



**POLICY #:** P-06  
**WIOA Adult and Dislocated Worker Program Eligibility**

**ISSUED:** July 21, 2022

#### **PURPOSE**

To provide program guidance for determining the eligibility of individuals to be enrolled and provided services through the WIOA Adult and Dislocated Worker programs.

#### **REFERENCES**

- WIOA Section 3(2), (15)
- 20 CFR Part 680
- TEGL 19-16
- CWP P-7 – Priority Populations
- CWP P-16 – Selective Service Registration Requirements

#### **DEFINITIONS:**

##### Business Closed or has had a Substantial Lay-off:

The applicant must meet one of the following requirements:

- A. Has been terminated or laid off from employment, or has received notice of termination or layoff, because of the permanent closure of, or any substantial layoff (defined as 10 or more affected workers) at the company (includes a plant, facility, military installation or business enterprise).
- B. Is employed at a company where the employer has made a general announcement that the company or location will close within 180 days. A general announcement may include media coverage, filing of a WARN with the State, corporate written notice of intent to close within 180 days (written notice includes email communication, employer website and/or social media postings).

##### Displaced Homemaker:

An applicant is eligible as a WIOA Displaced Homemaker – which also equates to Dislocated Worker eligibility status – if one of the following situations applies:

- A. The applicant has been providing unpaid services to their family in the home and has been dependent on the income of another family member but is no longer supported by that income.

- B. The applicant has been providing unpaid services to their family in the home and 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 service member.
- C. The applicant has been providing unpaid services to their family members in the home and is unemployed or underemployed and is having trouble obtaining or upgrading employment.

An applicant may also meet one of the other Dislocated Worker eligibility types and be a Displaced Homemaker – the eligibility types are not mutually exclusive.

#### Military Spouse:

The applicant must meet one of the following requirements:

- A. Is the spouse of a member of the Armed Forces on active duty and has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the Armed Forces member.
- B. Is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and having trouble in obtaining or upgrading employment.

#### Self-Employed and Business Closed:

The applicant must meet the following requirement:

- A. Was self-employed (including employment as a farmer, rancher, fisherman, or an independent contractor or consultant not technically an employee of a firm or agency) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

A person is self-employed when they meet one of the following conditions:

- Files taxes as self-employed for their business on their personal taxes.
- Is considered an independent contractor by the business.
- Meets all the following criteria:
  - Is not required by the business to complete an IRS W-4 form
  - Is not required to pay federal income tax or FICA payments from their paycheck(s)
  - Liability or workers' compensation insurance for the individual is not paid by the business
  - Either creates or provides the products or services they sell, or sets the price for the products or services they sell
  - Is responsible for the business expenses and losses
  - Receives profits from the business

Economic condition is defined as the present situation in the overall economy of the area where the individual resides. When a local economy contracts or is weakened it may impact self-employed individuals. Examples include recession, impacts of pandemic, impacts of major employers that support a high percent of employment and local purchasing power, such as:

- Failure of one or more businesses to which the self-employed individual supplied a substantial portion of products or services.
- Failure of one or more businesses from which the self-employed individual obtained substantial proportion of products or services.
- Substantial layoffs from, or a permanent closure of, one or more plants or facilities that support a significant portion of the local economy.
- Unemployment rate for the county exceeds the State overall unemployment rate.
- Depressed prices or markets for articles produced by the self-employed individual.

Separating Service Member:

The applicant must be a member of the Armed Forces who is separating from service to enter or re-enter the civilian labor force (being discharged), and the discharge is for any reason other than dishonorable.

Documentation with a DD-214 is required.

Terminated or Laid-off Worker:

The applicant must meet each of the requirements in A, B and C:

- A. Has been terminated or laid off from employment, or has received a notice of termination or layoff including a separation notice from active military service (refer to Separating Service Member for additional detail).
- B. Is either eligible for or has exhausted their unemployment insurance compensation or have been employed for a period of at least three months to show attachment to the workforce, but they are not eligible for unemployment insurance compensation due to insufficient earnings or having worked for an employer that is not covered under the State unemployment compensation law.
- C. Is unlikely to return to their previous industry or occupation. This can be due to any of the following circumstances:
  - Because of negative economic conditions or sudden economic impact on industries or occupations (such as the pandemic).
  - Because there is a decline in the previous occupations in the local market.
  - Because of circumstances that cause significant barriers to employment, such as criminal background, lack of high school diploma or GED, disability, homelessness, cultural or language barriers, older worker (55+) or deficient in basic skills.
  - Because their previous industry or occupation has been eliminated or the applicant has been unable to secure a position at a compensation level comparable to their previous occupation.
  - Because they exhausted their unemployment benefits and have been unable to find a job in their previous industry or occupation.
  - Because they were seasonally employed and unlikely to return because of mechanization or significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work duties.

## POLICY

To be eligible to participate in activities carried out under the WIOA, an individual must meet the following eligibility criteria to be enrolled as an Adult or Dislocated Worker. Service providers must ensure enrolled participants meet eligibility requirements before providing services.

An applicant is eligible as a WIOA Adult if they are:

- Age 18 or older.
- In compliance with CWP P-16 – Selective Service Registration Requirements

An applicant is eligible as a WIOA Dislocated Worker if they are:

- In compliance with CWP P-16 – Selective Service Registration Requirements
- One of the following situations has applied within the past five years:
  - Business closed or has had a substantial layoff
  - Displaced Homemaker
  - Military spouse
  - Self-employed and business closed
  - Separating service member
  - Terminated or laid-off

Approved:

*Peter Lund*

Peter Lund (Jul 21, 2022 10:49 PDT)

Peter Lund, Clackamas Workforce Partnership Board Chair

07/21/2022

Date