



POLICIES AND PROCEDURES

POLICY TYPE:	WIOA Adult and Dislocated Worker Eligibility
EFFECTIVE:	July 23, 2023
REVISED:	July 1, 2026

PURPOSE

The purpose of this policy is to provide guidance for determining participant eligibility for enrollment in a Workforce Innovation and Opportunity Act (WIOA) Title 1 Adult and Dislocated Worker (DW) Program. The policy guidance is based on WIOA legislation, U.S. Department of Labor (DOL) regulations, and the State of Oregon policies.

REFERENCES:

Lane Workforce Partnership's eligibility certification process is based on the Department of Labor and State of Oregon official source documents.

- DOL Final Rules and Resources: [Laws | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/laws)
- DOL Notices of Proposed Rule-Making (NPRMS): [Federal Register : Workforce Innovation and Opportunity Act](https://www.federalregister.gov/workforce-innovation-and-opportunity-act)
- DOL Training and Employment Guidance Letters (TEGLs): [ETA Advisories, Employment & Training Administration \(ETA\) - U.S. Department of Labor \(doleta.gov\)](https://www.doleta.gov)
- State of Oregon Policies: <https://www.wioainoregon.org/policies-and-guidance.html>

BACKGROUND

Responsibility for conducting eligibility comes at the discretion of the local workforce areas. This means that all eligibility policies are those of Lane Workforce Partnership.

POLICY

It is the policy of Lane Workforce Partnership (LWP) that the contracted WIOA Adult and DW Service Provider(s) determine eligibility of applicants prior to provision of a WIOA funded individualized, career, or training services. The Service Provider must be familiar with and follow the requirements as set in this eligibility policy. It is the responsibility of the Service Provider to ensure that a well-developed eligibility certification system is maintained that is sufficient to guard against serving ineligible individuals and risking disallowed costs. The WIOA Service Provider must also apply priority of service as required by Lane Workforce Partnership's Priority of Service Policy.

DOCUMENTATION

Required documentation will be collected at the time of eligibility determination and stored in Lane Workforce Partnership's eBridge. In the event that a participant is being co-enrolled, and eligibility has been conducted by another local area, LWP and its Service Provider(s) will accept required

documentation secured by the other local area for purposes of co-enrollment. Any liability for any documentation problems or findings by State or Federal monitors stays with the local area that collected the eligibility documents.

The collection of documentation for proof of eligibility shall not create a barrier to enrollment and the provision of WIOA services. It is the policy of Lane Workforce Partnership to follow TEGL 23-19 Change 3 when determining allowable documentation for eligibility and outcome verification.

All enrolled participants shall be authorized to work in the United States. Contractor must verify work authorization with documentation that satisfies the I-9 requirements prior to the provision of services. In the event an authorizing document has expired during enrollment, the participant is not eligible for continued WIOA funded services. The contractor is responsible for verifying work authorization documents are current. Proof of work authorization documents shall be uploaded to eBridge.

ELIGIBLE PARTICIPANTS

WIOA Adult

Adults must meet the following WIOA eligibility criteria to receive Individualized Career Services and/or Training Services. (See Lane Workforce Partnership's WIOA Adult and Dislocated Worker Services Policy for more information.)

Adult eligibility criteria:

- Age 18 Years or older
- Meets Selective Service registration requirements (if applicable)
- Must be assessed for priority of service. (Refer to the Lane Workforce Partnership's Priority of Services Policy for additional information.)
- Authorized to work in the United States

WIOA Dislocated Worker

The following categories outline the requirements within which an applicant may be defined as a Dislocated Worker. Dislocated Workers must meet the eligibility criteria to receive Individualized Career Services and/or Training Services if funded through the WIOA Dislocated Worker Formula Fund.

Dislocated Worker Categories:

- Terminated or Laid-off Worker
- Laid off due to Business Closure or Substantial Lay-Off
- Self-Employed Business Closure
- Displaced Homemaker
- Displaced Military Spouse
- Separating Service Member

ELIGIBILITY DETERMINATION PROCESS

Adult Eligibility Determination

- 1) Verify date of birth of the applicant. Applicant must be age 18 or over to be eligible for WIOA Adult funded services.
- 2) Verify applicant is currently authorized to work in the United States
- 3) Verify applicant is in compliance with Selective Service Registration requirement.

- 4) Assess for the applicant's Priority of Service status.

Dislocated Worker Eligibility Determination

- 1) Verify applicant is in compliance with Selective Service Registration requirement.
- 2) Verify applicant is currently authorized to work in the United States
- 3) Assess for the applicant's dislocated worker status.

Policy definitions for each of the Dislocated Worker eligibility elements are:

Terminated or Laid-Off Worker

To determine eligibility under the Terminated or Laid-Off Worker category, an individual must meet **each** of the following categories:

- Has been terminated or laid off, or has received a notice of termination or layoff, from employment, including a separation notice from active military service (refer to Separating Service Member for additional information); and
- Is either eligible for or has exhausted their unemployment insurance compensation or has been employed for a period of at least three months to show attachment to the workforce, but is not eligible for unemployment insurance compensation due to insufficient earnings or having worked for an employer that is not covered under the State unemployment compensation law; and
- Is unlikely to return to their previous industry or occupation. This can be due to any of the following circumstances:
 - Because of negative economic conditions or sudden economic impact on industries or occupations (such as the pandemic).
 - Because there is a decline in the previous occupations in the local market.
 - Because of circumstances that cause significant barriers to employment, such as criminal background, lack of high school diploma or GED, disability, homelessness, cultural or language barriers, older worker (55+) or deficient in basic skills.
 - Because their previous industry or occupation has been eliminated or the applicant has been unable to secure a position at a compensation level comparable to their previous occupation.
 - Because they exhausted their unemployment benefits and have been unable to find a job in their previous industry or occupation.
 - Because they were seasonally employed and unlikely to return because of mechanization or significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work duties.

Determination by a Service Provider staff that an individual's likelihood of returning to their previous industry or occupation is unlikely due to circumstances that cause significant barriers to employment. Barriers to employment include:

- Offender
- High school dropout
- Homeless
- Cultural or language barrier
- Older worker (55+)

- Basic skills deficient
- Lack of necessary skills to become reemployed due to the current requirements of the industry or occupation (to be identified by an assessment of the individual's current skills and abilities and compared to current labor market demands, or rejection letters from employers for lack of necessary skills)
 - Because a WIOA-funded assessment cannot be conducted until after WIOA Dislocated Worker eligibility has been established, a self-assessment by the individual, or a prior assessment of the individual's skills, abilities and experiences by another qualified entity must be used.

Business Closure or Substantial Lay-Off

To determine eligibility due to Business Closure or Substantial Lay-Off, the applicant must meet one of the following requirements:

- Has been terminated or laid off from employment, or has received notice of termination or layoff, because of the permanent closure of, or any substantial layoff (defined as 10 or more affected workers) at the company (includes a plant, facility, military installation, or business enterprise);
or
- Is employed at a company where the employer has made a general announcement that the company or location will close within 180 days. A general announcement may include media coverage, filing of a Worker Adjustment and Retraining Notification (WARN) with the State, corporate written notice of intent to close within 180 days (written notice includes email communication, employer website and/or social media postings).

Self-employed Business Closure

To determine eligibility under Self-employed Business Closure, the applicant must meet the following requirement:

- Was self-employed (including employment as a farmer, rancher, fisherman, or an independent contractor or consultant not technically an employee of a firm or agency) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

Additional Guidance for Determining Self-Employed Business Closure:

To assist an applicant in determining if they meet this Dislocated Worker definition, consider the following.

A person is self-employed when they meet one of the following conditions:

- Files taxes as self-employed for their business on their personal taxes:
- Is considered an independent contractor by the business:
- Meets all the following criteria:
 - Is not required by the business to complete an IRS W-4 form:
 - Is not required to pay federal income tax or FICA payments from their paycheck(s):
 - Liability or workers' compensation insurance for the individual is not paid by the business:
 - Either creates or provides the products or services they sell, or sets the price for the

- products or services they sell:
- Is responsible for the business expenses and losses: and
- Receives profits from the business.

Economic condition is defined as the present situation in the overall economy of the area where the individual resides. When a local economy contracts or is weakened, it may impact self-employed individuals. Examples include recession, impacts of pandemic, impacts of major employers that support a high percent of employment and local purchasing power, such as:

- Failure of one or more businesses to which the self-employed individual supplied a substantial portion of products or services.
- Failure of one or more businesses from which the self-employed individual obtained substantial portion of products or services.
- Substantial layoffs from, or a permanent closure of, one or more plants or facilities that support a significant portion of the local economy.
- Unemployment rate for the county exceeds the State overall unemployment rate.
- Depressed prices or markets for articles produced by the self-employed individual.

Displaced Homemaker

An applicant is eligible as a WIOA Displaced Homemaker – which also equates to Dislocated Worker eligibility status – if one of the following situations applies:

- The applicant has been providing unpaid services to their family in the home and has been dependent on the income of another family member but is no longer supported by that income; or
- The applicant has been providing unpaid services to their family in the home and is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station or the service-connected death or disability of the service member; and
- The applicant has been providing unpaid services to their family members in the home and is unemployed or underemployed and is having trouble obtaining or upgrading employment.

An applicant may also meet one of the other Dislocated Worker eligibility types and be a Displaced Homemaker – the eligibility types are not mutually exclusive.

Displaced Military Spouse

The applicant must meet one of the following requirements:

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

Separating Service Member

The applicant must meet the following requirement and documentation with a DD-214:

- Is a member of the Armed Forces who is separating from service to enter or re-enter the civilian

labor force (being discharged), and the discharge is for any reason other than dishonorable.

Other Eligibility Criteria Definitions

Priority of Service

WIOA Individualized Career and Training services shall be provided to eligible participants in the following priority order:

1. Veterans and eligible spouses who are included in the groups given statutory priority for WIOA Adult formula funding (see 2.).
2. Individuals who are not veterans or eligible spouses and who meet one of the statutory priorities for WIOA Adult formula funding:
 - a. Individuals who are recipients of public assistance
 - b. Individuals who are low income
 - c. Individuals who are basic skills deficient
 - d. English language learners
3. Veterans and eligible spouses who are not included in WIOA's priority groups.
4. Priority populations established by the Governor and/or the local workforce development board.
5. Non-covered persons outside the groups given priority under WIOA.

The characteristics for Veteran Status, Public Assistance Recipient and Basic Skills Deficient must be documented to report as a characteristic and to receive priority of service benefits. *Lack of documentation does not preclude participants from receiving Individualized Career or Training services* but does eliminate the priority of service benefit. Documentation may come after enrollment.

Refer to Lane Workforce Partnership's Priority of Service Policy for additional information.

Selective Service Registration Requirements

Compliance with the Selective Service registration requirements must be documented for participants who are required to register – defined as:

- Sex-assigned male at birth
- AND a US Citizen OR immigrant residing in the US between the ages of 18 and 25
- AND are age 18 or older
- AND were born on or after January 1, 1960.

If documentation under one of the categories outlined below cannot be collected, the participant is not eligible to enroll. Participants who would like additional information regarding Selective Service registration may be referred to this website: <https://www.sss.gov/>

Selective Service Exempt

Participants exempt from Selective Service registration:

- Sex-assigned female at birth
- OR born before 1960
- OR currently under the age of 18 (will be required to register within 30 days of 18th birthday)
- OR are a seasonal agricultural worker on a H-2A visa
- OR are a lawful non-immigrant on a current non-immigrant visa
- OR were incarcerated/hospitalized/institutionalized continuously between 18th and 26th birthdays
- OR were not living in the United States between 18th and 26th birthdays
- OR was on active US Military, Coast Guard duty or a student in an Officer Procurement Program continuously between 18th and 26th birthdays.

Not Required/Exempt Documentation Requirements

Sex assigned female at birth; participant currently under age 18; participant born before 1960 – Customer attestation.

Non-Immigrant/Immigrant Status – Regardless of current U.S. Citizenship status, some immigrants may be exempt from registration:

- Participants sex-assigned male at birth and holding a valid seasonal agricultural worker H-2A visa must provide a copy of the visa.
- Participants sex-assigned male at birth who are between the ages of 18 and 26 may be exempt if they are on a current non-immigrant visa. Acceptable forms of supporting documentation can be found at this website [Non-Immigrant/Immigrant Allowable Documents](#).
- Participants who are sex-assigned male at birth and came into this country for the first time after their 26th birthday are not required to register for Selective Service. Acceptable forms of supporting documentation that establish first date of entry into the United States can be found at this website [Non-Immigrant/Immigrant Allowable Documents](#). The appropriate supporting document must show an entry date after the participant's 26th birthday.

Incarceration/Hospitalization/Institutionalization – Participants who were required to register but can provide documentation that they were incarcerated, hospitalized and/or institutionalized from their 18th birthday to their 26th birthday are exempt from registration. **However, please note:** If at any time between their 18th and 26th birthdays the participant was not incarcerated, hospitalized, or institutionalized then they were required to register, and the exemption does not apply. If the participant did not register, then documentation must follow the requirements under “Required to Register and Did Not.”

Military Service – If the participant was in the US Military, Coast Guard or Officer Training between their 18th and 26th birthday they are not required to register, and their DD-214 Military Separation Record is the documentation. **However, please note:** If at any time between their 18th and 26th birthdays the participant was not in the US Military, Coast Guard or Officer Training, then they were required to register, and the exemption does not apply. If the participant did not register, then documentation must follow the requirements under “Required to Register and Did Not.”

Required to Register and Did Not

Participants who are required to be registered, who are over age 26, and cannot document that they are registered are required to provide a letter with an explanation why they failed to register.

As a subrecipient of WIOA funding, LWP is delegated the authority to make a determination for waiving this requirement if the participant's failure to register was "not knowing and willful."

Supporting documents may be provided to Lane Workforce Partnership. Upon review, LWP may determine that the participant's failure to register was not knowing and willful. If this determination is made, the supporting and approving documents are to be filed with all other eligibility documentation. The approval to enroll an individual must be made by LWP PRIOR to enrollment and the provision of WIOA funded services.

Self-Sufficiency Definition

20 CFR 680.210 supports training services being made available to employed Adults and Dislocated Workers where staff determine that all these elements apply:

- The participant is 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;
- They need training services to obtain or retain employment leading to self-sufficiency or wages comparable to or higher than wages from previous employment; and
- They have the skills and qualifications to participate successfully in training services.

Under-Employed Definition

TEGL 19-16 (section 11 Employment Status Clarification) encourages local policy development to define under-employed for purposes of supporting the provision of training services to employed participants. The TEGL provides under-employed examples as follows:

- Individuals employed less than full-time and are seeking full-time employment,
- Individuals who are employed in a position that is inadequate with respect to their skills and training,
- Individuals who are employed who meet the definition of a low-income individual in WIOA section 3 (36), or
- Individuals who are employed, but show their current earnings are not sufficient compared to their previous earnings from their previous employment.

Determining Low Income

With respect to individualized career services and training services funded with WIOA adult funds, priority of service must be established at the time of eligibility determination for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Designation of meeting a priority of service category at the point of eligibility does not change during the period of participation. The Adult priority of service does not apply to the Dislocated Worker population. Veteran and eligible spouses who meet the WIOA Adult program eligibility criteria receive priority of service among all eligible individuals however, they must meet the WIOA adult program eligibility criteria.

Low-Income is defined as an individual who meets one of the four criteria below:

- 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 the Supplemental Nutrition Assistance

Program (SNAP), Temporary Assistance for Needy Families (TANF) program, supplemental security income program, or state or local income-based public assistance,

- In a family with a total income that does not exceed the higher of the poverty line or 70 percent of the Lower Living Standard Income Level (LLSIL),
- A homeless individual, or
- An individual with a disability whose own income does not exceed the income requirement but is a member of a family whose total income does.

The low-income guidelines and poverty guidelines are used to establish low-income status for WIOA Title I programs. Lane Workforce Partnership uses the LLSIL to determine priority of service eligibility of WIOA Adult applicants. Income received during the six-month period immediately prior to the individual's application for WIOA funded services is used for income determination. Applicant's actual family income during the six-month income determination period must be compared with the six-month figures on the Oregon Workforce Innovation and Opportunity Act Income Eligibility Table to determine eligibility. (Attachment A – Oregon Income Eligibility Table)

If an applicant is determined to be low-income, supporting documentation for the low-income determination shall be collected and uploaded to LWP's electronic filing system with other customer records.

National Dislocated Worker Grant

- Dislocated Worker Grant eligibility – refer to Lane Workforce Partnership National Dislocated Worker Grant (DWG) Eligibility Policy.

ELIGIBILITY PROCESS

Applicants in need of WIOA funded Individualized Career or Training Services must be determined eligible *prior* to the provision of such services. The eligibility process includes:

- 1) Conduct eligibility determination based on one or more of the criteria defined above,
- 2) Collect required eligibility documentation at the time of eligibility determination,
- 3) Provide applicant with a copy of Lane Workforce Partnership's Equal Opportunity and Grievance Customer Information document and document in an iTrac case note that this was completed
- 4) Have applicant sign the Media Release Form,
- 5) Complete the i-Trac application as required by the funding source for which the applicant will be enrolled and follow all required i-Trac data entry protocols (established in the i-Trac Management Information Data System), and
- 6) Upload the i-Trac application and all supporting eligibility documents to LWP's electronic record system.

HOUSEHOLD INCOME CALCULATION METHODOLOGY

Household income needs to be calculated when applying priority of service. Calculating household income methodology includes the following:

- 1) Establish Household Size:
 - To determine total family income, intake staff must calculate income received by all members of the individual's family for the previous six months prior to WIOA participation. (Household members include all individuals in the household related by blood

or marriage as defined by WIOA.)

- To determine total income for an individual with a disability, an intake staff must calculate income received by the individual (only) for the previous six months prior to WIOA participation, regardless of the income level of his/her family.

2) Computing and Documenting Family Income:

- Documentation should be provided for each included and excluded income source received by the applicant, and each family member, for the six-month income period immediately preceding the application and eligibility determination date.
- An applicant or family member who claims little or no income must submit an applicant statement that attests that little or no income was received during the past six months, and/or that they were unemployed for that period.
 - a. In this situation, they should be included as a family member and \$0 income may be listed.
- The following items should be documented, verified, computed, and included with the eligibility documentation:
 - a. Eligibility determination period: Enter dates of the six-month period.
 - b. Family Members: List all family members (as defined by WIOA) and the income they have received within the last six months prior to application. In addition to documentation of family size, additional documentation may be required to establish that the family is living in a single residence.
 - c. Dates: List the dates of receipt of the income. The whole determination period should be covered. During periods when no income was received, means of support must be explained and verified (e.g., applicant has been supported by parent(s) or friend(s) or living on savings from previous earnings, etc.).
 - d. Source of Income: Indicate how the income was earned, and/or the source that generated the income.
 - e. Amount of Income: Indicate the dollar amount received during the six-month period. This may require adding up several pay stubs submitted for that period to arrive at the six-month amount.
 - f. Documents Inspected: Indicate the document(s) submitted to verify the source of income. The document(s) must be photocopied, and a copy retained in the individual's file.

Sources of includable income are:

- Child Support Payments
- Monetary compensation for services, including wages, tips, salary, commissions, or fees before any deductions, and including overtime pay, bonuses, etc.
- Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expense)
- 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 (e.g., Conservation Corp)
- Alimony, active military family allotments directly received, or other regular support from an absent family member or someone not living in the household, but included in the family size
- Private pensions, government employee pensions (including military retirement pay)
- Regular insurance or annuity payments (including state disability insurance)
- College or university scholarships grants, fellowships, and assistantships (not needs-based)
- Net gambling or lottery winnings
- Severance payments
- Terminal leave pay
- Social Security Disability insurance payments
- WIOA Title I – OJT Wages
- Generally, if an income source is not listed in the “Excluded Income” categories below, then it must be considered as “Included Income.”

Sources of excluded income are:

- Unemployment Insurance
- Foster care payments
- Need-based Public Assistance payments (including TANF, Supplemental Security Income Emergency Assistance, and non-federally funded general assistance or general relief money payments)
- Social Security Old Age and Survivors' Insurance benefit payments
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants, federal Supplemental Educational Opportunity Grants and Federal Work Study (needs-based)
- Needs-based scholarship assistance
- Loans
- Veterans Benefits
- Income earned while the veteran was on active military duty and certain other Veterans benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance
- Capital gains
- Any assets drawn down as withdrawals from a bank, the sale of property, a house, or a car
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or insurance compensation for injury
- Non-cash benefits such as employer paid or union-paid portion of health insurance or other fringe benefits, food or housing received in lieu of wages
- The value of food and fuel produced and consumed on farms
- The imputed value of rent from owner occupied non-farm or farm housing
- Medicare, Medicaid, food stamps, school meals, and housing assistance
- Allowances, earnings, and payments to individuals participating in programs under this Act (except OJT wages)

REQUIRED ACTION

Lane Workforce Partnership's funded service provider(s) shall follow this policy when determining participant eligibility for enrollment in a WIOA funded service. This policy will remain in effect from the date of issue until such time that a revision is required.

ISSUED:

Date: July 1, 2026

LWP Director of Workforce Programs

**2026 Oregon Income Schedule
Combined 70% Lower Living Standard Income Level (LLSIL) and Poverty Guidelines
Workforce Innovation and Opportunity Act (WIOA) Title I**

Metropolitan Areas: Includes Benton, Clackamas, Columbia, Deschutes, Jackson, Josephine, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill counties:

Family Size	1	2	3	4	5	6
Annual Income	\$14,761	\$24,191	\$33,213	\$41,001	\$48,381	\$56,588
Six Month Income	\$7,381	\$12,096	\$16,607	\$20,501	\$24,191	\$28,294

For families larger than 6 people: Add \$7,990 (annual) or \$3,995 (six month) to the family of six income for each additional person in the family.

Non-Metropolitan Areas: Includes Baker, Clatsop, Coos, Crook, Curry, Douglas, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Linn, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, and Wheeler counties.

Family Size	1	2	3	4	5	6
Annual Income	\$14,465	\$23,707	\$32,549	\$40,174	\$47,415	\$55,454
Six Month Income	\$7,233	\$11,854	\$16,275	\$20,087	\$23,708	\$27,727

For families larger than 6 people: Add \$7,833 (annual) or \$3,916 (six month) to the family of six income for each additional person in the family.

Applicable Federal Register notices, LLSIL tables, and HHS poverty levels are available at:
<https://www.dol.gov/agencies/eta/llsil>