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**TO:** All Humboldt County Workforce Innovation and Opportunity Act (WIOA) Staff, Subrecipients and Service Providers

**FROM:** Humboldt County Workforce Development Board

**EFFECTIVE:** December 20, 2018

**SUBJECT:** WIOA Adult and Dislocated Worker Program Requirements

**REFERENCES:** WIOA Final Rule, 20 Code of Federal Regulations (CFR), Part 680— Title I, Subpart A, Sections 680.100– 680.195  
Training and Employment Guidance Letter (TEGL) 19- 16

**PURPOSE:**

This policy provides information and guidance pertaining to the County of Humboldt’s Workforce Development Board’s definition of WIOA Title I Adult and Dislocated Worker eligibility documentation and verification procedures

**DEFINITIONS:**

**Verification** – means to confirm an eligibility requirement through examination of official documents or by verbally confirming information by speaking with representatives of appropriate agencies. In the case of verbal confirmation, written documentation of the conversation should be included in the file. (A case note in the file is sufficient written documentation.)

**Documentation** – means to maintain evidence of information obtained during the verification process. Such evidence is outlined on the following page and attachment “WIOA Eligibility & Documentation Verification Form”.

**Attachment to the Workforce** – For the purpose of this policy, sufficient attachment to the workforce is defined to mean at least three consecutive months of full-time (32 hours or more a week) employment in the occupation from which they are dislocated, within the last 12 months prior to the date of the WIOA application.

**“Unlikely to Return” to a Previous Industry or Occupation** – Possessing skills obtained during the most recent employment or the predominant employment during the most recent two-year period that are no longer in demand, are obsolete, or reflect skills sets that have supported what are now defined as a declining industry, or

**Substantial Layoff** – For the purpose of this policy, substantial layoff is defined as one that

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affects

10% or more of the employees of an employer's workforce who regularly worked 20 hours or more per week.

**General Announcement** – For the purpose of this policy, the general announcement of a facility closing criterion may include a Worker Adjustment and Retraining Notification (WARN) announcement, unemployment insurance records indicating a facility or business closure, a written notice from an agent of the affected facility or business, newspaper article, foreclosure notice to the employer, documentation of a natural disaster necessitating a facility or business closure or a self-certification statement written by the applicant. In cases where self-certification is utilized, the reason why other documentation is unavailable must be included in the statement.

**General Economic Conditions** – For the purpose of this policy, the general economic conditions in the community in which the individual resides includes situations that have a direct adverse effect on the self-employed which are beyond individual control. Examples of such conditions include self-employment in a declining industry, general decline in local economy, business decline due to seasonal factors, and closure of businesses that previously provided demand for products or services.

**Natural Disasters** – For the purpose of this policy, a natural disaster means the former occupation or industry has depressed local labor market conditions necessitating a facility or business closure due to the effects of extreme or unusual weather patterns.

**Displaced Homemaker** – means an individual who has been providing unpaid services to family members in the home and who – (A)(i) has been depending on the income of another family member but is no longer supported by that income; or (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

**Eligible Spouse** – means an individual whose military active duty or veteran spouse was—

- a. Any veteran who died of a service-connected disability;
- b. 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:
  - i. Missing in action;
  - ii. Captured in the line of duty by a hostile force; or
  - iii. Forcibly detained or interned in the line of duty by a foreign government or power.
- c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- d. Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is

the basis for the eligibility (e.g. if a veteran with a total service-connected disability were “5” to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

**Separating Service Members** – service members exiting the military, including, but not limited to, those who receive or are eligible for Unemployment Compensation for Ex-service members (UCX), generally qualify as dislocated workers. In the case of separating service members, because they may be on a terminal leave from the military, it may make sense to begin providing career services while the service member may still be part of the Active Duty military but has an imminent separation date. It is appropriate to provide career services to separating service members who will be imminently separating from the military, provided that their discharge will be anything other than dishonorable. A separating service member meets the dislocated worker requirement that an individual is unlikely to return to his or her previous industry or occupation in the military

**POLICY AND PROCEDURE:**

The following information outlines the definitions, general program and eligibility requirements which must be met by WIOA Adult and Dislocated Worker program applicants for consideration of enrollment by WIOA program staff and service providers into the applicable WIOA Adult and or Dislocated Worker program.

**FORM(S):**

Form 1: WIOA Adult and Dislocated Worker General Program and Eligibility Requirements

Form 2: WIOA Adult and Dislocated Priority of Service Groups

**INQUIRIES:**

Any questions regarding this policy may be directed to the Workforce Development Board Director at 707-445-7745.

Humboldt County Workforce Development Board Approval Required?  Yes  No