

ACTION BULLETIN

TO: All Recipients of WIOA, Title I Dislocated Worker Funds

DATE: 06/13/2017

**SUBJECT: Workforce Innovation and Opportunity Act (WIOA) Eligibility Guidance –
Determination of Dislocated Worker Eligibility**

Purpose of Bulletin:

The purpose of this bulletin is to provide guidance with regard to determination of eligibility for WIOA’s Title I – Dislocated Worker services.

Citation(s):

- Workforce Innovation and Opportunity Act, (WIOA) 20 CFR Part 680
- ACWDB’s AB 12

Background:

Participation in any WIOA-funded program requires a determination of eligibility. Eligibility criteria are established in the law and are specific to each of the three Title I funding streams (Adult, Dislocated Worker and Youth).

Standard Local Eligibility criteria that span the three WIOA Title I funding streams include:

- Right to Work in the United States;
- Selective Service Registration for males born in 1960 or later;
- Date of Birth / Age;
- Documentable Social Security Number; and
- Residency

These criteria are defined in ACWDB’s AB 17-01.

Dislocated Worker Categories:

Eligibility for WIOA’s Title I, Dislocated Worker program includes the 5 Standard Local Eligibility criteria listed above. However, in addition to those requirements, this population must also fall into one of the five Dislocated Worker categories as follows:

1. General Dislocation

- a. The applicant has been terminated, laid-off, or quit; AND
- b. The applicant falls into one of the following categories:
 - i. Eligible for Unemployment Insurance (UI) on the date of application; or
 - ii. Has exhausted eligibility for UI; or
 - iii. Has been employed for a duration sufficient to demonstrate attachment to the workforce¹ but is not eligible for UI due to insufficient earnings or having worked for an employer not covered by State unemployment compensation law; AND
- c. The applicant is determined to be “Unlikely to Return” to his/her previous industry or occupation (UTR).

NOTE 1: Separated, non-retiring Veterans of the U.S. Armed Forces will fall into this category and have an automatic determination of:

- Unlikely to Return to Previous Industry or Occupation; and
- Eligibility for Unemployment Insurance

NOTE 2: Stop-Gap⁶ Employment does not disqualify applicants from this category.

2. Plant Closure or Mass/Substantial Lay-Off²

- a. The applicant has been terminated or laid-off or received notice of termination/lay-off from employment as a result of the permanent closure or substantial lay-off from a plant, facility, or enterprise – and the impending last date of employment is within 180 days of the date of application.

NOTE: Stop-Gap⁶ Employment does not disqualify applicants from this category.

3. Previously Self-Employed

- a. The applicant was previously self-employed and is unemployed on the date of application as a result of general economic conditions³ in the community where the individual resides or due to natural disaster.

4. Displaced Homemaker

- a. The applicant meets all of the following criteria:
 - i. Has been providing unpaid services to family members in the home; and
 - ii. Has been dependent upon financial support/income of another family member, but is no longer supported by that income. (This category includes spouses of military service members on active duty whose income has been significantly reduced due to deployment or the death or disability of that service member); and
 - iii. Is unemployed⁴ or underemployed⁵; and
 - iv. Is experiencing difficulty in obtaining or upgrading employment

Per ACWDB’s AB #12:

¹”Sufficient to demonstrate attachment to the workforce”= Has been employed 15 of the last 26 weeks.

²”Substantial Lay-Off” = Reduction of 50% or more of permanent employees; or 51 to 499 employees who comprise one third of the workforce; or 500 or more employees at a single site.

³”General Economic Conditions”= Business lost due to: closure/substantial lay-off of a primary supplier; or decreasing demand for service or product.

⁴”Unemployed”= Has not worked for the seven consecutive days prior to the date of application.

⁵”Underemployed”= Is employed, but is working a part-time, temporary, low-wage (under \$21.24/hour), or low-skilled (based on the experience and education level of the applicant) job.

“Stop Gap Employment” = When an applicant accepts employment that is either temporary, part-time, low wage, entry-level or below skill or income of the applicant’s primary occupation. Stop Gap is determined on a case-by-case basis with assistance from workforce staff.

5. Military Spouse

- a. The applicant is the spouse of a member of the Armed Forces on active duty and who has experienced loss of employment as a direct result of relocation to accommodate a permanent change in duty station.

Documentation:

DW Eligibility Category	Criteria	Documentation Standard	Examples of Docs
1 General Dislocation	a. Terminated, Laid-Off, or Quit	i. Applicant's Name ii. Employer's Name iii. Dislocation Date	- Letter/Notice of Lay-off or Termination; - EDD Documentation; or - Other*
	b. Unemployment Insurance	i. Eligible/Receiving ii. Exhausted	- Current EDD Documentation
		iii. Attachment to Workforce	- Employment Records / EDD Docs / Self-Attestation*
	c. Unlikely to Return (UTR)	i. Declining Industry ii. Lacks Skills iii. Wage Variable iv. Disability v. Other*	- Current LMI Data - Resume / Job Postings - Job History / Job Postings - Medical Docs / Job Postings - Discuss w/Technician - REQ'D - UTR Worksheet
2 Closure/Mass Lay-Off	a. Laid-Off due to Closure or Mass Lay-Off	i. Link applicant with employer	- Pay Stub / Employee ID w/WARN Notice
		ii. Lay-Off Date	- Lay-Off Letter / Gen'l Notice
3 Self Employed	a. Previously Self-Employed	i. Link applicant with company	- Business/Financial Records/ Invoices/Tax Returns/Other
	b. Currently Unemployed	i. Out of Business	- Business/Financial Records/ with Self-Attestation
	c. Economic Conditions or Natural Disaster	i. Current Docs ii. Relevant to Area	- LMI Data / News Reports / Anecdotal Data / Other*
4 Displaced Homemaker	a. Unpaid Services to Family Members in the Home		- Self-Attestation*
	b. Financially Dependent/Support no longer Available		- Legal Docs (divorce/death/etc)
	c. Unemployed or Underemployed		- Employment Records /
	d. Difficulty Obtaining or Upgrading Employment		Self-Attestation*
5 Military Spouse	a. Active Duty Spouse		- Military Records
	b. Loss of Employment (Applicant)		- Employment Records / EDD Records
	c. Military Relocation		- Military Records

* = with Prior Approval or Assistance from Technician

As referenced in the chart above, items with an asterisk (*) should only be used with the approval or assistance of a Workforce Services Technician (WST).

All questions related to eligibility determination may be directed to a member of the Workforce Services Support Team (WSST). It is highly recommended that intake workers rely upon

guidance from their assigned Technician or another member of the WSST to ensure eligibility is properly and completely documented for every WIOA applicant.

Policy and Procedures:

The policies and procedures referenced above become effectively **July 1, 2017**. Policies and procedures as outlined in other ACWDB Action Bulletins – as referenced in the narrative above may have different effective dates. This Bulletin supersedes other bulletins regarding Dislocated Worker Eligibility Categories and documentation.

Information and Inquiries:

For further information and inquiries please contact:

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