



## **Dislocated Worker Eligibility**

Workforce Investment Act Policy

**POLICY #: 600**

Effective Date: December 1, 2012  
(Operating under DRAFT - August 2012)

### **BACKGROUND:**

All dislocated workers may access the self-service and informational core services through the WorkSource System without the need to be determined eligible for registration. Services beyond self-service can only be provided through WIA funding when an individual meets the eligibility requirements of WIA. Eligibility determinations are made on a case-by-case basis at the local level in accordance with federal and state guidelines and local policies.

### **POLICY:**

Program operators shall ensure that all dislocated workers enrolled in a WIA funded Dislocated Worker programs are eligible and meet the priority of service criteria when enrolled for intensive and training services. Being determined "eligible" for services funded under WIA Title 1-B does not entitle an individual to receive WIA Title 1-B services.

To meet the basic eligibility to receive Dislocated Worker services in staff-assisted core, intensive and/or training services, individuals must meet the following minimum requirements:

- Is at least age 18 or older; and
- Is a United States citizen or non-citizen eligible to work in the United States; and
- For males born on or after January 1, 1960, is registered for Selective Service (WIN 0009 Change 2); and
- Meets the one of the WIA definitions of "dislocated worker" (see Attachment A).

To be eligible to receive intensive and training services, Dislocated Workers who meet Priority of Service must also meet the following criteria:

1. *Unemployed adults* who have received at least one core service and have been unable to obtain employment through core services and who are determined to need intensive and/or trainings services to obtain employment.
2. *Employed adults* who are not earning a self-sufficient wage as defined by the Spokane Area Workforce Development Council and who have received at least one core service and have been determined to need intensive and/or trainings services to obtain employment that leads to self-sufficiency.

The determination to provide services shall be made on a case-by-case basis at the local level depending upon the needs and circumstances of each individual and the local economic conditions. Program operators should use the local definitions (in Definitions Section below) when evaluating reasons for dislocation of individuals.

Training must be identified as in-demand (or balanced) on the current SAWDC Demand/Decline list. A copy of the page from the Demand list is required in the client file. Training services may be made available to individuals who have received at least one intensive service and been determined to be unable to obtain or retain employment through those services. The approval of training services under WIA is conditioned upon the participant receiving training in an Eligible Training Provider (ETP) approved program. TAA Participants who are co-enrolled with WIA and approved for non-listed ETP training must be counseled and advised as to

their inability to qualify for any training services funded by the Workforce Investment Act (WIA) Dislocated Worker and Adult programs should they pursue their training from a non-approved Eligible Training Provider.

There is no federal, state or locally required minimum amount of time that a participant must spend in core or intensive services. For Dislocated Workers who are a veteran or veteran's spouse, the SAWDC Priority of Service for Veterans and Eligible Spouses Policy also applies.

Once an individual is registered in the WIA Dislocated Worker program, the individual remains classified a "dislocated worker" until exited from the program regardless of employment status or earnings. If a participant becomes employed in a full time, permanent job that pays a wage defined by the local board as self-sufficient or leading to self-sufficiency, the participant may continue to be served in the program as long as they are actively participating in a qualifying service. While beneficial to employment retention, post employment follow-up services designed to ensure job retention, wage gains and career progress do not count as a service that extends the participation period.

#### ELIGIBILITY DOCUMENTATION PROCEDURE

WIA Program Operator shall complete a 100% verification of eligibility. To register an individual into a WIA-funded, Dislocated Worker activity, the Program Operator shall follow these steps to ensure a correct determination has been made as defined in WIA Section 101(9). Attachment A Dislocated Worker Eligibility Criteria, Documentation, and Verification form (Verification Form) provides the list of eligibility criteria and acceptable documentation. Only one source of documentation is required for the applicable criteria and each eligibility requirement. Only sources listed on this form will be accepted.

1. Complete application and obtain signatures as appropriate.
2. Complete Verification Form, check eligibility status and sign. The application and copies of supporting documentation must be filed behind this form in the participant file.
3. A staff person, other than the one who completed the application and initial eligibility, shall review the application, supporting documentation and the Verification Form to validate whether a correct determination has been made.
4. Documentation of the Self Sufficiency Calculator printout must be completed and maintained in participant file.

The participant file is not required to be all inclusive of documentation when the following situations occur. However, these files should be available for review of that documentation.

- A separate file must be maintained for medical and disability information. Please refer to SAWDC Policy #413 Management of Medical and Disability Related Information. Other confidential information is contained in another separate file.
- Documents of eligibility for co-enrolled participants may be shared and photocopied from another program between onsite partners within the WorkSource consortium of partners in order to document eligibility for the WIA program. Photocopies should be in both files.

SAWDC requires the sources listed on the Verification Form in Attachment A as the first priority for eligibility documentation. If those sources are not available and self-attestation is listed as an allowable option, the participant may complete the Self-Certification Statement in Attachment A. That statement is signed by the participant and another individual who is knowledgeable of the situation along with an explanation as to why no other documentation was available.

#### CONFIDENTIALITY OF CLAIMANTS' DATA

Unemployment claim screens (UI GUIDE Screens) can no longer be used to determine program eligibility. The WIA001 Report for WIA Eligibility and Claims Data was developed to protect confidential unemployment information.

With a signed release ([http://www.wa.gov/esd/1stop/docs/Authorization for Release of UI Data for WIA Eligibility Determinations Training Version.docx](http://www.wa.gov/esd/1stop/docs/Authorization_for_Release_of_UI_Data_for_WIA_Eligibility_Determinations_Training_Version.docx) ), WorkSource partners requesting a claimant's data can request the "Data Mail Report" (WIA001 - For WIA Eligibility & Claims Data) for WIA eligibility determination and claim data release.

## **DEFINITIONS:**

**General announcement of plant closing:** Plant status as confirmed by written notice from employer or layoff or termination; WARN notice; newspaper article; documentation that disaster necessitated business closure or layoff; foreclosure notice; self-certification in absence of other documents (must include reason why other documentation is unavailable).

**Incumbent Worker:** Incumbent Workers may not be served with formula funds. Separate funding comes from set asides for special incumbent worker contracts. An employed dislocated worker may be served in formula funded programs when all eligibility requirements are met as defined later in this policy. An incumbent worker does not necessarily have to meet the eligibility requirements for Intensive and Training services. (20 CFR 665.220)

**Self-Sufficiency for Dislocated Workers:** The SAWDC has adopted the Self-Sufficiency Standard for Washington to be used as a tool leading to economic self-sufficiency by facilitating counseling and career planning to identify long-term employment and training options, and for assessments of Dislocated Workers that informs the development of the Individual Employment Plan. The Self Sufficiency Calculator will be used as a tool and a copy of the client printout is required in the case file within 30 days of enrollment. The Self-Sufficiency Calculator will be used & printed again at exit to measure the individual's success at moving toward economic self-sufficiency. Self-sufficiency for Dislocated Workers shall be defined as employment which provides the worker a wage that is equal to or greater than 80% of his/her wage at the time of dislocation.

**Stopgap employment:** 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. Stopgap employment means work an individual does only because he has lost the customary work for which his training, experience or work history qualifies him (see "underemployed"). Employment would be considered "stopgap" if the salary were substantially below the salary of the individual's primary occupation and/or if he is working substantially under the skill level of his customary occupation. There may be times when stopgap employment provides a self-sufficient wage, e.g., contract employment or employment obtained through a temporary employment services agency. Such employment would not change the individual's dislocated worker status. The determination about whether or not an individual's employment since dislocation is stopgap employment must be made on a case by case basis and take into consideration an individual's personal, family, financial, and employment situation.

**Substantial layoff:** Notice of termination or layoff of 25%, or fifty (50) of a company's workforce which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30-day period.

**Underemployed:** Underemployed means an individual who is (1) working part time but desires full time employment; or (2) working in employment not commensurate with the individual's demonstrated level of educational attainment. (TEGL 14-00 Change 1)

**Unemployed as a result of general economic conditions:** Individuals who are now unemployed, including from self-employment, due to economic conditions in the community in which s/he resides or because of natural disasters. General economic conditions can include the failure, closure or substantial layoffs in one or more businesses in the area that had a direct effect on the individual's unemployment.

**Unlikely to return to a previous industry or occupation:** Status of an unemployed worker as having limited opportunities for employment or re-employment. This could include personal and/or confidential information that needs to be determined on a case-by-case basis. Examples include but are not limited to:

- The industry and/or occupation are in decline or the job has become obsolete. (Demand/Decline printout required in client file).
- The individual is not able to re-locate to an area that has jobs in demand for which s/he is qualified. (Analysis of labor market information, open job orders)
- 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.

**ATTACHMENTS:**

- Attachment A – Dislocated Worker Eligibility Criteria, Documentation and Verification Form; and Dislocated Worker Self-Attestation Form
- Attachment B – Consent for Release of Unemployment Insurance Data for WIA Title I-B Program Eligibility Determination.

**REFERENCE:**

- WIA001 Report for WIA Eligibility and Claims Data resources:  
[http://www.wa.gov/esd/1stop/policies/wia001\\_report.htm](http://www.wa.gov/esd/1stop/policies/wia001_report.htm)
- WIA Sections: 101(1) – age requirements; 101(9) - definition of dislocated worker; 134 (d) (4) (E) - priority for intensive & training services ; 188 (a)(5) – definition of eligible non-citizens; 189 (h) - selective service
- Final Rule 20 CFR Part 652 et al., Part 663
- WA State WIA Policy # 3920 Rev 1 Dislocated Worker Eligibility Determination
- TEGL 14-08
- TEGL 14-00, Change 1 – Underemployed definition
- TEGL 8-98 - re: Selective Service
- TEGL 28-11 Program Year 2011/Fiscal Year 2012 Performance Reporting and Data Validation Timelines
- Washington State WIN #0023 Management of Medical and Disability-Related Information
- Washington State WIN0009 Change 2: Selective Service Requirements for WIA Grants
- SAWDC Policy #WS801 Priority of Service for Veterans and Eligible Spouses
- SAWDC Policy #G107 Management of Medical and Disability-Related Information
- Applicable SAWDC-issued Technical Guidance and/or Procedures