

EXECUTIVE SUMMARY

This adult and dislocated worker policy shall provide operational procedures guidance for work2future service staff. The Workforce Innovation Opportunity Act (WIOA) authorizes work2future to establish local adult and dislocated worker eligibility policies and procedures that adhere to federal and state laws and policies. In accordance with these policies, all individuals shall have access to self-assisted basic career services and information-only activities prior to WIOA Title I program enrollment. When determined eligible and enrolled in work2future adult and dislocated worker programs, an individual shall receive at least one service other than self-service or information-only activities. work2future service staff will verify program eligibility per policies and procedures for deviations that do not accurately reflect program requirements, as work2future is not required to fund services deemed to be disallowed costs.

REFERENCES

- Workforce Innovation Opportunity Act (Public Law 113-128) Sections 3(2), 3(5), 3(15), 3(16), 3(36), 134(c)(3)(E), and 189(h)
- Title 20 Code of Federal Regulations (CFR) Sections 678.430(c), 680.120, 680.130, 680.150(c), 680.600(b)-(c), 680.650, 680.660, and 682.305, and 1010.200
- Training and Employment Guidance Letter (TEGL) 10-9, *Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)* (November 10, 2009)
- Training and Employment Guidance Letter (TEGL) 10-16 Change 3, *Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Core Programs* (June 11, 2024)
- Training and Employment Guidance Letter (TEGL) 19-16, *Guidance on Services provided through the Adult and Dislocated Worker Programs under the WIOA and the Wagner-Peyser Act Employment Services (ES), as Amended by Title III, and for Implementation of the WIOA Final Rule* (March 1, 2017)
- Employment Development Department Workforce Services Directive (EDD WSD) 16-18, *Selective Service Registration* (April 10, 2017)
- EDD WSD 18-03, *Pathway to Services, Referral, and Enrollment* (August 29, 2018)
- EDD WSD 24-06, *Adult Program Priority of Service* (November 8, 2024)
- EDD WSD 24-15, *Priority of Service for Veterans and Eligible Spouses*, (February 14, 2025)
- work2future *Technical Assistance Guide*

POLICY AND PROCEDURES

Individuals interested in participating in the work2future adult and dislocated worker programs and services must complete a WIOA Title I application to determine eligibility. Veterans and eligible spouses, recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient are provided priority of service prior to all other individuals when there are limited available resources and therefore are asked to disclose their status during the initial program intake. To be eligible for WIOA services in the adult and dislocated worker programs, an individual must be age 18 years or older, have Selective Service registration (if applicable), and to authorized to work in the United States. For more information on veterans and adult priority of service and other adult and dislocated worker program requirements, refer to the Veterans Priority of Service policy or the work2future Technical Assistance Guide.

Military Selective Service Registration

Individuals born as male must register with the Selective Service System prior to participation in WIOA-funded programs. work2future ensures each applicable male who participates has not knowingly and willfully failed to register in violation of Section 3 of the Military Selective Service Act. Males born on or after January 1, 1960, 18 to 25 years of age, who are not in the armed services on active duty, must be registered for the Selective Service. Occasionally, males who were subject to Selective Service registration, but did not register and are now beyond their 26th birthdate, apply for assistance from the WIOA program. work2future must deny male applicants 26 years or older if they knowingly and willfully failed to register. However, when it can be determined that male applicants did not knowingly or willfully fail to register, they can be considered for participation and must complete the Selective Service Failure to Register Self-Attestation Statement. For more information on Selective Service registration requirements, acceptable documents, and exceptions, refer to the work2future Technical Assistance Guide.

Eligible to Work

work2future requires that any individuals interested in employment and career services, including, but not limited to, career preparation, job training, retraining, or placement activities, shall provide source documents of legal status or authorization to work prior to program enrollment. These requirements and procedures are published as the U.S. Citizenship and Immigration Services (USCIS) Form I-9 and take precedence over any State or local statutes and regulations. Individuals are encouraged to visit the U.S. Citizenship and Immigration Services website (www.uscis.gov) for more information. work2future service staff shall demonstrate professionalism and compassion to vulnerable populations (e.g., homeless, ex-offenders, and transient). Individuals without valid source documents may have experienced unfortunate circumstances, and work2future service staff may refer these individuals to the appropriate agencies or local organizations that can provide assistance.

A Low-Income Individual

work2future service staff shall evaluate an applicant to determine a Low-Income Individual status for priority of service. For example, a low-income individual can be on public assistance, reside in a low-resource census tract area based on state-recognized sources, or meet one or more of the following criteria:

- Receives, or in the past six months has received, or is a member of a family that receives or in the past six months has received:
 - Supplemental nutrition assistance program (SNAP).
 - Temporary assistance for needy families (TANF).
 - Supplemental Security Income (SSI).
 - Federal, State, and Local income-based public assistance.

- Is in a family a with total family income that does not exceed the higher of the following:
 - The federal poverty line.
 - Seventy percent of the Lower Living Standard Income Level (LLSIL).
 - Qualifies as a homeless individual.
- Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act.
- Is a foster child on behalf of whom state or local government payments are made.
- Is an individual with a disability whose own income meets the requirements of a program described above, but who is a member of a family whose income does not meet such requirements.

Lower Living Standard Income Level and Poverty Guidelines

The Department of Labor and the Department of Health and Human Services have the LLSIL and the poverty guidelines, respectively, for determining a Low-Income Individual. Gross household income based on family size and income limits is used to evaluate low-income status and self-sufficiency. For more information on the LLSIL and the poverty guidelines, refer to the work2future Technical Assistance Guide and the LLSIL and poverty guidelines published on the State of California Employment Development Department LLSIL and Poverty Guidelines webpage.

Basic Skills Deficient

An individual who is Basic Skills Deficient must be evaluated based on one or more of the following criteria:

- An individual who has English, reading, writing, or computing skills at or below the 8th grade level of a generally accepted standardized test. In assessing basic skills, local programs 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.
- An individual who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job in the individual's family or in society. Limited English Skills proficiency can be documented by staff through observations and case notes.
- An individual who lacks a high school diploma or high school equivalency and is not enrolled in secondary/post-secondary education.
- An individual enrolled in a Title II Adult Education/Literacy program.
- Other objective criteria determined to be appropriate by the work2future-Director, Program Manager, or the authorized representative of the WIOA Service Provider and documented in the case file such as case note of the participant status for a specific data element, the date which the information was obtained, and the authorized representative gathering the information.

Source Documentation

work2future service staff must make reasonable efforts to obtain original copies of source documents for all WIOA-funded programs. Refer to the WIOA Title I Acceptable Source Documentation Tables in the Appendix of the work2future Technical Assistance Guide for acceptable forms of supporting source documentation. However, after exhausting attempts to collect information, the use of self-attestation is allowable to record data elements that are not verifiable or are not readily available. Self-attestation shall not be used as the primary method of gathering documentation to verify data elements. When completing a self-attestation form, the individual must: (a) identify the status for permitted data elements, such as low-income or

homeless status, and (b) sign and date the form to acknowledge this status. The completed self-attestation form with signature shall be kept as part of the participant's source documents.

Adult Program Eligibility

Individuals must be eligible for one or more WIOA-funded programs prior to receiving individualized career service and/or training service. To enroll in the adult program, an individual must satisfy the following requirements:

- Age 18 years or older,
- Register for the Selective Service (if applicable), and
- Authorized to work in the United States.

Dislocated Worker Program Eligibility

For the dislocated worker program, individuals must satisfy the three requirements of the adult program eligibility and satisfy additional requirements for the dislocated worker program. Individuals enrolled in the dislocated worker program maintain the dislocated worker status until exited from the program, regardless of employment status or earnings. For example, a dislocated worker program participant becomes employed in a full-time permanent job that pays a self-sufficient wage or a stop-gap job may continue to be served until formally exited from the dislocated worker program. To enroll in the dislocated worker program, an individual must satisfy additional requirements with one or more of the following five criteria:

1. General Dislocation. An individual must meet all of the following criteria:

- An individual who was terminated or laid off, or who received a notice of termination or layoff, from employment. This includes a separation notice, under other than dishonorable conditions, from active military service.
- Meets either of the following conditions:
 - Is eligible for or has exhausted entitlement to unemployment compensation.
 - 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 because they performed services for an employer not covered under a state unemployment compensation law.
- *Is unlikely to return to a previous industry or occupation.*

2. Dislocation from Facility Closure/Substantial Layoff. An individual must meet criteria a **or** b **or** c.

- An individual who was terminated or laid off, or who received a notice of termination or layoff, from employment as a result of any permanent closure of, or *substantial layoff* at, a plant, facility, or enterprise.
- An individual employed at a facility at which the employer made a *general announcement* that such facility will close within 180 days.
- An individual must be employed at a facility at which the employer made a *general announcement* that such facility will close.

3. Self-employed Dislocation. An individual who was self-employed (including farmers, ranchers, fishermen, independent contractors, and consultants) but is unemployed as a result of *general economic conditions* declining in the community in which the individual resides or because of a natural disaster.

4. **Displaced Homemaker.** An individual who has been providing unpaid services to family members in the home and meets criteria a **and** b:

- Meets either of the following conditions:
 - Has been dependent on the income of another family member, but is no longer supported by that income (e.g., because the other family member was laid off, or because of death or divorce); or
 - Is the dependent spouse of a member of the US Armed Forces on active duty and whose family income has been significantly reduced because of the service member's deployment, call or order to active duty, permanent change of station, or service-connected death or disability.
- Is unemployed or *underemployed* and having trouble obtaining or upgrading employment.

5. **Spouse of Military Service Member.** A spouse of a member of the Armed Forces on active duty who meets either criteria a **or** b:

- Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the service member's duty station.
- Is unemployed or *underemployed* and having trouble obtaining or upgrading employment.

Dislocated Worker Program Definitions

work2future has definitions, in *italic font*, that are specific to the dislocated worker program, and these definitions are part of the dislocated worker requirement and are listed below:

Attachment to the Workforce means the individual was employed full- or part-time within the last two years at the time of WIOA application. For veterans, attachment to the workforce includes a separating service member who was discharged or released under conditions other than dishonorable.

Unlikely to return to a previous industry or occupation at the time of WIOA application shall be defined as one or more of the following reasons:

- An individual who, at the time of application, a) is determined to be working in a declining industry or occupation, or b) has a lack of job offers, or c) has worked in an industry or occupation for which there are limited job orders posted as certified by local EDD field office personnel; or
- An individual who has been referred through the Worker Profiling and Reemployment Services System/RESEA appointment is considered "unlikely to return"; or
- Worked in a declining industry/occupation (for which there are limited job orders) as documented on State or locally-developed lists of such industries/occupations. State lists are available from the Employment Development Department's (EDD) Labor Market Information Division. Local lists must be developed by an appropriate entity, such as the Chamber of Commerce, work2future, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information; or
- Has had a lack of job offers as documented by the local Job Service/Unemployment Insurance (UI) office, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry/occupation; or
- Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation, as documented through the assessment of the client's educational achievement levels, testing, or other suitable means; or

- Has physical or other problems, which would preclude reentry into the former industry/occupation, as documented by a physician or other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.); or
- Family, personal, or financial circumstances that may affect the likelihood of the individual's returning to his or her previous occupation or industry for employment; or
- Military spouse; or
- Farm workers:
 - Change in family situation that requires higher income;
 - Disability that precludes returning to the same occupation;
 - Natural disaster that results in lost wages;
 - Loss of agricultural land;
 - Mechanization; or
 - Any significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work dates.
- Additionally, permanent closures or a substantial layoff from agricultural enterprises and facilities such as packaging, canneries, or farming are not excluded from the standard regarding those that were self-employed (including employment as a farmer, a rancher, or a fisherman) and are unemployed due to economic conditions that resulted from extreme or unusual weather patterns and agricultural market downturns can also apply to farm workers.

Substantial layoff means any plant closure affecting any number of employees, or a layoff of 50 or more employees within a 30-day period, regardless of the percentage of the workforce, or relocation of at least 100 miles affecting any number of employees.

General announcement means an announcement by an employer, a recognized media, or a public notice documenting an employer's intent to cease operations or have a substantial layoff of 50 or more employees at one location.

General economic conditions mean the local metro area has an unemployment rate above 6 percent, or the local industry or occupation the self-employed person previously worked in is no longer in demand.

Layoff, Furlough, and Lockout

Layoff means the permanent or temporary termination of employment of an employee due to a position being abolished, insufficient funds, lack of work, or any other reason not reflecting discredit on the employee (such as dismissal for inadequate performance, violation of workplace rules, cause, etc.).

Furlough/Temporary Layoffs means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons [Title 5 United States Code (USC) 7511(a)(5)]. As such, it is a temporary termination of employment or temporary layoff. Individuals who are laid off must meet the dislocated worker requirements as illustrated above.

Lockout means any refusal by an employer to permit any group of five or more employees to work as a result of a dispute with such employees affecting wages, hours or other terms or conditions of employment of such employees. A lockout does not terminate the employer-employee relationship. Consequently, locked out employees are not eligible dislocated workers since they have not been terminated or laid off, are not eligible for unemployment compensation, and are likely to return to the same industry or occupation once the dispute is resolved. The same guidance applies to employees that are on strike. There may be locked out employees who for financial reasons seek other employment. These individuals may be served as participants in the adult program.

Stop-Gap Employment

Stop-gap employment or *underemployment* shall be defined as work performed due to loss of or reduction in customary work duties and wages based on training, experience, or work history. Stop-gap employment or *underemployment* is evaluated case-by-case per personal, family, financial, and employment situation.

- Stop-gap employment or underemployed income is less than 80 percent of the income at the time of dislocation or the family income for the prior calendar year or below what work2future considers a self-sufficient wage per the LLISL or poverty guidelines.
- Stop-gap employment or underemployed information shall be recorded in the employment section of the WIOA application if underemployed (e.g., displaced homemaker) before program enrollment and/or the Add Employment section if stop-gap (contract/temporary) employment is obtained during the program participation. The participant file shall have appropriate documentation when enrolling dislocated workers with any employment.

Career Planning and Development

After enrollment in the adult and/or dislocated worker programs, participants shall explore possible career pathways with career and training services as well as opportunities for job placement. Career planning, such as career awareness, career counseling, and career exploration services, may include labor market and employment information about in-demand industry sectors or occupations available in the local area that can provide higher pay and more job security. Career exploration tools and supportive services are available to assist participants in planning and developing their careers.

Workshops

A well-crafted strategy for career success may start with a series of workshops to help participants learn how to effectively make informed decisions, get the essential skills, and improve career prospects. work2future makes workshops available to participants that may include, but are not limited to, the following topics:

- Provide, coordinate, and conduct work-readiness workshops
- Learn about resume development and critique, job search strategies, and soft skills
- Understand, practice, and polish behavioral and situational interviewing techniques

Training Services

work2future offers a variety of training services for participants to obtain or retain employment that can lead to economic self-sufficiency or wages comparable to or higher than wages from previous employment. The training service selected must directly link to employment opportunities. For example on occupational skills training, which can also include training in nontraditional employment, is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Career education or Career Technical Education (CTE) is commonly used to describe these types of vocational training programs that lead to occupations in the medical, construction, and transportation and logistics fields as examples.

Follow-Up Services

Follow-up services for 12 months are required for all participants and can start immediately upon the first day of employment for participants who are placed in unsubsidized employment and must be made available upon exit. Follow-up services must include more than only a contact attempted or made for securing documentation to report a performance outcome. For more information, refer to the work2future Follow-up Policy and Procedure.

Follow-up services may include activities related to career development, such as providing information about in-demand industry sectors or occupations available in the local area, counseling on career exploration and job retention, and informing participants about additional education opportunities. However, a case manager is not required to provide follow-up services for any adult or dislocated worker participant who exited the program for one or more of the exclusionary exit reasons as exclusionary exit is excluded from performance:

- **Institutionalized:** The participant has become incarcerated in a correctional institution under Section 225 of the WIOA or has become a resident of an institution or facility providing 24-hour support, such as a hospital or treatment center, while receiving services as a participant.
- **Health/Medical:** The participant receives medical treatment, and that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
- **Deceased:** The participant is deceased.
- **Reserve Forces Called to Active Duty:** The participant is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.

Exceptions

Any exceptions to this policy must be approved by the work2future-Director, Program Manager, or the authorized representative of the WIOA Service Provider and documented in the participant's file.

INQUIRIES

Please contact the work2future Administrator on duty, work2future.MIS@sanjoseca.gov, for any questions regarding this policy.