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Local Policy 2024-01, Local Workforce Development Area 2 (LWDA2) WIOA Title I Adult and Dislocated Worker Program Eligibility

Purpose: This policy outlines the eligibility requirements for individuals seeking services under the Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker programs. The goal is to ensure that services are provided to those who qualify under the Northern Indiana Workforce Board (NIWB) guidelines.

References:

- DWD Policy 2021-03 *Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker Program Eligibility* (All references within this policy are included by default)

Content:

WIOA requires states to assist local workforce development areas with the implementation of employment and training activities for adults and dislocated workers. The WIOA program is designed to provide employment and training opportunities to those who can benefit from, and who need, such opportunities.

General Adult Eligibility

Participants in the WIOA Title I Adult program must meet the following eligibility criteria:

- U.S. citizen or otherwise legally entitled to work in the United States;
- Age 18 or older; and
- Selective Service Registration.

There are no additional eligibility criteria for the adult program. However, as required by WIOA 134(C)(3)(E), priority of career and training services funded by and provided through the adult program shall be given to veterans and recipients of public assistance, other low-income individuals, individuals who are basic skills deficient, and any additional priority of service groups defined by NIWB for the receipt of career and training services determined appropriate to obtain or retain employment. Priority of service status is established at the time of eligibility determination and does not change during the period of participation.

General Dislocated Worker Eligibility

Participants in the WIOA Title I Dislocated Worker program must meet the following eligibility criteria:

- U.S. citizen or otherwise legally entitled to work in the United States;
- Age 18 or older;
- Selective Service Registration; and
- Meet one of the following categories:

Category	Eligibility Definition
Category A	An individual who: i. Has been terminated or laid off, or who has received notice of termination or layoff, from employment; ii. Is eligible for or has exhausted entitlement to unemployment compensation; iii. Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law; and iv. Is unlikely to return to a previous industry or occupation.

Category	Eligibility Definition
Category B	An individual who: i. 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; ii. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or iii. For purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

Category C	An individual who was self-employed (including employment as a farmer, a 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.
Category D	An individual who is a displaced homemaker.
Category E	An individual who: i. Is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), 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 ii. Is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

Additional Guidance for Category “A”

Dislocated worker, as defined in WIOA sec. 3(15), outlines five criteria for which an individual is eligible to receive WIOA funding. Most requests for clarity received pertain to Category A (see table above); many of those are outlined below.

Previous Occupation/Industry

For the purposes of WIOA dislocated worker program eligibility, the previous occupation or industry relates directly to the job of dislocation, not the most recent job if the most recent job is considered intervening or stopgap employment (described in more detail below). The job of dislocation is the job that qualifies the individual under one of the dislocated worker definition eligibility categories. The previous occupation or industry should be established by the individual’s work history provided in their application and supported with any other applicable documentation to satisfy the data validation requirements.

Intervening or Stopgap Employment

Intervening or stopgap employment describes work that an individual accepts, either prior to or during participation in WIOA services, for the purpose of income maintenance because they have lost the customary work for which their training, experience, and work history qualifies them. NIWB considers employment as “intervening” or “stopgap” if the salary is substantially below the salary of the individual’s previous occupation and/or if they are working substantially under the skill level of their previous occupation. However, intervening or stopgap employment may constitute a new primary occupation/industry in circumstances where the individual has been employed in an intervening or stopgap employment for an extended amount of time (52 weeks).

Look-Back Period

Historically, the “look-back period” was used to limit the amount of time an applicant could qualify as a dislocated worker after they were dislocated from their previous industry/occupation. The vision of WIOA supports more integrated and comprehensive dislocated worker services and, therefore, the mandatory look-back period for dislocated workers under Title I of WIOA has been eliminated. However, NIWB may elect to establish a look-back period. At this time, NIWB has decided not to elect to have a look-back period. Please note, the elimination of the mandatory

look-back period does not change the requirement to determine and validate dislocated worker eligibility.

Veteran Dislocated Workers

If the separating service member is separating from the Armed Forces with a discharge that is anything other than dishonorable, the separating service member qualifies for dislocated worker activities based on the following criteria:

- a) The separating service member has received a notice of separation, a DD-214 from the Department of Defense, or other documentation showing a separation or imminent separation from the Armed Forces to satisfy the termination or layoff part of the dislocated worker eligibility criteria in WIOA sec. 3(15)(A)(i);
- b) The separating service member qualifies for the dislocated worker eligibility criteria on eligibility for or exhaustion of unemployment compensation in WIOA sec. 3(15)(A)(ii)(I) or (II); and
- c) As a separating service member, the individual meets the dislocated worker eligibility criteria that the individual is unlikely to return to a previous industry or occupation in WIOA sec. 3(15)(A)(iii).

Stopgap or intervening employment will not disqualify a separated military service member from receiving dislocated worker services.

A military service member who has been discharged under a dishonorable discharge would not qualify as a dislocated worker but may still qualify under WIOA adult.

Profiled Unemployment Insurance Claimants

Recipients who receive either a Reemployment Services and Eligibility Assessment (RESEA) or Jobs for Hoosiers (JFH) letter may qualify for dislocated worker services under WIOA sec. 3(15)(A). At the time of program selection, these recipients were identified as being laid off (i), eligible for unemployment insurance (ii), and unlikely to return to a previous industry/occupation (iii).

However, individual circumstances and actions can impact that original eligibility determination. Therefore, in order to be eligible for dislocated worker services, the circumstances under which the participant was determined eligible for the RESEA or JFH program must not have changed.

If the recipient meets the above requirement, then the RESEA or JFH letter may serve as adequate eligibility verification documentation.

Long-Term Unemployed

National Dislocated Worker Grants (DWGs) provide resources to states and other eligible applicants to respond to large, unexpected layoff events causing significant job losses. There are two types of DWGs: Employment Recovery DWG and Disaster Recovery DWG. Individuals eligible to receive services under DWGs differ by grant.

Eligibility categories under the Disaster Recovery DWG include *long-term unemployed* workers. Indiana has defined “*long-term unemployed*” as an individual that has not worked for twenty-seven (27) or more weeks in aggregate over the past year.

Eligibility by Service Type

Individualized Career Services

Career services for adult and dislocated workers must be available through the local one-stop delivery system. Individuals enrolled in and provided individualized career services through the WIOA Adult and Dislocated Worker programs must meet the previously stated general eligibility criteria and any eligibility requirements associated with those services.

Training Services

Training services may be made available to employed and unemployed adults and dislocated workers. In addition to general program eligibility requirements, participants also must meet the following to be eligible to receive training services:

- A. It is determined through an interview, evaluation, or assessment, and career planning, the participant:
 - a) 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;
 - b) Is in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - c) Possesses the skills and qualifications to participate successfully in training services;
- B. Select a training program that is directly linked to the employment opportunities in the region or in another area to which the individuals are willing to commute or relocate;
- C. Are unable to obtain grant assistance from other sources to pay the costs of such training; and
- D. If training services are provided through the adult funding stream, are determined eligible in accordance with NIWBs priority of service policy.

Supportive Services

Supportive services may only be provided to Adults and Dislocated Workers who are participating in career or training services under WIOA to address identified barriers and who are unable to obtain supportive services through other programs providing such services. NIWB requires that participants are provided accurate information about the availability of supportive services, as well as referral to such programs.

Eligibility Verification

NIWB requires staff to submit individual participant records that include information on demographics, services received, and resulting outcomes. To meet this requirement, verified participant information must be entered into the approved case management system accurately and timely.

Program eligibility must be verified through the collection of documentation that confirms general WIOA eligibility, any additional Dislocated Worker eligibility, and WIOA Adult Priority of Service categories. Eligibility documentation must be maintained in the approved case management system.

Safeguarding Protected Information Requirements

NIWB requires staff to access, maintain, and store participant information in a manner that ensures confidentiality in accordance with all federal, state, and local guidance related to confidentiality and the handling of protected information.

Attachment A: *Eligibility to Work in the United States*

Attachment B: *Adult and Dislocated Worker (DW) Eligibility Documentation*

Attachment C: *Selective Service-Who Must Register*

For questions, contact:

Northern Indiana Workforce Board
220 Colfax Ave., South Bend, IN. 46601
admin@niwb.org

Attachment A: Eligibility to Work in the United States

While citizenship does not need to be validated, Indiana has determined that an individual's eligibility-to-work in the United States (regardless of citizenship) must be validated for all WIOA Adult, Dislocated Worker, and TAA program participants prior to the receipt of supportive services and/or training services.

Validating Eligibility-to-Work:

- The customer “self-declares” when he/she enters data into the labor exchange system or when staff enters data into the approved case management system. Self-attestation is an acceptable source of documentation, and no further validation is required for WIOA Adult, Dislocated Worker, and TAA program participants who do **not** receive training or supportive services.
- Eligibility to work in the United States must be validated for any WIOA Adult, Dislocated Worker, and TAA program participant who receives any type of supportive service and/or training service.

Staff must utilize the “Lists of Acceptable Documents” which is provided by U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 to verify the identity and employment authorization of individuals hired for employment in the United States, <http://www.uscis.gov/i-9>. Copies of the participant's acceptable documents must be maintained in the approved case management system.

Attachment B
Adult and Dislocated Worker (DW) Eligibility Documentation

Eligibility Item	Eligibility Definition	Source Documentation
Age	Age 18 or older	No source documentation is needed for Basic Career Services If Individualized Career Services are provided one of the following must be obtained: • Driver's License • Baptismal Record • Birth Certificate • DD-214 • Report of Transfer of Discharge Paper • Federal, State or Local Identification Card • Passport • Hospital Record of Birth • Public Assistance/Social Service Records • School Records or ID Cards • Work Permit • Family Bible A copy must be saved to the participant's file.

Eligibility Item	Eligibility Definition	Source Documentation
Military Selective Service	All males born after December 31, 1959, must be registered with the US Military Selective Service. Section 189(h) of WIOA requires customers to be in compliance with section 3 of the Military Selective Service Act (50 USC Appr.452) in order to participate in WIOA Title I adult and dislocated worker funded programs. Staff <u>must</u> follow operational guidance issued by DWD on verifying that a male customer born after December 31, 1959 is registered with the US Military Selective Service.	Verifying SS Registration: • Acknowledgment letter from the Selective Service • Form DD-214 • Screen printout of the Selective Service Verification site: www.sss.gov/RegVer/wfverification.aspx. (Staff enters last name, SSN and date of birth at the website. Printout includes Selective Service number and date of birth as confirmation for data validation) • Selective Service Registration Card • Selective Service Verification Form (form 3A) • Stamped Post Office Receipt of Registration A copy must be save to the participant's electronic file.
U.S citizen or Otherwise Legally Entitled to Work in the United States	While citizenship does not need to be validated, Indiana has determined that an individual's eligibility-to-work in the United States (regardless of citizenship) must be validated for all WIOA Adult, Dislocated Worker, and TAA program participants prior to the receipt of supportive services and/or training services.	Validating Eligibility-to-Work: • Self-attestation is an acceptable source of documentation, and no further validation is required for WIOA Adult, Dislocated Worker, and TAA program participants who do not receive training or supportive services. • Eligibility to work in the United States must be validated for any WIOA Adult, Dislocated Worker, and TAA program participant who receives any type of supportive service and/or training service. • See the "Lists of Acceptable Documentation" page of the Employment Eligibility Verification Form I-9.

Eligibility Item	Eligibility Definition	Source Documentation
DW: Category A Laid off; Unlikely to Return to Previous Occupation	The customer has been terminated or laid off, or has received a notice of termination or layoff, from employment or has been honorably discharged (whether voluntary or involuntary); AND 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 must be “unlikely to return to a previous industry or occupation”	One of the following: • Verification from Employer • Rapid Response List • Notice of Layoff • Public Announcement with Follow-Up • Cross-Match with UI Database • A RESEA or JFH letter issued by DWD • Self-Attestation A copy must be saved to the participant’s electronic file.
DW: Category B Plant, Facility or Enterprise Closure	1. 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. Employed at a facility where 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 described in WIOA Section 134(C)(3), career services described in section 134(c)(2) (A)(xii), or job seeker supports, is employed at a facility at which the employer has made a general announcement that such facility will close.	One of the following: • Verification from Employer • Rapid Response List • Notice of Layoff • Public Announcement with Follow-up • Cross-Match with UI Database • A RESEA or JFH letter issued by DWD • Self-Attestation A copy must be saved to the participant’s electronic file.

Eligibility Item	Eligibility Definition	Source Documentation
DW: Category C Self-Employed	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 customer resides or because of natural disasters.	One of the following: • UI wage data match • Paycheck stubs, tax records, W2 form • Quarterly tax payment forms, such as an IRS form 941 • Self-employment worksheets signed and attested to by program participants • Detailed case notes verified by employer and signed by the counselor • Electronic Records A copy must be saved to the participant's electronic file.

Eligibility Item	Eligibility Definition	Source Documentation
DW: Category D Displaced Homemaker	The customer has been providing unpaid services to family members in the home AND 1. Has been dependent on the income of another family member but is no longer supported by that income; OR 2. Is the dependent spouse of the Armed Forces on active duty and whose family income is significantly reduced because of deployment or call to active military duty, a permanent change of station, or the service-connected death or disability of a member AND 3. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment	One of the following: • Self-Attestation • Signed Intake Application or Enrollment Form • Cross-Match with Public Assistance Records • Copy of Spouse's Layoff Notice • Copy of Spouse's Death Record • Copy of Spouse's Permanent Change of Station (PCS) • Orders (for a military move or assignment) • Copy of Divorce Records • Copy of Applicable Court Records • Copy of Bank Records (showing financial dependence on spouse, no separate individual income support, or no employment income earned) • Needs Assessment • Signed Individual Employment Plan A copy must be saved to the participant's electronic file.
DW: Category E Military Spouse	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 Is the spouse of a member of the Armed Forces on active duty and who meets the criteria for displaced homemaker.	One of the following: • DD-214 • Cross-Match with Department of Defense Records • Cross-Match with Veterans' Service Database • A Letter from the Veterans' Administration A copy must be saved to the participant's electronic file.

Attachment C Selective Service-Who Must Register

Category	Yes	No
All male U.S. citizens born after Dec. 31, 1959, who are 18 but not yet 26 years old, except as noted below:	Yes	
Military Related		
Cadets at the Merchant Marine Academy	Yes	
ROTC Students	Yes	
National Guardsmen and Reservists not on active duty / Civil Air Patrol members	Yes	
Delayed Entry Program enlistees	Yes	
Men rejected for enlistment for any reason before age 26	Yes	
Separatees from Active Military Service, separated for any reason before age 26	Yes*	
Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes)		No*
Students in Officer Procurement Programs at the Citadel, University of North Georgia, Norwich, University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University		No*
Immigrants**		
Permanent resident immigrants (USCIS Form I-551)	Yes	
Refugee, parolee, and asylee immigrants	Yes	
Undocumented immigrants	Yes	
Dual national U.S. citizens	Yes	
Lawful non-immigrants on current non-immigrant visas. A complete list of acceptable documentation for exemption may be found at https://www.sss.gov/Portals/0/PDFs/DocumentationList.pdf		No
Seasonal agricultural workers (H-2A Visa)		No
Confined		
Incarcerated, or hospitalized, or institutionalized for medical records		No*
Handicapped, Physically or Mentally		
Able to function in public with or without assistance	Yes	
Continually confined to a residence, hospital, or institution		No
Transgender People		
U.S. citizens or immigrants who are born male and changed their gender to female	Yes	
Individuals who are born female and have changed their gender to male		No

NOTE: With only a few exceptions, the registration requirement applies to all male U.S. citizens and male immigrants residing in the United States who are 18 through 25 years of age.

❖ Must register within 30 days of release unless age 26.

NOTE: To be fully exempt you must have been on active duty or confined continuously from age 18 to 26.

- ❖ Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States or reside in the U.S. for at least one year. Habitual residence is presumed and registration is required whenever a national or a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau, resides in the U.S. for more than one year in any status, except when the individual resides in the U.S. as an employee of the government of his homeland; or as a student who entered the U.S. for the purpose of full-time studies, as long as such person maintains that status.

NOTE: Immigrants who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old, were never required to register. Also, immigrants born before 1960, who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until March 29, 1975, were never required to register.