

## TEXAS WORKFORCE COMMISSION LETTER

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<b>Date:</b>	July 3, 2007
<b>Keywords:</b>	WIA, TWIST
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**To:** Local Workforce Development Board Executive Directors  
Commission Executive Staff  
Integrated Service Area Managers  
*Laurence M. Jones* for

**From:** Laurence M. Jones, Director, Workforce Development Division

**Subject:** **Workforce Investment Act: Ineligible Participants**

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### PURPOSE:

The integrated performance reporting system under the six Common Measures automatically exits participants when no services have been provided with WIA or other funds for 90 consecutive calendar days. However, the participants are still included in Common Measures performance data. *Exit Reason 21 – Ineligible for WIA* has been removed as an exit reason, and can no longer be used to exclude participants from Common Measures performance calculations.

This WD Letter provides Local Workforce Development Boards (Boards) with information and 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
- new Service End Reasons in TWIST for documenting determinations of Workforce Investment Act (WIA) ineligibility after enrollment.

### BACKGROUND:

Under Common Measures, exit reasons are no longer appropriate.

To ensure the entry of accurate documentation, three new Service End Reasons have been added in TWIST to document the ineligibility of participants after enrollment in WIA.

### PROCEDURES:

Boards must be aware that *Exit Reason 21 – Ineligible for WIA* is no longer an exit reason.

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Boards must be aware that:

- WIA does not require that eligibility be reverified during a participant’s period of participation; and

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- circumstances may arise necessitating the termination of a participant's WIA services, such as:
  - the participant's failure to meet federally mandated responsibilities after eligibility determination (i.e., Selective Service registration, authorization to work status, etc.); or
  - the discovery through normal course of business practices (i.e., case management, monitoring reviews, etc.) that the participant was never eligible for WIA-funded services.

Boards must ensure that the appropriate new *Service End Reason* for ineligibility is selected in TWIST and documented in TWIST Counselor Notes, as follows:

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- *Service End Reason 29 – Eligibility Misrepresented/Misunderstood*  
Eligibility to participate in WIA services is based on the principle that the participant has acted in good faith and has provided accurate information as attested to on the self-certification form. If Texas Workforce Center staff learns that a participant was never eligible (i.e., the participant misrepresented information that should have been disclosed or staff misunderstood program requirements), WIA-funded services must be ended immediately.
- *Service End Reason 30 – Failure to Register with U.S. Selective Service*  
WIA §189(h) requires that a determination of Selective Service registration status be made for all males prior to enrollment in any WIA-funded services or activities. In order to enforce the Military Selective Service Act, as amended, those males entering the WIA program before turning 18 must register for Selective Service within 30 days before or after their 18th birthday to continue receiving WIA services.
- *Service End Reason 31 – Expired Authorization to Work Status*  
WIA §188(a)(5) states that individuals participating in WIA must be authorized to work in the United States. A participant can receive WIA-funded services, based on eligibility, for the time period permitted under his or her authorized work status (e.g., a participant whose work authorization expires in three months should not be enrolled in a six-month training program). An expired authorized work status must be renewed before a participant can receive further WIA-funded services.

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

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- completion of the services; or
- termination of services under the appropriate Service End Reason.

If a participant's WIA-funded services are terminated, Boards must ensure that these individuals are provided other services, such as Employment Service, if appropriate.

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Boards must be aware of procedures for collecting overpayments resulting from ineligibility or misrepresentation associated with eligibility requirements as set forth in sections II–VII of WD Letter 59-06, Change 1, “Requirements for Reporting, Fact-Finding, and Prosecution of Fraud, Waste, Theft, and Program Abuse Cases, and Collection of Overpayments: *Update*.”

**INQUIRIES:**

Direct inquiries regarding this WD Letter to the assigned contract manager for your local workforce development area.

**RESCISSIONS:**

None

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**REFERENCES:**

Workforce Investment Act §189

Training and Employment Notice No. 9-06, issued August 15, 2006, and entitled “Timeline for Program Year (PY) 2005 Workforce Investment Act (WIA) Performance Reporting and PY 2005 Data Validation (all programs)”

WD Letter 59-06, Change 1, issued February 2, 2007, and entitled “Requirements for Reporting, Fact-Finding, and Prosecution of Fraud, Waste, Theft, and Program Abuse Cases, and Collection of Overpayments: *Update*”

**FLEXIBILITY RATINGS:**

**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” or “shall.”

**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.”