

TITLE: WIOA Adult & Dislocated Worker Program Eligibility Policy # 5000

Type: Program Policy

Date Established: 07/01/2016

Date Last Revised: 3/3/2022

Date Posted to Website: 04/18/2022

Status: Final

Supersedes: WIA Policies # 500, 501, 510,
515, 590,

Purpose

WIOA provides for a workforce system that is universally accessible, customer centered, and training that is job-driven.

This policy provides guidance for determining the eligibility of individuals to be enrolled and provided services through the WIOA Adult and Dislocated Worker Programs. The WIOA Adult and Dislocated Worker formula programs are one pivotal piece of the WorkSource delivery system, which is the foundation of the workforce system.

Policy

WIOA Program Staff are to ensure that all individuals interested in and eligible to receive services through the WIOA Adult and Dislocated Worker funded programs are determined eligible through the guidance provided within the WorkSource System Policy 1019 Revision 6 Eligibility Handbook - Attachment A.

Policy Guidelines

Enrollment into a WIOA funded program occurs at the point where there is significant staff involvement. Significant staff involvement includes staff's assessment of a participant's skills, education, or career objectives to assist the participant in making a decision or accessing information, compared to staff providing a participant with readily available information that does not require an assessment.

WIOA requires that local workforce councils set the criteria for determining whether employed applicants who are not earning a self-sufficient wage are allowed enrollment in to a WIOA Title 1 funded adult or dislocated worker program to receive services necessary to obtain or retain employment which will lead to self-sufficiency.

The following information outlines the general requirements which must be met by WIOA Adult and Dislocated Worker program applicants for consideration of enrollment by WIOA program Staff into the applicable Adult and or Dislocated Worker program.

Adult Program Eligibility Requirements

Individuals must meet the following eligibility criteria for the adult program:

- U.S. citizen or otherwise legally entitled to work in the U.S.;

- Age 18 or older; and
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see Section 5.2 for guidance on Selective Service registration).

Priority for Services under the Adult Program

Priority selection is established for and local areas must target certain populations in accordance with WIOA Section 134(c)(3)(E) and proposed 20 CFR 680.600 and 20 CFR 680.640. These targeted populations must first meet the eligibility requirements for the adult program.

The matrix below describes the order and rationale for prioritization based on the requirements in WIOA Section 134(c)(3)(E), proposed 20 CFR 680.600, proposed 20 CFR 680.640, and TEGL 10-09. For purposes of this section, the term “covered person(s)” refers to veterans and eligible spouses per priority of service for veterans.

Priority requirements for the WIOA Title I adult program are as follows:

Priority	Mandatory Priority Group	Explanation
First	Covered persons (veterans and eligible spouses) who are low income, recipients of public assistance, or basic skills deficient.	Guidelines for serving covered persons - WorkSource System Policy 1009 Revision 3 – Priority of Service apply within the mandatory priority criteria of low-income / public assistance recipient.
Second	Individuals (non-covered persons) who are low-income (may include unemployed individuals), recipients of public assistance, or basic skills deficient.	The mandatory priority criteria (low-income / public assistance recipients / basic skills deficient) have preference over covered persons (veterans and eligible spouses) who do not meet the mandatory priority criteria.
Third	Covered persons (veterans and eligible spouses) who are not low-income and not basic skills deficient.	Guidelines for serving covered persons - WorkSource System Policy 1009 Rev. 3 – Priority of Service apply in the third category (individuals who are not low-income / public assistance recipients / basic skills deficient).
Fourth (optional)	LWDBs (in consultation with CLEOs) may establish additional priority groups for priority for services beyond minimum adult eligibility - WorkSource Policy 1019, Revision 6 - Section 3.d – Local Responsibilities.	Guidelines and procedures for serving additional priority groups as set forth in PacMtn’s Adult Eligibility Procedures # 5001AP

NOTE: An adult with a disability can be considered a family of one for low-income determinations (refer to Section 5.6.2) of WorkSource System Policy 1019, Rev 6 supplemental Eligibility Handbook.

Unemployed individuals may be considered low-income individuals (refer to Section 5.6.1), of WorkSource System Policy 1019, Rev 6 supplemental Eligibility Handbook.

According to proposed 20 CFR 680.120, 680.130, and 680.210, the above priority requirements do not necessarily mean that only the recipients of public assistance and other low-income individuals can receive WIOA adult funded career and training services.

With respect to funds allocated to a local area for adult employment and training activities, WIOA section 133(b)(2)(A) and (3)(A), states that priority shall be given to recipients of public assistance and other low-income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services.

In the PacMtn region, WIOA Program staff may also serve these other eligible individuals who are not recipients of public assistance, other low-income, or basic skills deficient after first serving eligible individuals who meet the established priority selection criteria.

Employed individuals who do not meet the other priority for services criteria may be enrolled under this priority if:

- They have a family income that does not exceed the Self-Sufficiency Guidelines set by PacMtn
- They are determined by the program operator to be in need of and be able to benefit from services; and
- The program operator documents that they have a barrier to employment.

NOTE: Up to twenty percent (20%) of the total number of participants enrolled in any program year may be enrolled using these criteria.

NOTE: Washington’s Marriage Equality Act (RCW 26.60) expands the definition of a “married couple” beyond that of a male and female couple. The US Department of Justice will no longer defend the federal “Defense of Marriage Act” as a number of courts have held it is unconstitutional, including the 1st and 2nd Circuit Court of Appeals. Accordingly, in relation to this policy, the state is expanding its definition of a married couple beyond that of a male and a female

Priority Selection for Career Services and Training Services Funded with WIOA Statewide (10%) Discretionary Grants/Contracts

For purposes of WIOA statewide (15%) discretionary funds, the Governor has determined that these funds will be prioritized as follows:

- Eligible veterans and spouses;
- Unemployed individuals;
- Low-income individuals;
- Other Washington job seekers.

As indicated by the first priority, recipients of WIOA 10% discretionary grants and contracts will continue to provide priority selection of veterans for career and training service in alignment with WorkSource System Policy 1009 Revision 3. In applying this policy to 10% funded projects, veterans who are unemployed and/or low-income, have priority over all other individuals served under these projects.

For complete WIOA Adult eligibility criteria and documentation requirements see Section 3 and Section 6 of the Eligibility Handbook.

Dislocated Worker Program

Individuals must meet the following eligibility guidelines for the Dislocated Worker Program:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified (see Section 5.2 for guidance on Selective Service registration); and
- One of the Dislocated Worker categories listed within the Dislocated Worker Eligibility Criteria Matrix, page 13 of the Eligibility Handbook.

The matrix which follows is meant to provide clarity on the requirements within each Dislocated Worker category. Military Service Members (Category 5) and Spouses of Dislocated Military Service Members (Category 6) have been included as individual categories to allow for specificity, though it is commonly understood that these categories fall under the General Dislocation category (1). Refer to Section 5.7 of the Eligibility Handbook for guidance related to the impact of Washington's Marriage Equality Act

Dislocated Worker Eligibility Criteria	
Category	Criteria
1. General Dislocation	<input type="checkbox"/> 1.1 An individual who was terminated, laid off, or received a notice of termination or layoff. AND
	<input type="checkbox"/> 1.2 Is determined unlikely to return to previous industry or occupation (defined by LW DBs); AND
	<input type="checkbox"/> 1.3.1 Is eligible for or has exhausted entitlement to unemployment compensation; OR <input type="checkbox"/> 1.3.2 Is not eligible for unemployment compensation but can show attachment to the workforce of sufficient duration.
2. Dislocation from Facility Closure / Substantial Layoff	<input type="checkbox"/> 2.1 An individual who was terminated, laid off, or received a notice of layoff from employment at a plant, facility, or enterprise as a result of: Permanent closure; or Substantial layoff; OR <input type="checkbox"/> 2.2 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	<input type="checkbox"/> Was self-employed (including employment as a farmer, rancher or a fisherman), but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.
4. Displaced Homemaker * * Per TEGL 26-13, individuals cannot cite long-term partners to whom they were not married as family members. Individuals can cite adult children upon whom they were financially dependent as family members so long as it is appropriately documented.	<input type="checkbox"/> 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; 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, or a service connected death or disability of the member AND
	<input type="checkbox"/> 4.2 Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
5. Dislocated/ Separating Military Service Members	<input type="checkbox"/> 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 (defined by LWDB (see Section 4.2.1). Per proposed 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 (POS) as described in POS Policy 1009, Revision 3.
6. Spouses of Military Service Members	<input type="checkbox"/> 6.1 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; OR <input type="checkbox"/> 6.2 The spouse of a member of the armed forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. Note: a military spouse may also qualify as a displaced homemaker (Category 4).

For complete WIOA Dislocated Worker eligibility criteria and documentation requirements; to include each of the following, please refer to Sections 4, 5 and 6 of the Eligibility Handbook.

- Serving Non-Retiree Military Service Members and their Spouses
- Non-Retiree Military Service Members (Dislocated Worker – Category 5)
- Spouses of Military Service Members (Dislocated Worker - Category 6)
- Eligibility for Employed Individuals
- Stop Gap Employment

For additional program guidance for each of the following, please refer to Sections 5 and 6 of the Eligibility Handbook.

- U.S. Citizenship or Legal Right to Work in the U.S.
- Selective Service Requirements
- Priority of Service for Veterans and Eligible Spouses
- Assisting Victims of Human Trafficking
- WIA001 Report and Disallowed Use of UI GUIDE Screen Prints
- Income Verification and Family Size for the Low-Income Criteria
 - Income Verification
 - Determining Family Size
 - Defining Dependent
 - Washington’s Marriage Equality Act

For Adult and Dislocated Worker Eligibility Documentation Requirements, please refer to Adult and Dislocated Worker Eligibility Procedures # 5000P

Any discrepancies arising between PacMtn policy and or procedures with federal and state provisions due to current or future revisions will default to the current minimum federal and state regulations and guidance available. PacMtn policy and or procedures may set forth stricter requirements than provided by federal and state guidance, but in no case will PacMtn policy and or procedures not meet minimum federal and state policy.

References

Workforce Innovation and Opportunity Act of 2014
WIOA Final Rule; 20 CFR Parts 676,677, and 678; Federal Register, Vol. 81, No. 161, August 19, 2016
WIOA Final Rule; 20 CFR Parts 603, 651, 652, et al; Federal Register, Vol. 81, No. 161, August 19, 2016
WIOA Section 134(c)(3)(E)
Training and Employment Guidance Letters (TEGL) 3-15, 10-09, 15-10, 22-04 Change 1
WorkSource System Policy 1009 Revision 3 – Priority of Service
WorkSource System Policy 1003 Revision 2 – Data Element Validation
WorkSource System Policy 1019 Revision 6 & Attachment A - Eligibility Policy Handbook

PacMtn Procedures #5000P Adult Eligibility
PacMtn Procedures # 5000P Dislocated Worker Eligibility
PacMtn Self-Sufficiency Policy #5020
PacMtn Self-Sufficiency Procedures #5020P
PacMtn – 2021 Adult Income Guidelines

Compliance with the state's eligibility policy will be based on the version of the handbook in effect at the time of the action or activity that may be at issue.

DATE APPROVED: June 4, 2016, June 13, 2019, 3/3/2022

**Direct Inquiries to:
Pacific Mountain Workforce Development Council
1570 Irving Street SW Tumwater, WA 98512
Telephone: (360) 704-3568
Email: Info@pacmtn.org**

PacMtn is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. WA Relay 711.