



# Spokane Area Workforce Development Council

808 W. Spokane Falls Blvd, Room 606  
Spokane, Washington 99201-3302  
John Baumhofer, Director



POLICY DIRECTIVE NO. E.2, Change 1  
EFFECTIVE DATE: July 23, 2001

SUBJECT: Policy Attachments

REFERENCE: Policy Directive E.2, Priority of Services Under WIA  
Dislocated Worker, State Policy No 3920

CANCELLATION: NONE

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1. PURPOSE: To consolidate information regarding the Dislocated Worker policy to be included as attachments to Consortium Policy Directive E.2.

2. BACKGROUND: State Policy no. 3920, with the subject of Dislocated Worker Eligibility determination, which became effective July 23, 2001. This policy is enclosed and replaces previous state provisions on the subject.

3. POLICY INFORMATION – LOCAL POLICY DEFINITIONS:

a. What constitutes a determination that a worker is “unlikely to return to a previous industry or occupation”?

Unlikely to return is evidenced by the previous industry or occupation being identified as in decline as shows on the Demand/Decline Occupations List with the July 2001, exception policy interpretation regarding labor market research. i.e. job orders, available wages, need for a skill upgrade, etc.

b. What constitutes a substantial layoff under WIA Section 101(9) (B) (i)?

A substantial layoff is a layoff of 50 or more workers.

c. What constitutes a “general announcement” of a plant closing under WIA Section 101(9) (B) (ii) or (iii)?

A “general announcement” of a plant closing is one that is made in a general or specialty publication such as a newspaper, magazine or press release.

d. What constitutes “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters” for determining the eligibility of self-employed individuals, including family members and farm or ranch hands, under WIA Section 101(9) (C)?

Unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters for self-employed individuals, (including family members and farm or ranch hands) is where economic conditions worsen over time. Indicators are unemployment rates, sales tax collection rates, property tax revenues, layoffs in units of local government. Natural disaster declaration must be made by appropriate federal, state, or local official.

- e. What constitutes "self-sufficiency" for a dislocated worker when determining whether an employed worker needs intensive services to obtain or retain employment that leads to self-sufficiency (CFR 663.230)?

The Spokane Area Workforce Development Council has not adopted a written definition of "self-sufficiency".

4. ACTION REQUIRED: Distribute information to appropriate staff.

5. DISTRIBUTION: WIA subagents.

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John Baumhofer,  
Director,  
Spokane Area Workforce Development Council Administration

Encl. Policy Directive 3920

# Workforce Investment Act Title-B

## Washington State Policies

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### SECTION F: Dislocated Worker Services

Grantees, subrecipients, and contractors funded under the Workforce Investment Act, (WIA) whether in whole or in part, must abide by the Workforce Investment Act of 1998, the WIA Regulations, all applicable Office of Management and Budget (OMB) circulars, state regulations in laws and rules (Revised Code of Washington and Washington Administrative Code), Office of Financial Management (OFM) policies, and the Washington State WIA policies.

**EFFECTIVE DATE:** July 23, 2001  
**WIA POLICY NUMBER:** 3920  
**SUBJECT:** Dislocated Worker Eligibility Determination

### BACKGROUND

The Employment Security Department (ESD), on behalf of the Governor, and local Workforce Development Councils (WDC) may establish state and local policies and procedures for One-Stop operators to use in determining individual eligibility for dislocated worker services as long as eligibility determination is consistent with the definition at WIA Title I-A Section 101(9).

While the Department of Labor (DOL) allows states and local governments the flexibility to use discretion to address registration, state and local governments must ensure that dislocated workers registered under WIA Title I-B are determined eligible. Registration is an information collection process that documents a determination of eligibility.

To be eligible to receive applicable WIA Title I funded services as an dislocated worker under WIA Title I-B, an individual must meet the following minimum requirements:

- 1) the definition of "dislocated worker" at WIA section 101(9).
- 2) the citizenship status requirements as described in Section 188 (a)(5) and
- 3) selective service registration status (when applicable) as referenced in Section 189(h).

Two categories of dislocated workers may receive intensive services:

- WIA Title I-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 determined by the case manager to be in need of more intensive services to obtain employment; and
- WIA Title I-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 I-B eligible dislocated worker must receive at least one intensive service and determined to be unable to obtain or retain employment through intensive services in order to receive training services.

### POLICY

The Workforce Development Councils (WDC) must establish a local eligibility determination policy for dislocated worker services that is consistent with WIA Law and Regulations as well as State Policy as contained herein. A local policy must be established that ensures adequate and correct determinations of dislocated worker eligibility are made and are valid. This local policy must be maintained on file and available for review.

Local policy must ensure that individuals registered as dislocated workers are eligible in accordance with the basic eligibility requirements for WIA (age, selective service registration and citizenship, or eligible non-citizen) as well as the basic eligibility criteria for dislocated workers as defined in WIA Section 101(9).

At a minimum, local policy must identify the record keeping system that will be used to ensure documentary evidence confirms the individual's dislocated worker eligibility. Documentary evidence must include a completed application for each applicant. If records that document eligibility cannot be obtained, local policy must describe under what circumstances other actions will be taken to substantiate eligibility, such as collateral contacts or participant self-certification.

Local policy must define each of the following criteria and acceptable documentary evidence:

1. What constitutes a determination that a worker is "unlikely to return to a previous industry or occupation;" and
2. What constitutes a substantial layoff under WIA Section 101(9)(B)(i); and
3. What constitutes a "general announcement" of plant closing under WIA Section 101(9)(B)(ii) or (iii)? and
4. What constitutes "unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters" for determining the eligibility of self-employed individuals, including family members and farm or ranch hands, under WIA Section 101(9)(C)?; and
5. What constitutes "self-sufficiency" for a dislocated worker when determining whether an employed worker needs intensive services to obtain or retain employment that leads to self-sufficiency (CFR 663.230)?

## DEFINITIONS

None.

## SUPERSEDES

None. This communication is new.

## 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

## WEBSITE

Not available at this time.

## **DIRECT INQUIRIES TO**

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<b>Eligibility Criteria Dislocated Worker</b>	<b>Conditions</b>	<b><u>Acceptable</u> Documentation – Local Policy may allow for other acceptable documentation.</b>
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 WDC policy</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 WDC policy</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>▪ Other documents or procedures as established by WDC policy</li> </ul>
General Dislocated Workers [Reference: WIA Section 101(A)]	(1). Terminated or Laid off, or who has received notice of termination or layoff, from employment	Lay-off notice or termination notice from employer or pay stubs Contact with last employer UI-Guide Screen Certification of expected Separation (Federal Civilian Employees) Self-Certification in absence of other documents
	(1a). Eligible for or has exhausted entitlement to unemployment compensation; or	UI-Guide screens or adjudication decision
	(1b). Has been employed for a duration sufficient to demonstrate to the appropriate entity at a one-stop center referred to in WIA section 134 (c), attachment to the workforce, but is not eligible for UI due to insufficient earnings	<ul style="list-style-type: none"> <li>▪ UI-Guide screens</li> <li>▪ Pay stubs</li> <li>▪ Other documents or procedures as established by WDC policy</li> </ul>

	or having performed services for an employer that were not covered under a State unemployment compensation law; and	
	(1c). Is unlikely to return to a previous industry or occupation as defined in local WDC policy	<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>▪ Other documents or procedures as established by WDC policy</li> </ul>
<p>Plant Closure [Reference: WIA Section 101(B)]</p> <p>180 Days Prior Notice</p> <p>Public Notice</p> <p>Self Employed or Unemployed [Reference: WIA Section 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</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>▪ Newspaper articles</li> <li>▪ Foreclosure notice</li> <li>▪ Self-Certification in absence of other documents</li> <li>▪ Other documents or procedures as established by WDC policy</li> </ul>

	resides or because of natural disasters	
Displaced Homemaker [Reference: WIA Section 101(D)]	<p>(6). Is a displaced homemaker. An individual who has been providing unpaid services to family members in the home and who—</p> <p>(6a) has been dependent on the income of another family member but is no longer supported by that income; and</p> <p>(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>▪ Self-Certification in absence of other documents</li> <li>▪ Documents affirming spouse's notification of layoff or UI claim</li> <li>▪ Other documents or procedures as established by WDC policy</li> </ul>