

EOWB Policy #: P-002B	Effective Date: 12-01-2023
	Revised: 12-01-2023
Adult and Dislocated Worker Eligibility	☐ New ☒ Revised

PURPOSE

This policy defines the Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker eligibility. Under WIOA, participants who receive WIOA-funded program services shall meet the eligibility requirements and register to receive those services.

POLICY

When registering an individual for WIOA services, staff must ensure that the individual is eligible following the eligibility requirements for WIOA. Each participant documentation file in the local management information system (MIS) must include a completed application for each applicant, equal opportunity information, and documentation that confirms general WIOA eligibility and any additional Dislocated Worker eligibility or WIOA Adult Priority of Service data elements. All questions on the intake form must be answered, and both the applicant and intake staff must sign the intake form. For Adults and Dislocated Workers, registration occurs on the first day on which the individual begins receiving staff-assisted basic career services, individual career services and/or training services, or subsidized employment. Registration is not required for self-service and information only activities. The point of registration is where performance accountability information is first collected.

PROCESS

For an individual to be registered and enrolled in WIOA Adult or Dislocated Worker programs, the following must occur:

- The individual must complete the application/eligibility determination process; and
- The individuals must provide the documentation required to substantiate his/her eligibility; and
- Staff must enter the appropriate service activity for the individual record.

ADULT PROGRAM ELIGIBILITY

Adults must meet the following WIOA eligibility requirements to move from Basic Career Services to Individualized Career services and/or Training Services:

- 18 years of age or older; and
- If male, in compliance with Selective Service Requirements. **For details, please refer to EOWB policy P#016.**

Priority of Service for Adult

Priority of service means that a covered person receives access to a service earlier in time than a non-covered person, instead of, or before the non-covered person.

Priority of service must occur at the time of enrollment for Adult applicants. Individuals who meet the definition of priority of service shall be given priority over a non-priority of service participant for the receipt of employment, training, and placement services provided. **For details please refer to EOWB Policy P#007.**

DISLOCATED WORKER PROGRAM ELIGIBILITY

An applicant is a dislocated worker when a Basic Eligibility Situation applies, and they can document their date of birth and compliance with selective service registration requirements. **For details, please refer to EOWB policy P#016.** There is no minimum age for Dislocated Worker eligibility; however, applicants under age 18 require parent signature for enrollment.

Basic Eligibility Situations:

- Terminated or laid-off Worker, or
- Laid off due to Business closure or substantial layoff, or
- Displaced Homemaker, or
- Spouse of Military Service Members, or
- Self-employed and business closed, or
- Separating service member.

1-Terminated or Laid-off Worker

The applicant must meet each of the requirements in A, B and C:

- A. Has been terminated or laid off from employment, or has received a notice of termination or layoff including a separation notice from active military service (refer to [Separating Service Member](#) for additional detail); and
- B. Is either eligible for or has exhausted their unemployment insurance compensation or have been employed for a period of at least three months to show attachment to the workforce, but are not eligible for unemployment insurance compensation due to insufficient earnings or having worked for an employer that is not covered under the state unemployment compensation law; and
- C. Is unlikely to return to their previous industry or occupation. This can be due to any of the following circumstances:
 - There has been negative economic conditions or a sudden economic impact on the industry or occupation.
 - There has been a decline in the previous occupation in the local market.
 - Circumstances exist that cause significant barriers to employment, such as criminal background, lack of high school diploma or GED, disability, homelessness, cultural or language barriers, older worker (55+), or deficient in basic skills.
 - The previous industry or occupation has been eliminated or the applicant has been unable to secure a position at a compensation level comparable to their previous occupation.
 - The applicant has exhausted their unemployment benefits and have been unable to find a job in their previous industry or occupation.
 - The applicant was seasonally employed and unlikely to return because of mechanization or significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work duties.

2-Laid off due to Business Closure or Substantial Layoff

The participant must meet one of the following requirements:

- Has been terminated or laid off from employment, or has received notice of termination or layoff, because of the permanent closure of, or any substantial layoff (defined as 10 or more affected workers) at the company (includes a plant, facility, military installation, or business enterprise); or
- Is employed at a company where the employer has made a general announcement that the company or location will close within 180 days. A general announcement may include media coverage, filing of a WARN with the State, or written notice of intent to close within 180 days (written notice includes email communication, employer website and/or social media postings).

3- Displaced Homemaker

An applicant is eligible as a WIOA Displaced Homemaker – which also equates to Dislocated Worker eligibility status – if they have been providing unpaid services to their family in the home and meet one of the following situations:

- Has been dependent on the income of another family member but is no longer supported by that income, and is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment; or
- Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station or the service-connected death or disability of the service member; **and** unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

Family: Two or more persons related by blood, marriage, or decree of the court, who are living in a single residence, and are included in one or more of the following: A married couple and dependent children, a parent or guardian and dependent children; a married couple.

Additional Guidance – Underemployed

Underemployed is defined as any one of the following applying to the applicant's situation. The applicant is employed:

- Less than full-time and is seeking full-time employment.
- In a position that is inadequate with respect to their skills and training.
- But their family annual income does not exceed the higher level of the poverty line or 70 percent of the LLSIL.
- But earnings from their current job are not sufficient compared to earnings from their previous employment.

4- Military Spouse

The applicant must be the spouse of a member of the Armed Forces on active duty and meet one of the requirements below:

- Have experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the Armed Forces member, or
- Are unemployed or underemployed and having trouble obtaining or upgrading employment. (Refer to Additional Guidance-Underemployed).

Note: A military spouse may also qualify as displaced homemaker.

5-Separating Service Member

The applicant must meet the following requirement, and documentation with a DD-214 is required:

- Is a non-retiree member of the Armed Forces who is separating from service to enter or re-enter the civilian labor force (being discharged), and the discharge is for any reason other than dishonorable. Per 20 CFR 680.660, separating military service members automatically qualify as unlikely to return to a previous industry or occupation and as eligible for or exhausted entitlement to unemployment insurance.

Note: Dislocated military service members, veterans and other covered persons are eligible for priority of service.

6-Self-Employed and Business Closed

The applicant must meet the following requirement:

- Was self-employed (including employment as a farmer, rancher, fisherman, or an independent contractor or consultant not technically an employee of a firm or agency) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

Additional Guidance – Self- Employed and Business Closed

To assist an applicant in determining if they meet this Dislocated Worker definition, consider the following:

- A person is self-employed when they meet one of the following conditions:
 - Files taxes as self-employed for their business on their personal taxes, or
 - Is considered an independent contractor by the business, or
 - Meets all the following criteria:
 - Is not required by the business to complete an IRS W-4 form.
 - Is not required to pay federal income tax or FICA payments from their paycheck(s)
 - Liability or workers' compensation insurance for the individual is not paid by the business.
 - Either creates or provides the products or services they sell or sets the price for the products or services they sell.
 - Is responsible for the business expenses and losses.
 - Receives profits from the business.
- Economic condition is defined as the present situation in the overall economy of the area where the individual resides. When a local economy contracts or is weakened, it may impact self-employed individuals. Examples include recession, impacts of pandemic, impacts of major employers that support a high percent of employment and local purchasing power, such as:
 - Failure of one or more businesses to which the self-employed individual supplied a substantial portion of products or services.
 - Failure of one or more businesses from which the self-employed individual obtained substantial proportion of products or services.
 - Substantial layoffs from, or a permanent closure of, one or more plants or facilities that support a significant portion of the local economy.
 - The unemployment rate for the county exceeds the state overall unemployment rate.
 - Depressed prices or markets for articles produced by the self-employed individual.

Eligibility for Employed Individuals-Underemployed:

Underemployed Workers: Per Section 11 of TEGL 19-16, the state allows underemployed workers to qualify for the WIOA Title I Dislocated Worker program if they have been dislocated from full-time employment. Please see the definition of underemployed on page 4 of this policy.

Note: Underemployed workers may also qualify for the WIOA Adult Program, and those who meet the “low income” definition receive priority of service.

ELIGIBILITY VERIFICATION

For an individual to be registered and enrolled into WIOA Adult or Dislocated Worker programs, the following must occur:

1. The individual must complete the application/eligibility determination process; and
2. The individuals must provide the documentation required to substantiate his/her eligibility; and
3. The appropriate service activity must be entered in the individual record by WIOA case managers.

Methods of Verifying WIOA Eligibility

Some participant eligibility elements for WIOA services must be verified and documented. Methods of verification is:

- [Documentary evidence](#)
- [Applicant Self-Attestation where allowable](#)
- [Case notes by Title I contractor staff where allowable.](#)

Regardless of the method of documenting eligibility, the applicant must be informed that all information is subject to verification and that false information is grounds for termination of participation in WIOA services.

1. Documentary Evidence for Verifying WIOA Eligibility:

Required WIOA eligibility documentation must be uploaded using the tool and process provided through MIS. Follow customer Secure Document Upload Tool instructions found on the local MIS Resources/User Instruction Tables. Required documentation sources for general WIOA eligibility are included in the table below. At least one document from every applicable category must be provided.

Adult and Dislocated Worker Documentation Requirement

Category	Element	Allowable Documents
WIOA Adult Eligibility and Enrollment	Date of Birth	Baptismal Record Birth Certificate DD-214/Report of Transfer or Discharge Paper Driver's License Family Bible Government Issue ID, including Tribal ID Hospital Record of Birth Passport Public Assistance/Social Service Records School Records or ID Card

	Selective Service Registration	See below
Category	Element	Allowable Documents
WIOA Dislocated Worker Eligibility and Enrollment	Date of Birth	Baptismal Record Birth Certificate DD-214/Report of Transfer or Discharge Paper Driver's License Family Bible Government Issue ID, including Tribal ID Hospital Record of Birth Passport Public Assistance/Social Service Records School Records or ID Card
	Selective Service Registration	See below
	Separating Service Member	DD-214
Priority of Service	Veteran Status	DD-214 Crossmatch with Dept. of Defense Records Crossmatch with Veterans Service database A letter from the Veterans' Administration
	Public Assistance Recipient TANF SNAP SSI/SSDI Other Public Assistance	Verification letter Crossmatch with public assistance records
	Deficient in Basic Skills	Assessment by staff Assessment test results Education institution records
Selective Service Required to Register	Registered	Selective Service Registration Acknowledgement Letter Selective Service Registration Card Stamped Post Office Receipt of Registration
	Not Registered – Not willful	Request for Status Information Letter and Supporting documentation Selective Service Status Information Letter
	Not Registered – Chose not to register	Not eligible
Selective Service Not Required/Exempt	Not Required to Register	Applicant Attestation (Age/Sex at Birth) DD-214 Military Separation Record Immigrant/Non-Immigrant Allowable Documents Records of Incarceration, hospitalization or institutionalization

2. Self-Attestation

Self-attestation (also referred to as a participant statement) during eligibility determination is allowed and is a viable source for documentation eligibility for certain WIOA Title I data elements. Self-attestation is not to be used as the primary method of verifying data elements. Self-attestation should only be used when the preferred options of paper documentation or third party corroboration are not available. It may be used if documentary evidence is not available or if it cannot be provided when time is of the essence. The WIOA intake or registration form can also count as a self-attestation form if the individual identifies his or her status for the permitted criteria and signs and dates the registration form attesting to this self-identification. The applicant's difficulty in obtaining documentation does not need to entail hardship or suffering to justify using an applicant statement.

Self-attestation may be used for the following eligibility elements:

1. Dislocated but ineligible to receive UI Payments
2. Reportable characteristics including foster care youth status
3. Displaced homemaker information
4. Dislocation from facility closure
5. Date of qualifying separation
6. Self-employment dislocation
7. Unlikely to return to previous industry/occupation
8. Low-income status documentation
 - For low-income status, individuals must outline the sources and amount of family income by month on a self-attestation budget

Documentation through WIOA intake and Registration/self-attestation should not be overused.

3. Case notes by Title I contractor staff

Title I case notes during the eligibility determination is allowed and is a viable source for documentation eligibility for certain WIOA Title I data elements. Case notes **should not** be the first avenue for verification of data elements but may be used for the following eligibility elements:

- 1- Basic Skills Deficiency
- 2- Reportable characteristics including Foster Care Youth status
- 3- Unlikely to Return to Previous Industry or Occupation

Additional definitions:

- **Information only or self-service activities:** Self-service occurs when individuals independently access any workforce development system program information and activities in either a physical location or remotely via the use of electronic technologies. Information only services or activities are those that provide readily available information that does not require an assessment by a staff member of the individual's skills, education, or career objectives.
- **Reportable Characteristics:** Information regarding a person's demographics that is reported under WIOA at program entry:
 - Disability Status
 - Membership of an Indian tribe, band, nation, or other organized group or community, including any American Indian/Alaska Native Village, regional or village corporation.
 - Origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands
 - Race and ethnicity
 - Gender at birth
 - School status
 - Receiving public assistance (basic career services only)
 - Foster care youth status
 - Homelessness status
 - Ex-offender status
 - Low-income status
 - English Language Learner
 - Basic Skills Deficient
 - Single parents (including pregnant women)
 - Migrant and seasonal farmworker status

REFERENCES

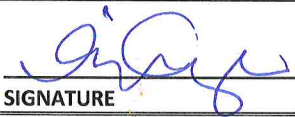
Code of Federal Regulations 20 CFR PART 680 and PART681

Training and Employment Guidance Letter 10-09; 19-16; 14-18; 26-13

WIOA sec. 3(5); (50); (53); (36)a

WIOA sec. 134 (c)(3)(E)

EOWB Policies P#016 and P#007

DATE APPROVED by Board of Directors: <u>12/14/23</u>	Erin Carpenter, EXECUTIVE DIRECTOR
EFFECTIVE DATE: <u>12/01/2023</u>	 SIGNATURE