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|---|--------------------------------------|--|-------------|
|  | <i>Effective Date:</i> 01/31/2020 | <i>Type:</i> X Policy Procedure <i>Function:</i> Career Services | Page 1 of 7 |
| | <i>Revised Date:</i> 12/15/2019 | <i>Section # & Title:</i> 200 –Career Services | |
| Phoenix Business and Workforce Development Board (approval authority) | <i>Date Approved:</i> 01/30/2020 | <i>Subject # & Title:</i> .204 – Eligibility Adult/Dislocated Worker Programs | |

I. APPLICABILITY/SCOPE

This policy applies to all Workforce Innovation and Opportunity Act (WIOA) Title I B staff and contractors delivering workforce development Adult and Dislocated Worker programs and services.

II. PURPOSE

This policy is to establish the criteria and documentation to be used to determine the eligibility of individuals who are seeking career and training services in the Adult or Dislocated Worker programs under Title 1B of the Workforce Innovation and Opportunity Act (WIOA).

III. BACKGROUND

WIOA Title 1B requires universally accessible career and training services to eligible adults and dislocated workers that are customer centered, job-driven, and available at the American Job Centers. Career and training services, tailored to the individual needs to job seekers, form the backbone of the one-stop delivery system.

IV. DEFINITIONS


AJC is Arizona Job Connection, the case management and labor exchange system used for reporting WIOA services.

Basic Skills Deficient is an Adult who is unable to:

1. Compute or solve problems; or
2. Read, write, or speak English at a level necessary to function on the job, in his or her family, or in society.

Dislocated Worker is an eligible adult who meets one of the following four categories:

- A. **Category I** includes an individual (non-retiree), including recently separated U.S. veterans within 48 months after discharge or release from active duty, who has been terminated through no fault of their own or laid off, or has received a notice of termination or layoff from employment; and
 1. Is eligible for or has exhausted entitlement to Unemployment Insurance (UI) compensation; or
 2. Has been employed for a duration sufficient to demonstrate attachment to the workforce (determined on a case-by-case basis by the Local Workforce Development Area (LWDA)), but is not eligible for unemployment insurance compensation due to insufficient earning or having performed services for an employer that was not covered under state unemployment insurance compensation law; and
 3. Is unlikely to return to a previous industry or occupation. An individual is considered unlikely to return to a previous industry or occupation when:
 - a. Labor market information for the occupation shows a zero or negative growth rate;
 - b. The local Chamber of Commerce, Economic Development representative, or other credible sources of regional economic information confirm the occupation or industry has shown a significant employment decline in the local labor market area;

| | | | |
|---|--------------------------------------|--|-------------|
|  | <i>Effective Date:</i> 01/31/2020 | <i>Type:</i> X Policy Procedure <i>Function:</i> Career Services | Page 2 of 7 |
| | <i>Revised Date:</i> 12/15/2019 | <i>Section # & Title:</i> 200 –Career Services | |
| Phoenix Business and Workforce Development Board (approval authority) | <i>Date Approved:</i> 01/30/2020 | <i>Subject # & Title:</i> .204 – Eligibility Adult/Dislocated Worker Programs | |


- c. Employment Service confirms that, in the previous 60 days, there was a lack of job orders for that occupation to qualified job seekers, as determined by the LWDA;
- d. A plant closure or substantial layoff within the labor market area in the same industry or occupation has occurred in the last six months from the date of plant closure or substantial layoff;
- e. The individuals have been actively seeking but are unable to find employment in their previous industry or occupation for a period of 90 days or more from employment separation; or
- f. A person is laid off from a job due to lack of certification.
- g. The separating service member is separating from the Armed Forces with a discharge that is anything other than dishonorable who qualifies for dislocated worker activities when he or she:
 - i. 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);
 - ii. Qualifies for the dislocated worker eligibility criteria on eligibility for or exhaustion of unemployment insurance compensation in WIOA sec. 3(15)(A)(ii)(I) or (II); and
 - iii. Meets the dislocated worker eligibility criteria that the individual is unlikely to return to a previous industry or occupation in WIOA Section 3(15)(A)(iii).

Note: Veterans do not automatically qualify as dislocated workers under this category. Only recently separated service members who have been released within the past 48 months from active military, naval or air duty, and service members who have an imminent separation date. Veterans who are voluntarily retiring from the military are not eligible as Dislocated Workers. However, Veterans who are “forced to retire” by the military (within the past 48 months or have imminent separation date) are considered to be terminated at no fault of their own and must meet the other requirements for Category I Dislocated Worker to be eligible.

- h. Reemployment Services and Eligibility Assessment (RESEA) eligibility is not an automatic qualifier for the Dislocated Worker program.

B. Category II includes an individual who:

1. Has been terminated through no fault of their own 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. A substantial layoff is defined as an extended mass layoff that either involves 500 or more workers or in which the number of separations is at least one-third of the employment prior to the separation, excluding those employees that work less than 20 hours a week (U.S. Bureau of Labor Statistics); or
2. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

| | | | |
|---|--------------------------------------|--|-------------|
|  | <i>Effective Date:</i> 01/31/2020 | <i>Type:</i> X Policy Procedure <i>Function:</i> Career Services | Page 3 of 7 |
| | <i>Revised Date:</i> 12/15/2019 | <i>Section # & Title:</i> 200 –Career Services | |
| Phoenix Business and Workforce Development Board (approval authority) | <i>Date Approved:</i> 01/30/2020 | <i>Subject # & Title:</i> .204 – Eligibility Adult/Dislocated Worker Programs | |

3. For purposes of eligibility to receive services other than training services, individualized career services, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.
- C. **Category III** includes an individual who was self-employed (including employment as a farmer, rancher, or 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 IV** includes an individual who:
1. Is a displaced homemaker (an individual who has been providing unpaid services to family members in the home);
 2. Is the spouse of a member of the Armed Forces on active duty, as defined in U.S.C. Title 10 Section 101 (d) (1), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or
 3. Is the spouse of a member of the Armed Forces on active duty, or who has been discharged from the military, and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. A person is considered underemployed if they are employed either full or part-time, whose current annualized wage does not exceed the highest of either:
 - a. 80% of their wages at the date of dislocation; or
 - b. The individual’s earned wages are at or below the self-sufficiency threshold established by the LWDA.


Eligible Veteran

1. A person who served in the active military, naval, or air service and was discharged or released under conditions other than dishonorable.
2. Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.

Eligible Spouse is the spouse of any of the following:

1. Any veteran who died of a service-connected disability;
2. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - a. Missing in action;
 - b. Captured in line of duty by a hostile force; or
 - c. Forcibly detained or interned in line of duty by a foreign government or power.
3. Any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs; or
4. Any veteran who died while a disability was in existence.

Note: Spouses of veterans who do not meet one of the criteria listed above may still receive WIOA Title 1B funded services if they meet the specific program eligibility criteria. However, spouses who do not meet the above criteria will not qualify for priority services.

| | | | |
|---|--------------------------------------|--|-------------|
|  | <i>Effective Date:</i> 01/31/2020 | <i>Type:</i> X Policy Procedure <i>Function:</i> Career Services | Page 4 of 7 |
| | <i>Revised Date:</i> 12/15/2019 | <i>Section # & Title:</i> 200 –Career Services | |
| Phoenix Business and Workforce Development Board (approval authority) | <i>Date Approved:</i> 01/30/2020 | <i>Subject # & Title:</i> .204 – Eligibility Adult/Dislocated Worker Programs | |

Family is defined as two or more individuals related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

1. A married couple and dependent children;
2. A parent or guardian and dependent children; or
3. A married couple.

Note: When an individual is not living in a single residence with other family members, the individual is not considered a member of the family for the purpose of WIOA Title I-B income calculation.

Interim employment is defined as employment that is accepted by the individual for the purpose of transitory income prior to participation in individualized career services or training services with the intention of ending such employment at the completion of individualized career or training services.

Earnings from Interim employment must not be more than:

1. 80 % of their wages at the date of dislocation; or
2. The self-sufficiency threshold established by the LWDA.

Low Income is defined as an individual who receives public assistance as defined below or:

1. Is a member of a family whose total family income does not exceed either the poverty line or 70 percent of the Lower Living Standard Income Level (LLSIL);
2. Is a homeless individual, as defined in 42 U.S.C. 14043e-2(6) of the Violence Against Women Act of 1994, or 42 U.S.C. 11434a (2) of the McKinney-Vento Homeless Assistance Act; or
3. Is an individual with a disability whose own income meets the income requirement but is a member of a family whose income does not meet this requirement.

Public Assistance is defined as an individual (or an individual who is part of a family) currently receiving, or who in the past six months has received, assistance through (any of the following programs):

1. Supplemental Nutrition Assistance Program (SNAP);
2. Temporary Assistance for Needy Families (TANF);
3. Supplemental Security Income (SSI);
4. Refugee Cash Assistance (RCA); or
5. Any other state income-based public assistance.


Termination or terminated does not include workers who were terminated for cause, left voluntarily, or voluntarily retired.

V. POLICY

There are no geographical boundaries in providing services to individuals in any WIOA program. Individuals may apply for services at any ARIZONA@WORK Job Center in Arizona.


A. ADULT WORKER PROGRAM ELIGIBILITY

To be eligible for Career Services, an individual must be:

| | | | |
|---|--------------------------------------|--|-------------|
|  | Effective Date: 01/31/2020 | Type: X Policy Procedure Function: Career Services | Page 5 of 7 |
| | Revised Date: 12/15/2019 | Section # & Title: 200 –Career Services | |
| Phoenix Business and Workforce Development Board (approval authority) | Date Approved: 01/30/2020 | Subject # & Title: .204 – Eligibility Adult/Dislocated Worker Programs | |

1. Age 18 and older;
2. Is a citizen or national of the United States, or a lawfully admitted permanent resident, alien, refugee, asylee, parolee, or other immigrant authorized by the United States Attorney General to work in the United States; and
3. Meets Section 3 of the Military Selective Service Act, as amended at 50 U.S.C. Appendix 453, to register for Selective Service (males only).
 - a. Staff are responsible for determining Selective Service status of males prior to program enrollment.
 - b. Every male citizen, or any male residing in the United States, born on or after January 1, 1960, unless exempt, is required to register with the Selective Service System (SSS) between their 18th and 26th birthdays. Registration with SSS can occur within 30 days of a male’s 18th birthday and prior to attaining his 26th birthday.
 - c. A detailed list of males who are and who are not required to register with Selective Service due to an exemption may be found online at: <https://www.sss.gov/Registration-Info/Who-Registration>.
 - d. Selective Service registration can be verified online at: <https://www.sss.gov/Home/Verification>. The male’s name, date of birth, and social security number is needed to verify registration.
 - e. If a male who is required to register with Selective Service has failed to do so and has attained his 26th birthday, he must provide the LWDA with a Status Information Letter. A male must complete a *Status Information Letter Request* form, which can be found at: <https://www.sss.gov/Portals/0/PDFs/Status.pdf>. When he receives the Status Information Letter from Selective Service, he must provide the documentation to the LWDA and the form may be uploaded into AJC. If documentation is not uploaded into AJC, the documentation must be kept in the participant’s program file.
 - f. If a male was required to register with Selective Service and failed to do so, he must provide a detailed description of the circumstances that prevented him from registering and provide documentation of those circumstances. Evidence presented may include the individual’s written explanation and supporting documentation at the time of the required registration and reasons for failure to register.
 - g. Staff will review the information to determine whether the failure to register was “knowing and willful.” If not “knowing and willful,” services may be approved. If determined “knowing and willful,” WIOA services must be denied. Regardless of the outcome, the documentation must be uploaded into AJC.

Note: For basic career services, there is no requirement to collect or upload documentation. All eligibility is verified through an Adult applicant’s verbal verification. There is no basic career services enrollment for Dislocated Workers, only Adults.

| | | | |
|---|--------------------------------------|--|-------------|
|  | Effective Date: 01/31/2020 | Type: X Policy Procedure Function: Career Services | Page 6 of 7 |
| | Revised Date: 12/15/2019 | Section # & Title: 200 –Career Services | |
| Phoenix Business and Workforce Development Board (approval authority) | Date Approved: 01/30/2020 | Subject # & Title: .204 – Eligibility Adult/Dislocated Worker Programs | |

B. ADDITIONAL ADULT PROGRAM ELIGIBILITY FOR INDIVIDUALIZED CAREER AND TRAINING SERVICES


As described in Policy 200.205 Priority of Service, Adults must also meet priority for individualized and training services.

Adults who are employed at the time of eligibility must be determined to not be self-sufficient by comparing their family income to the 450% Lower Living Standard Income Levels chart. If their family income is below 450% level, they meet the income eligibility for not being self-sufficient. Once it has been established that the Adult meets income eligibility, priority of service must be applied.

C. ADDITIONAL DISLOCATED WORKER PROGRAM ELIGIBILITY FOR INDIVIDUALIZED CAREER AND TRAINING SERVICES

Eligibility of a dislocated worker is determined at the time of enrollment. This determination remains intact for the period of participation in the Dislocated Worker program. A dislocated worker is an eligible adult who meets one of the four categories described in the “Definitions” section of this policy.

1. Methods to verify layoff include verification from the employer, a WARN notice, a public announcement with a follow-up cross-match with the UI system, or a Rapid Response list showing names of affected employees.
2. When gathering verification documentation becomes a hardship, staff may accept the *WIOA Title IB Applicant Statement (WIA-1027A)* found at: https://des.az.gov/sites/default/files/dl/wia1027aforpd_english.pdf.
3. A list of acceptable documentation that satisfies verification requirements for veterans and spouses of veterans can be found in the *WIOA Title IB Eligibility Checklist (WIA-1027B)* at: <https://des.az.gov/sites/default/files/media/wioaeligibilitychecklist.pdf>.
4. The term “terminated” does not include workers who were terminated for cause, left voluntarily, or voluntarily retired. The status of an individual must be determined prior to providing services.
 - a. If an individual is fired for cause by their employer or quits their job they are not considered to be terminated at no fault of their own.
 - b. Individuals who accept early “forced” retirement as a part of reduction in workforce are considered terminated at “no fault of their own” and must meet other Dislocated Worker eligibility requirements.
 - c. A termination is a permanent situation, where the employer does not plan on rehiring the individual. If an employee is issued a written notice of termination with a possibility of a recall at some future date, the individual is not eligible. However, a layoff notice for a period of 26 or more weeks is considered terminated for the purposes of determining eligibility.
 - d. Individuals who are likely to remain with the employer through the layoff, or those who are retiring and leaving the workforce instead of seeking new employment, are not considered dislocated workers.

| | | | |
|--|--------------------------------------|--|-------------|
|  | <i>Effective Date:</i> 01/31/2020 | <i>Type:</i> X Policy Procedure <i>Function:</i> Career Services | Page 7 of 7 |
| | <i>Revised Date:</i> 12/15/2019 | <i>Section # & Title:</i> 200 –Career Services | |
| Phoenix Business and Workforce Development Board <small>(approval authority)</small> | <i>Date Approved:</i> 01/30/2020 | <i>Subject # & Title:</i> .204 – Eligibility Adult/Dislocated Worker Programs | |

VI. POLICY MANAGEMENT REQUIREMENTS

Administrative revisions to the policy may be made by the Phoenix Business and Workforce Development (PBWD) Board Executive Director, with notice to the PBWD Board’s Executive Leadership Committee. All other substantive revisions will go to the PBWD Board’s Executive Leadership Committee for review and recommendation to the PBWD Board for approval.

VII. ADDITIONAL OR MISCELLANEOUS INFORMATION

Arizona Department of Economic Security- Workforce Innovation and Opportunity Act- Adult and Dislocated Worker Programs policy link:

https://des.az.gov/sites/default/files/media/adultdislocatedworkerpolicy2916_0.pdf.