

WAGNER-PEYSER, ADULT, AND DISLOCATED WORKER ELIGIBILITY

The primary function of the Wagner-Peyser Act is to provide universal access of labor exchange services to job seekers. Labor exchange services are considered a type of career service under WIOA and are available to all individuals legally entitled to work in the U.S. There are no eligibility criteria.

Note: Selective Service registration requirements do not apply to services/programs funded or solely authorized by the Wagner-Peyser Act, however if co-enrolled in Title I, Selective Service registration required by Title I applies.

VETERAN PRIORITY

Veterans receive priority of service. Per 38 U.S.C. 4215(a), priority of service means a “covered person” shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of the law. Priority in the context of providing priority of service to veteran and other covered persons in qualified job training programs covered by this regulation means the right to take precedence over non-covered person in obtaining services. Depending on the type of service or resource being provided, taking precedence may mean: (1) The covered person receives access to the service or resource earlier in time than the non-covered person; or (2) If the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.

ALIGNMENT WITH TITLE I PROGRAMS

States and local areas are encouraged to utilize common intake, case management, and job development systems in order to take full advantage of the One-Stop potential for efficiency and effectiveness. Wagner-Peyser, Adult, and Dislocated Worker programs are mandated to provide the same set of career services. There is a natural alignment of service delivery under Wagner-Peyser since all individuals are eligible for these services. Participants enrolled in only Wagner Peyser can receive Basic Career Services. Only those enrolled in WIOA Title I can receive Individualized Career Services. Staff should consider enrolling as many participants into the WIOA Title I program as possible to increase access to services. If an individual is not enrolled into WIOA Title I, notes should reflect *why* the person did not need these services.

ADULT ELIGIBILITY REQUIREMENTS

In order to receive WIOA Title I Adult career or training services an individual must be at least 18 years of age or older. In order to be eligible for financial assistance, WIOA Adults must indicate one of the following Governor’s priority groups: (*Note: Dislocated Workers do not have to meet the Governor’s groups listed below*).

- I. U.S. Citizen or Registered Alien; and
- II. Meet Selective Service registration requirements, if applicable; and meet one of the following barriers to employment as identified in WIOA Law §3(24):
 - a. Displaced homemakers
 - b. Low-income individuals
 - c. Native American, Alaska Natives, and Native Hawaiians
 - d. Individuals with disabilities
 - e. Older individuals (55 or over)
 - f. Ex-offenders
 - g. Homeless Individuals
 - h. Youth who have aged out of the foster care system
 - i. Individuals who are English language learners; who have low levels of literacy and individuals facing substantial cultural barriers
 - j. Migrant seasonal farmworkers
 - k. Individuals within two years of exhausting lifetime eligibility under TANF
 - l. Single parents (including single pregnant women)
 - m. Long-term unemployed (27 Consecutive weeks or more)
 - n. Basic Skills Deficient
 - o. High School Dropout
 - p. Underemployed
 - q. Substance abuse
 - r. Veterans, **NOTE:** *Self-identified Veterans receive Veteran’s Priority of Service (POS)*

Identification of this priority group may happen at any point during participation. Documentation must be received and uploaded in the participant's SDWORKS file. A case note must describe the participant's priority. The Labor Program Specialist must be notified for data entry.

Adults ages 18 through 24 also eligible for the Youth program, must be enrolled as both a WIOA Adult and WIOA Youth (See [Youth Eligibility](#) policy 4.3). Through the Youth enrollment process, an Adult participation will be triggered for those over the age of 18 by entering the services identified in the youth enrollment process under the SDWORKS Adult application. For participants in both the WIOA Adult and WIOA Youth programs, staff should enter in services under the Youth application. Time should be charged to the WIOA Youth program as appropriate.

DISLOCATED WORKER ELIGIBILITY REQUIREMENTS

In order to be eligible for financial assistance as a Dislocated Worker, the individual must be 18 and meet one of the definitions below:

- A. (i) has been terminated or laid off from their job, or who received a notice of termination or layoff, from their employer;
 - (ii) (I) is eligible for or has exhausted their unemployment payments; or
 - (II) has been employed for a duration sufficient to demonstrate attachment to the workforce, but cannot get unemployment compensation because of low earnings or having done work for an employer not covered under a State unemployment compensation law; and
 - (iii) is unlikely to return to a previous industry or occupation (South Dakota considers four weeks of consecutive unemployment to be sufficient to demonstrate the individual meets this criteria);
- B. (i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility or enterprise;
 - (ii) is employed at a facility which the employer has made a general announcement that such facility will close within 180 days; or
 - (iii) for purpose of eligibility to receive services other than training services, intensive services or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
- C. was self-employed (including employment as a farmer, 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; or
- D. is a displaced homemaker (must meet the dislocated worker definition of a displaced homemaker).
- E. (i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of Title 10, U.S.C), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or (ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

DISPLACED HOMEMAKER ELIGIBILITY REQUIREMENTS

The term "displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who

- A. *Has been dependent 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, U.S.C) and whose family income is significantly reduced because of a deployment (as defined in Section 991(b) of Title 10, U.S.C, 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, U.S.C, a permanent change of station, or the service-connected (as defined in Section 101(16) of Title 38, U.S.C) death or disability of the member; and*
- B. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

WIOA Law §3(15), §3(16), & §3(24)
SDDL R Policy §4.1
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