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ADULT & DISLOCATED WORKER ELIGIBILITY	

PURPOSE

The Workforce Innovation and Opportunity Act (WIOA) provides Title I authority for three programs: Adult, Dislocated Worker, and Youth programs. This policy defines WIOA Adult and Dislocated Worker eligibility. Under WIOA, participants who receive WIOA-funded program services shall meet the eligibility requirements and be enrolled to receive those services.

REFERENCES

Code of Federal Regulations 20 CFR 680-681
TEGL 10-09, 19-16, and 14-18
WIOA Sec. 3, 131 through 134
SOWIB Policy PW-305 Priority of Service

POLICY

When registering an individual for WIOA services, staff must ensure the individual is eligible following the eligibility requirements for WIOA (age and selective service registration, and dislocated worker status, if appropriate). Each participant file must include a completed signed 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.

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.
- 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 Eligibility Criteria

All Adult applicants must be 18 years or older, meet the Selective Service requirements, if applicable and be assessed for priority of service.

Priority of Service for Adult Applicants

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 non-priority of service participants for the receipt of employment, training, and placement services. Depending on the type of service or resources provided, priority means that the priority of service individual receives access to the service or resource earlier in time than the non-priority of services individual, or if the service is limited, the priority of service individual receives access to the service or resource instead of, or before, the non-priority of service individual. Priority of Service for veterans applies to all qualified job-training programs. Veterans will be identified and made aware of their entitlement to the priority of service, the full range of program services under the priority of service, and all applicable eligibility requirements during the point of entry. When a veteran does not have verifying documentation of veteran or eligible veteran status, the veteran or eligible spouse should be enrolled (whenever other required documentation is provided) and receive immediate priority. They should be permitted to follow up subsequently with any required verification of covered status. To receive priority for training services under WIOA, veteran status must be verified.

Dislocated Worker Eligibility Criteria

All Dislocated Worker applicants must be 16 years or older and, if required, meet the Selective Service requirements and at least one of the categories for the Dislocated Worker eligibility requirements. The following matrix is an outline of the Dislocated Worker Program eligibility category and the criteria that align with the category.

Category	Criteria
1. General Dislocation	1.1 An individual who was terminated, laid off, or received notice of termination or layoff; AND
	1.2 Is determined unlikely to return to previous industry or occupation; AND
	Is eligible for or has exhausted entitlement to unemployment compensation; <u>OR</u> Is not eligible for unemployment compensation but can show attachment to the workforce of sufficient duration
2. Dislocation from Facility Closure/ Substantial Layoff	An individual who was terminated, laid off, or received notice of layoff from employment at a plant, facility, or enterprise as a result of: Permanent closure; or Substantial layoff; <u>OR</u>
	An individual employed at a facility at which the employer has made a general announcement that the facility will close within 180 days

3. Self-employed Dislocation	3.1 Was self-employed (including employment as a farmer, rancher, or a fisherman), but is unemployed because of general economic conditions in the community in which the individual resides or because of natural disasters.
4. Displaced Homemaker	4.1 An individual who was dependent on the income of another family member and is no longer supported by the income of that family member; <u>OR</u> 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, or a service-connected death or disability of the member <u>AND</u> 4.2 Is unemployed or underemployed and is having trouble in obtaining or upgrading employment
5. Dislocated/ Separating Military Service Members	5.1 A non-retiree military service member who was discharged or released from service under <u>other than dishonorable</u> or has received a notice of military separation. 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. Spouses of Military Service Members	1. The spouse of a member of the armed forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member <u>OR</u> 2. The spouse of a member of the armed forces on active duty and who is unemployed or underemployed and is having trouble in obtaining or upgrading employment Note: a military spouse may also qualify as a displaced homemaker

Methods of Verifying WIOA Eligibility

Participant eligibility for WIOA services may be verified and documented through the following methods:

- Documentary evidence

- Applicant self-attestation
- Case notes by Title IB sub-recipient staff.

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.

Documentary Evidence for Verifying WIOA Eligibility

Required WIOA eligibility documentation must be in every participant's file and available for review by SOWIB. Required documentation sources for general WIOA eligibility are included in the table below. At least one document from every applicable category must be provided.

Category	Element	Allowable Documents
1. WIOA Adult Eligibility and Enrollment	1.1 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
	1.2 Selective Service	See information below
2. WIOA Dislocated Worker Eligibility and Enrollment	2.1 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
	2.2 Selective Service	See information below
	2.3 Separating Service Member	DD-214

3. Priority of Service	3.1 Veteran Status	DD-214 Crossmatch with Dept. of Defense records Crossmatch with Veterans Service database A letter from the Veterans' Administration
	3.2 Public Assistance Recipient, TANF, SNAP SSI/SSDI, other public assistance	Verification letter Crossmatch with public assistance records

	3.3 Basic Skills Deficient	Assessment by staff Assessment test results Educational institution records
4. Selective Service – Required to Register	4.1 Registered	Selective Service Registration Acknowledgement letter Selective Service Registration Card Stamped Post Office Receipt of Registration
	4.2 Not Registered*	Applicant Statement Confirmation from SOWIB management
	4.3 Not Registered – Chose not to register*	Not eligible
5. Selective Service- Not Required to Register/Exempt	5.1 Not Required to Registered – Exempt	Applicant Statement (age/sex at birth) Birth certificate DD-214 Military Separation record Immigrant/Non-Immigrant allowable documents Records of incarceration, hospitalization, or institutionalization

***Not Registered**

If an Applicant was required to register for Selective Service but failed to do so before reaching age 26, a determination must be made as to whether the failure to register was knowing and willful. The Applicant must complete an Applicant Statement explaining the reason they did not register as required. The service provider's WIOA Program Manager must review the information and determine whether the Applicant has established that the failure to register was not knowing and not willful.

If the failure to register is determined to be not knowing and not willful, the WIOA manager indicates such on the form. The completed Applicant Statement must be uploaded to the Applicant's record, and the appropriate document type selected in the MIS.

If the failure to register is determined to be knowing and willful, the Applicant is not eligible for WIOA-funded services and the Applicant must be advised of the WIOA Title I grievance procedures.

Applicant Self-Attestation through WIOA Registration

Self-attestation during the eligibility determination is allowed and is a viable source for documenting eligibility for certain WIOA Title I data elements. The WIOA intake application counts 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 should not impose hardship or suffering to justify using an applicant statement. In taking an applicant's statement, it is not necessary to obtain corroboration unless there is a reasonable belief not to believe the applicant. Self- attestation may be used for the following eligibility elements:

- Dislocated information by Ineligible to Receive UI Payments
- Dislocation date from facility closure
- Tenure with the employer at separation
- Date of qualifying separation
- Long-term unemployment
- Self-employment dislocation
- Displaced Homemaker information
- Reportable characteristics including Foster Care Youth status

Case Notes for Documenting Eligibility

Title IB case notes during the eligibility determination are allowed and are a viable source for documenting eligibility for certain WIOA Title I eligibility elements. Case notes may be used for the following eligibility elements

- Self-employment dislocation
- Tenure with the employer at separation
- Reportable characteristics including Foster Care Youth status

DEFINITIONS

Business Closed or has had a Substantial Layoff: The applicant 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).
- 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, and

corporate written notice of intent to close within 180 days (written notice includes email communication, employer website, and/or social media postings).

Displaced Homemaker: An applicant is eligible as a WIOA Displaced Homemaker – which also equates to Dislocated Worker eligibility status – if one of the following situations applies:

- The applicant has been providing unpaid services to their family in the home and has been dependent on the income of another family member but is no longer supported by that income and is having trouble obtaining or upgrading employment.
- The applicant has been providing unpaid services to their family in the home and 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 is having trouble 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.

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.

Military Spouse: The applicant must meet one of the following requirements:

- Is the spouse of a member of the Armed Forces on active duty and has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the duty station of the Armed Forces member.
- Is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and having trouble in obtaining or upgrading employment.

Priority of Service: Services be provided to eligible participants in the following priority order:

- Veterans and eligible spouses who are included in the groups are given statutory priority for WIOA Adult formula funding.
- Individuals who are not veterans or eligible spouses and who meet one of the statutory priorities for WIOA Adult formula funding:
 - a. Recipients of a public assistance-An individual who receives, or in the past six months has received, or is a member of a family that is receiving

or in the past six months has received public assistance through Temporary Aid for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), General Assistance or Refugee Cash Assistance, or Supplemental Security Income (SSI). **NOTE: this does NOT include school aged children that receive SNAP benefits through the P-EBT program.**

b. Low income-An individual who receives, or in the past six months has received or is a member of a family that is receiving or in the past six months has received public assistance through SNAP or is in a family where the total family income does not exceed the Federal Poverty line or 70% of the Lower Living Standard Income Level (LLSI)

<https://www.wioainoregon.org/uploads/3/9/2/2/39223489/lowincome.2026.pdf>

c. An individual with a disability whose family does not meet income eligibility criteria, however, the individual who meets the income criteria may be considered a low-income individual for priority of services.

c. Basic skills deficient- An individual who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.

- Veterans and eligible spouses who are not included in WIOA's priority groups.
- Priority populations are established by the Governor and/or the local workforce development board.
- Non-covered persons outside the groups are given priority under WIOA.

Reportable Characteristics: Information regarding a person's characteristics that are 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
- 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

Selective Service: Compliance with the Selective Service registration requirements must be documented for participants who are required to register – defined as:

- Sex-assigned male at birth
- AND a US Citizen OR immigrant residing in the US between the ages of 18 and 25
- AND are age 18 or older
- AND were born on or after January 1, 1960

Selective Service Exempt: Participants exempt from Selective Service registration:

- Sex-assigned female at birth
- OR born before 1960
- OR currently under the age of 18 (will be required to register within 30 days of 18th birthday)
- OR are a seasonal agricultural worker on an H-2A visa
- OR are a lawful non-immigrant on a current non-immigrant visa
- OR were incarcerated/hospitalized/institutionalized continuously between 18th and 26th birthdays
- OR were not living in the United States between 18th and 26th birthdays
- OR was on active US Military, Coast Guard duty, or a student in an Officer Procurement Program continuously between 18th and 26th birthdays

Self-Attestation: Self-attestation (also referred to as an applicant statement) occurs when a participant states their status for a particular eligibility element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) the participant identifying their status for permitted elements, and (b) signing and dating a form attesting to this self-identification.

Self-Employed and Business Closed: The applicant 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 because of general economic conditions in the community in which the individual resides or because of natural disasters.

Self-Sufficiency: Training services being made available to employed Adults and Dislocated Workers where staff determine that all these elements apply:

- The participant is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services.
- They need training services to obtain or retain employment leading to self-sufficiency or wages comparable to or higher than wages from previous employment.
- They have the skills and qualifications to participate successfully in training services.

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

- Is a 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?

Terminated of 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.
- B. Is either eligible for or have exhausted their unemployment insurance compensation or have been employed for a period of at least three months to show attachment to the workforce, but they 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.
- C. Is unlikely to return to their previous industry or occupation. This can be due to any of the following circumstances:
 - Because of negative economic conditions or sudden economic impacts on industries or occupations (such as the pandemic).
 - Because there is a decline in the previous occupations in the local market.
 - Because of circumstances 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.
 - Because their 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.
 - Because they exhausted their unemployment benefits and have been unable to find a job in their previous industry or occupation.
 - Because they were seasonally employed and unlikely to return because of mechanization or significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work duties.

Under-Employed: The applicant who meets one or more of the following:

- Employed less than full-time who are seeking full-time employment
- Employed in a position that is inadequate with respect to skills and training
- Employed, but meet the definition of low-income
- Employed, but whose current job earnings are not sufficient compared to previous job earnings from previous employment.

Unlikely to Return: An unemployed worker having limited opportunities for employment or reemployment in the same or similar occupation in the area in which the individual resides as confirmed by labor market information and/or labor

analysis by Oregon Employment Department or recent local labor market events, which may include:

- Because of negative economic conditions or sudden economic impacts on industries or occupations (such as the pandemic).
- Because there is a decline in the previous occupations in the local market.
- Because of circumstances 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.
- Because their 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.
- Because they exhausted their unemployment benefits and have been unable to find a job in their previous industry or occupation.
- Because they were seasonally employed and unlikely to return because of mechanization or significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work duties.