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# Community Resources

**Date:** April 30, 2025

**To:** WIOA Subrecipients of the Orange County  
Workforce Development Board

**From:** Nancy Cook  
Director of Workforce and Economic Development 

**Subject:** Adult and Dislocated Worker Program Eligibility Policy  
Information Notice No. 25-OCWDB-03  
Supersedes Information Notice No. 21-OCWDB-18,  
17-OCDB-08

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## 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 on the date of issuance.

## REFERENCES

- WIOA (Public Law 113-128)
- Title 20 CFR Part 680, 663.115, 663.220 and 663.310
- 38 U.S.C. 4213
- Training and Employment Guidance Letter (TEGL) 19-14, Vision for the Workforce System and Initial Implementation of the WIOA
- 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
- Workforce Services Directive (WSD) 24-06, Adult Program Priority of Service
- WSD 24-15, Priority of Service for Veterans and Eligible Spouses
- WSD 24-04, WIOA Title I Eligibility Technical Assistance Guide

## BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA), recognizes an individual as a participant in the Adult or Dislocated Worker programs after completing the eligibility determination and satisfying all programmatic requirements. Services are delivered in three tiers: basic career services, individualized career services, and training services. Individuals who only access self-service tools or are assisted with information-only activities, are not considered a participant. This policy provides an overview of the necessary to determine eligibility.



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## DEFINITIONS

Layoff – The permanent or temporary termination of employment of an employee due to a position being abolished, insufficient funds, lack of work, or any other reason not reflecting discredit on the employee (such as dismissal for inadequate performance, violation of workplace rules, cause, etc.).

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 to Demonstrate Attachment to the Workforce – Unsubsidized employment with the same employer for 13 consecutive weeks within the last 52 weeks.

## POLICY

To receive WIOA-funded services, other than basic career self-services or information-only activities, individuals must be registered and determined eligible. Registration is the process of collecting information to support a determination of eligibility. The amount of time allowed to obtain documentation should not exceed 30 days. If enrollment does not occur within 30 days, the application must be reviewed and documentation must be updated, as appropriate, to ensure eligibility is still valid. For an individual to be registered into a WIOA program, the following must occur:

- The individual must complete the application/eligibility determination process;
- The individual must provide the documentation required to substantiate their eligibility; and
- The Service Provider must document services in CalJOBS through a detailed case note and the appropriate activity codes.

For WIOA Adult and Dislocated Worker, registration occurs the first day on which the individual begins receiving basic career services, individualized career services, or training services.

Eligibility requirements vary depending on the level of services provided. As participants progress from basic career services to individualized career or training services, the level of required documentation increases.

- For basic career services, information provided at registration may be accepted at face value without source documentation.
- WIOA is not an entitlement program—meeting eligibility criteria does not guarantee receipt of services.

For details on documentation requirements, refer to the OCWDB WIOA Documentation Requirements Policy.

### General Program Eligibility

To be eligible for Adult or Dislocated Worker services under WIOA Title I, an individual must:

- Be 18 years or older
- Have authorization to work in the United States of America
- Selective Service Registration if applicable. Refer to OCWDB Selective Service Registration Policy for guidance.

## **Adult Program Eligibility**

To be eligible for the WIOA Adult Program, an individual must meet the general program requirements and must demonstrate need for individualized career services or training services to obtain/retain employment that leads to economic self-sufficiency.

## **Priority of Services**

Determination for Priority of Service Status must be established at the time of eligibility determination for WIOA Title I Adult registrants and does not change during the period of participation. Priority is given to individuals based on the categories as listed below:

Category 1: Veteran's and eligible spouses who are low-income or basic skills deficient. This includes:

- A recipient of public assistance.
- A low-income individual.
- Basic skills deficient (includes English language learners).

Category 2: An individual who is not a veteran or eligible spouse but is one of the following:

- A recipient of public assistance.
- A low-income individual.
- Basic skills deficient (includes English language learners).

Category 3: A veteran or eligible spouse who is one of the following:

- Not a recipient of public assistance.
- Not low-income individual.
- Not basic skills deficient (includes English language learners).

Category 4: Anyone who does not belong to one of the above categories but belongs to a priority population established by the State of California or OCWDB.

Category 5: Individuals who do not fall into any of the above categories.

For more information, refer to OCWDB's Priority of Service for Veterans and Eligible Spouses, WIOA Priority of Service, and OCWDB 70 Percent LLSIL and Poverty Guidelines Policies for additional guidance.

When determining eligibility for programs that have a statutory requirement to serve low-income individuals, certain types of military service-related income are excluded from consideration. Certain pay, financial allowances, and financial benefits must be disregarded for veterans, transitioning service members, or any other individuals for whom these amounts would normally be applied in making an eligibility determination. For more information, refer to the Veteran Priority and WIOA Adult Program Priority of Service Policies.

## **Dislocated Worker Eligibility**

To be eligible for the WIOA Dislocated Worker Program, an individual must meet the general program requirements and satisfy the criteria under at least one of the five Dislocated Worker categories listed below:

### Category 1: General Dislocation

An individual must meet all of the following criteria:

- a. An individual who was terminated or laid off, or has received a notice of termination or layoff, from employment; this includes separation notice, under other than dishonorable conditions from the military service.
- b. Meets either of the following conditions:
  - i. Is eligible for or has exhausted entitlement to unemployment compensation;
  - ii. 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
- c. Is unlikely to return to a previous industry or occupation.

#### Category 2: Dislocation from Facility Closure/Substantial Layoff

The individual must meet one of the following criteria:

- a. 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;
- b. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
- c. For purposes of eligibility to receive services other than training services, career services, or supportive services, an individual must be employed at a facility or military installation at which the employer has made a general announcement that such facility will close.

#### Category 3: Self Employed Dislocation

The individual who was self-employed (including employment as a farmer, a rancher, fisherman, independent contractors, and consultants) 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: Displaced Homemaker

An individual who has been providing unpaid services to family members in the home and meets criteria a and b:

- a. Meets either of the following conditions:
  - i. Has been dependent on the income of another family member but is no longer supported by that income (e.g., because the other family member was laid off, or because of death or divorce); or
  - ii. Is the dependent spouse of a member of the US Armed Forces on active duty and whose family income is significantly reduced because of the service member's deployment, call or order to active duty, permanent change of station, or a service-connected death or disability of the member; and
- b. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

#### Category 5: Spouse of an Active-Duty Military Service Member

A spouse of a member of the Armed Forces on active duty who meets criteria a or b:

- a. Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the service member's duty station; or
- b. Is unemployed or underemployed and is having trouble in obtaining or upgrading employment.

Priority of Service and income determination are not required when determining individuals' eligibility for the Dislocated Worker program.

### **Documentation**

Service Providers are required to ensure that all participant eligibility documentation is scanned, uploaded, and verified in CalJOBS in accordance with the OCWDB CalJOBS Participant Reporting Timeline Policy. For guidance on collecting and storing supporting documents in CalJOBS, refer to the CalJOBS Document Imaging and Scanning Policy. Documents uploaded into the CalJOBS system will be used for verification, ongoing monitoring, and audit purposes in accordance with WIOA and Employment Development Department (EDD) requirements.

Self-attestation is not allowed and 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 be used to clarify documentation that is considered insufficient by itself. For more information on acceptable documentation, refer to the OCWDB WIOA Documentation Requirements Policy.

### **ACTION**

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

### **INQUIRIES**

If you have questions regarding this policy, please email [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com).