

## **DISLOCATED WORKER ELIGIBILITY**

### **POLICY #: 300**

Date of Original Policy: 7/1/02

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Effective Date: 1/27/2005

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#### **BACKGROUND:**

The SWWDC is required to establish a local eligibility policy for dislocated worker services that is consistent with WIA Law and Regulations as well as State Policy. The local policy must ensure that adequate and correct determinations of dislocated worker eligibility are made.

#### **POLICY:**

It is the policy of the Southwest Washington Workforce Development Council that Dislocated Worker eligibility determination shall be consistent with WIA Law and Regulations and with State WIA Policy Number 3920 and that determination is valid and adequately documented.

Individuals registered as dislocated workers must be eligible in accordance with: 1) the basic eligibility requirements for WIA (selective service registration - if applicable), and citizenship or eligible non-citizen (using the I-9 method); and 2) the basic eligibility criteria for dislocated workers as defined in WIA Section 101(9).

Dislocated worker is defined as an individual who:

1. Has been terminated or laid off, or has received a notice of termination or layoff from employment; **AND**
  - a) is eligible for or has exhausted entitlement to unemployment compensation; OR
  - b) is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law, but demonstrates a sufficient attachment to the workforce;  
**AND**
  - c) is unlikely to return to a previous industry or occupation;  
**OR**
2. 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;  
**OR**
3. Is employed at a facility that the employer has made a general announcement that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services described in WIA Section 134 (d)(4), intensive services described in WIA Section 134 (d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;  
**OR**
4. Was self-employed (including employment as a farmer, a 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**

5. Is a displaced homemaker. The term 'displaced homemaker' is defined as an individual who has been providing unpaid services to family members<sup>1</sup> 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.

Two categories of dislocated workers may receive intensive services:

- WIA Title 1-B eligible dislocated workers who are unemployed, have received at least one core service and are determined by the case manager to need more intensive services to obtain employment; and
- WIA 1-B eligible dislocated workers who are employed, have received at least one core service, and are determined by the case manager to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

At a minimum, a WIA Title 1-B eligible dislocated worker must receive at least one intensive service and determined unable to obtain or retain employment through intensive services in order to receive training services.

The following are locally determined definitions for use in determining eligibility:

- **Substantial Layoff:** a reduction (excluding a plant closing) that results in an employment loss at a single site of employment for at least 30 full-time employees during a 6 month period, or any reduction in force of at least 25% of a company's workforce at a single site during a 6 month period.
- **General announcement of plant closing:** Plant closing as confirmed by written notice from employer or layoff or termination notice; WARN notice; newspaper article; documentation that disaster necessitated business closure or layoff; foreclosure notice; or self-certification in absence of other documents (must include reason why other documentation is unavailable).
- **Unemployed as a result of general economic conditions (for use in determining the eligibility of self-employed individuals including family members and farm and ranch hands):** Unemployed, including from self-employment, due to economic conditions in the local community because of natural disasters or general economic conditions which include, but not limited to: the failure or closure of one or more businesses in the community or substantial layoffs in one or more businesses in the community that had a direct effect on the individual's unemployment; depressed price(s) or market(s) for articles produced by the self-employed individuals; inability to turn a profit during preceding 12 months; inability to obtain capital necessary to continue operations; or other event indicative of the likely insolvency of the farm, ranch or business.
- **Self-Sufficiency for Dislocated Workers (for use in determining whether an employed dislocated worker needs intensive service to obtain or retain employment that leads to self-sufficiency):** Employment lasting more than 6 consecutive months, with a wage of at least 100% of wage at dislocation.
- **Unlikely to return to a previous industry or occupation:** Status of an unemployed worker as having limited opportunities for employment leading to self-sufficiency. Documentation of this could include personal and/or confidential information that needs to be determined on a case-by-case basis. SKIES case notes must provide an explanation of the specific circumstance(s) and rationale for the decision. Examples include but are not limited to:

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<sup>1</sup> Note: The term family means two or more persons related by blood, marriage, or decree of court, who are living in a single residence – refer to WIA 101 (15) for complete definition.

1. The industry and/or occupation are in decline or the job has become obsolete or the individual's occupational skills are no longer in demand or outdated;  
**OR**
2. The individual is not able to work in another capacity in the occupational area from which s/he was dislocated because of physical or mental limitations. An individual may have started out in an industry performing physically or mentally demanding jobs but is no longer capable of performing the essential requirements of the job.  
**OR**
3. The individual is eligible for UI benefits AND has been unable to obtain employment of comparable wages to the job of dislocation within a 4 month period from the date of dislocation. Job search log, UI records, or other verification must demonstrate to the Case Manager that s/he has been actively looking for work during this time.

An eligible dislocated worker remains eligible for assistance after dislocation as long as the individual has not been employed in a job since dislocation and prior to application that paid a wage defined by the local board as a self-sufficient dislocated worker wage or leading to self-sufficiency or providing more than stopgap employment.

#### **Acceptable Documentation and Record Keeping**

The acceptable documentation for determining eligibility is outlined in Attachment A of this policy. This documentation criterion is consistent with State Policy No. 3920. Documentary evidence in eligibility determination shall consist of a completed application for each applicant along with the acceptable documentation for the associated eligibility criteria identified in Attachment A.

#### **REFERENCES**

- WIA Section 101(9)
- 20 CFR Part 652 et al.
- 20 CFR 663.110
- 20 CFR 663.115 (a) and (b)
- 20 CFR 663.220
- 20 CFR 663.230
- 20 CFR 663.240
- 20 CFR 663.310

**ATTACHMENTS:** DISLOCATED WORKER ELIGIBILITY DOCUMENTATION

**ATTACHMENT A  
DISLOCATED WORKER ELIGIBILITY DOCUMENTATION**

| <b>Eligibility Criteria<br/>Dislocated<br/>Worker</b> | <b>Conditions</b>  | <b>Acceptable Documentation</b>   |
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| Age   | Must be 18 years of age or older   | <ul style="list-style-type: none"> <li>• Birth Certificate or hospital record of birth</li> <li>• Drivers License or DMV Identification</li> <li>• Baptismal Certificate</li> <li>• Voter Registration Card</li> <li>• DD Form 214 (Report of Transfer or Discharge)</li> <li>• Alien Registration Card</li> <li>• Food Stamp Records or Medical Coupons</li> <li>• School enrollment documents</li> <li>• Naturalization Certificate</li> <li>• Public Assistance Records</li> <li>• US Passport</li> <li>• Native American Tribal Document(s)</li> <li>• Other documents or procedures as established by the Swwdc</li> </ul> |
| Citizenship or eligible non-citizen                   | Legally entitled to employment within the U.S. and territories   | <ul style="list-style-type: none"> <li>• Social Security Card</li> <li>• Birth certificate</li> <li>• Any form of documentation as defined by Immigration and Naturalization Service (INS) for work eligibility</li> <li>• Other documents or procedures as established by the Swwdc</li> </ul>   |
| Selective Service Registration                        | Almost all male U.S. citizens, and male aliens living in the U.S., who are 18 through 25, are required to register with Selective Service. | <ul style="list-style-type: none"> <li>• Selective Service Registration Card</li> <li>• Receipt of registration</li> <li>• On-line confirmation or Telephonic verification with Selective Service</li> <li>• DD Form 214 (Report of Transfer or Discharge)</li> <li>• SKIES record of Selective Service Registration number</li> <li>• Other documents or procedures as established by the Swwdc</li> </ul>   |

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| <p>General Dislocated Workers<br/>[Reference: WIA Section 101(A)]</p> | <p>(1). Terminated or Laid off, or who has received notice of termination or layoff, from employment</p>   | <ul style="list-style-type: none"> <li>• Lay-off notice or termination notice from employer or pay stubs</li> <li>• Contact with last employer</li> <li>• UI-Guide Screen</li> <li>• Certification of expected Separation (Federal Civilian Employees)</li> <li>• Self-Certification in absence of other documents –Must follow SWWDC self-certification procedure.</li> </ul>   |
|   | <p>(1a). Eligible for or has exhausted entitlement to unemployment compensation; or</p>  | <ul style="list-style-type: none"> <li>• UI-Guide screens or adjudication decision</li> </ul>  |
|   | <p>(1b). Has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for UI due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and</p> | <ul style="list-style-type: none"> <li>• UI-Guide screens</li> <li>• Pay stubs</li> <li>• Other documents or procedures as established by the SWWDC</li> </ul>   |
|   | <p>(1c). Is unlikely to return to a previous industry or occupation as defined in local WDC policy</p>   | <ul style="list-style-type: none"> <li>• Labor market information</li> <li>• Labor analysis</li> <li>• Open job orders</li> <li>• Comparison of current job listing wages to previous wage</li> <li>• Documentation of job search activities on a job search log, or in SKIES</li> <li>• Self-certification to explain circumstances of eligibility as they relate to first-hand experience(s) about specific labor market trends in an industry or occupation</li> <li>• Other documents or procedures as established by the SWWDC</li> </ul> |

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| <p>Plant Closure<br/>[Reference:<br/>WIA Section<br/>101(B)]</p> <p>180 Days Prior Notice</p> <p>Public Notice</p> <p>Self Employed or<br/>Unemployed<br/>[Reference:<br/>WIA Section<br/>101(C)]</p> | <p>(2). 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 as defined in local WDC policy at, a plant, facility or enterprise;</p> <p>(3). Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or</p> <p>(4). For the purposes of eligibility to receive services other than training services in WIA section 134(d)(4), intensive services described in section 134(d)(3), or support services, is employed at a facility at which the employer has made a general announcement that the facility will close.</p> <p>(5). Was self-employed (including employment as a farmer, a 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</p> | <ul style="list-style-type: none"> <li>• Lay-off or termination notice from employer</li> <li>• WARN</li> <li>• Letter from employer</li> <li>• Newspaper article</li> <li>• Tax returns</li> <li>• Business license</li> <li>• Document that disaster caused going out of business</li> <li>• Foreclosure notice</li> <li>• Self-Certification in absence of other documents – must follow SWWDC self certification procedure</li> <li>• Other documents or procedures as established by the SWWDC</li> </ul> |
| <p>Displaced Homemaker<br/>[Reference:<br/>WIA Section<br/>101(D)]</p>  | <p>(6). Is a displaced homemaker. An individual who has been providing unpaid services to family members in the home and who—<br/>(6a) has been dependent on the income of another family member but is no longer supported by that income; and<br/>(6b) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.</p> <p>The definition in WIA Section 101(10) includes only those individuals who were dependent on a family member's income. Those individuals who have been dependent on public assistance may be served in the adult program.</p>  | <ul style="list-style-type: none"> <li>• Separation or divorce decree</li> <li>• Divorce Papers</li> <li>• UI – Guide screen</li> <li>• Tax Returns</li> <li>• Documents affirming spouse's notification of layoff or UI claim</li> <li>• Self-Certification in absence of other documents – must follow SWWDC self certification procedure</li> <li>• Other documents or procedures as established by the SWWDC</li> </ul>  |