



## Workforce Innovation and Opportunity Act (WIOA) Transition Policy

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### WFC WIOA TITLE I-B DISLOCATED WORKER ELIGIBILITY DETERMINATION POLICY

**POLICY NUMBER: WIOA-TP-DW-001**

**EFFECTIVE DATE: 7-1-2015**

**Supersedes:** This policy does not supersede a previous policy. This is a modification of the current WIA Adult, Dislocated Worker and Youth Eligibility Policy, Policy Number WFC-WIA-08-26-2013ELIG/DOC and serves as a WIA/WIOA transition policy. This policy will be revised and reissued after the WIOA final rules are issued and as further DOL/ETA guidance is received.

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### PURPOSE

This policy communicates key provisions and changes authorized by the Workforce Innovation and Opportunity Act (WIOA) to determine eligibility for dislocated workers seeking services funded by WIOA Title I-B. The WFC WIA Adult, Dislocated Workers and Youth Eligibility & Documentation Policy Handbook, Revision 3, remains in effect except for the changes noted here until the release of the Final WFC WIOA Eligibility & Documentation Handbook.

### BACKGROUND

Under WIA, career services were identified as core and intensive services and generally participants would go through each level of service in order to eventually receive training. WIOA clarifies that an individual receiving service in the one-stop centers must receive the service that is needed to assist the individual to meet his or her job search goals, and *does not need to follow a fixed sequence of services*.

WIOA merges the categories of core services and intensive services under WIA into the category of career services: basic and individualized career services.

Basic career services must be made available to all job seekers and include services such as labor exchange services, labor market information, job listings and information on partner programs. Individualized career services include services such as comprehensive skills assessment, career planning, development of an individual employment plan and training services.

Individuals who are primarily seeking information need not be registered in WIOA, however, when an individual seeks more than minimal assistance from staff, the person must be registered and eligibility must be determined.

WIOA Section 3(15) includes in the definition of a dislocated workers, displaced homemakers and dependent spouses of the Armed Forces on active duty to ensure they have access to WIOA Title I services.

Proposed regulations at 680.660 (a) (b) (c) clarifies: that a notice of separation, a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation or imminent separation from the Armed Forces qualifies as a notice of termination or layoff; that a separating service member meets the dislocated worker requirements concerning UC and the requirement that an individual is unlikely to return to his or her previous industry or occupation.

## POLICY

Dislocated workers must meet the following eligibility criteria for the WIOA Dislocated Worker Program:

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960) unless an exception is justified; and
- One of the Dislocated Worker categories:
  - a) General Dislocation
    - i. An individual, who was terminated, laid-off, or received a notice of termination or layoff; and
    - ii. Is determined unlikely to return to previous industry or occupation (defined by WDCs); and
    - iii. Is eligible for or has exhausted entitlement to unemployment compensation; or  
Is not eligible for unemployment compensation but has performed work for a non-covered employer and/or has been employed for a duration to show attachment to the workforce
  - b) Dislocation from Facility Closure/Substantial Layoff
    - i. An individual, who was terminated, laid-off, or received a or received a notice of layoff from employment at a plant, facility, or enterprise as a result of permanent closure or substantial layoff; or
    - ii. An individual employed at a facility at which the employer has made a general announcement that such facility will close within 180 days. (Refer to Chapter 8 of this handbook for definition of "General Announcement")
  - c) Self-employed Dislocation
    - i. An individual, who was self-employed but is unemployed as a result of:
      - General economic conditions in the WDA where the individual resides; or
      - A natural disaster
  - d) Displaced Homemaker
    - i. An individual, who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member and is no longer supported by the income of another family member; or
    - ii. The dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty or the service-connected death or disability of the member. The WDC has determined that if a service member's family income is reduced, as evidenced by family or business financial records, such that the family is unable to meet current financial obligations; their income is considered to be "significantly reduced"; and
    - iii. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Veterans and other covered persons who qualify for the Dislocated Worker Program are given priority for services according to the Jobs for Veterans Act and WorkSource System Policy #1009 Rev 1-Priority of Service for Veterans and Eligible Spouses.

Retired veterans are excluded from being served in the Dislocated Worker Program. (Department of Labor Policy TEGL 22-04). However, retired veterans may be served under the WIOA Adult Program if determined eligible and are a member of a mandatory priority group or are determined eligible on a case by case basis.



Dislocated workers who receive services other than self-service and informational activities must be registered and considered a participant for WIOA Title I services.

Current WIA participants must be grandfathered into WIOA, even if the participant would not otherwise be eligible for services under WIOA. Additional reassessments are not required to be completed for participants already determined eligible and enrolled under WIA. Furthermore, these participants must be allowed to complete the WIA services specified in their individual service strategy and individual employment plan, even if the services are no longer allowable under WIOA. (TEGL 30-14)

Refer to the WIA Adult, Dislocated Worker & Youth Eligibility & Documentation Handbook, Revision 3 for definitions of key terms and additional intake and eligibility requirements including:

- SERVING MILITARY SERVICE MEMBERS AND THEIR SPOUSES
- ELIGIBILITY FOR EMPLOYED INDIVIDUALS, INCLUDING "STOP-GAP" EMPLOYMENT
- PARTICIPANT FILE DOCUMENTATION
- SKIES
- FOLLOW-UP SERVICES

**INQUIRIES**

Direct Inquiries To:  
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**APPROVED**

  
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Linda Nguyen, WFC CEO

Date: 6/18/15

**APPROVED BY WDC**

Date: 6/18/15