

Self-Attestation

WORKFORCE SYSTEM POLICY

Workforce Development System Operations

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Policy Owner: Pennsylvania Department of Labor & Industry, Bureau of Workforce Partnership and Operations

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I. Purpose.

The policy provides technical assistance to chief elected officials (CEOs) and other local workforce system stakeholders regarding the Workforce Innovation and Opportunity Act (WIOA) title I eligibility determinations, particularly when an applicant uses self-attestation. This policy addresses the use of self-attestation for Title I program eligibility and data validation requirements.

The information reflected in this workforce system policy is subject to change based on the issuance of US Department of Labor (USDOL) regulations, guidance, and the PA Department of Labor & Industry's determinations.

II. Statement.

To ensure data integrity across the Commonwealth, the Code of Federal Regulations (CFR) Section 677.240 require states to establish processes and guidelines for maintaining a valid and reliable data validation system as required by WIOA Sec. 116(d)(5). When determining eligibility for WIOA Title I program funding, the local workforce development boards (local boards) must adhere to this eligibility policy to ensure proper collection of required documentation is entered into the system of record, as to validate the accuracy of the participant's eligibility and to reduce the risk of enrolling ineligible participants. By allowing the process of self-attestation as a form of eligibility determination, participants are provided an opportunity to overcome barriers to employment without a significant delay in services. However, self-attestation should not be used as a primary source of verification if other documentation can be obtained without a significant delay or undue hardship to the participant.

III. Scope.

This policy affects the Commonwealth's public workforce development system and its varied stakeholders including the Pennsylvania Department of Labor & Industry (L&I) leadership, management, and staff; Pennsylvania CEOs; local board members and staff; local workforce development area (local area) one-stop system program partners' executive decision-making officials; and any other entity or individual associated with eligibility determination and data validation using any type of self-attestation as part of the eligibility verification process.

IV. **Audience.**

The Pennsylvania Workforce Development Board, the Bureau of Workforce Development Administration, Bureau of Workforce Partnership and Operations (BWPO), Center for Workforce Information and Analysis, local board members and staff, executive decision-making officials of local area one-stop system program partners, and any other entity or individual associated with eligibility determination and data validation must adhere to the conditions of use and specifications as outlined.

V. **Related Policies.**

- A. TANF Youth Development Program Manual
- B. Youth Eligibility Definition

VI. **Definitions.**

- A. ***Self-Attestation*** means a written, or electronic/digital declaration of information for a particular data element, signed and dated by the participant. USDOL broadly interprets what is considered an electronic/digital signature. Electronic signatures or a submission from the participant such as an email, text, or unique online survey response is considered an electronic signature or verification; it must be participant generated and traceable to the participant. Grantees must retain documentation of the self-attestation. (TEGL 23-19, Change 1, Attachment II)

- B. ***Self-Certification*** is a type of self-attestation and means an individual's signed attestation that the information they submit to demonstrate eligibility for a program under title I of WIOA is true and accurate. (20 CFR 675.300) (Exception: Per WIOA Section 167 'National Farmworker Jobs Program' (NFJP) self-certification is performed when an eligible migrant and seasonal farmworker (MSFW) signed attestation that the information they submit to demonstrate eligibility for the NFJP is true and accurate).

VII. **Policy.**

- A. **Eligibility Verification.** L&I establishes and maintains a data validation system pursuant to USDOL instruction. The local boards must ensure to the maximum extent feasible the accuracy of the data entered into the state's system of record, the Commonwealth Workforce Development System (CWDS). The elements required for data element validation focus on eligibility, outcomes, services, and program follow-up. For the purposes of determining eligibility, documentation may be required as evidence for participation in a particular WIOA-funded program. Local workforce staff must confirm eligibility for certain programs and services through an examination of provided documentation. Once data is verified and entered in CWDS, such information is validated by L&I.

NOTE: Grantees cannot deny services if individual chooses not to share a Social Security Number (SSN).

1. **Verification before program participation.** During intake, grant recipients should limit collection of documentation only to those items required for eligibility rather than trying to collect all the documentation necessary for data validation purposes. Procedures should include opportunities to request documentation after intake and initial service provision.

NOTE: The process for gathering information must be done efficiently to administer services in a timely manner and collection of documentation may be gathered at a later date or be substituted with equivalently acceptable documentation.

2. Bridging the gap until eligibility is determined. As Employment Services (Labor Exchange) or WIOA title III services are universally available (i.e., there are no eligibility requirements to receive such services), individuals whose eligibility is not yet determined may receive services associated with this funding. These services may serve as a bridge to ensure individuals have access to services (until such time as the individual's title I-B program eligibility is determined). Upon determination, participants (once eligible and participating in a program) may continue to receive Employment Services (Labor Exchange) services, as well as services associated with the applicable title I programs.

NOTE: L&I encourages referral to Employment Services (Labor Exchange) for assessment services, particularly in the case of the youth population, while eligibility for title I services is being determined.

3. Verification and documentation. It is important to note that verification is far different than hard-copy documentation.

- (a) **Verification** means to confirm eligibility requirements through examination of documents, by verification through relevant websites, direct communication with representatives of authorized agencies, or other authorized methods.
- (b) **Documentation** means to maintain physical evidence, which is obtained during the verification process, in participant files. Examples of such evidence include uploading documents to CWDS for data validation purposes or maintaining copies of documents in hard-copy files (where legally permitted).

NOTE: Grantees cannot deny services if individual chooses not to share a Social Security Number (SSN).

B. Self-Attestation is an acceptable source for documenting eligibility.

1. Acceptable use. USDOL allows for self-attestation as a viable source for documenting eligibility and data validation. A submission from the participant, such as an email, text, or unique online survey response, is considered an electronic signature or verification and is an acceptable form of self-attestation. While USDOL does not promote overuse or exclusive use of self-attestation, it does encourage grantees to consider it as a viable alternative, particularly among certain populations whose life circumstances may preclude immediate access to certain documents.

- (a) Self-attestation may be used when document collection would delay or prevent a customer from enrollment in a program and moving ahead with services.
- (b) Self-attestation is participant-generated. The participant must use their own words to certify a statement.
- (c) Other acceptable documentation or verification for the participant must be used if readily available or reasonably attainable.
- (d) A case progress note **must** document the circumstances that necessitated the use of the self-attestation including what action steps were taken to obtain other primary sources of documentation.
- (e) A blanket self-attestation cannot be used.

2. **Youth.** To ease burdens on both applicants and providers and serve out-of-school youth who are most in need, the Commonwealth recognizes self-attestation as a viable alternative for the purpose of WIOA eligibility determination, consistent with federal rulemaking.

3. **Self-Attestation List.** Workforce staff must use self-attestation in a manner reflective of the guidance. Self-Attestation may be used for criteria elements including, but not limited to, the following:
 - (a) Date of Birth
 - (b) Individual with a Disability
 - (c) Veteran Status
 - (d) Low Income Status at Program Entry
 - (e) Date of Actual Dislocation (Dislocated Worker)
 - (f) Displaced Homemaker (Dislocated Worker)
 - (g) Reemployment Opportunity is Poor / Unlikely to Return-to-Work (Dislocated Worker)
 - (h) Permanently or Temporarily Laid Off as a Consequence of a Disaster (Disaster Grant DWG)
 - (i) Long-Term Unemployed (Disaster Grant DWG)
 - (j) English Language Learner (Youth)
 - (k) Homeless (Youth and Adult)
 - (l) Runaway (Youth)
 - (m) In/Aged Out of Foster Care System (Youth)
 - (n) Offender (Youth)
 - (o) Pregnant or Parenting (Youth)
 - (p) Requires Additional Assistance (Youth)
 - (q) School Status at time of Registration (Youth)

NOTE: For comprehensive detail and a listing on data validation and documentation requirements, including where self-certification may be used, review TEGl 23-19, Change 2, Guidance for Validating Required Performance Data Submitted by Grant Recipients of USDOL Workforce Programs.

4. **Local Application of Eligibility and Self-Attestation.** All local areas must develop a local **eligibility policy** with self-attestation determination and verification procedures clearly articulated and reflective of state policy and guidance. The policy must address the local board's procedures to ensure that self-attestations used for eligibility purposes are standardized and well defined. To avoid disallowed costs or other administrative findings, each local area must develop or adopt a statistically valid sampling methodology with a reasonable range of tolerance to verify applicant self-certification usage and to monitor self-attestations. The **sampling methodology** must include the procedures in place to sample and test the veracity of self-attestations for all title I programs eligibility; and its procedures must be included in each local area's eligibility policy.

- C. **Standardized Verification/Attestation Forms.** Local boards are required to address in their WIOA local plans strategies for assisting individuals with barriers, including methods of validating their eligibility. L&I encourages the use of **telephone verification** and **documentation inspection verification** to verify eligibility, especially in consideration of individuals with barriers to employment. Additional standardized forms, such as Statement of Family Size and Income and WIOA Self-Attestation Form, are also options for verification as outlined in this policy. Use of these forms must align with current BWPO

guidance. These forms, and BWPO guidance on the use of self-attestation, are available in the CWDS Help Center.

1. L&I requires local boards to consider the use of telephone verification prior to self-attestation to verify eligibility criteria. When applicable, eligibility criteria may be verified by telephone contacts with recognized governmental or social services agencies, or by document inspection. The information obtained must be verified and recorded on the **Telephone/Document Inspection Verification Form**. Information recorded must be adequate to enable a monitor or auditor to report back to the cognizant agency or the document used. (In some cases, the information provided by the agency through telephone contact may be sufficient to satisfy multiple eligibility criteria. Verification of eligibility through document inspection is appropriate when documents cannot or may not be copied).
2. **Applicant Statement.** An applicant statement is a form of self-attestation. The **Statement of Family Size and Income** may be used to validate family size/family income if other means are not available. If an applicant's statement or self-attestation is used in the eligibility-determination process, all workforce staff must adhere to current BWPO guidance.
3. **WIOA Self-Attestation Form.** A standardized self-attestation form, **WIOA Self-Attestation Form**, is available to assist staff in collecting the information necessary to verify title I programs eligibility criteria and verify acceptable documentation sources.

VIII. Resources.

- A. Commonwealth Workforce Development System (CWDS) Help Center: Guidance and standardized forms are available on the CWDS Help Center for PA CareerLink® staff.

IX. Supporting Information.

- A. Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. §§ 3101-3361
- B. Workforce Innovation and Opportunity Act, Department of Labor Only, Final Rule, 20 C.F.R. Parts 603, 651, 652, et al. (2016)
- C. Workforce Innovation and Opportunity Act, Regulations for the Workforce Development Systems, Final Rule, 20 C.F.R. Part 675 (2016)
- D. Workforce Innovation and Opportunity Act, Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions, Final Rule, 20 C.F.R. Parts 676, 677, and 678 (2016)
- E. Training and Employment Guidance Letter (TEGL) No. 35-14, *WIOA Operating Guidance for National Farmworker Jobs Program (NFJP) Employment and Training and Housing Grantees*
- F. Training and Employment Guidance Letter (TEGL) No. 6-14, *Program Year (PY) 2013/Fiscal Year (FY) 2014 Data Validation and Performance Reporting Requirements and Associated Timelines, Attachment A: Source Documentation Requirements for Program Year (PY) 2013 Workforce Investment Act (WIA) Data Element Validation (C. TYPES OF SOURCE DOCUMENTATION)*
- G. Training and Employment Guidance Letter (TEGL) No. 12-01, *Clarification on Selected Activities and*

Issues under the WIA; Attachment C: Cross-Cutting Eligibility, Documentation, and Verification Issues for Adults and Youth under WIA

- H. Training and Employment Guidance Letter (TEGL) No. 10-23, *Reducing Administrative Barriers to Improve Customer Experience in Grant Programs Administered by the Employment and Training Administration*
- I. Training and Employment Guidance Letter (TEGL) No. 23-19, Change 1, *Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs*

X. History.

WIOA permits self-attestation as a viable source for eligibility determination and data validation purposes. To reduce the risk of enrolling ineligible individuals (which may result in disallowed costs), some states and local areas had, under WIA, instituted overly stringent documentation requirements. Limiting or restricting the use of self-attestation could present obstacles for both applicants and workforce system staff.

XI. Public Comment.

The Policy on Policies (PoP) outlines certain circumstances that may dictate immediate action on the part of L&I and its workforce system partners. This includes maintaining compliance with regulatory or legal mandates. In these specific circumstances, a policy package does not have to go through the full PoP process and can be fast tracked to publication.

As part of the Workforce Deputate's collective efforts to ensure compliance with [Training and Employment Guide Letter \(TEGL\) No. 10-23](#), this policy (formerly referred to as the Self-Certification & Telephone/Documentation Inspection Verification policy) was fast tracked. This policy will not be posted for public comment, however both external and internal stakeholder feedback has been requested, considered, and when possible, applied.