



Spokane Area WORKFORCE DEVELOPMENT COUNCIL

Dislocated Workers Eligibility Determination and Priority of Service Intensive and Training Services

Workforce Investment Act Policies and Procedures

POLICY #: 600

Effective Date: November 30, 2010

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 local policies and procedures.

A WIA Title I-B eligible dislocated worker must be determined by the case manager to be in need of training services to obtain employment which allows for self-sufficiency as defined by the WDC to be eligible to receive training services. Consistent with 20 CFR 663.310(b), the individual must also have the skills and qualifications to successfully complete the selected training program. These services must include: (1) the development of an INDIVIDUAL EMPLOYMENT PLAN (IEP), (2) the development of a financial plan to ensure the individual's ability to participate in training, (3) determination that the training is for an occupation in which the individual is likely to be able to obtain employment leading to self-sufficiency as defined by the WDC, and, for classroom training only, (4) selection of the training provider from the Eligible Training Provider List. Training may be initiated prior to the actual date of dislocation provided that the individual is within 180 days of anticipated dislocation and all other eligibility and registration criteria contained in this memorandum are met. While there may be many different sources of funding to assist a WIA Title I-B eligible dislocated worker with the pursuit of training, priority for access to WIA Dislocated Worker Program training funds must be given to (1) eligible veterans, (2) other eligible dislocated workers. WIA funding can only be used as a source of last resort alone or in combination with other funds of last resort, where there is not other grant assistance available to pay for training.

The Recovery Act contains several provisions designed to target services to displaced and under-skilled adults. (TEGL 14-08) The law requires states to ensure that supportive services and needs-related payments described in WIA section 134(e)(2) and (3) are made available to support the employment and training needs of these priority populations. The provision of supportive services and needs-related payments should also be a focus for the Recovery Act Dislocated Worker formula funds. See SAWDC Supportive Services and Needs-Related Payments Policy # 409.

DEFINITIONS:

1. *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.
2. *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). WIA Section 101 (9) (B) (ii)

3. *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.

4. *Self-Sufficiency for Dislocated Workers* – The SAWDC has determined that The Self Sufficiency Calculator will be used to define self sufficiency. A copy of the Self-Sufficiency Calculator client printout is required in the case file upon enrollment and again at exit.

5. *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)

6. *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.

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.

POLICY:

Program operators shall ensure that all dislocated workers enrolled in a WIA funded Dislocated Worker program 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.

Dislocated Workers meeting eligibility criteria may be enrolled to receive core services only.

Dislocated Workers who meet Priority of Service may be enrolled to receive intensive and training services if they are:

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 self-service 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. 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.

There is no federal, state or locally required minimum amount of time that a participant must spend in core or intensive services.

ELIGIBILITY:

To be eligible to receive Dislocated Worker services in staff-assisted core, intensive and/or training services, individuals must meet and document the following eligibility criteria listed as WIA Eligibility Criteria: a. (age), b. (citizenship), c. (selective service), and d. (dislocated worker criteria) in *Attachment A - SAWDC Dislocated Worker Eligibility Criteria & Documentation*:

1. Participation shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized to work in the U.S. (WIA Sec. 188 (a)(5) and (3)).
2. Must not be in violation of the Military Selective Service Act. (WIA Sec.189 (h))
3. Must meet the criteria for 3A (General Dislocation), 3B (Plant Closure), 3C (180 Notice), 3D (Public Notice), 3E (Self Employed), or 3F (Displaced Homemaker).

VETERAN PRIORITY FOR SERVICE:

Veterans who are determined eligible for WIA services are entitled to priority of service over non-veterans for the receipt of employment, training, and placement services, under all WIA Title 1 funded programs. Program operators must document veteran status in Attachment A and in the participant file.

In a sequential service delivery model, when services are limited due to available funding, priority of services should be applied. For example, if there was only sufficient money to provide services to one individual and a veteran is in the pool, the veteran must receive priority.

Veterans is defined as: (WIA State Policy No. 3641)

- A. A veteran who is an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable (WIA definition);
- B. A recently separated veteran is any veteran who applies for participation under this title within 48 months after the discharge or release from active military, naval, or air service (WIA definition); or
- C. The spouse of:
 - A veteran who died of a service connected disability;
 - a member on active duty who (at time of spouse's application) is listed as missing in action, captured in the line of duty, or forcibly detained; or
 - A veteran with a total disability from a service connected disability or one who died while being evaluated for it.

ELIGIBILITY DOCUMENTATION PROCEDURE:

WIA Program Operator shall complete a 100% verification of eligibility. To register an individual into a WIA dislocated worker funded activity, Program Operator shall follow these steps to ensure that a correct determination has been made as defined in WIA Section 101 (9). Attachment A, Dislocated Worker Eligibility Criteria & Documentation form (A, B, and C) provides a list of eligibility criteria and examples of acceptable documentation. Only one source of eligibility documentation for each criteria is required in the client file.

Step 1 Complete an application and obtain signatures as appropriate.

- Step 2 Complete the Eligibility Verification Form (*Attachment A*), check eligibility status and sign. Copies of supporting documentation must be filed behind this form and the application in a participant file.
- Step 3 A staff person, other than the one who completed the application and initial eligibility, shall review the application, supporting documentation and the Eligibility Verification Form and shall validate whether a correct determination has been made.
- Step 4 Documentation of The Self Sufficiency Calculator printout must be completed and maintained in client file.

PRIORITY FOR DOCUMENTATION:

First - Documents as listed on Dislocated Worker Eligibility Criteria & Documentation form in Attachment A.

Second – Self-Certification or Collateral statement in Attachment A that 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.

EQUAL OPPORTUNITY:

The SAWDC is an equal opportunity employer and provider of employment and training services. Auxiliary aids and services are available upon request to persons of disability.

ATTACHMENTS:

Attachment A – Eligibility Criteria, Documentation and Verification Form, and Applicant Self Certification or Collateral Statement

REFERENCE:

TEGL 8-98 - re: Selective Service

WIA Sections

188 (a)(5) - prohibition on discrimination against certain non-citizens

189 (h) - selective service

101(9) - definition of dislocated worker

134 (d) (4) (E) - priority for intensive & training services

State WIA Policy # 3920 & 3641

Final Rule 20 CFR Part 652 et al., Part 663

Jobs for Veterans Act – Public Law 107-288

TEGL 14-08

SUPERSEDES

WDC Policy E.2

DIRECT INQUIRES TO:

(As referenced in SAWDC Staff Composition Policy #100)

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