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November 24, 2021

To: WIOA Subrecipients of the Orange County
Workforce Development Area

From: Carma Lacy
Director of Workforce Development

Subject: Adult and Dislocated Worker Program Eligibility Policy
Information Notice No. 21-OCWDB-18
Supersedes Information Notice No. 17-OCDB-08

PURPOSE

This policy provides guidance for establishing participant eligibility for the Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker Programs.

EFFECTIVE DATE

This policy is effective immediately upon issuance.

REFERENCES

- Workforce Innovation and Opportunity Act (WIOA) Public Law 113-128
- Title 20 CFR Part 680
- 38 U.S.C. 4213
- TEGL 19-14, *Vision for the Workforce System and Initial Implementation of the WIOA* (February 19, 2015)
- TEGL 19-16, *Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules* (March 1, 2017)
- Workforce Services Directive (WSD)15-14, *WIOA Adult Program Priority of Service* (November 29, 2016)
- WSD14-4, *WIA Title I Eligibility* (September 25, 2014)

BACKGROUND

WIOA states that individuals are considered registered and participants when they have received a Workforce Innovation and Opportunity Act (WIOA) service other than self-service or information-only activities and have satisfied all applicable programmatic requirements for the provision of services, such as eligibility determination.



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Definitions

Substantial layoff – A layoff that is 1) conducted by a company which has or is in the process of laying off at least one third of its local workforce or at least 50 employees, or 2) one for which a Worker Adjustment and Retraining Notification (WARN) has been issued within the 12 months preceding the layoff.

Sufficient attachment to the workforce - Unsubsidized employment with the same employer for 13 consecutive weeks within the last 52 weeks.

Policy and Procedures

Basic career services shall be provided to customers of the Orange County One-Stop delivery system. If determined that individualized career services or training services are needed for an individual to obtain or retain employment that leads to economic self-sufficiency, these services must be made available. Provision of these services will require eligibility determination and registration.

Registration is the process for collecting information to support a determination of eligibility. It is also the point at which performance accountability information begins to be collected. For an individual to be registered into a WIOA program, the following must occur:

1. The individual must complete the application/eligibility determination process;
2. The individual must provide the documentation required to substantiate his/her eligibility; and
3. Appropriate activity code for the individual is entered into the CalJOBS system.

For adults and dislocated workers, registration occurs the first day on which the individual actually begins receiving staff-assisted basic, career, or training services, or subsidized employment.

Adult Program Eligibility

1. 18 years or older
2. U.S. work authorization
3. Selective Service Registration, if male applicant (Refer to OCWDB Selective Service Registration Policy for guidance)
4. Must demonstrate need for individualized career services or training services to obtain/retain employment that leads to self-sufficiency.
5. Determine Priority of Service Status - Established at the time of eligibility determination for WIOA Title I Adult registrants and does not change during the period of participation. Refer to OCWDB Priority of Service Policy and OCWDB 70 Percent LLSIL and Poverty Guidelines Policy for additional guidance.

When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority.

Dislocated Worker Eligibility

1. U.S work authorization
2. Selective Service Registration, if male applicant
3. Meets the definition of “dislocated worker” below

An individual must meet one of the following category requirements to be eligible for the Dislocated Worker program.

Category 1

The individual:

1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment; AND
2. (a) Is eligible for or has exhausted entitlement to unemployment compensation; or
(b) Has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; AND
3. Is unlikely to return to a previous industry or occupation. Documentation to support that an individual is “unlikely to return” may include an invitation to or participation in an Initial Assistance Workshop (IAW), Personalized Job Search Assistance (PJSA), or Reemployment Services and Eligibility Assessment (RESEA).

Category 2

The individual:

1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility or enterprise;
2. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
3. For purposes of eligibility to receive services other than training services, career services, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

Category 3

The individual was self-employed (including employment as a farmer, a 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;

Category 4

The individual is a displaced homemaker who has been providing unpaid services to family members in the home and:

1. (a) Has been dependent on the income of another family member but is no longer supported by that income; or
(b) 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 or a service-connected death or disability of the member; and
2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Category 5

The individual:

1. Is 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
2. Is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Category 6

The individual is an eligible dislocated worker (meets the general WIOA eligibility criteria and one of the five criteria listed above) who, since dislocation and prior to application, has not been employed in a job that paid a wage defined as:

1. A self-sufficient dislocated worker wage; or,
2. Leading to self-sufficiency; or
3. Providing more than stopgap employment

For dislocated workers, priority of service status and income determination is not required for eligibility or services.

Documentation

Subrecipients shall ensure proper documentation of participant eligibility determination which shall be kept in the participant files and available anytime for inspection and review by local, State and Federal monitors. Self-attestation cannot be used to document eligibility data elements of right-to-work, selective service, and age. Documenting eligibility with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. See OCWDB WIOA Documentation Requirements Policy for additional information.

Data Management

Subrecipients shall ensure that accurate participant eligibility information is reflected in CalJOBS according to the OCWDB CalJOBS Participant Reporting Timeline Policy.

ACTION

Bring this policy to the attention of all staff and all relevant parties.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.