

Atlanta Regional



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ELIGIBILITY REQUIREMENTS AND POLICY

Updated
June 2025

Updates:

- Added 2025 Adult Low-Income WIOA Guidelines
- Updated OWD contact information under Ga Immigration Law



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Eligibility Requirements and Checklist

Use this form to determine eligibility for WIOA Services

Under WIOA, who are Adults, Dislocated Workers and Displaced Homemakers?

Adults are individuals age 18 and older who are **unemployed** at time of application **OR** who are **under-employed** **OR** whose family meets adult low-income guidelines (see Chart at bottom of page).

Dislocated Workers are individuals with significant attachment to the workforce but have lost their employment or income from employment for one or more of the following circumstances:

- Has been terminated through no fault of their own or laid off, or received a notice of no fault termination or layoff from employment **and** is eligible for or has exhausted U. I. **or** is not eligible for U. I. due to insufficient earnings or having performed work for a non-covered employer, but has been employed for duration to show attachment to the workforce (6 months) **and** is unlikely to return previous occupation without additional services or training
- Has been terminated through no fault of their own (determined by UI review) or laid off, or 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.
- Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days
- Previously self-employed and unemployed due to natural disaster or general economic conditions
- After layoff, have become reemployed in an income maintenance position and meets the definition of a currently employed dislocated worker (underemployed, see below)
- Individuals who have been separated for cause and/or those who voluntarily left who are also eligible for UI.
- Being discharged (under honorable circumstances) either voluntarily or involuntarily from the military and unlikely to return to a previous industry or occupation. TEN 22-04

Currently employed dislocated workers may be determined eligible for services if the customer’s current employment meets all of the following conditions:

- The individual is currently making less than 85% of former wages, and/or 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, **and** the individual’s current employment and job of dislocation is not in a field or occupation that is generally known for short term or contract work. In these instances, customers may be assessed for program eligibility at the time they are no longer working.

Displaced Homemakers (male or female)

- 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 that income and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment (may include spouses of dislocated workers)

Program Years 2024 - 2025		
Six-Month Income Guidelines for WIOA		
Low- Income WIOA Guidelines (Program Years 24-25)		* Effective May 13, 2025
Family Size	Annual Income	Six-Month Eligibility Period Income
1	15,650	7,825
2	21,150	10,575
3	27,118	13,559
4	33,466	16,733
5	39,496	19,748
6	46,186	23,093
7	52,876	26,438
8	59,566	29,783
For each over 8 add:	3,345	3,345

**Do not use this chart after June 30, 2026*

Atlanta Regional Workforce Development Board (ARWDB) Atlanta Regional Commission (ARC)

Hotline: 404-463-3327 / TDD: 1-800-255-0056 • Voice 1-800-255-0135

www.atlantaregional.com/workforcesolutions

ELIGIBILITY REQUIREMENT CHECKLIST

(Complete only one section – either Adult or Dislocated Worker)

ADULT ELIGIBILITY (Check boxes if Yes)

- U.S. Citizen/or Work Authorization (July 2025)
- Social Security Number
- 18 years old or older
- Selective Service Registration (Males only, born on or after 1/1/1960) www.sss.gov

Unemployed at time of application OR Under-employed OR your family meets adult low income on the income guidelines shown on Pg. 1 (See Chart)

REQUIRED DOCUMENTATION

- Driver's License OR State I.D. **OR** Birth Certificate
- Social Security Card
- Selective Service Registration (Males only, born on or after 1/1/1960) www.sss.gov
- Resume (If not available, you will be required to attend a resume workshop)
- Proof of unemployed status** at time of application including information on last employment/ employer, pay stubs for last employment period and/or tax forms (W-2)
- For under-employed or low-income:** Food Stamps within last 6 months **OR** Paycheck Stubs for 6 months prior to date of application **AND** Family Income and Composition Form

DISLOCATED WORKER & DISPLACED HOMEMAKER ELIGIBILITY (Check boxes if Yes)

- U.S. Citizen or Work Authorization (July 2025)
- Social Security Card
- 18 years old or older
- U. I. (Unemployment) Recipient
- Selective Service Registration (Males only, born on or after 1/1/1960) www.sss.gov
- Notice of no fault termination or layoff
- Previously Self Employed and Unemployed (due to general economic conditions or natural disaster)
- Displaced Homemaker (may include spouses of dislocated workers)
- Unlikely to Return to previous occupation without additional services
- Currently employed dislocated worker

REQUIRED DOCUMENTATION

- Driver's License OR State I.D. **OR** Birth Certificate
- Social Security Card
- Notice of layoff or no fault termination notice
- (Displaced Homemakers: Bring copies of layoff of spouse)
- Selective Service Registration (Males only, born on or after 1/1/1960) www.sss.gov
- Verification of Unemployment Insurance Status (Claims Determination Letter)
- Job Search Records (can send copies of records submitted to U.I.)
- Resume (If not available, you will be required to attend a resume workshop)

For Currently employed dislocated workers: Eligibility documentation may include tax return information (up to 2 years) validating an income decrease. This will not be required if dislocation & WIOA application occur within the same year.

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Eligibility Policy

Excerpt from State P&P

Sections

33.2.3 - Family Size, Income Determination and Self-Sufficiency Standards

3.2.4 - Selective Services Registration Requirements

3.2.5 - Adult/DW Participants Eligibility for WIOA and Priority of Service



3.2.3 FAMILY SIZE, INCOME DETERMINATION AND SELF-SUFFICIENCY STANDARDS

I. Family Size

Family size must be determined and verified only if using family income to determine low-income status. Family size will be determined by counting the maximum number of family members in the residence during the last six months, *not* including the current month.

A family, for eligibility purposes, means two or more persons 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:

- A. A married couple and dependent children
- B. A parent or guardian and dependent children
- C. A married couple

220 CFR § 675.300

A **dependent child** lives in a single residence* with parent(s) or guardian(s) and relies on them for financial support such as housing, food, clothing, necessities, and more. Additionally, a dependent child does not meet the definition of independent child based on the Free Application for Federal Student Aid (FAFSA).

NOTE: The term “living in a single residence” includes temporary, voluntary residence elsewhere, such as attending school or college, if the parent or guardian is contributing at least 50% of the individual’s support.

An **independent child** is living in a single residence with parent(s) or guardian(s) and is at least in one of the following:

- Is 24 years of age or older by December 31 of the current year;
- A veteran;
- A member of the armed forces;
- An orphan or ward of the court;
- Someone with legal dependents other than a spouse;
- An emancipated minor;
- Someone who is homeless or at risk of becoming homeless;
- Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances; *OR*
- Is currently living with parent(s) or guardian(s) but provides more than 50% of their own support.



In certain cases, an individual may be considered a "family of one" for the purpose of eligibility determination. This includes individuals with a disability whose family income may exceed the income criteria, but whose own income meets the income criteria.

20 C.F.R. § 680.640

II. Income Determination

Income is the amount of all reportable income for each family member for the prior six (6) months. This amount multiplied by two (2) is the total annualized family income.

Family income means all includable income actually received from all sources by all members of the family during the income determination period. However, when computing family income, the income of a spouse and/or other family members shall only be counted for that portion of the income determination period that the person was actually a part of the family of the applicant.

Family size for the determination period is the maximum size of the family during such period. All items not expressly excluded are includable income.

Applicants having low or no income should complete an applicant statement that describes their means of support in the last six months.

A. **INCLUDE** in Family Income:

- i. Money wages and salaries before any deductions;
- ii. Unemployment compensation;
- iii. Child support payments;
- iv. Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expenses);
- v. Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);
Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends;
- vi. Alimony;
- vii. Military family allotments or other regular support from an absent family member or someone not living in the household;
- viii. Pensions, whether private or public employee (including Military retirement pay);
- ix. Regular insurance or annuity payments other than Supplemental Security Income disability (SSI) or Veterans' disability;
- x. College or university grants, fellowships, and assistantships;
- xi. Net gambling or lottery winnings;



- xii. Social Security Disability Insurance payments (SSDI)
 - 1. SSDI pays benefits to individuals that have worked in the past, paid Social Security taxes, and are currently unable to work for a year or more because of a disability. SSDI is considered income replacement and must be included in family income.
- xiii. Old age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402).
 - 1. Old age and survivors insurance benefits include: Social Security Survivor Benefits are benefits paid to people up to age 18 who have had a parent die and the parent paid wages into the system; and
 - 2. Social Security Retirement Benefits – these are benefits that are paid to people who reached their social security age and have wages paid in the system.

B. EXCLUDE from Family Income:

- i. Public Assistance payments (including Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Refugee Case Assistance (RCA), and General Assistance (GA));
 - 1. Supplemental Security Income (SSI) is a program that pays benefits to disabled adults and children who have limited income and resources. It is also paid to people 65 and older without disabilities who meet the financial limits. SSI is considered cash assistance and individuals receiving SSI are automatically income eligible the same as individuals receiving TANF or SNAP. A WIOA participant applicant on SSI is a family of one. Refer to the Adult or Youth Verification Worksheets for acceptable documentation for SSI recipients.
- ii. Foster care child payments;
- iii. Title IV of the Higher Education Act (i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants (FSEOG), and Federal Work-Study (FWS));
- iv. Needs-based scholarship assistance;
- v. Income earned while [the veteran was] on active military duty and certain veteran's benefits (i.e., compensation for service-connected disability, compensation for service connected death, vocational rehabilitation, and education assistance);
- vi. Severance pay;
- vii. Capital gains;
- viii. Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;
- ix. Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
- x. Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, Food Stamps (received or has been determined eligible to



receive Food Stamps (SNAP) within the six-month period prior to application for the program); school meals, and housing assistance;

III. Self-Sufficiency Standards

WIOA section 134 (a)(3)(A)(xii) and section 134 (d)(1)(A)(x) addresses state and local determinations of economic self-sufficiency standards that specify the income needs of families, by family size, number and ages of children in the family, and sub-state geographical considerations. LWDA's may make adjustments to the following factors based on local considerations.

Under 20 CFR § 680.210 training services may be made available to employed and unemployed adults and dislocated workers who, among other criteria (see section 3.2.5(VI)), are 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, and are 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.

The State defines minimum standards for defining “lacks self-sufficiency” as follows:

An individual is declared to “lack self-sufficiency” if:

- A. An individual has a family income that is at or below 100% of the Lower Living Standard Income Level (LLSIL),
- B. A Food stamp or TANF recipient (current or within the last six months),
- C. A Supplemental Social Security Income recipient, or
- D. An individual (single family of one) who is employed, but in a job earning less than the living wage hourly rate for the State of Georgia (See the Living Wage Calculator Section Below).

Dislocated workers may be considered to lack self-sufficiency if they are employed, but in a job/occupation that is at a wage or skill level that is significantly less than the job of dislocation.

Local areas are permitted to define self-sufficiency at a higher income level than the state minimum, as long as supporting documentation is provided.

Living Wage Calculator - The living wage shown is the hourly rate that an individual must earn to support their family, if they are the sole provider and are working full-time (2080 hours per year). All values are per adult in a family unless otherwise noted. The living wage calculator estimates the living wage needed to support families of twelve different compositions: one adult families with up to three dependent children, two adult families where both adults are in the work force with up to three dependent children, and two adult families where one adult is not in the work force with up to three dependent children.



The calculator includes estimates for single adult households, two adult households with one adult working, and two-adult households with two adults working. In two adult households with children and one adult working, the second adult is assumed to be providing child care. Working adults are assumed to be working full-time; work is assumed to be year-round, 40 hours per week for 52 weeks, per adult.

The living wage is calculated at the county, metropolitan area, state, regional, and national level. Unless otherwise noted, geographic definitions are consistent with those published by the Office of Management and Budget. Reported national values are calculated as the average (mean) state living wage.

Local areas are encouraged to utilize the county-level data provided by the Living Wage Calculator at <http://livingwage.mit.edu/> to set local “lacks self-sufficiency” standards.



3.2.4 SELECTIVE SERVICE REGISTRATION REQUIREMENTS

I. Selective Service Registration

All participants enrolled in WIOA Adult, Dislocated Worker and Youth programs must be in compliance with Selective Service Registration under the Military Selective Service Act as a condition for participation. This policy is in accordance with the TEGL No. 11-11, change 2 dated May 16, 2012.

A. Those required to register with Selective Service include:

- i. Men born on or after January 1, 1960 and who are:
- ii. Citizens of the United States;
- iii. Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday and/or;
- iv. Dual nationals of the United States and another country regardless of where they live.

B. Selective Service registration is not required of U.S. citizens if the male falls within one of the following categories:

- i. Men who are serving in the military on full-time active duty;
- ii. Men attending the service academies;
- iii. Disabled men who are continually confined to a residence, hospital or institution; and/or
- iv. Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

C. Selective Service registration is not required of non-U.S. citizens if the male falls within one of the following categories:

- i. Non-U.S. male who came into this country for the first time after his 26th birthday.

Acceptable forms of supporting documentation include:

1. Date of entry stamp in his passport;
 2. I-94 with date of entry stamp on it; or
 3. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the U.S. presented in conjunction with documentation establishing the individual's age.
- ii. Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
 - iii. Non-U.S. male on a valid non-immigrant visa.

The lists are not intended to be exhaustive and the Selective Service System provides a quick reference chart showing who must register on the Selective Service website at

<http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>.

II. Selective Service Compliance



In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement.

A. Acceptable documentation showing registration status includes:

- i. Selective Service Acknowledgement letter
- ii. Form DD-214 “Report of Separation”
- iii. Screen printout of the Selective Service Verification on the Selective Service website at <https://www.sss.gov/regver/wfverification.aspx>. For males who have already registered this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
- iv. Selective Service Registration Card
- v. Selective Service Verification Form (Form 3A) and/or
- vi. Stamped Post Office Receipt of Registration

III. Registration Requirements for Males Under 26

Prior to being enrolled in WIOA-funded program, all males born on or after January 1, 1960 who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov.

Male participants who enter the WIOA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service by the 30th day after their 18th birthday to remain eligible for WIOA services. Funds expended on male participants not registered for Selective Service by the 30th day after their 18th birthday may be considered disallowed costs. Any Youth participant who attains age 18 while enrolled in WIOA and refuses to comply with Selective Service Registration requirements shall be exited from the WIOA Youth program. These Youth would not be placed in follow-up and there should be case notes that describe, in detail, the circumstances as to why services were not/could not be continued.

IV. Registration Requirements for Males 26 Years and Over

A. Before enrolling in WIOA-funded services, all males 26 years of age or older, must provide:

- i. documentation of compliance with the Selective Service registration requirement;
- ii. documentation showing they were not required to register; or
- iii. if they were required but did not register, documentation establishing that their failure to register was not knowing and willful.

The grantee, subgrantee, or contractor that enrolls individuals in WIOA funded activities may require that males 26 years and over who failed to comply with Selective Service registration requirement request a Status Information Letter (SIL) before making a determination that the failure to register was knowing and willful. Alternatively, an entity may initiate its process to determine if the failure to register was knowing and willful without first having the potential program participant request the Status Information Letter (e.g. individuals recently released from incarceration).



V. Requesting a Status Information Letter (SIL)

A. An individual may obtain a SIL if:

- i. he believes he was not required to register;
- ii. he did register but cannot provide any of the documentation listed above.

The Request for Status Information Letter form can be accessed at

<https://www.sss.gov/Portals/0/PDFs/Status.pdf>

If the SIL indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in services funded by WIOA. If the SIL indicates that the individual was required to and did not register, he is presumed to be disqualified from participation until it can be determined that his failure to register was not knowing and willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

VI. Determining Knowing and Willful Failure to Register

If the individual was required but failed to register as determined by the SIL or his own acknowledgment, he may only receive services if he can establish by a preponderance of the evidence that the failure to register was not knowing and willful. The grantee, subgrantee, or contractor that enrolls individuals in WIOA funded activities is responsible for evaluating the evidence presented and determining whether the failure was knowing and willful. Evidence presented may include the individual's written explanation and supporting documentation of the circumstances at the time of the required registration and the reasons for failure to register.

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that evidence shows that the individual's failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

VII. Georgia Immigration Law

Youth participants who are turning 18 must also comply with Georgia's Immigration Law that requires customer affidavits for eligibility to receive a public benefit.

If an applicant does not meet all the criteria as listed in this policy, but believes they should be provided with WIOA funded services, please contact OWD at wioaprograms@tcsg.edu or technical assistance and approval. All subrecipients of WIOA funds made available by OWD must collect and maintain these records. Records will be reviewed for accuracy and completeness during on-site monitoring conducted by OWD. Failure to maintain these records could result in disallowed costs.



3.2.5 ADULT AND DISLOCATED WORKER PARTICIPANT ELIGIBILITY FOR WIOA AND PRIORITY OF SERVICE

I. ADULT AND DISLOCATED WORKER ELIGIBILITY

A. To be eligible to receive WIOA services as an adult in the adult and 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 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** meet 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.

C. Additional Eligibility Requirements for Dislocated Workers.

A dislocated worker is an individual who meets **one** of the following sets of criteria:

1. *DW Category 1: Declining Industry or Occupation*
 - a. The individual 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; **and**
 - b. is eligible for or has exhausted entitlement to unemployment compensation or has been employed for a duration sufficient to demonstrate 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 UI law; **and**

c. is unlikely to return to a previous industry or occupation.

2. *DW Category 2: Unable to Find Employment*

a. The individual 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; **or**

b. is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; **or**

c. 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.

3. *DW Category 3: Self-Employment*

a. The individual 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.

b. NOTE: This includes individuals working as independent contractors or consultants but not technically employees of a firm.

4. *DW Category 4: Displaced Homemaker*

a. Per *WIOA § 3 (16)*, a displaced homemaker is an individual who has been providing unpaid services to family members in the home and who:

i. Is unemployed or underemployed and experiencing difficulty finding or upgrading employment; **and** one of the following:

ii. Has been dependent on the income of another family member but is no longer supported by that income; **OR**

iii. 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.

5. *DW Category 5: Separating/Transitioning Service Member*

a. The individual is a separating service member from the Armed Services with a discharge other than dishonorable **and** qualifies for dislocated worker activities based on the following criteria:

i. The individual 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 termination or layoff, to meet the required dislocated worker definition); **and**

- j. The separating service member is eligible for or has exhausted of unemployment compensation for Ex-service members (UCX);

NOTE: 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).

6. *DW Category 6: Active Duty Military Spouse*

- a. The individual is the spouse of a member of the Armed Forces on active duty who:
 - i. Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; **OR**
 - ii. is unemployed or underemployed and experiencing difficulty finding 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 performed 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.

7. *DW Category 7: Dislocated Worker Underemployment*

- a. 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.

NOTE: An individual who may have been separated for cause, filed an appeal to 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.



Trade Adjustment Assistance (TAA) Act Co-enrollment

The U.S. Department of Labor published the updated and consolidated Trade Adjustment Assistance (TAA) Final Rule on August 21, 2020. 20 CFR 618.325 requires co-enrollments of recipients of TAA services into the WIOA Title I Dislocated Worker program. As such, TAA recipients must be co-enrolled in the WIOA Title I Dislocated Worker program if they are determined eligible, unless the recipient declines.

Unlikely to Return

WIOA establishes the definition of a Dislocated Worker and requires that individuals be considered “unlikely to return to a previous industry or occupation” to justify services. The USDOL added regulatory text to allow Governors and Local WDBs to establish policies and procedures regarding this definition. While some categories of Dislocated Worker may automatically be considered “unlikely to return,” which is noted above, all other categories of Dislocated Worker require additional information to be collected to determine a participant eligible for training services.

In order to be considered as unlikely to return to a previous industry or occupation, an individual must meet at least **one** of the following criteria:

- The individual worked in a declining industry or occupation.
- The individual has been actively seeking, but unable to find employment in their previous industry or occupation for a period of ninety days or more.
- The individual was “separated” from active military duty under conditions other than dishonorable.
- The individual is the 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.
- Individual worked in an industry or occupation for which there are limited job orders within the local area in Georgia Labor Market Explorer at the time of eligibility determination.
- Individual is insufficiently educated and/or does not have the necessary skills for reentry into the former industry or occupation.
- 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.
- 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.).



- The individual cannot return to work 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.
- 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.).
- The individual left employment and cannot return to work immediately due to “no-fault” circumstances, which may include:
 - The individual quit due to an abusive spouse and is homeless, in a protective shelter, or transitional housing program.
 - 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 (e.g., a leave of absence) do not meet the criteria of unlikely to return to work in a previous industry or occupation.

Boards may establish policies and procedures for use in determining an individual’s eligibility as a dislocated worker, consistent with the definition at *WIOA § 3 (15)*. These policies and procedures may address such conditions as: what constitutes a “general announcement” of plant closing under WIOA § 3 (15)(B)(ii) or (iii) and what constitutes “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters” for determining the eligibility of self-employed individuals, including family members and farmworkers or ranch hands, under WIOA § 3 (15)(C).

II. 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, other low income individuals, and individuals who are basic skills deficient. Unlike its predecessor, WIOA requires that priority 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..

While veterans receive priority for WIOA services, LWDAs and applicable service providers must have a referral process in place for directing Veterans with Significant Barriers to Employment to the Disabled Veterans Outreach Program to ensure the most effect provision of services.

Implementing Priority of Service in WIOA Adult Programs

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. First, to veterans and eligible spouses who are also recipients of public assistance, low income individuals, or basic skills deficient. Military earnings are not to be included as income for veterans and transitioning service members.
2. Second, to individuals who are not veterans or eligible spouses who meet WIOA priority criteria.
3. Third, to veterans and eligible spouses who are not included in WIOA’s priority groups.
4. Last, to individuals outside the groups given priority under WIOA, but who still meet the eligibility criteria.

NOTE: Individuals with a disability are not automatically included in a priority category solely on the basis of the disability. However, individuals 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.

III. LOW INCOME INDIVIDUALS

An individual who meets any one of the following criteria satisfies the low-income requirement for WIOA adult services:



- A. 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:

DISCLAIMER – JUNE 2023: Due to concerns from Georgia’s system vendor, OWD has requested technical assistance from the U.S. Department of Labor. As such, OWD asks that LWDA staff do not utilize the list below to classify someone as low-income until further information has been provided. The items denoted by an asterisk are the only exceptions to this disclaimer as they are explicitly mentioned in the federal guidance. OWD will notify LWDA’s upon resolution of the technical assistance request with USDOL and the system vendor.

- 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
- Chilcare & 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 LWDA’s 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 (II) 70 percent of the USDOL Lower Living Standard Income Level (LLSIL);
- 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 WIOA’s 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.

IV. 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 priority of service for WIOA Title I Adult services. In assessing basic skills, Boards must use assessment instruments that are valid and appropriate for the target



population and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.

For an adult, a participant 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 standardized assessment pre-approved by OWD; or
- C. Are determined to be English Language Learners.

Note:

- (1) 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.

V. 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, 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.

VI. 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 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.