

OPERATIONS MANUAL CHAPTER 7. Part 1: WIOA ADULT AND DISLOCATED WORKER ELIGIBILITY

Revised September 2020

TABLE OF CONTENTS

I.	INTRODUCTION	4
A.	Sources for WIOA Eligibility Requirements	4
a)	DOL Final Rules and Resources	4
b)	DOL Notices of Proposed Rule-Making (NPRMS)	4
c)	DOL Training and Employment Guidance Letters (TEGLS)	4
d)	EDD Directives	4
B.	Customer Centered Eligibility Process	4
C.	Eligibility Verification Assurances	4
D.	CalJOBS Registration.....	5
E.	Procedures for Exiting Ineligible Participants	5
F.	Monitoring, Accessibility and Condition of Records	5
G.	Record Retention.....	5
II.	Eligibility Certification.....	6
A.	Workforce E-file	6
B.	Customer Rights Notices	6
C.	Collection of Medical and/or Personal Identifiable Information (PII).....	6
1.	Access to Medical Information.....	7
D.	WIOA Application and Participation Process	7
1.	Application Process	7
2.	Participation Process	7
E.	Eligibility Certification Review Form (ECRF)	8
F.	Universal Participation Agreement Form (UPAF).....	8
G.	Multimedia and Communication Release Form.....	9
H.	Re-Certification Process	9
I.	Exited Individuals and Re-Enrollment.....	9
J.	Dual and Co-Enrollments	10
1.	Co-Enrollments	10
2.	Dual-Enrollments	10
III.	DOCUMENTATION METHODOLOGY	10
A.	Documentary Evidence	11
B.	Telephone Verification	11
1.	Cognizant Agencies	11
2.	Cognizant Individual	11
C.	Applicant Statement	12
IV.	GENERAL ELIGIBILITY REQUIREMENTS.....	12

A.	Social Security Number (SSN)	12
B.	Date of Birth and Age	13
C.	Right to Work in the united states	13
D.	Selective Service Registration	13
	1. Required Persons	13
	2. Transsexuals, Transgendered and Intersex Individuals	13
	3. Exceptions	13
	4. Non-U.S. Citizens	14
	5. Verification of Selective Service Registration	14
	6. Registration Requirements for Males 26 Years of Age or Older	14
	7. Failure to Register	14
E.	Veteran and Covered Spouse Status for Veterans Priority	15
	1. Veterans.....	16
	2. The Spouse of a Veteran.....	16
F.	General Self-Sufficiency Requirements	16
V.	WIOA ADULT AND DISLOCATED WORKER PROGRAM ELIGIBILITY CRITERIA	16
A.	Adult	16
	1. Adult Eligibility Criteria	17
	2. Income Determination.....	17
	a) Determining Low Income Status.....	17
	b) Determining Employed Adult Income Status	17
	c) Employed Adult Income Guideline Exceptions.....	17
	3. Adult Priority of Service Categories	18
B.	Dislocated Worker	19
	1. Dislocated Worker Categories	19
	2. Unlikely to Return Criteria	20
	3. Obtaining Confidential UI Data for Dislocated Workers	22
	4. Layoffs, Furloughs, Temporary Layoffs and Lockouts	22
	5. Employed Dislocated Worker Self-Sufficiency Guidelines	23
	6. Employed Dislocated Worker Wage Exceptions	23
VI.	ATTACHMENTS	23
	Request for Re-Enrollment Form	
	Adult & Dislocated Worker Eligibility Certification and Review Form (ECRF)	
	Telephone Verification	
	Applicant Statement	
	Multimedia & Communication Release Form (MCRF)	
	Universal Participant Agreement Form (UPAF)	
	Methods of Calculating Income/Family Size Determination	
	Table of Documentation to Establish WIOA Adult and Dislocated Worker Program Eligibility	
	Determining Limited Employment Opportunities	

I. INTRODUCTION

The purpose of the Workforce Innovation and Opportunity Act (WIOA) eligibility policies for Adults and Dislocated Workers is to provide local America's Job Center of California (AJCCs) operators and other Subrecipient funded with Adult or Dislocated funds with guidance for establishing WIOA Title I program eligibility. This policy guidance is based on the WIOA legislation, U.S. Department of Labor (DOL) regulations in the form of the WIOA Notice of Proposed Rulemaking (NPRMs), the WIOA Final Rules, Training and Employment Guidance Letters (TEGLs) and State of California Employment Development Department (EDD) Directives related to these programs. The guidelines will be updated as necessary to reflect further guidance from the DOL, EDD or SDWP.

Subrecipient must be familiar with and follow the requirements in this SDWP Adult and Dislocated Worker Program Eligibility Manual:

- Ensuring that a well-developed eligibility certification system is maintained that is sufficient to guard against serving ineligible individuals; and
- Registration/enrollment of ineligible individuals in WIOA programs in most cases will result in disallowed costs for the SDWP, and the Provider(s), and may negatively affect performance standards.

A. SOURCES FOR WIOA ELIGIBILITY REQUIREMENTS

Guidelines and requirements of the SDWP's WIOA Title I eligibility certification process are based on the DOL and EDD official source documents listed below:

a) *DOL Final Rules and Resources*

<https://www.doleta.gov/wioa/about/final-rules/>

b) *DOL Notices of Proposed Rule-Making (NPRMS)*

<https://www.federalregister.gov/documents/2015/04/16/2015-05530/workforce-innovation-and-opportunity-act-notice-of-proposed-rulemaking>

c) *DOL Training and Employment Guidance Letters (TEGLS)*

https://wdr.doleta.gov/directives/all_advisories.cfm

d) *EDD Directives*

http://www.edd.ca.gov/jobs_and_training/Active_Directives.htm

http://www.edd.ca.gov/jobs_and_training/View_Draft_Directives_Closed_for_Comment.htm

http://www.edd.ca.gov/jobs_and_training/View_and_Comment_Open_Directives.htm

https://www.edd.ca.gov/Jobs_and_Training/Information_Notices.htm

B. CUSTOMER CENTERED ELIGIBILITY PROCESS

The documentation and verification process should be customer friendly and not add to the frustrations already experienced by individuals who are out of work. It is the purpose of WIOA programs to assist people who are having difficulty finding employment. It is not the intention of this program to discourage participation by imposing difficult documentation and verification requirements. Therefore, staff, conducting eligibility determination, should be selected for their excellent customer service skills and ability to obtain required documentation while being sensitive to the needs of the applicants.

C. ELIGIBILITY VERIFICATION ASSURANCES

During the eligibility certification process, Subrecipient staff must make sure that:

- Documentation is uniform and standard;
- The documentation burden for the applicant is limited to the minimum necessary and required to adequately verify WIOA eligibility; and

- To the extent applicable, documentation requirements shall not discourage the participation of WIOA-eligible individuals.

D. CALJOBS REGISTRATION

CalJOBS registration begins an information collection process and is used later to help manage the individual, create resumes, enroll the individual in programs, and provide services in CalJOBS. Refer to ***CalJOBS Forms and Procedures Handbook***.

E. PROCEDURES FOR EXITING INELIGIBLE PARTICIPANTS

Each Subrecipient is responsible for taking immediate action to exit participants who, subsequent to enrollment, are discovered to be ineligible due to having established WIOA eligibility by providing false information or fabricated documentation, as well as any who are found ineligible during a subsequent monitoring review, due to staff error.

Process

- Inform SDWP Program Analyst,
- Make every attempt to assist the individual in obtaining services provided through partner organizations' resources, and/or through referrals to reduce any negative effects of the exit from training or services,
- Send a letter to participant verifying the exit from the program and maintain a copy in participant Document Bin of the Workforce eFile, and
- CalJOBS: Enter case notes with details of the exit.

F. MONITORING, ACCESSIBILITY AND CONDITION OF RECORDS

SDWP, EDD, and in some cases DOL will conduct monitoring of eligibility certification reviews of the eligibility certification records during oversight visits. Refer to ***SDWP Operations Manual, Chapter 8: Oversight and Monitoring***.

WIOA requires that Subrecipients receiving WIOA funds provide access to all documentation/records used in the verification of WIOA participant eligibility. Electronic participant case files (eFile) must be available and easily accessible to federal, state and local monitors and other authorized persons, including documentation of required corrective actions.

All case notes related to eligibility certification should be concise, clear, spelled properly, and grammatically correct. All required forms must be filled in completely and properly signed. Case notes should be professional, ethical, and objective. Case notes are part of the participant's legal file and may be used to determine the legitimacy of expenditures, complaints, grievances and/or disputes. All required forms must be filled in completely and properly signed. White out, correction tape, or correction fluid is not permitted on any of the eligibility forms and will not be accepted as valid by the SDWP or EDD monitors if found on a document.

G. RECORD RETENTION

WIOA record-retention requirements dictate that participant eFiles, including all documentation that supports an eligibility determination, must be maintained and made available, if requested, by the SDWP or state /federal funding sources for a period of four (4) years from the Subrecipients contract closeout. If any open findings or other claims related to the records exist at the end of the four-year (4) period, the records must be maintained indefinitely, until all findings or other issues are fully resolved.

In the event a Subrecipient ceases operations and has no place for storage of the records, the Subrecipient shall notify the SDWP and deliver the records to a location designated by the SDWP. All participant records must be accounted for. Missing records may result in disallowed costs.

II. ELIGIBILITY CERTIFICATION

A. WORKFORCE E-FILE

Participant case files will be managed electronically through Workforce eFile and CalJOBS. To conduct eligibility, subrecipients must complete eligibility forms and upload required documents through the Workforce eFile system. The Workforce eFile system is a secure, web-based document management system that provides a process for subrecipients to enroll participants remotely or in-person while creating an electronic participant case file (eFile). Applicants will be able to view and sign applicable eligibility forms, as well as upload required eligibility documentation from their phone or computer.

The **Workforce eFile Web Access User Guide** is an instruction and guidance manual on how to create a participant's profile and how to add and complete required eligibility forms through the Workforce eFile. The user guide is located in the Operations Resources section the SDWP website (<https://workforce.org/operations/>).

B. CUSTOMER RIGHTS NOTICES

Applicants must receive copies of the customer rights notices. Refer to *SDWP Operations Manual, Chapter 9: Nondiscrimination & Equal Opportunity Policy and Complaint Procedures*.

- Equal Opportunity Notice (English/Spanish);
- Complaint Form;
- Complaint & Incident Report Policy Notice; and
- Incident Report Form.

C. COLLECTION OF MEDICAL AND/OR PERSONAL IDENTIFIABLE INFORMATION (PII)

While collection and data entry of personal identifiable and/or medical information, including disability-related information, may be required on any or all of the required eligibility forms, the documentation is required to be marked as containing PII in the Workforce eFile recorded as data entry on CalJOBS. When asking any question that could lead to the disclosure of a disability (including, but not limited to: headaches, allergies, addiction, etc.) the service provider must follow the following steps to ensure privacy and confidentiality of the information.

Process

- Complete any required forms and documents to establish WIOA eligibility;
- If an individual discloses, they have a disability, “check” the disability box in CalJOBS;
- If there is medical or disability-related information indicated on any of the forms/documents, those forms/documents must be marked “Yes” as containing PII in the Workforce eFile.



The image shows a screenshot of a dialog box with a white background and a thin black border. The text inside the dialog box is centered and reads: "Does this document contain medical or other forms of personal information?". Below the text are three buttons: "Cancel", "NO", and "Yes". The "NO" and "Yes" buttons are highlighted with a light blue background, while the "Cancel" button is white with a thin blue border.

- A stand-alone case note with the subject line **“COLLECTION OF ELIGIBILITY INFORMATION”** shall be used and contain the following:

Note: Case notes and any documentation cannot include any language that would include medical or disability-related information, including, but not limited to using the following words: “medical, disability, reasonable accommodation, SSI,” or anything related. Any printed materials in the participant’s eFile not marked as containing PII, or electronic case notes in CalJOBS that include it will be considered a finding.

1. Access to Medical Information

Persons in the following categories may be informed about an individual's disability or medical condition **and have access** to the information in related eFiles under the following listed circumstances:

(A) **Program staff** who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.

(B) **First aid and safety personnel** who need access to underlying documentation related to a participant's medical condition in an emergency.

(C) **Government officials** engaged in enforcing this part, any other laws administered by the Department, or any other Federal laws.

Supervisors, managers, and other necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals but **may not have access** to the information in related eFiles.

Refer to ***SDWP Operations Manual, Chapter 4, Part 1: Adult and Dislocated Worker Program Activities and Chapter 5: CalJOBS Data Entry Policies and Procedures*** for more information regarding collection of medical information.

D. WIOA APPLICATION AND PARTICIPATION PROCESS

1. Application Process

The WIOA CalJOBS Application is a form used to record basic individual characteristics to be input into the case management system (CalJOBS) and to establish eligibility as required by the WIOA program. CalJOBS generates a WIOA Application ID, which may be used to uniquely identify individuals throughout their WIOA cycle. The WIOA Application is on-line in CalJOBS, the applicant's signature on the Universal Participant Agreement Form (UPAF) takes the place of the signature on the WIOA Application. The signature is a certification by the information provided during eligibility determination is true, complete and correct and specifies the consequences of providing false information. Therefore, no signature on a hardcopy WIOA application and participation form is necessary. Refer to CalJOBS Forms and Procedures Handbook.

2. Participation Process

Once eligibility certification is completed and the individual is certified eligible for WIOA, then participation into WIOA services can be initiated. Participation is the point at which information that is used in performance measurements begins to be collected.

Participation Process

- Complete Eligibility Certification Review Form (ECRF);
 - Including any additional forms and documentation required
- Complete Universal Participation Agreement Form (UPAF);
- Complete Multimedia and Communication Release Form (MCRF);
- CalJOBS: Complete WIOA Application; and
- CalJOBS: Complete Participation Form.

E. ELIGIBILITY CERTIFICATION REVIEW FORM (ECRF)

While collecting information for the WIOA Application and Participation, the individual will be asked to provide documentation to verify all information required for eligibility determination. Acceptable documents that can be used to verify eligibility criteria are listed on the **ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA ADULT AND DISLOCATED WORKER PROGRAM ELIGIBILITY**. The verification process is required by SDWP, the State, and DOL to determine and record the validity of the eligibility information collected.

- To indicate which documents have been used to verify eligibility information provided on the WIOA Application and Participation Form;
- To serve as a prompt to intake staff to query CalJOBS to see if the individual was, or is, currently enrolled in the WIOA CalJOBS system;
- To serve as a place to document that the internal review process has been conducted by someone other than the original eligibility staff, prior to the applicant's enrollment;
- To record the date of the signatures of the staff persons conducting eligibility and the internal review; and record the date of eligibility determination; and
- To be used as a guide by monitors during a file review, indicating which documents have been used to verify specific WIOA eligibility criteria, and that the second review was conducted.

Process

- Complete all sections of **ATTACHMENT-ELIGIBILITY CERTIFICATION REVIEW FORM (ECRF)**;
- Complete additional forms, if applicable
 - **ATTACHMENT - TELEPHONE VERIFICATION** (Section III.B)
 - **ATTACHMENT - APPLICANT STATEMENT** (Section III.C)
 - Income/Family Size Determination (Section V.C.7)
 - **ATTACHMENT - REQUEST FOR RE-ENROLLMENT** (Section II.H)
- First review to be conducted by staff who is determining eligibility,
- Second review conducted by staff other than the first reviewer, to ensure eligibility was properly determined, correct and complete;
- First and second review conducted on or prior to the participation date;
- Signatures and dates for first and second review conducted on or prior to the participation date;
- Eligibility expiration date within 90 days; and
- Documentation: Maintain ECRF in the participant's Document Bin of the Workforce eFile.
- Documentation: SDWP staff recommend filing all eligibility documentation in order based on the ECRF.

The date of the signature of the staff conducting the second review on the ECRF is the date of "eligibility determination." After the date of eligibility determination, any changes made to the information that was used to determine eligibility must be accompanied by a case note. The case note in CalJOBS must indicate the reason(s) for the change.

F. UNIVERSAL PARTICIPATION AGREEMENT FORM (UPAF)

Initials and signature on this form, prior to, or at enrollment, have been authorized to take the place of an applicant's signature on the following forms:

- CalJOBS: WIOA Application Form;
- Authorization to participate in the WIOA program;
- Authorization to receive transportation and/or medical care while enrolled;
- Authorization of release of records from various agencies and organizations;

- Acknowledgement of collection of information to determine eligibility and track performance; and
- Verification that Customer Rights Notices were provided.

Process

- Complete all sections of **ATTACHMENT-UNIVERSAL PARTICIPATION AGREEMENT FORM (UPAF)**;
- Initials, signatures and dates must be prior to or at enrollment;
- Documentation: Maintain completed form in the participant's Document Bin of the Workforce eFile.

G. MULTIMEDIA AND COMMUNICATION RELEASE FORM

The Multimedia & Communications Release Form grants permission to San Diego Workforce Partnership (SDWP) to use individual's involvement in a variety of multimedia and communications methods in perpetuity. Individuals may accept or decline authorization. Authorization is voluntary. Refusal to sign this authorization will have no effect on individual's current or future involvement in programs and services.

Process

- Complete all sections of **ATTACHMENT – MULTIMEDIA & COMMUNICATION RELEASE FORM**;
- Initials, signatures and dates must be prior to or at enrollment;
- Documentation: Maintain completed form in the participant's Document Bin of the Workforce eFile.
 - Indicate on the participant profile in Workforce eFile if they decline to sign the MCRF.

H. RE-CERTIFICATION PROCESS

If necessary, a re-certification process would occur if the individual had not been enrolled into training and/or services within 90 days of the date that the second reviewer signs the ECRF (eligibility determination date).

Process

- Conduct new eligibility determination
 - It must be noted that the person's situation may change within the 90 days that pass from the original eligibility determination date; therefore, all information subject to change (residence, income, some barriers, etc.) must be re-verified with current documents. Documents originally used to verify static information, such as SSN, age, etc., do not have to be duplicated but must be available to monitors in the eFile with the current eligibility verification documents. As is required in the initial eligibility determination, the re-certification process requires that another knowledgeable staff person do a second or internal review of the documents used to re-certify the individual;
- Complete new Eligibility Certification Review Form (ECRF); and
- Complete new Universal Participation Agreement Form (UPAF).

I. EXITED INDIVIDUALS AND RE-ENROLLMENT

For applicants who have previously been enrolled in a WIA or WIOA program as documented in CalJOBS, the provider must submit **ATTACHMENT - REQUEST FOR RE-ENROLLMENT FORM**.

Approval will be on a case-by-case basis; however, the re-enrollment should meet the following criteria:

- The applicant was not successfully placed in or completed post-secondary education in their previous participation in the program; OR

- The applicant did not have a successful attainment AND placement in their previous participation in the program; AND
- Their needs cannot be met through a non-WIOA source.

Process

- Complete all sections of **ATTACHMENT - REQUEST FOR RE-ENROLLMENT FORM**;
- Documentation: If approved, provider must document a *standalone* case note in CalJOBS indicating approval has been granted as part of eligibility; and
- Documentation: Maintain completed form in the participant Document Bin of the Workforce eFile.

SDWP will make exceptions to the above criteria on a case-by case basis and only if there are severe barriers to employment and education as documented on the Request for Re-Enrollment Form. SDWP also reserves the right to limit the number of re-enrollments.

If the applicant was unsuccessful in their previous participation, but shows active interest in re-enrollment, it is up to the provider to screen the individual's level of commitment to the new program. SDWP reserves the right to disallow a re-enrollment of an individual who has previously been enrolled due to lack of active participation.

J. DUAL AND CO-ENROLLMENTS

1. Co-Enrollments

Subrecipients may choose, at the benefit of the participant, to enroll them in more than one program to access a wide range of services. Co-Enrollment would be enrollment into more-than-one of the four core programs and/or enrollment by a single service provider into multiple SDWP funded programs:

- WIOA Title I. B: Adult, Dislocated Workers and Youth
- WIOA Title II: Adult Education and Literacy
- WIOA Title III: Wagner-Peyser
- WIOA Title IV: Vocational Rehabilitation
- SDWP-funded special projects

SDWP encourages the Subrecipients to leverage resources, including using co-enrollment, to ensure participant success.

2. Dual-Enrollments

Eligible participants may be dual-enrolled into two or more WIOA Title I programs and/or enrollment by two different subrecipients into programs funded by SDWP. Dual-enrollment will allow participants to access a wider array of services that might otherwise be unavailable. Subrecipients should seek to dual-enroll for the benefit of the participant with services from other programs that supplement and/or enhance those services not to duplicate them.

Refer to ***SDWP Operations Manual, Chapter 4, Part 1: Adult and Dislocated Worker Program Activities*** for policy and procedures on dual enrollments.

III. DOCUMENTATION METHODOLOGY

DOL, EDD, and SDWP has implemented source documentation requirements for data validation to ensure local areas maintain and report accurate program information. These source documentation requirements are listed in the **ATTACHMENT- TABLE OF DOCUMENTATION TO ESTABLISH WIOA ADULT AND DISLOCATED WORKER PROGRAM ELIGIBILITY** and are the only documentation sources local areas may accept in establishing WIOA program eligibility.

Documentation means to maintain on-file physical evidence, which is obtained during the verification process. Such evidence would be copies of documents (Documentary Evidence), completed Telephone Verification, and/or, as a last resort if other documentation is not available, signed Applicant Statements, following the case notes requirements, as described below.

A. DOCUMENTARY EVIDENCE

Official written evidence of the applicant's circumstances as issued by a governmental agency, social service organization, or business entity. Photocopies (unless expressly prohibited on the document) must be uploaded to the participants Document Bin of the Workforce eFile at the time of eligibility certification. These copies are maintained in the applicant's eFile for subsequent monitoring reviews and/or audits by local, EDD or DOL monitors.

B. TELEPHONE VERIFICATION

For cases where documentation cannot or may not be copied, and/or is not readily obtainable, documents may be inspected, or information verified by telephone. When documentation of WIOA eligibility certification is accomplished by telephone or document inspection, the staff person verifying the information is required to use the **ATTACHMENT-TELEPHONE VERIFICATION**, to establish uniformity for monitoring and auditing purposes. The Telephone Verification Form serves a dual purpose:

1. Cognizant Agencies

The Telephone Verification Form is used to verify eligibility information through phone contact with a governmental agency, social service organization, or business entity. Information recorded on this form must include all the applicable information, to enable a monitor or auditor to adequately verify eligibility (i.e. items to be verified, date and time of verification, document name, contact name, telephone numbers, addresses, intake workers' signature and date, etc.).

Examples of cognizant agencies that may assist in verifying eligibility information via telephone contact are:

- Local Schools
- Social Security Administration
- Veterans Administration
- Medical and Health Facilities
- Vocational Rehabilitation Facilities
- Drug and Alcohol Rehabilitation Facilities
- Housing Authorities
- Homeless Shelters
- Judicial Agencies and Institutions
- Employers
- Other state or local government agencies

2. Cognizant Individual

In some cases, a telephone verification with a cognizant individual may be used to document eligibility criteria in lieu of an Applicant Statement, where applicable. In these cases, reasonable justification must be provided on why the documentation could not be obtained through official documentation on **ATTACHMENT - TELEPHONE VERIFICATION** and a *standalone* case note must be entered in CalJOBS.

Examples of cognizant individuals that may assist in verifying eligibility information via telephone contact are:

- Parent/legal guardian/responsible adult
- Counselor
- Co-worker/Employer

Process

- Complete all sections of **ATTACHMENT - TELEPHONE VERIFICATION**
- Dates and signatures must be prior to or at enrollment;
- If verified through a cognizant individual:
 - CalJOBS: Enter case notes including the following information:
 - Eligibility criteria verified with telephone verification; and
 - Describe attempts to obtain official documentation or through a cognizant agency
- Maintain completed form in the participant's Document Bin of the Workforce eFile.

C. APPLICANT STATEMENT

An applicant statement is a self-attestation of the required eligibility information and may be used **only after** all reasonable attempts to secure official documentation listed in **ATTACHMENT- TABLE OF DOCUMENTATION TO ESTABLISH WIOA ADULT AND DISLOCATED WORKER PROGRAM ELIGIBILITY** have been made and failed. SDWP allows for the use of an Applicant Statement to document some items which, in some cases, are not verifiable, or which may cause undue hardship for individual applicants to obtain.

Process

- Complete all sections of **ATTACHMENT - APPLICANT STATEMENT**;
- Dates and signatures must be prior to or at enrollment;
- CalJOBS: Enter case notes including the following information:
 - Eligibility criteria verified with applicant statement,
 - Describe attempts to obtain documentation and attempts failed,
 - Describe why information was not readily available, or would cause a delay in providing services, or cause undue hardship for the applicant to obtain; and
- Corroborative Witness: Obtain corroborative witness signature if there is doubt about the accuracy of the applicant statement or if the eligibility staff decides that additional backup information is necessary, or the information appears to be contradictory to other information gathered.
- Maintain completed form in the participant Document Bin of the Workforce eFile.

Note: Only one criteria per Applicant Statement form is allowed. If multiple Applicant Statement forms are used, each criterion determined must have its own Applicant Statement and a corresponding standalone case note in CalJOBS.

IV. GENERAL ELIGIBILITY REQUIREMENTS

In order to participate in any WIOA program, individuals must provide the following information and documentation as indicated in the **ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA ADULT AND DISLOCATED WORKER PROGRAM ELIGIBILITY** and documented on **ATTACHMENT - ELIGIBILITY CERTIFICATION AND REVIEW FORM**.

A. SOCIAL SECURITY NUMBER (SSN)

A Social Security number is used for data validation purposes only. If individuals are unable or refuse to provide a SSN, a pseudo-SSN may be assigned during the WIOA application process. Refer to **SDWP's Operation's Manual Chapter 5. CalJOBS Data Entry Policies and Procedures** for more information.

B. DATE OF BIRTH AND AGE

Proof of birth date and age is required for all applicants for eligibility determination and identification. Age is determined at eligibility based on the age the applicant will be on the first date of enrollment. Individuals must be 18 years or older to participate in WIOA funded Adult or Dislocated Worker programs.

C. RIGHT TO WORK IN THE UNITED STATES

Authorization to work **cannot** be verified at eligibility, however, the federal Immigration Reform and Control Act requires employers to verify a job seeker's authorization to work documents prior to employment. Therefore, staff **must** verify right to work when services necessitate coordination with an employer such as on-the-job training, employer referrals, work experience and job placement, etc. Refer to ***SDWP Operations Manual, Chapter 4, Part 1: Adult and Dislocated Worker Program Activities*** for more information on right to work verification for employment services.

D. SELECTIVE SERVICE REGISTRATION

Selective Service System <https://www.sss.gov/Home/Verification> Section 189 (h) of WIOA requires that all male persons receiving any assistance or benefits under this title follow Selective Service Registration requirements, under the Military Selective Service Act (MSSA), if otherwise eligible.

MSSA requires that male persons born on or after January 1, 1960, are required to register with Selective Service within 30 days of their 18th birthday and up to, but not including their 26th birthday. All men in this age group must meet Selective Service registration requirements unless exempt from the registration requirement and can provide documentation to prove it. Failure to register in a timely manner does not relieve a man of his duty to register. Even if late, the duty to register remains until age 26.

1. Required Persons

Men required to register include those males who are:

- U.S citizens;
- Veterans discharged before their 26th birthday;
- Non-U.S. citizens, including undocumented immigrants, legal permanent residents, and refugees, who take up residency in the U.S. prior to their 26th birthday; and
- Dual nationals of the U.S. and another country, regardless of whether they live in the U.S.

2. Transsexuals, Transgendered and Intersex Individuals

The requirement for transsexual, transgendered, and intersex individuals to register for Selective Service depends upon the gender recorded on their birth certificate. If an individual is recorded as a male on their birth certificate, that individual would be required to register for Selective Service, unless exempt, regardless of their present sexual identity (e.g. sex change from male to female). However, if that individual's birth certificate is changed, after a sex change, for instance, to reflect a female identity, that individual would not be required to register.

3. Exceptions

Exceptions to mandatory registration for U.S. citizens are as follows:

- Male who are serving in the military on full-time active duty;
- Male attending the service academies;
- Disabled males who were continually limited to a residence, hospital or institution;
- Male hospitalized, incarcerated or institutionalized are not required to register during their confinement; however, they must register within 30 days of release if they have not reached their 26th birthday; and
- Male veterans discharged after their 26th birthday.

4. Non-U.S. Citizens

Selective Service registration is not required if the male falls within one of the following categories:

- Non-U.S. male who came into this country for the first time after his 26th birthday.
- Acceptable forms of supporting documentation include:
 - Date of entry stamp in his passport; or
 - USCIS Form I-94 with date of entry stamp; or
 - Letter from the USCIS indicating the date the man entered the U.S. present in conjunction with documentation establishing the individual's age;
- Non-U.S. male who first entered the United States illegally after his 26th birthday; and
- Non-U.S. male on a valid non-immigrant visa.

5. Verification of Selective Service Registration

When an applicant states that he has registered with the Selective Service, verification of his registration is required. Sources of Selective Service registration verification, as indicated in the **ATTACHMENT-TABLE OF DOCUMENTATION TO ESTABLISH WIOA ADULT AND DISLOCATED WORKER PROGRAM ELIGIBILITY**.

If the applicant has no documentation to verify that he has registered, acknowledgment of registration may be obtained by one of the following methods:

- Log on to the Selective Service website at: <https://www.sss.gov/Home/Verification>
- and follow the prompts. The applicant can register on-line through this website;
- The applicant can call the Selective Service Data Management Center at (847) 688-6888 between 9:00 a.m. to 5:00 p.m. (Central Time) and ask for documents; or
- A copy of this form can be obtained online at the website or by calling the number above.

6. Registration Requirements for Males 26 Years of Age or Older

As a part of the eligibility process, all males 26 years of age or older must provide one of the following:

- Documentation of compliance with the Selective Service registration requirement;
- Documentation showing, they were not required to register; or
- If they were required to register but did not, documentation establishing that their failure to register was not knowing and willful.

If such individuals cannot provide proof of registration, one of two methods may be used by the Subrecipient to obtain a Status Information Letter from Selective Service.

First method is for the individual to request the letter directly from Selective Service if he:

- Believes he was not required to register; or
- Did register but cannot provide any of the documentation noted above; or
- The Request for Status Information Letter form and instructions can be accessed at www.sss.gov.

Second method is for the Subrecipient to request the letter:

- If the Status Information Letter indicates that the male individual was not required to register for Selective Service, then he is eligible to enroll in WIOA funded services; or
- If the Status Information Letter indicates that the male individual was required to and did not register, he is presumed to be disqualified from participation in WIOA activities until it can be determined that his failure to register was not knowing and willful.

7. Failure to Register

Subrecipients are responsible for approving whether or not the failure of a male to register with the Selective Service was “knowing and willful.” The applicant must provide a detailed

description of the circumstances that prevented them from registering (e.g., hospitalization, institutionalization, incarceration, and/or military service from age 18 through 25) and provide documentation of those circumstances. Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and reasons for failure to register. The individual should offer as much detailed evidence as possible to support his case. Based on the preponderance of evidence provided, the Subrecipient will determine if the individual "knowingly or willfully" failed to register with Selective Service.

Determining "Knowing and Willful" Failure to Register for Selective Service

If the Subrecipient determines it was not a "knowing and willful" failure and the individual is otherwise eligible, services may be approved. If the Subrecipient determines that evidence shows that the individual's failure to register was "knowing and willful," WIOA services must be denied. Individuals denied services must be advised of all available WIOA grievance procedures. The individual's case file must retain documentation of evidence presented in determinations related to Selective Service Registration.

The following are examples of documentation that may be of assistance in making a determination:

- **Served in Armed Forces** - Evidence that a man has served honorably in the U.S. Armed Forces such as a DD-214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
- **Third Party Affidavits** - Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering may also help determine if the individual's failure to register was willful and knowing.

Note - All costs associated with WIOA funded activities and services provided to non-eligible individuals will be disallowed.

E. VETERAN AND COVERED SPOUSE STATUS FOR VETERANS PRIORITY

All WIOA-funded programs are required to implement the Veteran's priority provisions of the Jobs for Veterans Act. Veterans and covered spouses, who are determined eligible for WIOA services, are entitled to priority of service under WIOA Title I Adult, Dislocated Worker, and Youth-funded programs.

The term "veteran's priority of service" means that a covered person shall be given priority over non-veterans, except for the priority of service established by law for the WIOA Adult program. The Veteran's priority will apply in the event there are limited funds and the applicant fits the eligibility requirements for the WIOA funded programs and one is a Veteran or Covered Spouse, and one is not. The Jobs for Veterans Act requires that Veterans and Covered Spouses must first meet any of the WIOA program's existing WIOA program eligibility requirements in order to obtain priority of service under the Veterans priority.

Subrecipients shall provide information to "covered persons" on services available under the DOL job training programs and shall ensure that individuals are informed of their right to priority as Veterans or Covered Spouses for employment and training services. This information from Subrecipients must be provided to "covered persons" either verbally or in writing at each point in the program: 1) at the point of entry; and 2) at orientation; and 3) at eligibility determination; and 4) at assessment; and 5) during program activities.

A covered person under the Jobs for Veterans Act is one of the following:

1. Veterans

A Veteran who is an individual who served at least one day in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable; or

2. The Spouse of a Veteran

The Spouse of:

- Any Veteran who died of a service-connected disability;
- A member serving on active military duty who is listed as missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power; or
- Any Veteran with a total service-connected disability rating or one who died while being evaluated for it.

Subrecipient must have processes in place at the “point of entry” to the system to identify veterans and eligible spouses who are entitled to priority of services. Veterans and covered spouses take precedence over a non-covered person in obtaining all employment and training services. Depending on the type of service, this may mean veterans and eligible spouses receive services earlier in time, or instead of non-covered persons.

Subrecipient shall collect and enter the required veteran and covered spouse’s data elements into the SDWP’s case management system when registering veterans and covered spouses into the WIOA Title I Adult and DW Program. Proof of veteran and covered spouse status must be documented and kept in the applicant’s file.

F. GENERAL SELF-SUFFICIENCY REQUIREMENTS

WIOA eligibility requires a determination that individuals enrolled in Adult or Dislocated Worker programs have received at least one Career Service and are unable to obtain or retain employment that leads to self-sufficiency. The WIOA NPRMs, indicate that it is the responsibility of the local area to define “self-sufficiency” for employed adults and dislocated workers, during an eligibility determination, based on family size and local economic conditions.

V. WIOA ADULT AND DISLOCATED WORKER PROGRAM ELIGIBILITY CRITERIA

All must meet the General Eligibility Criteria listed in General Eligibility Requirements and the following WIOA Adult and Dislocated Worker Program Eligibility Criteria.

Under WIOA, there are three types of Career Services that Adults and Dislocated Workers may receive: Basic Career Services, Individualized Career Services and Training Services, and Follow-up Services. These services can be provided in any order; there is no sequence requirement. Applicants, 18 years of age and older, who is primarily seeking Basic Career Services does not require a WIOA eligibility determination. Enrollment into WIOA Individualized Career Services and Training Services requires WIOA program eligibility.

Eligibility for program enrollment and program services does not entitle an individual to program enrollment or program services. Eligibility for services requires documented evidence of an applicants need for and ability to benefit from services, i.e. would otherwise be unable obtain or retain employment that would lead to self-sufficiency.

A. ADULT

Adults must meet the following WIOA eligibility criteria to move from Basic Career Services to Individualized Career Services and/or Training Services. Subrecipients must provide documentation as

indicated in the **ATTACHMENT- TABLE OF DOCUMENTATION TO ESTABLISH WIOA ADULT AND DISLOCATED WORKER PROGRAM ELIGIBILITY.**

1. **Adult Eligibility Criteria**

- Must demonstrate need for services beyond Basic Career Services to achieve employment;
- Age 18 Years or older;
- Meets Selective Service registration requirements (if applicable);
- Meet required income level; and
- Must assess for priority of service.

2. **Income Determination**

All Subrecipient s must determine income status through the Living Standard Income Level (LLSIL) Guidelines found in **ATTACHMENT - METHODS FOR CALCULATING INCOME/FAMILY SIZE DETERMINATION.**

a) Determining Low Income Status

70% LLSIL - The low-income guidelines and poverty guidelines are used to establish low-income status for WIOA Title I programs. SDWP uses the LLSIL to determine eligibility of Adult applicants, eligibility of employed adults for certain services, self-sufficiency, and eligibility for the Work Opportunity Tax Credit.

Income received during the six-month period immediately prior to the individual's application for WIOA funded services is used for income determination. Applicant's actual family income during the six-month income determination period must be compared with the six-month figures on the chart to determine eligibility see **ATTACHMENT - METHODS FOR CALCULATING INCOME/FAMILY SIZE DETERMINATION.**

b) Determining Employed Adult Income Status

200% LLSIL - For employed individuals applying as Adults, SDWP requires a household income at or below 200% LLSIL, based on family size, unless the individual receives or is a member of a family that receives, cash payments under a federal, state, or other income-based public assistance program see **ATTACHMENT - METHODS FOR CALCULATING INCOME/FAMILY SIZE DETERMINATION.**

Above 200% LLSIL - Any employed adult individual whose family income is above 200% of the LLSIL guidelines, but meets one of the three conditions below, is eligible to receive Individualized Career Services to assist them in obtaining or retaining self-sufficient employment, but is not eligible to receive WIOA-funded training services:

- Individuals employed in a part-time, seasonal, or temporary job;
- Individuals earning below SDWP's target wage who do not have health benefits provided to them through their, or their spouse's employer; or
- A non-custodial parent of a child who is receiving, or whose custodial parent is receiving, TANF/CalWORKs assistance.

c) Employed Adult Income Guideline Exceptions

For individuals in the categories listed below, income eligibility is based on a comparison of the individual's income for the last six (6) months to the self-sufficiency income guidelines, not their household income. The employed adult income guideline exceptions are for:

- Individual with a disability;
- Individuals who have been previously incarcerated;
- Individuals who are homeless;
- Individuals who possess substantial language or cultural barriers; or

- Individuals who are eligible to participate in State or Federal public assistance programs, like Welfare-to-Work or CalFresh.

3. Adult Priority of Service Categories

With respect to individualized career services and training services funded with WIOA adult funds, priority of service must be established at the time of eligibility determination for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient and does not change during the period of participation. The Adult priority of service does not apply to the Dislocated Worker population. Veteran and eligible spouses who meet the WIOA Adult program eligibility criteria receive priority of service among all eligible individuals, however, they must meet the WIOA adult program eligibility criteria.

Low-Income – An individual who meets one of the four criteria below:

- 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, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), program supplemental security income program, or state or local income-based public assistance.
- In a family with a total income that does not exceed the higher of the he poverty line or 70 percent of the Lower Living Standard Income Level (LLSIL)
- A homeless individual.
- An individual with a disability whose own income does not exceed the income requirement but is a member of a family whose total income does.

Public Assistance Recipient – An applicant who receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance.

Basic Skills Deficient – An individual that 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. Criteria used to determine whether an individual is basic skills deficient include the following:

- Lacks a high school diploma or high school equivalency and is not enrolled in postsecondary education.
- Enrolled in a Title II Adult Education/Literacy program.
- English, reading, writing, or computing skills at an 8.9 or below grade level.
- Determined to be Limited English Skills proficient through staff-documented observations. Other objective criteria determined to be appropriate by the Local Area and documented in its required policy.

Subrecipients must deliver priority of service in the following order:

1st Priority – Veterans and eligible spouses (covered persons) who are:

- low income, or,
- recipients of public assistance, or,
- who are basic skills deficient.

2nd Priority – Individuals (non-covered persons) who are:

- low income, or,
- recipients of public assistance, or,
- who are basic skills deficient

3rd Priority – Veterans and eligible spouses who are:

- not low income, and,
- not recipients of public assistance, and,
- not basic skills deficient.

4th Priority – Priority populations established by the Governor and/or SDWP.

5th Priority (last) – Individuals (non-covered persons) outside the group given priority under WIOA.

Process

Priority of Service must be documented in the Workforce eFile and in CalJOBS using a standalone case note. The case note must include the following:

- Subject Line: Priority Service Category
- The applicant's priority status; and
- Support Documentation used to determine priority

Note: 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.

B. DISLOCATED WORKER

The following categories outline the requirements within each category in which an applicant may be defined as a Dislocated Worker. Subrecipients must provide documentation as indicated in the **ATTACHMENT- TABLE OF DOCUMENTATION TO ESTABLISH WIOA ADULT AND DISLOCATED WORKER PROGRAM ELIGIBILITY**.

1. Dislocated Worker Categories

Category 1: Terminated or laid off, or has received notice of termination or layoff, **and is eligible for or has exhausted entitlement to unemployment insurance (UI)** and is unlikely to return to previous industry or occupation.

Category 2: Terminated or laid off, or has received notice of termination or layoff, **and has been employed for sufficient duration (based on state policy) to demonstrate workforce attachment but is not eligible for UI due to insufficient earnings, or the employer is not covered under the State UI law, and** is unlikely to return to previous industry or occupation.

Category 3: Individual is terminated or laid off, or has received notice of terminating or layoff, from employment as a result of the **permanent closure** of or **substantial layoff** at a plant, facility or enterprise.

Category 4: Individual is **employed** at a facility at which the employer has made a **general announcement that the facility will close**.

Category 5: Individual was **previously self-employed** (including farmers, ranchers and fisherman), but is **unemployed** due to general economic conditions in the community of residence or because of **natural disaster**.

Category 6: **Displaced Homemaker** – An individual who has been providing **unpaid services to a family member** in the home and has been dependent on the income of another family member but is **no longer supported by that income**; or is the **dependent spouse** of a member of the Armed Forces or active duty and whose **family income is significantly reduced** because of a deployment, or a call or order to active duty, or a permanent change of situation, or the service-connected death or disability of the family member; **and is unemployed or under employed and is experiencing difficulty obtaining or upgrading employment.**

Category 7: 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.

Category 8: 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.

Category 12: **Dislocated Worker Grant (DWG) eligibility**: Individual does not meet criteria outlined for Dislocated Worker in categories 1 – 8 above, but is an individual that meets DWG eligibility outlined under WIOA Title ID National Programs, Sec. 170 National Dislocated Worker grants, relating to Sec 170(b)(1)(A) workers affected by major economic dislocations OR Sec 170(b)(1)(B) workers affected by an emergency or major disaster.

2. Unlikely to Return Criteria

SDWP allows the use of any of the following considerations in defining “unlikely to return” when written documentation is available to prove that the Customer:

- Worked in a declining industry or occupation, as documented on the State locally developed list of such industries or occupations. SDWP developed Instructions see **ATTACHMENT - DETERMINING LIMITED EMPLOYMENT OPPORTUNITIES FOR DISLOCATED WORKERS** to use for this purpose; or
- Has had a lack of job offers as documented by the local Job Service (JS) Unemployment Insurance (UI) office, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry or occupation; or
- Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry or occupation, as documented through the assessment of the client’s educational achievement levels, testing, or other suitable means; or
- Has physical or other problems which would preclude reentry into the former industry or occupation, as documented by a physician/other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor); or
- Has a poor employment history indicating a reduced capacity or ability to be re-employed in the former industry or occupation. Documentation to verify poor employment history may include, but is not limited to, proof that:
 - Employment has been limited to one or more part-time (20 hours per week or less), or short-term (four months or less), jobs within the prior year, which were for the purpose of income maintenance rather than a career path (i.e., employment in “dead end” jobs, which would not prepare the customer for permanent reemployment in the previous industry or occupation);
 - Unemployment insurance and/or public assistance receipt in the prior year, with little or no employment in interim periods, indicating a poor work history; or

- Terminated or laid-off due to mechanization, which is defined as “to do or operate by machinery, not by hand;” or
- A natural disaster or public health emergency that results in lost wages for equal to or greater than 2 weeks; or
- Is part of an industry that is impacted by a public health emergency; or
- The former industry or occupation has depressed local labor market conditions due to one or more of the following:
 - Changing seasonal employment patterns; or
 - Effects of extreme or unusual weather patterns.
- Determination by a Subrecipient staff that an individual’s likelihood of returning to their previous industry or occupation is unlikely due to circumstances that cause significant barriers to employment. Barriers to employment include:
 - Offender
 - High school dropout
 - Homeless
 - Cultural or language barrier
 - Older worker (55+)
 - Basic skills deficient
 - Lack of necessary skills to become reemployed due to the current requirements of the industry or occupation (to be identified by an assessment* of the individual’s current skills and abilities and compared to current labor market demands, or rejection letters from employers for lack of necessary skills)
 - Because a WIOA-funded assessment cannot be conducted until after WIOA Dislocated Worker eligibility has been established, a self-assessment by the individual, or a prior assessment of the individual’s skills, abilities and experiences by another qualified entity must be used.

Unlikely to Return – Military Spouses

A military spouse may be documented as “unlikely to return” if the spouse was required to leave employment due to a result of a military member’s transfer. These circumstances do not position the spouse to return immediately to their previous occupation or industry for the following reasons:

- If a spouse resumes employment with the same employer, the employment is in a
- new location, and may not be the same structurally or organizationally as in the prior location;
- When military spouses do get jobs in their new locations, they often start at lower levels of seniority than the levels of their positions in their prior locations;
- There is frequently a gap in employment, which may lessen their likelihood of returning to the same level of occupation or job;
- The skills of the spouse may be obsolete or inadequate to meet the advancing competency needs of the current workforce and economy;
- The industry in which the spouse has prior work experience, in the region to which the spouse has relocated, may be declining; or
- An excess number of workers with similar skill sets and experience may be seeking limited employment opportunities in the region.

Unlikely to Return – Farmworkers and Other Seasonal Worker

Farmworkers or individuals who worked seasonally can be considered unlikely to return to work in a previous industry or occupation for a variety of reasons such as:

- Change in family situation that requires higher income;
- Disability that precludes returning to the same occupation;
- Natural disaster that results in lost wages;

- Loss of agricultural land;
- Economic conditions that resulted from extreme or unusual weather patterns and agricultural market downturns;
- Permanent closures or a substantial layoff from agricultural enterprises and facilities such as packaging, canneries or farming;
- Mechanization; or
- Any significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work dates.

3. Obtaining Confidential UI Data for Dislocated Workers

If an individual has received a lay-off notice or is receiving UI from their last employer:

- 1) Have the client sign the EDD form - **WIOA UI - DATA CONSENT AUTHORIZATION FORM** found as an attachment to EDD Directive (WSD16-08) https://www.edd.ca.gov/jobs_and_training/pubs/wsd16-08.pdf
- 2) Fax the signed form to 916-319-1486; or
- 3) Have the client call EDD and ask for an 1180PA (California Unemployment Insurance Wage and Potential Award Information). Advise the client to press the options on the phone as if they are making an attempt to file a new claim. The client will need to provide information relating to who they have worked for within the last 18 months and approximate wage information, in order to clear the identifiers.

If the information received indicates that the client is not receiving UI, but the client has provided you with copies of their UI check stubs, then request EDD technical assistance. The 1182A form provided by EDD must be accompanied with Attachment – Telephone Verification Form completed by the employer or EDD as the cognizant agency/individual.

4. Layoffs, Furloughs, Temporary Layoffs and Lockouts

Layoff - means the permanent or temporary termination of employment of an employee because a position has been abolished, because of insufficient funds, because of lack of work, or for any other reason not reflecting discredit on the employee (such as, dismissal for inadequate performance, violation of workplace rules, cause, etc.).

Furlough - means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons [Title 5 United States Code (USC) 7511(a) (5)]. As such, it is a temporary termination of employment or layoff.

Lockout - means any refusal by an employer to permit any group of five or more employees to work as a result of a dispute with such employees affecting wages, hours or other terms or conditions of employment of such employees [Section 1132.8 of the California Labor Code].

Depending on the local definition of “unlikely to return,” the circumstances of the applicant, and local economic conditions, furloughed individuals may or may not be likely to return to their previous industry or occupation.

If these individuals are likely to return to their previous industry or occupation and need more than Career Services, they may be served as adults. In some cases, a business, company or corporation’s furloughs are in fact substantial layoffs and the unlikely to return provision does not apply. Local areas have the discretion to define “substantial layoff” since the definition depends on local economic conditions.

A lockout does not terminate the employer-employee relationship. Consequently, locked out employees are not eligible dislocated workers since they have not been terminated or laid off, are

not eligible for unemployment compensation, and are likely to return to the same industry or occupation once the dispute is resolved. The same guidance applies to employees that are on strike. There may be locked out employees who for financial reasons seek other employment. These individuals may be served as adults.

5. Employed Dislocated Worker Self-Sufficiency Guidelines

For an employed individual to be enrolled as a Dislocated Worker, SDWP requires the following self-sufficiency conditions to be met:

- The person meets the definition of a dislocated Worker;
- Is currently employed; and,
- Is earning 70% or less of their pre-dislocation wage.

6. Employed Dislocated Worker Wage Exceptions

If the individual fits the first two conditions above, and their earnings are above 70% of their pre-dislocation wage, but meets one of the three conditions below, they are eligible to receive WIOA Dislocated Worker-Funded Individualized Career Services, but is not eligible to receive WIOA-funded training services:

- Individuals employed in part-time, seasonal, or temporary jobs;
- Individuals earning below SDWP's target wage that do not have health benefits through their or their spouse, employer; or
- Non-custodial parent of a child who is receiving, or whose custodial parent is receiving, TANF/CalWORKs assistance.

VI. ATTACHMENTS

Request for Re-Enrollment Form

Adult & Dislocated Worker Eligibility Certification and Review Form (ECRF)

Telephone Verification

Applicant Statement

Multimedia & Communication Release Form (MCRF)

Universal Participant Agreement Form (UPAF)

Methods of Calculating Income/Family Size Determination

Table of Documentation to Establish WIOA Adult and Dislocated Worker Program Eligibility

Determining Limited Employment Opportunities