



Workforce Development System Technical Advisory



August 18, 2005

Workforce Development System Technical Advisory #05-15

- TO:** Chairpersons of Local Workforce Investment Boards
Chief Elected Officials
WIA Grant Recipients
WIA Fiscal Agents
WIA Local Area Contact Persons
- SUBJECT:** Technical Assistance and Clarifying Guidance regarding Oversight and Monitoring Responsibilities for Chief Local Elected Officials (CLEOs) and Local Workforce Investment Boards (LWIBs) – **Amended Information**
- Purpose:** To amend sections of the Local Workforce Investment Area's (LWIA) Program, Fiscal & Performance Monitoring Guide for Subrecipients
- The attached amendments clarify:
- Addendum I (Addenda 3) -- Adult and Dislocated Worker Information; Eligibility. Common eligibility element #1, regarding citizenship, has been removed.
- Addendum II (Addenda 8) – Youth; Eligibility. Definition of “eligible youth” element #4, regarding citizenship, has been removed.
- (Please note that other minor clarifying amendments have also been added to Addendum I (Addenda 3 and 4) – Adult and Dislocated Worker Information; Eligibility. These changes to paragraphs three and four clarify that: 1) employed Adults and Dislocated Workers must have earnings below the LWIB self-sufficiency rate, in order to be eligible for intensive services and 2) the additional eligibility elements listed for Dislocated Workers summarize statutory requirements; a citation for the full provision is provided.)
- Background:** Workforce Development System Technical Advisory (TA) #04-19, “Technical Assistance and Clarifying Guidance regarding Oversight and Monitoring Responsibilities for Chief Local Elected Officials and Local Workforce Investment Boards” was issued on November 19, 2004.
- TA #04-19 included the Local Workforce Investment Area's Program, Fiscal & Performance Monitoring Guide for Subrecipients (External Monitoring Guide), to provide clarifying guidance on the roles and responsibilities of CLEOs and LWIBs in conducting financial, program and performance oversight and monitoring in local workforce areas; to explain an important change in the scope of oversight and monitoring activities to be conducted by staff of the Division of Workforce Development and Training (WDT) of the New York State Department of Labor (NYSDOL); to emphasize that performance and accountability are key elements of an LWIA's effective oversight and monitoring plan; and to proscribe the scope and minimum frequency of reviews of an acceptable oversight and monitoring plan.
- The External Monitoring Guide incorrectly included references to citizenship within the definitions of Adult and Dislocated Worker and Youth eligibility. **Proof of citizenship is not a required element for Workforce Investment Act (WIA) eligibility determination and subsequent enrollment.** The confusion regarding eligibility based upon citizenship is the result of commingling WIA eligibility determinations with “Employment Eligibility Verification/Legally Eligible to Work”.
- This clarification has resulted in the need to amend the External Monitoring Guide, Addendum I (Addenda 3) - Adult and Dislocated Worker Information; Eligibility; and Addendum II (Addenda 8) – Youth; Eligibility. These sections, which remove references to citizenship as an eligibility requirement, are superseded by Attachments 1 and 2, respectively.

(Other clarifying amendments have also been added to Addendum I (Addenda 3 and 4) – Adult and Dislocated Worker Information; Eligibility. These changes to paragraphs three and four clarify that: 1) employed Adults and Dislocated Workers must have earnings below the LWIB self-sufficiency rate, in order to be eligible for intensive services and 2) the additional eligibility elements listed for Dislocated Workers summarize statutory requirements; a citation for the full provision is provided. These edits are included in Attachment 1.)

Action: Please replace Addendum I (Addenda 3 and 4) - Adult and Dislocated Worker Information; Eligibility and Addendum II (Addenda 8) – Youth; Eligibility of your External Monitoring Guide with Attachments 1 and 2.

Attachments:

- [1. Addendum I](#) (Addenda 3 and 4) - Adult and Dislocated Worker Information
- [2. Addendum II](#) (Addenda 8) - Youth