



Spokane Area Workforce Development Council

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Larry Lengyel, Director



POLICY DIRECTIVE NO.: E.2
EFFECTIVE DATE: December 1, 2000

SUBJECT: Priority for Service Under WIA Dislocated Worker Programs

REFERENCE: WIA Sections 101(9) and 134;20 CFR Part 65 et.al.

CANCELLATION: PD F.1, Title III Operating Policy
Earlier Drafts of this Policy

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1. **PURPOSE:** Given the fact that WIA funding for dislocated worker employment and training activities is limited, the Spokane Area Workforce Development Council is establishing the following priority for service to eligible dislocated workers.
 2. **BACKGROUND:** The Council's policy is based upon attachment to an employer, occupation, or industry and attachment to the labor market in general.

Today's labor market has produced a variety of employment arrangements. This includes permanent, contingent and alternative employment.

Permanent workers are those workers employed in jobs that are structured to continue. Often, permanent workers are defined in policy as "all other workers other than temporary". Permanent workers have an explicit or implicit contract for on-going employment with intent to establish an attachment to the employer and the workforce.

Contingent workers are those workers employed in jobs that are structured to last only a limited period of time. Contingent workers do not have an explicit or implicit contract for on-going employment and do not expect to continue in their specific job once the terms of employment expire. Contingent workers have accepted employment that establishes a temporary attachment to the employer.

Alternative employment arrangements include those working as independent contractors and on-call workers and those who are working through temporary help agencies or contract companies. Alternative workers are similar to contingent workers because they do not have an explicit or implicit contract for on-going employment are employed based on a specified time period or completion of a project.

The contingent worker category includes economic replacement workers employed during a strike/lockout labor dispute. As contingent workers, replacement workers are employed in jobs that are structured to last only a limited period of time and the jobs are not expected to continue once the labor dispute is resolved. The employment accepted by this worker at the time of hiring was not permanent in nature because of the conditions of employment.

3. **POLICY**: To be eligible for dislocated worker services under WIA an individual must meet the eligibility requirements of Section 101(9) of the Workforce Investment Act. Since WIA funding for dislocated worker services is limited, it would be reasonable and prudent for a Workforce Development Council to establish a priority for services policy.

In a case such as this where permanent and contingent workers may be unemployed or are being laid off by the same or different employers, setting a priority for services policy would be reasonable considering the numerous factors that exist.

Based on the implied and explicit conditions of hire that existed for each of the groups; the financial limits of formula funding; the historical priority for services practices of the Spokane Workforce Area and through-out the state involving applicants with temporary work histories; and duration of employment of the contingent workers, the following priority for services is established:

Priority 1: Permanent Workers laid off by the company.

Priority 2: Contingent and other workers with substantial or long-term attachment to the workforce, including an industry or occupation (defined as 36 months or longer to be consistent with the intent of Substitute House Bill 3077).

“Sufficient Tenure” means earning a plurality of wages in a particular occupation or using a particular skill set during three of the five 12 month periods (36 months of the 60 months) prior to the temporary job.

Contingent workers as temporary workers do not meet the permanent worker priority for services category. A contingent worker may meet the substantial or long-term attachment priority for services if the work history prior to the temporary job indicates such tenure or attachment exists.

Meeting the priority for services does not imply or guarantee that a worker will be determined eligible for dislocated worker services, or will receive services beyond universal core services.

Determining an Individual’s Eligibility as a Dislocated Worker

The Workforce Investment Act (WIA) is not an entitlement program. Funds under WIA Title I will not be used to assist, promote or deter union organizing. (Sec. 181(B)(7))

Universal Core services are available to all individuals (permanent, contingent, alternative workers) through the WorkSource System. Laid-off or unemployed workers must meet the dislocated worker eligibility criteria in order to receive services beyond universal core services available to the general public under WIA.

To receive dislocated worker services funded by WIA, the worker must meet the eligibility criteria of WIA, 101 (9). This eligibility determination will be made at the subagent level in accordance with local policies and procedures. Dislocated worker eligibility will be determined on an

individual, case-by-case basis contingent on funds available and local policies for priority for intensive and training services.

4. ACTION REQUIRED: Distribution information to appropriate staff.

Apply during operation of One-Stop/WIA Dislocated Worker program operation.

5. DISTRIBUTION: WIA Subagents.

REFERENCES

Section 661.120, Code of Federal Register

Section 101(9), Workforce Investment Act

Section 181(B)(7), Workforce Investment Act

Report 900, Contingent and Alternative Employment Arrangements,

U. S. Department of Labor, Bureau of Labor Statistics

Estimating Dislocated Workers in Washington, refer to Current Population Survey Method section, Washington State Employment Security, Labor Market and Economic Analysis Branch.

27Sep00, State of Washington Technical Assistance Response memo.

State of Washington, Substitute House Bill 3077, especially definition of "Sufficient Tenure", Section 8(4)(b)

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Encl. 10-16-2000 Technical Assistance Response Kaiser Aluminum Company Layoffs Service to Dislocated Workers Grid