



**POLICY  
NUMBER  
122**

## **Administrative Policy**

<b>Title:</b>	Adult and Dislocated Worker Program Eligibility
<b>Program:</b>	Workforce Innovation and Opportunity Act
<b>Effective:</b>	December 19, 2022

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to provide the Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker program eligibility requirements to Local Workforce Development Boards (LWDBs) and program service providers.

### **II. BACKGROUND**

The Adult and Dislocated Worker programs provide training and employment services to eligible participants. Adult services are provided to job seekers who are at least 18 years old to help them succeed in the labor market. Dislocated worker services are provided to workers who have lost their job through no fault of their own to help them obtain quality employment in in-demand industries.

### **III. AUTHORITY**

Workforce Innovation and Opportunity Act of 2014, [Public Law 113-128](#)

Code of Federal Regulations (CFR), [Title 20 Part 680](#), *Adult and Dislocated Worker Activities Under Title I of the Workforce Innovation and Opportunity Act*

[Title 29 CFR 38](#), *Implementation of The Nondiscrimination and Equal Opportunity Provisions of The Workforce Innovation and Opportunity Act*

[Title 29 CFR 31](#), *Nondiscrimination in Federally-Assisted Programs of the Department of Labor, Effectuation of Title VI of the Civil Rights Act of 1964*

[Training and Employment Guidance Letter \(TEGL\) No. 11-11, Change 2](#), *Selective Service Registration Requirements for Employment and Training Administration Funded Programs*

[Training and Employment Guidance Letter \(TEGL\) No. 02-14](#), *Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs*

[Training and Employment Guidance Letter \(TEGL\) No. 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*

[Training and Employment Guidance Letter \(TEGL\) No. 24-18](#), *Updated Promising Practices in Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide*

[Training and Employment Guidance Letter \(TEGL\) 07-20](#), *Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program*

#### **IV. POLICIES AND PROCEDURES**

##### **A. Eligibility for Career Services**

WIOA section (sec.) 3(2) defines an individual who is considered an adult and WIOA sec. 3(15) defines an individual who is considered a dislocated worker for eligibility purposes to participate in the WIOA Adult or Dislocated Worker programs. LWDBs must ensure that every individual receiving services under the WIOA Adult or Dislocated Worker programs meets the applicable eligibility criteria and is subsequently enrolled in the program.

Each program participant must be a United States (U.S.) citizen or have the right to work in the U.S. and males 18 years of age or older must comply with selective service registration requirements. Males born on or after January 1, 1960 are required to register with the Selective Service within 30 days of (before or after) their 18th birthday. This includes males who are:

- a) Citizens of the United States (U.S.);

- b) Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26<sup>th</sup> birthday; and/or
- c) Dual nationals of the U.S. and another country regardless to whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required for males who are:

- a) Serving in the military on full-time active duty;
- b) Attending the service academies; and/or
- c) Disabled and continually confined to a residence, hospital, or institution; however, they must register within 30 days after being released if they have not yet reached their 26<sup>th</sup> birthday.

For non-U.S. citizens, Selective Service registration is not required for males who are:

- a) A non-U.S. citizen who came into this country for the first time after his 26<sup>th</sup> birthday. This must be evidenced with acceptable forms of supporting documentation to include:
  - i. Date of entry stamp in their passport;
  - ii. I-94 with date of entry stamp on it; or
  - iii. The combination of a letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date they entered the U.S. and official legal documentation establishing their age.
- b) A non-U.S. citizen who entered the U.S. illegally after their 26<sup>th</sup> birthday. They must provide proof that they were not living in the U.S. from age 18 through 25.
- c) A non-U.S. citizen on a valid non-immigrant visa.

Additional Selective Service registration requirements may be found at: [www.sss.gov](http://www.sss.gov).

To be eligible to receive any dislocated worker program services, an eligible adult must meet the criteria outlined in subsection 2. below. Eligibility criteria for training services are outlined in **Section IV.B. Eligibility for Training Services** of this policy.

## **1. Adult Program**

To be eligible to receive career services as an adult in the Adult or Dislocated Worker program, an individual must be 18 years of age or older.

Adult status is fixed at the time of eligibility determination and individuals remain eligible for the WIOA title I Adult program even if there are changes in the original circumstances that were used as the basis to establish eligibility.

## **2. Dislocated Worker Program**

To be eligible to receive career services as a dislocated worker in the Adult and Dislocated Worker programs, an individual must meet the definition of “dislocated worker” as outlined below.

### **(a) Category 1 – Terminated or Laid Off**

(1) An individual who:

- a. Has been terminated or laid off, or has received a notice of termination or layoff, from employment<sup>1</sup>;
- b. Is eligible for or has exhausted entitlement to unemployment compensation (referred to as Reemployment Assistance in Florida) or has been employed for a duration sufficient to demonstrate, to career center staff, 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<sup>2</sup>; and
- c. Is unlikely to return to a previous industry or occupation.

(2) Separating members or separated members honorably discharged under circumstances from the military fall within the scope of the termination component for the WIOA definition of dislocated worker. A separating service member from the Armed Forces with a discharge that is anything other than dishonorable 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).

### **(b) Category 2 – Permanent Closure or Substantial Layoff**

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<sup>1</sup> Referred to as Category 1 in Employ Florida.

<sup>2</sup> Referred to as Category 2 in Employ Florida.

An individual who:

- (1) Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise<sup>3</sup>;
- (2) Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days<sup>4</sup>; or
- (3) Is employed at a facility at which the employer has made a general announcement that such facility will close<sup>5</sup>.

**(c) Category 3 – Self-employed<sup>6</sup>**

An individual who was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

**(d) Category 4 – Displaced Homemaker<sup>7</sup>**

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

- (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 a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment or a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member; and
- (3) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment<sup>8</sup>.

**(e) Category 5 – Spouse of a Separating or Separated Members of the U.S. Armed Forces**

An individual who:

- (1) Is the spouse of a member of the Armed Forces on active duty (as defined in sec. 101(d)(1) of title 10, United States Code), and who has

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<sup>3</sup> Referred to as Category 3 in Employ Florida.

<sup>4</sup> Referred to as Category 4 in Employ Florida.

<sup>5</sup> Referred to as Category 4 in Employ Florida.

<sup>6</sup> Referred to as Category 5 in Employ Florida.

<sup>7</sup> Referred to as Category 6 in Employ Florida.

<sup>8</sup> This phrase refers to a person who is having challenges and/or unable to secure employment or receive promotional opportunities with their current skill set.

- experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member<sup>9</sup>; or
- (2) Is 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<sup>10</sup>.

Dislocated worker status is fixed at the time of eligibility determination and individuals remain eligible for the WIOA title I Dislocated Worker Program even if there are changes in the original circumstances that were used as the basis to establish eligibility (e.g., the anticipated layoff or termination does not take place).

## **B. Eligibility for Training Services**

Training services may be made available to employed and unemployed adults and dislocated workers who:

- (1) A one-stop career center or one-stop partner determines, after an interview, evaluation or assessment, and career planning, are:
  - (a) 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<sup>11</sup>;
  - (b) 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) Have the skills and qualifications to participate successfully in training services;
- (2) Select a program of training services that is directly linked to the employment opportunities in the local area, or in another area to which the individuals are willing to commute or relocate;
- (3) Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as state-funded training funds, Trade Adjustment Assistance, Federal Pell Grants established under title IV of the Higher Education Act of 1965, or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants; and
- (4) Need financial support to cover training costs that have not been paid for. Reimbursement for training services already paid for is not allowed.
- (5) If training services are provided through the adult funding stream are determined eligible in accordance with the state and local priority system in effect for adults under WIOA sec. 134(c)(3)(E) and 20 CFR 680.600, as prescribed in [Administrative Policy 105 – Priority of Service](#).

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<sup>9</sup> Referred to as Category 7 in Employ Florida.

<sup>10</sup> Referred to as Category 8 in Employ Florida.

<sup>11</sup> Each LWDB must describe the definition of “self-sufficiency” used by the local area in its WIOA local plan.

Additionally, 20 CFR 680.230, requires coordinating WIOA funded training with "other grant assistance", such as Federal Pell Grants. Veteran Assistance (VA) benefits for education and training services do not constitute "other grant assistance" under WIOA's eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran's eligible spouse from receiving WIOA funded services, including training services. Similarly, LWDBs may not require veterans or eligible spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

### **C. Statutory Priority for Adult Funds**

WIOA establishes a priority requirement with respect to funds allocated to a local area for the Adult program. When using WIOA Adult funds to provide individualized career services and training services, LWDBs must give priority to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient (including English language learners) for individualized career services and training services. LWDBs must prioritize services to these populations at all times, regardless of the amount of funds available to provide services in the local area. Please refer to [Administrative Policy 105 – Priority of Service](#) for the requirements for providing priority of service under WIOA.

Additionally, veterans and eligible spouses (covered persons) must receive priority of service over non-covered persons for all U.S. Department of Labor (USDOL) funded job training programs, including WIOA programs. This means that veterans and eligible spouses either receive access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person. Veterans and eligible spouses who receive priority of service must meet all WIOA Adult program eligibility requirements.

Under the priority of service provisions of the Jobs for Veterans Act, separating service members who, upon discharge, meet the eligibility criteria for dislocated workers must be afforded priority over non-veterans.

Please see [Administrative Policy 111 – Priority of Service for Veterans and Eligible Spouses](#) for specific requirements.

### **D. Determining Low-Income Status for Adult Funds**

WIOA recognizes low-income individuals under the statutory priority for Adult funds. A low-income individual is defined as an individual who:

- (1) Receives, or has received in the past 6 months, or is a member of a family that is receiving or in the past 6 months has received, assistance through the

Supplemental Nutrition Assistance Program (SNAP), or the Supplemental Security Income Program established under Title XVI of the Social Security Act, or state or local income-based public assistance.

- (2) Is in a family with total income that does not exceed the higher of –
  - i. The poverty line; or
  - ii. 70 percent of the lower living standard income level (LLSIL).
- (3) Is a homeless individual.
- (4) Receives or is eligible to receive free or reduced-price lunch.
- (5) Is a foster child on behalf of whom State or local government payments are made.
- (6) Is an individual with a disability whose own income meets the low-income level for eligibility purposes but who is a member of a family whose income does not meet this requirement.

#### **E. Calculating Family Income for the Adult Program**

When determining low-income status based on family income, income is determined by collecting information from the family for the complete six-month period prior to application. After verification of family size and collection of the total reported six-month income, this figure is then doubled (annualized) and compared to the higher of the [poverty line](#) or LLSIL. The Florida Department of Economic Opportunity (DEO) publishes the LLSIL annually on the DEO website [here](#).

Under WIOA, there is no exclusion of payments for Reemployment Assistance benefits, child support payments, and old-age survivors insurance benefits from the income calculations for determining if an individual is low-income.

Amounts received as military pay or allowances by any person who served on active duty in the Armed Forces, and certain other specified benefits, must not be included for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings must not be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 United States Code (U.S.C.) 4213.

#### **F. Nondiscrimination**

WIOA sec. 188 prohibits the exclusion of an individual from participation in, denial of, or discrimination in the administration and activities funded in whole or in part under WIOA Title I on the basis of race, color, national origin, age, disability, sex, religion, and political affiliation or belief, as well as against beneficiaries on the basis of citizenship and participation in WIOA.



*Deferred Action for Childhood Arrivals*

WIOA sec. 188(a)(5) contains a specific nondiscrimination provision that provides that participation under the WIOA is available to citizens and nationals of the United States; lawfully admitted permanent resident aliens, refugees, asylees, and parolees; and other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization qualify under this provision as “immigrants authorized by the Attorney General to work in the United States.” This includes “Deferred Action for Childhood Arrivals” ([DACA](#))<sup>12</sup> participants with employment authorization. Participants identified as DACA participants must meet the WIOA eligibility requirements to access any WIOA services for which they would otherwise qualify. LWDB staff must obtain appropriate documentation of employment authorization. The documentation must include self-attestation, at a minimum. The DACA process is for individuals who came to the United States as children and:

- a. Were under the age of 31 as of June 15, 2012.
- b. Came to the United States before reaching their 16<sup>th</sup> birthday.
- c. Have continuously resided in the United States since June 15, 2007, up to the present time.
- d. Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with U.S. Citizenship and Immigration Services (USCIS).
- e. Entered without inspection before June 15, 2012, or their lawful immigration status expired as of June 15, 2012.
- f. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or other equivalent State-authorized exam in the United States, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.
- g. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

The DACA process may result in a two-year period of “deferred action,” or relief from removal from the country or from entering into removal proceedings, subject to renewal, and issuance of employment authorization for the period of deferred action. Therefore, a DACA participant whose case has been deferred is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate “an economic necessity for employment.”

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<sup>12</sup> DACA Eligibility, TEGL 2-14

## **G. Eligibility Documentation**

Each LWDB is required to collect supporting eligibility documentation used to determine eligibility and retain such documentation in the participants' electronic and/or hard-copy case files in accordance with local operating procedures. WIOA establishes specific participant eligibility, priorities, and requirements for participation to account for the proper use of title I funds. LWDBs must establish a local process for collecting and maintaining eligibility verification documentation and ensure the documentation collected is made available for review by auditors and federal, state, and local representatives. Adult and dislocated worker service providers must obtain and maintain documentation that supports the determination for eligibility and continuous participation. Please see [Section VI. Resources: Source Documentation for Core/Non-Core Programs DOL-only Data Element Validation.](#)

## **H. Enrollment**

### **1. Employ Florida Requirements**

Adults and dislocated workers who receive WIOA title I funded services, other than self-service or information only activities, must be registered in the state's labor exchange and case management system, Employ Florida. Registration is the process of entering and submitting personal information in Employ Florida to create an account. There are two types of registration: partial registration and full registration. Please see [Administrative Policy 096 - Job Seeker Registration, Application and Services](#) for a full explanation of the registration process. Once an individual is determined to be eligible for the WIOA Adult or Dislocated Worker program, staff are required to complete a WIOA Adult or Dislocated Worker program application in Employ Florida.

Additionally, USDOL requires that Equal Opportunity (EO) data is collected from any individual who has indicated their interest or who is interested in being considered for WIOA title I funded benefits and services. The EO data<sup>13</sup> that must be collected is race and ethnicity, age, sex, and disability as required by 29 CFR 28. This information is collected as a part of the Employ Florida registration process. Local staff must confirm this information has been completed in Employ Florida.

### **2. Enrollment Process Requirements**

Individuals interested in consideration for WIOA title I Adult and/or Dislocated Worker program services must be allowed to apply for services<sup>14</sup>. However, application alone is not equivalent to enrollment into the program. LWDBs must ensure that every individual receiving services under this program is determined eligible as an adult or dislocated worker and formally enrolled in the program as a

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<sup>13</sup> Equal Opportunity Data - 20 CFR 675.300

<sup>14</sup> Nondiscrimination – WIOA sec. 188

participant within 90 days of eligibility determination. When enrollment is not completed within 90 days of eligibility determination, a redetermination must occur. Enrollment into the program(s) requires assigning an appropriate service in Employ Florida that initiates participation.

For an individual to participate in the WIOA Adult and Dislocated Worker program, the LWDB must ensure all of the following occur in the following order:

- (1) An eligibility determination.
- (2) Provision of an initial assessment.
- (3) Provision of an objective assessment, as applicable.
- (4) Development of an individual employability plan, as applicable.

### **3. Enrollment in the Adult Program, the Youth Program, or Both**

Individuals between the ages of 18 to 24 who meet the respective program eligibility requirements may participate in either the WIOA Adult or Youth program or participate in both concurrently. Such individuals must meet the youth or adult eligibility criteria that are applicable to the services provided. If such concurrent enrollment occurs, LWDBs must track expenditures separately by program and the delineation of services must be clearly identified in the service plan for activities in Employ Florida.

See [Administrative Policy 095 - Youth Eligibility](#) for specific details about co-enrollment.

#### **I. Local Operating Procedures**

Local Operating Procedures (LOPs) help local areas further define and clarify how programs will operate locally and are unique to each LWDB. LOPs govern procedures for the Adult and Dislocated Worker programs and must specifically address eligibility and enrollment for that local area. The LOPs must align with this policy. LWDBs must develop LOPs that:

- (1) Define what constitutes a “general announcement” of a facility closing and documentation requirements the local area will accept to meet this dislocated worker criteria.
- (2) Define what constitutes “unlikely to return to a previous industry or occupation.”
- (3) Define “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters” to

determine the eligibility of self-employed individuals. Include documentation requirements, as applicable.

- (4) Define “employed for a duration sufficient to demonstrate attachment to the workforce.”

## **J. State and Local Monitoring**

Services and activities provided under WIOA must be monitored no less than annually for compliance with WIOA requirements by DEO pursuant to WIOA sec. 185(c). DEO will monitor the requirements outlined in this policy and LOPs. Additionally, LWDBs must establish local monitoring policies and procedures that include monitoring of eligibility and enrollment activities, to include the adult statutory priority to ensure that all parties are, and remain in, compliance with federal and state laws, as well as state and local policies and procedures.

LWDBs must ensure service providers agree to cooperate with monitoring requirements conducted by the state and/or LWDB and adhere to all other applicable local, state, and federal rules and regulations.

## **V. DEFINITIONS**

- (1) **Active Duty** – means full-time duty in the active military service of the U.S. Such term includes full-time training duty, annual training duty and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerns. Such term does not include full-time National Guard duty.
- (2) **Basic Skills Deficient** – means, with respect to an individual who is a youth or adult, that the individual 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.
- (3) **Documentation** – Physical evidence that is obtained through the verification process, including written confirmation by an authorized agency or organization of one or more WIOA eligibility criteria, and which reflects the individual’s status as of the date of registration for such eligibility criteria.
- (4) **English Language Learner** – An individual who has limited ability in reading, writing, speaking, or comprehending the English language, and whose native language is a language other than English, or who lives in a family or community environment where a language other than English is the dominant language.

**(5) Homeless** – An individual who meets the criteria set forth in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)), or a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2))). The criteria generally provides that individuals who qualify lack a fixed, regular, and adequate nighttime residence and includes an individual who:

- (a) Is sharing the housing of other persons due to loss of housing, economic hardship, or similar reason;
- (b) Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;
- (c) Is living in an emergency or transitional shelter;
- (d) Is abandoned in a hospital;
- (e) Is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting;
- (f) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodation for human beings; or
- (g) Is a migratory child living in circumstances described in this definition.

**(6) Participant**<sup>15</sup> – A reportable individual, who has received services after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination.

**(7) Reportable Individual** – An individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including: (1) Individuals who provide identifying information; (2) Individuals who only use the self-service system; or (3) Individuals who only receive information-only services or activities.

**(8) Verification** – To confirm an eligibility requirement through examination of official documents.

## VI. RESOURCES

[Source Documentation for Core/Non-Core Programs DOL-only Data Element Validation](#)

[Implementing Priority of Service Provisions for Most in Need Individuals in the WIOA Adult Program](#)

[WIOA Desk Reference-Priority of Service for WIOA Adult Funds](#)

[Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide](#)

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<sup>15</sup> 20 CFR 677.150

[Selective Service - Who Must Register](#)

[Includable/Excludable Income](#)