ELIGIBILITY AND PRIORITY OF SERVICE
WAGNER-PEYSER, ADULT, AND DISLOCATED WORKER

WAGNER-PEYSER

The primary function of the Wagner-Peyser Act is to provide universal access of labor exchange services to job seekers (See Labor Exchange Requirements Policy 3.6). 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 for Wagner-Peyser as long as the individual has authorization to work in the U.S.

ADULT

Priority of Service

The WIOA Title I Adult program is statutorily required to provide priority of individualized career and training services to individuals in the following order:

<table>
<thead>
<tr>
<th>Priority of Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Low Income, Public Assistance, or Basic Skills Deficient</strong> AND Veteran and Eligible Spouse including Widows and Widowers</td>
</tr>
<tr>
<td>2. <strong>Low Income, Public Assistance, or Basic Skills Deficient</strong></td>
</tr>
<tr>
<td>3. Displaced Homemaker; Indians, Alaska Natives, Native Hawaiians; Older individuals; <strong>Individuals with disabilities</strong>; Ex-Offenders; Homeless individuals or homeless children and youths; youth who have aged out of the foster care system; individuals who are English language learners, have low levels of literacy, and facing substantial cultural barriers; eligible migrant and seasonal farmworkers; individuals within two years of exhausting lifetime TANF eligibility; single parents; or long-term unemployed individuals <strong>AND</strong> Veteran and Eligible Spouse* including Widows and Widowers</td>
</tr>
<tr>
<td>4. Displaced Homemaker; Indians, Alaska Natives, Native Hawaiians; Older individuals; <strong>Individuals with disabilities</strong>; Ex-Offenders; Homeless individuals or homeless children and youths; youth who have aged out of the foster care system; individuals who are English language learners, have low levels of literacy, and facing substantial cultural barriers; eligible migrant and seasonal farmworkers; individuals within two years of exhausting lifetime TANF eligibility; single parents; or long-term unemployed individuals</td>
</tr>
<tr>
<td>5. Veterans and Eligible Spouses who are NOT included in the priority group (1 or 3 above)</td>
</tr>
<tr>
<td>6. Priority established by the Governor or Workforce Development Council: <strong>High School Dropout</strong></td>
</tr>
<tr>
<td>7. All other individuals ages 18 and older.</td>
</tr>
</tbody>
</table>

The priority of service will be monitored through the One-Stop Career Center certification process (See Policy 3.3) by comparing the number of applicants eligible for a priority population to those meeting a priority enrolled in the Adult program.

Eligibility for Services

In order to receive WIOA Title I Adult career or training services an individual must be at least 18 years of age or older, be authorized to work in the United States, and meet Selective Service registration requirements.

Eligibility for Financial Assistance

As of July 1, 2020, in order to be eligible for financial assistance, individuals must meet indicate one of the following:

A. Low-income individuals
B. Public Assistance
C. Basic Skills Deficient
D. Individuals with disabilities
E. Ex-offenders
F. High School Dropout
Identification of A-F must happen at the point of application into Title I. Verification items must be received and uploaded in the SDWORKS participant file and described in a case note. If a participant meets one of the priorities after the point of application, contact a Labor Program Specialist.

**Grandfather Clause Based on Previous Policy**

Individuals who were participants of the Title I Adult program prior to July 1, 2020 under the previous list of Governor’s Special Barriers, which included:

- Single Parent
- Long Term Unemployed
- Native American/Hawaiian Native/Alaska Native
- 55 and older
- Homeless
- Substance Abuse
- Underemployed
- Migrant and Seasonal Farmworker
- English Language Learners
- Within two years of exhausting TANF
- Veterans and Eligible Spouses who are NOT included in the priority groups 1 or 3
- Displaced Homemaker (Displaced Homemaker will be served under the Dislocated Worker Program)

will continue to be eligible for Title I Adult funding, when available and appropriate, until the end of their participation period. Individuals who leave the program for any reason may be reenrolled under the new guidelines.

**Special Barriers and Additional Priorities**

In South Dakota, for purpose of definitions within SDWORKS:

- **Governor’s Special Barriers** include: High school dropout, Basic Skills Deficient, and Public Assistance. This must be identified in the Barriers Screen.
- **Additional Priorities Established by the Governor** include: High school dropout, ex-offender, and individuals with disabilities. This must be identified in the Misc. Screen.

**DISLOCATED WORKER**

In order to be eligible for financial assistance as a Dislocated Worker, the individual must be 18, be authorized to work in the United States, meet Selective Service registration requirements, and meet one of the definitions below:

A. A person who has been terminated or laid off, or has received notice of termination or layoff, from employment; AND is eligible for or exhausted entitlement to Reemployment Assistance; **AND** is unlikely to return to previous industry or occupation.

B. A person who has been terminated or laid off, or has received notice of termination or layoff, from employment; AND has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for Reemployment Assistance due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; **AND** is unlikely to return to previous industry or occupation.

C. A person who has been terminated or laid off, or has received notice of termination or layoff, from employment as a result of permanent closure of a plant, facility or business.

D. A person who is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days.

E. A person who was self-employed but is now unemployed as a result of general economic conditions in the community in which he or she resides or as a result of natural disaster.

F. A person who is the spouse of a member of the Armed Forces on active duty **AND** has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member.

G. A person who is the spouse of a member of the Armed Forces on active duty **AND** is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

H. A displaced homemaker.

**Note:** Dislocated Workers do not have to meet the Governor’s groups listed in the Adult section above to receive funding.
DISPLACED HOMEMAKER

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; **AND** is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

B. 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** is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

CO-ENROLLMENT

WIOA places a strong emphasis on co-enrollment not only with partner programs but within the Title I programs. All WIOA Title I participants should also be enrolled in Title III Wagner-Peyser. Further guidance on program alignment and enrollment, refer to [Integrated Service Delivery for Job Seekers Policy 3.14](#).

Adults also eligible for the Title I Youth program (ages 18 through 24) must be enrolled as both a Title I Adult and Youth (See [Youth Eligibility Policy 4.3](#)). Along the same lines, those eligible for the Title I Dislocated Worker program must be co-enrolled in Wagner-Peyser, and Adult (Youth if appropriate). Eligible Trade Adjustment Assistance (TAA) individuals must be co-enrolled in Wagner-Peyser, Adult, Dislocated (Youth if appropriate), and TAA.

_WIOA Law §3(15), §3(16),
20 CFR §680.600, §680.650
TEGL 10-09, 19-16_