

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

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 is no eligibility criteria for Wager-Peyser as long as the individual has authorization to work in the United States.

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:

Priority of Service
1. <i>Low Income, Public Assistance, or Basic Skills Deficient</i> <u>AND</u> Veteran and Eligible Spouse including Widows and Widowers
2. <i>Low Income, Public Assistance, or Basic Skills Deficient</i>
3. Displaced Homemaker; Indians, Alaska Natives, Native Hawaiians; Older individuals; <i>Individuals with disabilities; Ex-Offenders</i> ; 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 <u>AND</u> Veteran and Eligible Spouse* including Widows and Widowers
4. Displaced Homemaker; Indians, Alaska Natives, Native Hawaiians; Older individuals; <i>Individuals with disabilities; Ex-Offenders</i> ; 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
5. Veterans and Eligible Spouses who are NOT included in the priority group (1 or 3 above)
6. Priority established by the Governor or Workforce Development Council: <i>High School Dropout</i>
7. All other individuals ages 18 and older

The priority of service will be monitored through the One-Stop Career Center certification process (see One-Stop Career Center Certification [Policy 3.3](#)) by comparing the number of applicants eligible for a priority population to those meeting a priority enrolled in the Adult program. Priority of Service is identified through South Dakota’s management information system. The One-Stop Career Center certification will be focused on enrolled individuals that are veterans that meet priority of service, and non-veterans that meet priority of service.

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 2023, in order to be eligible for financial assistance, individuals must indicate one of the following:

- A. Low-income individuals
- B. Public Assistance
- C. Basic Skills Deficient
- D. Ex-offenders
- E. High School Dropout

AND must identify with one of the following **customer groups**:

1. WIOA Title I Youth
2. WIOA Title II Adult Education and Literacy
3. WIOA Title IV Vocational Rehabilitation
4. WIOA Native American Program
5. Job Corps
6. Temporary Assistance for Needy Families (TANF) Work Program
7. Supplemental Nutrition Assistance Program Employment and Training
8. National Farmworker Jobs Program
9. Senior Community Service Employment Program
10. Jobs for Veterans State Grants
11. Individuals who are:
 - Currently incarcerated
 - On Parole
 - Participating in mandatory community diversion programs (drug court, probation, etc.)

Identification of A-E must happen at the point of application into Title I. Verification items for eligibility criteria A-E 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.

A participant may become eligible for financial assistance after Title I enrollment if they become a participant in customer groups 1-11. For eligibility criteria 1-11, a case note verifying customer group is required. Once a participant becomes eligible for financial assistance, they remain eligible for financial assistance throughout their period of participation.

Special Barriers and Additional Priorities

In South Dakota, for purpose of definitions within SDWORKS:

- ***Governor's Special Barriers*** include Low Income, Basic Skills Deficient, and Public Assistance. This must be identified in the Barriers Screen.
- ***Additional Priorities Established by the Governor*** include High school dropout and Ex-offender. This must be identified in the Misc. Screen.

DISLOCATED WORKER

Eligibility for Services

In order to be eligible for services 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 defined as an individual who has been providing unpaid services to family members in the home and who:
 - 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; or
 - 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.

Eligibility for Financial Assistance

As of July 1, 2023, to be eligible for financial assistance, individuals must be selected for the RESEA program or be TAA eligible.

QUEST

Dislocated Worker Grant (DWG) that stands for Quality Jobs, Equity, Strategy, and Training (QUEST). QUEST DWG begins September 30, 2023 and ends September 30, 2026 or when funds have been exhausted, whichever comes first.

Eligibility for Services and Financial Assistance

An individual must be 18 years or older, registered for Selective Service, and meet one of the following criteria at time of participation:

- A. Meets A-H of Dislocated Worker definition above; or
- B. Temporary or permanently laid off as a consequence of COVID-19; or
- C. A self-employed individual who became unemployed or underemployed as a result of COVID-19; or
- D. Is a long-term unemployed individual, for the purposes of this grant this includes:
 - An individual who has been available to work and actively seeking employment for a period of 27 weeks without securing employment; or
 - Incarcerated individual; or
 - Individuals who are receiving TANF or Supplemental Nutrition Assistance Program (SNAP) benefits; or
 - Is selected for services through Reemployment Services Eligibility and Assessment (RESEA).

Priority Participants

- Dislocated Workers
- Incarcerated
- Individuals living on tribal reservations
- Individuals receiving TANF or Supplemental Nutrition Assistance Program (SNAP)
- Low-income

Priority Industries

- Infrastructure
- Climate and Environment

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 those same lines, the Title I Dislocated Worker must be enrolled in Wagner-Peyser.

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