



Policy Name: Adult, Dislocated Worker, Youth Eligibility & Priority of Service Policy

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PURPOSE

To provide guidance on eligibility for applicants interested in receiving Youth, Adult or Dislocated Worker career or training services under the Workforce Innovation and Opportunity Act of 2014, Public Law No. 113-128(WIOA).

POLICY

Note: The Area's Eligibility Verification Method for Adults, Dislocated Workers and Youth is 100% verification prior to Enrollment. Applicants' Self-Attestations will be accepted to document eligibility when allowed by the State and Federal Regulations.

GENERAL ELIGIBILITY

SERVICES TO INDIVIDUALS NOT RESIDING IN THE AREA

Priority for WIOA-funded activities and services will be given to residents of the Southwest Georgia area for adult, youth, and dislocated workers. Services for dislocated workers will also be given to employees of companies whose place of employment is/was within the Southwest Georgia service area. Informational and basic career services will be available to all individuals regardless of residence. Residents of other Local Workforce Development Areas (LWDA) that are in need of individualized career and/or training services, unless dislocated workers, as stated above, will be referred to their LWDA.

YOUTH

I. OUT-OF-SCHOOL YOUTH – WIOA § 3 (46) and 129 (a) (1) (B)

The term "out-of-school youth" means an individual who is:

- A. Not attending any school (as defined under state law as a public, private, or home study program that meets requirements under O.C.G.A. § 20-2-690); However, for purposes of, USDOL does not consider providers of Adult Education under title II of, YouthBuild programs, and Job Corps programs to be schools. Therefore, youth

programs may consider a youth to be out-of-school youth for purposes of youth program eligibility if he/she is attending Adult Education provided under title II of WIOA, YouthBuild, or Job Corps. It is the policy of the Technical College System of Georgia, Office of Workforce Development (OWD) that student attendance at a post-secondary institution qualifies as "attending school" and does not apply to this section.

- B. Not younger than age 16 or older than age 24 at the time of enrollment and one or more of the following:
- i. A school dropout;
 - ii. A youth who is within the age of compulsory school attendance but has not attended school for at least the most recent complete quarter or semester. The definition of a quarter or semester is based on how a local school district defines the terms;
 - iii. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient (as defined below in Section V) or an English language learner;
 - iv. An individual who is subject to the juvenile or adult justice system;
 - v. A homeless individual (as defined in § 41403 (6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043 e-2 (6)), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434 a (2)), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
 - vi. An individual who is pregnant or parenting;
 - vii. A youth who is an individual with a disability;
 - viii. A low income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. The term "requires additional assistance" is defined by local policy.

II. IN-SCHOOL YOUTH – WIOA § 3 (27) and 129 (a) (1) (C)

The term "in-school youth" means an individual who is:

- A. Attending school (Georgia compulsory education laws require children between the ages of six and 16 to attend school);
- B. Not younger than age 14 or (unless an individual with a disability who is attending school under state law) older than age 21 at the time of enrollment;
- C. A low-income individual who meets one or more of the following criteria:
 - i. An individual who is basic skills deficient (as defined below in Section V).
 - ii. An English language learner;
 - iii. An offender;

- iv. A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043 e-2 (6)), a homeless child or youth (as defined in section 725 (2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)); a runaway, in foster care or who has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- v. An individual who is pregnant or parenting;
- vi. An individual with a disability;
- vii. An individual who requires additional assistance to complete an educational program or to secure or hold employment. The term "requires additional assistance" is defined by local policy.

III. LOW INCOME ELIGIBILITY REQUIREMENT

All ISY and some OSY must be low income to meet eligibility criteria except those that fall under the low income exception.

A. A low income individual, as applicable, is an individual who:

- A. i. Receives, or in the past 6 months received, 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. Other programs identified by OWD as state income based are:
 - Medicaid
 - PeachCare for Kids (also known as the State Children's Health Insurance Program)
 - Low Income Home Energy Assistance Program (LIHEAP)
 - State General Assistance Programs (currently none exist in Georgia)
 - Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
 - Pandemic Supplemental Nutrition Assistance Program (p-SNAP)
 - Housing Choice Voucher Program (formerly known as Section 8) under HUD
 - Childcare & Parent Services (CAPS) Program under the Georgia Department of Early Care and Learning
 - Refugee Cash Assistance

Note: The list above is not exhaustive and OWD encourages Local Workforce Development Areas (LWDAs) to inquire about other potential forms of state and local public assistance programs available.



- ii. Is a family with a total income that does not exceed the higher of (a) the poverty line, or (b) 70 percent of the lower living standard income level;
 - iii. A homeless individual (as defined in section 41403(6) of the Violence Against Women act of 1994 (42 U.S.C. 1403 e-2 (6)), or a homeless child or youth (as defined under section 725 (2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434 a (2)));
 - iv. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (41 U.S.C 171 et seq.);
 - v. A foster child on behalf of whom state or local government payments are made; or
 - vi. Is an individual with a disability whose own income meets the requirements of (2).
- B. Special Rule § 129 (a) (2) –** The term low income also includes a youth living in a high poverty area. A high-poverty area is a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village, or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data.

IV. EXCEPTION AND LIMITATION

- A. Exception for persons who are not low income:** not more than 5% of all youth participants may be persons who are not low income, but who otherwise meet the definition of covered individuals. WIOA § 129 (a) (3) (A) (i) defines a covered individual as any ISY or an OSY who meets all other eligibility requirements and who meets the following conditions:
- i. Recipient of a secondary school diploma or its recognized equivalent who is basic skills deficient or an English language learner, and
 - ii. An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

Individuals who are not low income must provide documentation (no self-attestation) to prove they are covered individuals.

- B. Limitation:** WIOA § 129 (a)(3) further defines that not more than 5% of the in-school youth may be eligible based on the criteria for requiring additional assistance to complete an educational program or to secure or hold employment.
- C.** The above exception/limitation percentages are calculated on a yearly basis.

V. BASIC SKILLS DEFICIENT

Per WIOA sec. 3(5)(B), an individual who is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society satisfies the basic skills deficient requirement for WIOA Title I Youth services (as

detailed below). In assessing basic skills, assessment instruments that are valid and appropriate for the target population must be used and reasonable accommodation must be provided in the assessment process, if necessary, for individuals with disabilities.

For out-of-school youth, an individual is basic skills deficient if they:

- A. Lack a high school diploma or high school equivalency and are not enrolled in any secondary education; or
- B. Are reading or writing English, or computing or solving problems at or below an 8.9 grade level, according to a TABE assessment or another standardized assessment pre-approved by OWD; or
- C. Are determined to be English Language Learners.

Note: All participants determined eligible by a Title II Adult Education and Family Literacy Act (AEFLA) program and currently enrolled in Title II services fit the definition of Basic Skills Deficient for WIOA Title I Out-of-School Youth services.

For in-school youth, an individual is basic skills deficient if they:

- A. Are more than a year (5-6 Carnegie credits) behind in accordance with local education policy and will not graduate on time with peer cohort; or
- B. Have a cumulative GPA of 2.0 or below on a 4.0 scale; or
- C. Have taken and did not pass end of course assessment (ECA) for Mathematics and/or English/Language Arts; or
- D. Are Reading or writing English, or computing or solving problems at or below an 8.9 grade level, according to a TABE assessment or another standardized assessment pre-approved by OWD; or
- E. Are determined to be English Language Learners.

ADULT & DISLOCATED WORKER SERVICES

SERVICE PRIORITY FOR INDIVIDUALIZED SERVICES AND TRAINING SERVICES

Priority of service is not an eligibility criterion, but rather is a means to ensure emphasis on providing services to higher need populations. However, inclusion in a priority group does not bypass WIOA eligibility requirements.

WIOA Priority Populations

WIOA specifies that priority for Adult services must be given to recipients of public assistance (per WIOA Sec. 3(50), a recipient of public assistance means an individual who receives any "Federal, State, or local government cash payments for which eligibility is determined by a needs or income test."), other low-income individuals, and individuals who are basic skills

deficient. Unlike its predecessor, WIOA requires that priority of service applies regardless of funding levels, making the priority of service automatic for all WIOA Adult funding.

Veterans Priority of Service

Veterans under WIOA § 3 (63)(A) receive priority of service for all USDOL-funded programs as described in the Jobs for Veterans Act (38 U.S.C. 4215 (2)), meaning priority must be given to veterans and eligible spouses for Adult, Dislocated Worker, and Youth programs. According to TEGL 10-09, veterans and eligible spouses, including widows and widowers as defined in the statute and regulations, are eligible for priority of service. The Final Rule requires that the broad definition of "veteran" found in 38 U.S.C. 101 (2) be used. Additionally, "eligible spouse" is defined in section 2(a) of the Jobs for Veterans Act.

TEGL 10-09 provides the following example for understanding what it means to provide this priority.

"For a service such as classroom training, priority of service applies to the selection procedure, as follows. First, if there is a waiting list for the formation of a training class, priority of service is intended to require a veteran or eligible spouse to go to the top of that list. Second, priority of service applies up to the point at which an individual is both: a) approved for funding; and b) accepted or enrolled in a training class. Therefore, once a non-covered person has been both approved for funding and accepted/enrolled in a training class, priority of service is not intended to allow a veteran or eligible spouse who is identified subsequently to "bump" the non-covered person from that training class."

Per TEGL 10-09, only the Secretary of Labor has the authority to "establish further priorities within the overall priority established by the regulations," meaning that any state or local priority groups cannot take precedence over veterans or eligible spouses in the hierarchy.

In addition, the Jobs for Veteran Act (JVA, Pub. L. 107-228) establishes a priority of service requirement for veterans, which includes incarcerated veterans. Per TEN 7-20, "incarcerated veterans and eligible spouses should receive access to services earlier than non-covered incarcerated persons; and when resources are limited, they should receive access to the services instead of, or before, non-covered persons." Available resources that ensure justice-involved individuals have a good transition into employment are outlined in TEN 7-20.

In efforts to ensure the most effective provision of services, veterans with Significant Barriers to Employment will be referred to the Georgia Department of Labor, Disabled Veteran's Outreach Program (DVOP) Specialist who is responsible for consulting and coordinating with various representatives from the federal, state, and local programs to promote employment opportunities and employment assistance to qualified veterans.

Priority Groups vs. Target/Strategic Populations

As stipulated in WIOA sec. 2(1), one of the purposes of WIOA is "to increase, for individuals in the United States, particularly those individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services they need to succeed in the labor market." WIOA sec. 3(24) further defines the fourteen groups that are considered to be "individuals with barriers to employment." Though individuals in these

barrier groups may also fall into a priority category, these terms are indeed different. Often the terms "priority" and "target or strategic populations" are used interchangeably. However, the Technical College System of Georgia, Office of Workforce Development (TCSG OWD) seeks to clarify these terms.

As per TCSG OWD Policy Manual Section 3.2.5(II), "priority of service is not an eligibility criterion, but rather is a means to ensure emphasis on providing services to higher-need populations." Whereas, "target/strategic populations" refer to those groups that LWDA's should ensure have access to quality services designed to help the individuals

overcome their identified barriers. In contrast to priority groups, target populations do not take precedence or receive services earlier than other participants based solely on their inclusion in the target group. Rather, LWDA's may engage in targeted outreach and communication efforts, increase recruitment with the target population characteristics (i.e., individuals experiencing homelessness, English-language learners, etc.), or create detailed referral processes with partner agencies to meet the unique challenges facing those individuals.

Individual members of a target population may also fall into a priority category, but not necessarily. For example, an LWDA may include individuals experiencing homelessness as a target population in their local plan, meaning that the LWDA intends to ensure their services are available to and meet the unique needs of these individuals and may intentionally recruit members of this population. By virtue of their situation, many of these individuals may likely fall into the low-income priority category. TCSG OWD does not consider this an additional priority group as it is still their income level that places them into the priority group.

Per TEGL 7-20, LWDBs are able to establish further priority groups, "provided that [these additional groups] do not impede the provision of priority of service for veterans and the WIOA Adult priority groups." Again, LWDA's should clearly distinguish between priority groups and target populations in their local plans and policies.

Implementing Priority of Service Provision for Most in Need Individuals in the WIOA Adult Program

Implementing priority means that these individuals receive services earlier in time or instead of non-priority individuals. Veterans and eligible spouses of veterans who otherwise meet the eligibility requirements for Adult programs must receive the highest priority for services. For Adult programs, WIOA priority and Veteran priority categories should be merged and provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient receive first priority for services with WIOA Adult formula funds for individualized career services and training services. Military earnings are not to be included as income for veterans and transitioning service members.
2. Individuals who are not veterans or eligible spouses but who are included in the WIOA priority groups.
3. Veterans and eligible spouses who are not included in one of WIOA's Adult priority groups (but who are still WIOA eligible).

4. Priority populations established by the Governor and/or Local Workforce Development Boards.
 - Currently, the State has not established additional priority categories apart from Georgia residency, which is outlined in *Technical College System of Georgia-Office of Workforce Development (TCSG OWD) Policy Manual Section 3.2.1(IV)*.
 - Currently, the LWDB has not established any additional priority categories
5. Individuals outside the groups given priority under WIOA (but who are still WIOA eligible).

In order to be included in the hierarchy above, any locally designated priority groups must be officially approved by the Local Workforce Development Board (LWDB). Designation as a target population does not require official approval; however, strategies to serve and address needs of target populations will ideally be included in the local plan.

An additional consideration in implementing priority of service is that funds transferred between Adult and Dislocated Worker funding streams are subject to the priority requirement. Per the commentary on the final rule, USDOL states that "[USDOL] considers funds transferred from the dislocated worker program to the adult program to be adult program funds and fall under the priority requirements of the adult program. Likewise, any transfer of funds from the dislocated worker program will fall under the requirements of the dislocated worker program."

NOTE: Individuals with a disability are not automatically included in a priority category solely on the basis of disability. However, individual with disabilities are considered a family of one for income determination purposes, which usually (but not always) indicates their status as low-income. Additionally, receipt of SSI would qualify an individual as a recipient of public assistance and meets the definition of low-income detailed below, thus placing that individual in a priority category.

LOW INCOME INDIVIDUALS

An individual who meets any one of the following criteria, as applicable, satisfies the low-income requirement for WIOA adult services (WIOA sec. 3(36)):

- B. 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 SNAP, TANF, or the Supplemental Security Income (SSI) program, or state or local income-based public assistance. Other programs identified by OWD as state income based are:
 - Medicaid
 - PeachCare for Kids (also known as the State Children's Health Insurance Program)
 - Low Income Home Energy Assistance Program (LIHEAP)
 - State General Assistance Programs (currently none exist in Georgia)

- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Pandemic Supplemental Nutrition Assistance Program (p-SNAP)
- Housing Choice Voucher Program (formerly known as Section 8) under HUD
- Childcare & Parent Services (CAPS) Program under the Georgia Department of Early Care and Learning
- Refugee Cash Assistance

Note: The list above is not exhaustive and OWD encourages Local Workforce Development Areas (LWDAs) to inquire about other potential forms of state and local public assistance programs available.

- B. Is a member of a family with a total family income that does not exceed the higher of – (I) the HHS poverty line; or 70 percent of the United States Department of Labor (USDOL) Lower Living Standard Income Level (LLSIL)cent Lower Living Standard Income Level;
- C. Is a homeless individual, as defined in § 41403 (6) of the Violence Against Women Act of 1994, or a homeless child or youth as defined in § 725 (2) of the McKinney-Vento Homeless Assistance Act;
- D. Receives or is eligible to receive a free or reduced-price lunch under the NSLA
- E. Is a foster youth, on behalf of whom state or local government payments are made; or
- F. Is an individual with a disability whose own income meets income requirements, even if the individual's family income does not meet the income requirements of the income eligibility criteria for payments under any federal, state, or local public assistance program.

BASIC SKILLS DEFICIENT

Per WIOA sec. 3(5)(B), an individual who is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society satisfies the basic skills deficient criteria for WIOA Title I Adult services. In assessing basic skills, assessment instruments that are valid and appropriate for the target population must be used and reasonable accommodation must be provided in the assessment process, if necessary, for individuals with disabilities.

For an adult, an individual is basic skills deficient if they:

- A. Lack a high school diploma or high school equivalency and are not enrolled in any secondary education; or
- B. Are reading or writing English, or computing or solving problems at or below an 8.9 grade level, according to a TABE assessment or another standardized assessment pre-approved by OWD; or

C. Are determined to be English Language Learners.

Note:

- (1) United State Department of Labor, Employment and Training Administration (ETA) notes that individuals who are English Language Learners meet the criteria for "Basic Skills Deficient" and must be included in the priority population for the Title I Adult program (TEGL 19-16).
- (2) All participants determined eligible by a Title II Adult Education and Family Literacy Act (AEFLA) program and currently enrolled in Title II services fit the definition of Basic Skills Deficient for WIOA Title I Adult services.

TRANSITIONING MILITARY SERVICE MEMBERS

Still-active, transitioning military service members may qualify for Dislocated Worker services. While these individuals may be eligible to receive WIOA Dislocated Worker services and funds, they would not be considered 'veterans' for the purposes of DOL reporting or be eligible for Priority of Service.

For the purposes of serving still-active transitioning service members under the "notice of termination or layoff" eligibility criterion, documentation must align with the DOL Data Element Validation (DEV) requirement for "Date of Actual Qualifying Dislocation." Military Personnel are eligible to begin receiving Dislocated Worker Program services upon receipt of discharge orders (Effective Termination of Service "ETS" Orders or DD-2648-ACAP Transition Checklist, or DA Form 3947 Medical Evaluation Proceedings).

Length of service to qualify an individual for such discharges or separations under WIOA guidance may be as few as one day of service. Qualified individuals can receive services up to 18 months prior to retirement or 12 months before separation. If a transitioning service member successfully reenlists into active military duty, then that service member is no longer eligible for services.

STRATEGIC POPULATIONS WITH BARRIERS TO EMPLOYMENT

In addition to statutory requirements concerning eligibility and priority of service for particular populations (including veterans priority of service for all programs), all programs of WIOA Title I must focus on serving individuals with barriers to employment and must seek to ensure access to quality services for these populations [TEGL 19-16]. This does not mean that these individuals are the only ones who should be served, but that the LWDA's services should be designed to ensure these individuals identified as having barriers to employment are able to effectively access all programs and that those programs are designed to help these individuals overcome their respective barriers. This policy does not change the fact that all populations must meet statutory program eligibility criteria.

Though individuals in these barrier groups may also fall into a priority category, these terms are indeed different. Often the terms “priority” and “target or strategic populations” are used interchangeably. However, TCSG OWD clarifies these terms below (Ref. Workforce Implementation Guidance (WIG) Letter #PS-20-003).

As per *TCSG OWD Policy Manual Section 3.2.5(II)*, “priority of service is not an eligibility criterion, but rather is a means to ensure emphasis on providing services to higher-need populations.” Whereas “target/strategic populations” refer to those groups that Local Workforce Development Areas (LWDAs) should ensure have access to quality services designed to help the individuals overcome their identified barriers. In contrast to priority groups, target populations do not take precedence or receive services earlier than other participants based solely on their inclusion in the target group. Rather, LWDAs may engage in targeted outreach and communication efforts, increase recruitment with the target population characteristics (i.e., individuals experiencing homelessness, English-language learners, etc.), or create detailed referral processes with partner agencies to meet the unique challenges facing those individuals.

Individual members of a target population may also fall into a priority category, but not necessarily. For example, an LWDA may include individuals experiencing homelessness as a target population in the local plan, meaning that the LWDA intends to ensure their services are available to and meet the unique needs of these individuals and may intentionally recruit members of this population. By virtue of their situation, many of these individuals may likely fall into the low-income priority category. TCSG OWD does not consider this an additional priority group as it is still their income level that places them into the priority group.

Per *TEGL 7-20*, LWDBs are able to establish further priority groups, “provided that [these additional groups] do not impede the provision of priority of services for veterans and the WIOA Adult priority groups.” LWDAs should clearly distinguish between priority groups and target populations in their local plans and policies.

The LWDA will consider the following populations with barriers to employment [WIOA § 3(24); *TEGL 19-16*]:

- A. Displaced homemakers, as defined in WIOA § 3(24);
- B. Low-income individuals, as defined in WIOA § 3(36);
- C. Indians, Alaska Natives, and Native Hawaiians, as defined in WIOA sec. 166(b);
- D. Individuals with disabilities, including youth who are individuals with disabilities, as defined in WIOA § 3(25), and including individuals who are in receipt of Social Security Disability Insurance [*TEGL 19-16*];
- E. Older individuals, defined as age 55 or older [WIOA § 3(39)];
- F. Ex-offenders or offenders [*TEGL 19-16*], as defined in WIOA § 3(38);
- G. Homeless individuals, including runaways and homeless children and youth, as defined in *TEGL 19-16*;
- H. Youth who are in or have aged out of the foster care system;
- I. Individuals who are English language learners, as defined in WIOA § 203(7);
- J. Individuals who have low levels of literacy (i.e. basic skills deficient [*TEGL 19-16*]);

- K. Individuals facing substantial cultural barriers to employment;
- L. Eligible migrant and seasonal farmworkers, as defined in WIOA § 167(i)(1-3);
- M. Individuals within 2 years exhausting lifetime eligibility under TANF;
- N. Single parents (custodial and noncustodial, mothers and fathers) and single pregnant women [TEGLs 19-16 & 21-16];
- O. Long-term unemployed individuals (unemployed for 27 or more consecutive weeks) [TEGL 19-16]

ADULT ELIGIBILITY

A. To be eligible to receive services in the adult program, an individual must:

- 1. Be 18 years of age or older; and
- 2. Be a citizen or noncitizen authorized to work in the United States; and
- 3. Meet Military Selective Service registration requirements (males who are 18 or older and born on or after January 1, 1960, unless an exception is justified).

B. Additional Requirements for Adults

- 1. Adults must be either unemployed or underemployed
 - a. Unemployed – Per WIOA §3 (61), “the term “unemployed individual” means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the US Department of Labor in defining individuals as unemployed.”
 - a. Note: Justice-involved individuals may enroll in WIOA Title I or II services pre- or post-release from a correctional institution as long as they meet the other relevant eligibility requirements (TEN 07-20).
 - b. Underemployed -Individuals who are underemployed include persons who meet one of the following criteria:
 - a. Are employed less than full-time and are seeking full-time employment;
 - b. Are employed in a position not commensurate with the individual's demonstrated level of educational attainment and skills;
 - c. Are working full time **and** meets the definition of a low income individual, as defined in WIOA §3 (36); OR
 - d. Are employed, but whose current job earnings are not sufficient compared to their previous earnings.
- 2. Adults must have a prior six month personal or family income that is at or below 200% of the LLSIL (Reference local Lacks Self Sufficiency Policy).

DISLOCATED WORKER ELIGIBILITY

A. To be eligible to receive services in the dislocated worker programs, an individual must:

1. Be 18 years of age or older;
2. Be a citizen or noncitizen authorized to work in the United States; and
3. Meet Military Selective Service registration requirements (males who are 18 or older and born on or after January 1, 1960, unless an exception is justified).

B. Additional Eligibility Requirements for Dislocated Workers

A dislocated worker is defined as an individual who meets **one** of the following categories:

Category I - Has been terminated or laid off through no fault of their own or who has received a notice of no-fault termination or layoff from employment **and** is eligible for or has exhausted entitlement to unemployment compensation **and** is unlikely to return to a previous industry or occupation;

Category II - Has been terminated or laid off through no fault of their own, or who has received a notice of no-fault termination or layoff from employment **and** has been employed for a duration sufficient to demonstrate, to the appropriate entity at a One-Stop center, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a state's unemployment compensation law **and** is unlikely to return to a previous industry or occupation.

Category III - Has been terminated or laid off through no fault of their own, or has received a notice of no-fault termination or layoff, from employment as a result of any permanent closure of, or **any substantial layoff** at, a plant, facility, or enterprise;

Category IV - Is employed at a facility at which the employer has made a **general announcement** that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services, career services or support services, is employed at a facility at which the employer has made a **general announcement** that such facility will close;

Category V - 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. This includes individuals working as independent contractors or consultants but not technically employees of a firm.

Category VI - Is a **displaced homemaker**, as defined in WIOA § 3 (16). A displaced homemaker is an individual who has been providing unpaid services to family members in the home and who:

- (a) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; **and**
- (b) Has been dependent on the income of another family member but is no longer supported by that income; or
- (c) 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, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member.

Category VII - The individual is the spouse of a member of the Armed Forces on active duty who:

- (a) Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

Category VIII - The individual is the spouse of a member of the Armed Forces on active duty who:

- (b) is unemployed or underemployed and experiencing difficulty obtaining or upgrading employment.

TEGL 10-09 indicates that "Active duty" includes full-time federal service in the National Guard or a reserve component. This definition of "active service" does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as "weekend" or "annual" training), nor does it include full-time active-duty performance by National Guard personnel who are mobilized by state rather than federal authorities (state mobilizations usually occur in response to events such as natural disasters.)

Note: As an active duty military spouse, the individual automatically meets the criteria that the individual is unlikely to return to a previous industry or occupation due to the spouse's status.

Category IX - The individual is a separating service member from the Armed

Services with a discharge other than dishonorable, the separating service member qualifies for dislocated worker activities based on the following criteria:

- (a) The separating service member has received a notice of separation (e.g. DD214 or Medical Evaluation Board proceedings) from the Department of Defense or other documentation showing a separation or imminent separation from the Armed Forces to satisfy the termination or layoff eligibility criteria (These documents must meet the requirement that the individual has received a notice of no-fault termination or layoff, to meet the required dislocated worker definition);
- (b) The separating service member is eligible for or has exhausted of unemployment compensation for Ex-service members (UCX); **and**
- (c) As a separating service member, the individual automatically meets the criteria that the individual is unlikely to return to a previous industry or occupation in the military unless they reenlist. (TEGL 19-16).

Category X - An individual who may have been separated for cause, filed an appeal to unemployment insurance (UI) and was determined to be 'no-fault' and eligible for UI (based on that employer's contributions) may be eligible as a dislocated worker.

Category XIII (State-Defined Dislocated Worker Eligibility) – The individual is underemployed, which is defined as:

- (a) A person who was laid off from a previous employer, but has found employment earning wages that are 85% or less of the salary that was paid at the employer of dislocation; and/or
- (b) A person who is in employment that uses significantly less skills or abilities than the job of dislocation and is not commensurate with the individual's demonstrated level of educational attainment.

In order to be consistent in the determination of customers as a specific **Category of Dislocation**, the State and LWDB 17 have defined some criteria for dislocated workers:

DISLOCATED WORKER DEFINITION CRITERIA

1) Demonstrating sufficient attachment to the workforce:

- a) An individual who is not eligible for unemployment compensation but was employed for at least 3 consecutive months during the past 12 months of the most recent layoff.

- b) A seasonal worker who had been employed 30 out of the last 52 weeks of the most recent layoff.

2) Unlikely to return criterion:

- a) The individual worked in a declining industry/occupation as documented on state and locally developed labor market information such as Georgia Labor Market Explorer, Burning Glass or EMSI (local high demand as well as declining occupation lists must be developed by an appropriate entity such as the local workforce board, local Chamber of Commerce, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information);
- b) The individual has been actively seeking but unable to find employment in their previous industry or occupation for a period of ninety (90) days or more;
- c) The individual was "separated" from active military duty under conditions other than dishonorable;
- d) The individual is a spouse of an active military member and has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the spouse;
- e) The individual worked in an industry or occupation for which there are limited job orders in Georgia LaborMarket Explorer at the time of eligibility determination, as documented by the Local Workforce Development Area (LWDA);
- f) The individual is insufficiently educated and/or does not have the necessary skills for reentry into the former industry or occupation, as documented through an assessment of the individual's educational achievement levels;
- g) The individual cannot return to their previous industry or occupation because they have physical or other limitations which would prevent reentry into the former industry or occupation, as documented by a physician or other applicable professional (e.g. psychiatrist, psychiatric social worker, chiropractor, etc.)
- h) The individual cannot return to their previous industry due to significant variances to normal seasonal employment patterns, including loss of wages due to a loss of recurring seasonal employment (i.e., loss of crops, supply line constraints, etc.)
- i) The individual cannot return to their pervious industry due to negative economic conditions and sudden economic impact on industries or occupations

experienced by the nation, such as natural disasters, the impacts of war, and other related occurrences.

- j) The individual experienced a change in family situation resulting in financial hardship that requires adjustments to income levels (i.e., loss of a spouse, disability, homelessness, etc.)
- k) The individual left employment and cannot return to work immediately due to “no-fault” circumstances, which may include:
 - o The individual quit due to an abusive spouse and is homeless, in a protective shelter, or transitioning housing program
 - o The individual's spouse was physically transferred/moved to another location and the individual relocated to keep the family unit together

Note: Individuals laid off on a temporary basis with a specific return date and/or determined by UI to be attached to an employer (leave of absence, etc.) do not meet the criteria of unlikely to return to work in a previous industry or occupation

3) Substantial layoff criterion:

- a) Any reduction in workforce which is not the result of a plant, facility, or enterprise closure which results in an employment loss at a single site of employment during any 30-day period that represents at least one of the following:
 - i. The closure of an entire department
 - ii. The elimination of an entire class or occupation(s)
 - iii. Cessation of production on a product or manufacturing line
 - iv. The termination of at least 25% of all employees who worked 20 or more hours per week
 - v. The termination of at least 50 employees who comprised at least one third of layoff employer's workforce

4) General announcement of plant closing:

- a) A federal and/or state WARN Notice
- b) A published or electronically generated report, publication or article generated from Georgia Department of Labor or State or local LMI monthly or quarterly report

5) Unemployed as a result of general economic conditions in the community in which the individual resides:

- a) The local unemployment rate reaches 2 percentage points higher than national unemployment rate
- b) A dominant local industry experiences a downsizing of 500 or more employees

6) Unemployed as a result of a natural disaster:

- a) An individual who lost employment as a result of a natural disaster as declared by Federal Emergency Management Agency (FEMA) or the Governor of the State of Georgia.

7) Displaced homemaker experiencing difficulty in obtaining or upgrading employment:

- a) An individual who has been providing unpaid services to family members in the home, and
 - i. who has been dependent on the income of another family member but is no longer supported by that family member's income, and
 - ii. is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

ELIGIBILITY FOR TRAINING SERVICES

Under 20 CFR § 680.210 training services may be made available to employed and unemployed adults and dislocated workers who:

- A. Are determined (by the one-stop operator) after an interview, evaluation, or assessment and career planning to be:
 - 1. 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,
 - 2. 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**
 - 3. Have the skills and qualifications to participate successfully in training services;
- B. Have selected a program of training services that is directly linked to employment opportunities (ref: local Demand Occupation List) in the planning region or in another area to which the individual is willing to commute or re-locate; **and**
- C. Are unable to obtain grant assistance from other sources to pay the costs of training, including HOPE, Pell, and TAA, or require WIOA assistance in addition to the other sources of grant assistance.



NATIONAL DISLOCATED WORKER GRANTS (NDWG)

Please reference the TCSG-OWD Policy and Procedure Manual Section 5.3 for information regarding State policy for specific NDWG participant eligibility.

REFERENCES

Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, enacted July 22, 2014
Workforce Innovation and Opportunity Act Regulations, 20 CFR Parts 678, 680, 683
Technical College System of Georgia, Office of Workforce Development (OWD) Policy and Procedure Manual Section 3.2.5 (II),(IV), 3.2.6 & 3.2.7
Workforce Implementation Guidance (WIG) Letter: WIG PS-20-003, Priority of Service Implementation
USDOL TEGLs 10-09, 19-16, and 7-20

Policy Name: Adult, Dislocated Worker, Youth Eligibility & Priority of Service Policy

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Rescind Policy #28 Services to Individuals not Residing in the Area Rescinded and Incorporated Within

Revision Date: December 11, 2019

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Revision Date: December 1, 2020

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