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

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.

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.

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>
<th>Funding Eligibility and Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Veterans and Eligible Spouses** including Widows and Widowers + Low Income, Public Assistance, or Basic Skills Deficient</td>
<td>X</td>
</tr>
<tr>
<td>2. Low Income, Public Assistance, or Basic Skills Deficient</td>
<td>X</td>
</tr>
<tr>
<td>3. Veterans and Eligible Spouses including Widows and Widowers + Displaced Homemaker; Indians, Alaska Natives, Native Hawaiians; Older individuals; Individuals with disabilities*; 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>
<td>Those marked bold/asterisk* are eligible for WIOA Title I funding.</td>
</tr>
<tr>
<td>4. Displaced Homemaker; Indians, Alaska Natives, Native Hawaiians; Older individuals; Individuals with disabilities*; 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>
<td>Those marked bold/asterisk* are eligible for WIOA Title I funding.</td>
</tr>
<tr>
<td>5. Veterans and Eligible Spouses who are NOT included in the priority group (1 or 3 above)</td>
<td></td>
</tr>
<tr>
<td>6. Priority established by the Governor or Workforce Development Council: High School Dropout</td>
<td>X</td>
</tr>
<tr>
<td>7. All other individuals ages 18 and older.</td>
<td></td>
</tr>
</tbody>
</table>

* While Individuals with disabilities and ex-offenders are eligible for funding, they have the same priority of services as individuals with barriers to employment in the same category (3 and 4 above).
**Veterans and eligible spouses must meet the Title I Adult Program eligibility for funding to receive financial services through the Adult Program. All veterans and eligible spouses can be enrolled into WIOA and receive priority of services. For definitions, see Definitions Policy 9.2 (veteran and eligible spouse), Family Size and Income Guidelines Policy 4.7, and Basic Skills Deficient Policy 4.8.

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.

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. All WIOA Title I participants will be dual enrolled with the Wagner-Peyser programs.

ADULT

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.

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.

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.

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.

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.

**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. (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 Reemployment Assistance (RA) benefits payments; or
   (II) has been employed for a duration sufficient to demonstrate attachment to the workforce, but cannot get RA benefits because of low earnings or having done work for an employer not covered under a State RA 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).

**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; 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), 20 CFR §680.600, §680.650
TEGL 10-09, 19-16