



CENTRAL OKLAHOMA WORKFORCE INNOVATION BOARD

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Individual Eligibility for WIOA Dislocated Worker Program Services

Pursuant to *TEGL 19-16*

Approved and Published: February 2023

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PURPOSE: To establish local guidelines for validating an individual's status as an adult eligible to receive WIOA services, consistent with federal guidance and state policy.

The Central Oklahoma Workforce Innovation Board (COWIB) is the policy and guidance board for the Workforce Oklahoma system in Central Oklahoma. We are business leaders with a goal to establish a highly skilled, productive workforce in our 9-county area.

The Central Oklahoma Workforce Innovation Board (COWIB) complies with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, the basis of citizenship status or participation in a WIOA Title-1 financially assisted program or activity.

COWIB is an Equal Opportunity Employer/ Program. Auxiliary aids and services are available upon request to individuals with disabilities. This was financed in whole or in part by fund from the US Dept. of Labor as administered by the Oklahoma Office of Workforce Development.

<http://www.cowib.org/>



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Table of Contents

Individual Eligibility for WIOA Dislocated Worker Program Services	1
Purpose	3
Authority	3
Dislocated Worker Eligibility and Program Eligibility	3
18 years of age or older	3
Authorized to Work in the U.S.	4
Registered with Selective Service (if applicable)	4
Required Forms / Releases	5
Participant Equal Opportunity Statement	5
Client Release	5
Dislocated Worker Categorization	6
Category 1: Recently Dislocated	6
Category 2: Plant Closure or Substantial Layoff	7
Category 3: Loss of Self-Employment Income	7
Category 4: Displaced Homemakers	8
Category 5: Military Spouses	9
Intervening Employment	9
Priority of Service	10
Veterans Priority for DLW	10
Equal Opportunity and Nondiscrimination Statement	10
Addenda / Revisions	10

COWIB Policy on Individual Eligibility for Dislocated Worker Services

Purpose

To provide local policy and guidance to aid in the determination of applicant eligibility for WIOA Title I Dislocated Worker programs and resources. It is the intention of COWIB that this document conforms to the pertinent legislation, regulation, state issued policies, and the Board’s intent to provide access to appropriate programs and services. Review of this policy and subsequent revisions may be necessitated as a result of changes or additions to current Federal or State guidance.

Authority

The authority for this policy is derived from the following:

- WIOA §134
- TEGL 19-16
- TEGL 10-09
- TA 02-2021
- OWDI 02-2019, Change 2
- OWDI 07-2020, Change 1

Dislocated Worker Eligibility and Program Eligibility

As written in OWDI 07-2020, Change 1, the enrollment process begins when an individual self-registers in the virtual case management system. Once the self-registration has been completed, the demographic information entered will generate a potential eligibility determination. To receive WIOA Title I Dislocated Worker services, individuals must meet the following eligibility criteria:

18 years of age or older

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.

Data Element	Definitions and Requirements	Acceptable Source Document
Age/Date of Birth (WIOA)	WIOA Adult and Dislocated Worker (DLW) applicants must be 18 or older at the time of program enrollment	MATCH <u>Basic Demographic Characteristics & Basic Career Service Requirement</u> Participant self-attestation; AND Detailed Client Note which includes uniquely identifiable information verified from a source document from the list below <u>Individual Career Service & Training Service Requirement</u> <ul style="list-style-type: none">• Baptismal Record• Birth Certificate

COWIB Policy on Individual Eligibility for Dislocated Worker Services

		<ul style="list-style-type: none"> • DD-214 (Report of Transfer or Discharge Paper) • Driver's License • Federal, State, or Local Government ID Card • Hospital Record of Birth • Passport • Public Assistance/Social Service Records • School Records or School ID (with date of birth) • Work Permit • Cross-match with Department of Vital Statistics • Tribal Records • Court Records
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Authorized to Work in the U.S.

Participation in programs and activities assisted in whole or in part under WIOA shall be open to citizens and nationals of the United States, lawfully admitted refugees and parolees, and other individuals authorized to work in the United States. All persons applying for WIOA eligibility must prove that they have the right to work in the United States

Data Element	Definitions and Requirements	Acceptable Source Document
Eligible to Work in the United States	The participant must be eligible to work in the United States at the time of program enrollment.	<p>MATCH</p> <p><u>Basic Demographic Characteristic & Basic Career Service Requirement</u></p> <ul style="list-style-type: none"> • Participant self-attestation <p><u>Individual Career Service & Training Service Requirement</u></p> <ul style="list-style-type: none"> • Verification Documents from List A of Attachment 1 • Verification Documents from List B & C of Attachment 1

Registered with Selective Service (if applicable)

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.

Data Element	Definitions and Requirements	Acceptable Source Document
Selective Service	All males who are at least 18 years of age and born after December 31, 1959,	<p>MATCH</p> <p><u>Basic Demographic Characteristic & Basic</u></p>

COWIB Policy on Individual Eligibility for Dislocated Worker Services

<p>Registration</p>	<p>and who are not in the armed service on active duty, must be register with the Selective Service (SS).</p> <p>Males who cannot provide proof of SS Registration must be referred to the SS for registration.</p>	<p><u>Career Service Requirement</u></p> <p>Participant self-attestation</p> <p>AND</p> <p>Detailed Client Note Verifying a source document from the list below</p> <p><u>Individual Career Service & Training Service Requirement</u></p> <ul style="list-style-type: none"> • Selective Service Registration Card • Selective Service Status Information Letter • Selective Service Registration (Form 3A) • Selective Service Verification Form • Stamped Post Office Receipt of Registration • US Selective Service Verification (Internet) www.sss.gov <p>The following documents may be used only if the participant is past the age of 26 and has not registered with the Selective Service.</p> <ul style="list-style-type: none"> • DD-214 • Current Military ID
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A career navigator must then meet with the applicant to review the demographic information entered. Any inaccuracies must be corrected prior to the applicant's virtual attestation, since the characteristics in the snapshot will remain unchanged throughout program participation. The career navigator must request additional information needed to determine eligibility at this time. Appropriate documentation of the information used to qualify the individual as eligible for enrollment in the WIOA Adult program must be uploaded into the participant's virtual case file in accordance with OWDI 21-2017, Change 1, or current guidance for documentation requirements.

Required Forms / Releases

Participant Equal Opportunity Statement

An Equal Opportunity Statement must be provided for each participant. The Career Navigator must review the EO Statement with the participant and provide a printed copy for signature. The form must be signed by the participant and the Career Navigator prior to upload.

Client Release

A Client Release is required for each participant. The participant may virtually sign the Online Client Release, or provide an actual signature on the printable Client Release.

Dislocated Worker Categorization

In accordance with OWDI 07-2020, Change 1, a Dislocated Worker (DLW) means an individual who meets the requirements of one of the following categories:

Category 1: Recently Dislocated

An individual in this category:

- has been terminated or laid off, or has received a notice of termination or layoff, from employment, including a separation notice from active military service (under other than dishonorable conditions); **and**
- is either eligible for or has exhausted entitlement to unemployment compensation, or has been employed for a duration sufficient to demonstrate, to the appropriate entity at an Oklahoma Works One-Stop Center as described in WIOA section 121(e), 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's Unemployment Insurance (UI) law; **and**
- is unlikely to return to a previous industry or occupation, as defined in TA 02-2021.

COWIB Category 1 Guidance

- Attachment to the Workforce: Regarding the phrase, "Employed for a duration sufficient to demonstrate...attachment to the workforce," COWIB considers:
 - The individual was an "employee" as defined in Section 203(e) of the Fair Labor Standards Act of 1938, as amended, **AND**
 - The individual was continuously employed for a duration of not less than 180 days prior their Date of Actual Qualifying Dislocation, **AND**
 - The individual did not leave their last work voluntarily (unless there were compelling family circumstances or good cause, as defined in the state's Employment Security Act.)

This definition includes workers who were employed full-time or part-time, at any wage rate. "Continuous" employment, in this regard, means the worker did not have any breaks in employment during the 180 days.

It is not necessary for the worker to have a minimum amount of earnings during the 180-day period.

If a laid-off individual had an attachment to the workforce, as defined above, then they may be considered to be a dislocated worker, (assuming other necessary requirements are met) – even though the worker was found to be monetarily ineligible for unemployment compensation. (UI)

- Unlikely to Return to Previous Industry or Occupation: This determination must be made by a workforce professional in the One-Stop Career Center using their best judgment. Utilizing labor market information (LMI) is one method to make this determination, but must be interpreted in light of the personal circumstances of the individual participant.

Category 2: Plant Closure or Substantial Layoff

An individual in this category:

- has been laid off, or has received a notice of layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, military installation or enterprise within six months; A substantial layoff is defined as any reduction-in-force that is not the result of a plant closing that results in an employment loss at a single site of employment during any 30-day period of at least 25 employees;
- is determined by the Local Rapid Response Team to be a substantial layoff based on other factors that indicate a significant, negative impact on the community and/or local economy. Such factors may include, but are not limited to:
 1. The local unemployment rate,
 2. The employer size in comparison to the total number of jobs in the surrounding area,
 3. The business or enterprise has issued a Worker Adjustment Training Notice (WARN),
 4. For rural and small communities, the number of employees that lost employment at a single site may be set by the Rapid Response Coordinator and/or Local Rapid Response Team, or
 5. Other determining factors as described in local policy.
- 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 supportive services, is employed at a facility at which the employer has made a general announcement that such facility or military installation will close.

COWIB Category 2 Guidance

- Substantial Layoff: The Central Oklahoma Workforce Innovation Board defines this criterion in the following manner:
 - A layoff event at any plant, facility, enterprise or business that involves at least one worker in the Central Oklahoma area.
 - The COWIB's CEO is authorized to amend this definition at any time in response to economic conditions in the local area – such as the unemployment rate, average length of unemployment, availability of Dislocated Worker program resources, announcements of large business closings and mass layoffs, and any other factors that may be judged relevant to the efficient delivery of reemployment services.

Category 3: Loss of Self-Employment Income

An individual in this category:

- was self-employed (including employment as a farmer, a rancher, a fisherman, or an independent contractor or consultant not technically an employee of a firm or agency); and
- is unemployed as a result of general economic conditions in the community in which the

COWIB Policy on Individual Eligibility for Dislocated Worker Services

individual resides or because of natural disasters.

COWIB Category 3 Guidance

- It is COWIB’s interpretation that Category 3 of the Dislocated Worker definition is intended to assist workers who were engaged in self-employment as a primary occupational activity.
 - **COWIB requires** that an individual claiming to be a self-employed worker must provide a documentation of most recent tax return. Additionally, the individual must sign a written self-statement verifying that their self-employment earnings were the worker’s primary source of income.
- Regarding unemployment as a result of general economic conditions in the community –or- due to natural disaster:
 - COWIB will accept a self-attestation signed by the applicant verifying that the worker’s unemployment is tied to “general economic conditions in the community in which the individual resides” or is the result of a natural disaster. The self-attestation must be reviewed in light of the facts which are generally known about the economic conditions in the community as well as natural disasters that have an effect on the economic vitality of the Central Oklahoma economy.
 - If the reviewer makes a determination that the applicant’s self-attestation is unsupported or insufficient to validate the worker’s reason for self-employment, then the applicant will not be allowed to enroll in the Dislocated Worker program.
 - If the applicant disagrees with the determination, the COWIB’s Grievance Procedure is available, and a grievance may be filed within 20 days of the date that the applicant is made aware of the determination.

Category 4: Displaced Homemakers

- The term “dislocated worker” means 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, but is no longer supported by income from a family member by that income; or
- 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; and
- is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

COWIB Category 4 Guidance

- To be considered a Displaced Homemaker, each of the following facts must be validated:
 - It must be shown that the individual has been providing unpaid services to family members in the home;

COWIB Policy on Individual Eligibility for Dislocated Worker Services

- The individual was dependent on the income of another family member;
- The individual is no longer supported by that income;
- The individual is unemployed or underemployed; **AND**
- The individual is experiencing difficulty in obtaining or upgrading employment.

Category 5: Military Spouses

An individual in this category is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) who:

- is the spouse of a member of the Armed Forces on active duty who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the active duty member of the Armed Forces; or
- is the spouse of a member of the Armed Forces on active duty who is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

In accordance with TEGL 19-16:

“Regarding military spouses, 20 CFR 680.630 expands the definition of dislocated workers to include military spouses who have experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the spouse. Military spouses can also qualify if they are unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment (see WIOA secs. 3(15)(E) and 3(16)(A) and (B)) and 20 CFR 680.630 of the DOL-only Final Regulations). Military spouses may also qualify if they are a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced, as determined by the State or local area, 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.”

Intervening Employment

COWIB defines Intervening Employment as:

Any employment gained by a dislocated worker after their Date of Qualifying Dislocation that:

- **For a Category 1, Category 2, or Category 5 Dislocated Worker, fails to pay compensation equal to at least the worker’s pre-layoff wage rate; or**
- **For a Category 3 (self-employed), or Category 4 (displaced homemaker) Dislocated worker, fails to pay an hourly wage equal to the level defined in the COWIB Self-Sufficiency policy.**

Our local policy provides that any dislocated worker in Category 1, 2, 3, or 4, who accepts intervening employment shall continue to be regarded as a dislocated worker.

- **CATEGORY 3 EXCEPTION:** WIOA law specifies that individuals from Category 3 must be unemployed at the time of eligibility determination. COWIB policy is that an applicant who was

COWIB Policy on Individual Eligibility for Dislocated Worker Services

formerly self-employed, may have accepted intervening employment, BUT, must be unemployed upon eligibility determination in order to qualify under Category 3.

Priority of Service

In the case of the Dislocated Worker program, the only priority of service is the veteran's priority of service.

Veterans Priority for DLW

In accordance with 20 C.F.R. §680.610 and .650, veterans and eligible spouses receive priority of service for all DOL-funded employment training programs, which include WIOA programs. The veteran or eligible spouse must meet the program's eligibility criteria.

The COWIB has published a separate Priority of Service policy which should be reviewed for specific questions regarding priority of service.

Equal Opportunity and Nondiscrimination Statement

All Recipients, and Sub-recipients / Sub-grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

Addenda / Revisions

The COWIB Chief Executive Officer is authorized to issue additional instructions, guidance, approvals, and/or forms to further implement the requirements of policy, without making substantive change to the policy, except in situations when a new or updated state and federal guidance is issued.