by staff in accordance with current data validation requirements. If Workforce Solutions Office staff members learn that a participant was never eligible (that is, the participant misrepresented information that should have been disclosed or staff members misunderstood program requirements), WIOA-funded services must be ended, and program closure entered immediately.

LF: Workforce Solutions Office staff members may document closure of the WIOA program in the “Closure” ribbon of the application after open services are closed. Staff members may select the “Accountability Closure/Exit Status” reason associated with the termination of program activities.

NLF: Boards must be aware that participants who are determined ineligible after enrollment by Workforce Solutions Office staff members will not be removed from performance measures applicable to the services the participants have been provided. For example, a WIOA participant provided with individualized career services would be included in the denominator for “Employment and Median Earnings Outcomes.” Additionally, a WIOA participant enrolled in training services will be included in the “Measurable Skill Gains” measure, as well as the “Credential” and the “Employment and Wage Outcomes” performance measures.

NLF: Boards must ensure that if a participant’s WIOA-funded services are terminated, the individual is provided other services for which they are eligible, such as Wagner-Peyser Employment Service (if appropriate).

NLF: Boards must ensure that appropriate parties are aware of TWC’s Fraud Deterrence and Compliance Monitoring (FDCM) policy and guidance letters, including FDCM Letter 07-2019, issued August 6, 2019, and titled “Fraud Reporting Procedures.”

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.texas.gov.

ATTACHMENTS:

Attachment 1: Revisions to WD Letter 31-07 Shown in Track Changes

REFERENCES:

Workforce Innovation and Opportunity Act §§188 and 189
[FDCM Policy and Guidance Letters](#)