

WIA TITLE I-B AND ARRA PROGRAM MANAGEMENT POLICIES AND PROCEDURES

MEMORANDUM #08-01D

To: All WIA Title I-B and ARRA Dislocated Worker Program Subrecipients

Subject: Dislocated Worker Eligibility/Registration

Supersedes: Dislocated Worker Eligibility/Registration #06-01D
WIA Participant Training/Job Search Agreement #03-13

Effective Date: February 17, 2009

A. BACKGROUND

The Workforce Investment Act of 1998 (WIA) established the requirements for delivery of services through the One-Stop Delivery System. The One-Stop System, or WorkSource System as it is known in our state, is the basic delivery system for dislocated workers services. Through this system, individuals who are 18 years of age and older can access a continuum of services. These services are organized into three levels: core, intensive, and training and are provided through WorkSource Centers, Affiliate Sites, and Self-Service Sites. Program registration is the process for collecting adequate information and supporting documentation to make a determination of eligibility for the WIA Title I-B and ARRA Dislocated Worker Programs. This information may be collected through methods that include electronic data transfer, personal interview, or other means as summarized on an individual's WIA REGISTRATION FORM.

Effective March 22, 2005 , United States Department of Labor Training and Employment Guidance Letter Number 22-04 substantially redefines Category A-General Dislocation eligibility criteria for military service members and military spouses under the WIA Title I-B and ARRA Dislocated Worker Programs. This redefinition is reflected in Section D., below.

Within the WIA Title I-B and ARRA Dislocated Worker Programs, there are additional criteria for determining an individual's eligibility for specific services which may be available under that program.

To receive intensive services, an eligible and registered dislocated worker must have received at least one core service and be determined by the seeker services staff to be in need of more intensive services to obtain employment which allows for *self-sufficiency* as defined the Workforce Development Council Snohomish County (WDCSC) in Memorandum #__-20, *Self Sufficiency*.

At a minimum, a WIA Title I-B and/or ARRA eligible dislocated worker must receive at least one intensive service and be determined by the seeker services staff to be in need of training services to obtain employment which allows for self-sufficiency as defined by WDCSC 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 WDCSC, and, for 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 and/or ARRA eligible dislocated worker with the pursuit of training, priority for access to WIA and/or ARRA Dislocated Worker Program training funds must be given to (1) eligible veterans, (2) other eligible dislocated workers. WIA and/or ARRA 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.

B. REGISTRATION POLICY

WIA I-B and/or ARRA Dislocated Worker Program registration occurs at the point where there is significant staff involvement. Significant staff involvement occurs at the point where each of the following three conditions is met.

1. A planned intervention of WIA I-B and/or ARRA services occurs.
2. A WorkSource IEP is initiated which identifies the need for WIA I-B dollars for implementation. At this point, the WorkSource IEP becomes a WIA I-B and/or ARRA IEP.

3. A WIA REGISTRATION FORM and supporting documentation consistent with this policy have been completed and collected and the individual determined eligible for WIA Title I-B and/or ARRA Dislocated Worker Program services.
4. A WIA PARTICIPANT TRAINING/JOB SEARCH AGREEMENT form.

Each of these conditions must be met before an individual may be registered and before any services other than self-service or informational services may be provided.

Equal Employment Opportunity data must be collected on each individual during the registration process as documented on the WIA REGISTRATION FORM. These forms must be retained for individuals who are not registered under the WIA I-B and/or the ARRA Dislocated Worker Program as well as for individuals who are.

C. ELIGIBILITY AND REGISTRATION CRITERIA

In accordance with WIA, ARRA, and associated regulations; an eligible dislocated worker is defined as an individual who at the time of application:

1. is not less than 18 years of age; and
2. is a United States citizen or eligible non-citizen; and
3. for males born on or after January 1, 1960, in compliance with the Selective Service Act; and
4. meets the criteria for one of the following Dislocated Worker Program categories:
 - (a) Category A - General Dislocation
 - (b) Category B - Permanent Closure or Substantial Lay Off
 - (c) Category C - Self Employment/Unemployed
 - (d) Category D - Displaced Homemaker

Each of these categories is defined in further detail below. Italicized terms are operationally defined in Section D.

(a) Category A - General Dislocation

To be considered a dislocated worker under the general dislocation category, an individual must meet each of the following criteria:

Criterion 1: has been *terminated or laid off from employment through no fault of her/his own* or who has received a notice of such termination or lay off; and

Criterion 2: is eligible for or has exhausted unemployment compensation or has been employed for a *duration sufficient to demonstrate attachment to the workforce* but is not eligible for unemployment compensation due to insufficient

earnings or having performed services for an employer that were not covered under State unemployment compensation law; and

Criterion 3: *is unlikely to return to the previous industry or occupation.*

(b) Category B - Permanent Closure or Substantial Lay Off

To be considered a dislocated worker due to permanent closure or *substantial lay off*, an individual must meet one of the following criteria:

Criterion 1a: has been terminated or laid off from employment or who has received a notice of such termination or lay off as a result of any permanent closure of or any substantial lay off at a plant, facility, or enterprise; or

Criterion 1b: is employed at a facility at which the employer has made a *general announcement* that such facility will close within 180 days.

(c) Category C - Self-Employed and Unemployed

To be considered a dislocated worker under this category, an individual must meet each of the following criterion:

Criterion 1: unemployed as a result of *general economic conditions* in the community where s/he resides or because of a *natural disaster*.

(d) Category D - Displaced Homemaker

To be considered a dislocated worker due to being a displaced homemaker, an individual must meet the following criteria:

Criterion 1: was dependent on the income of another family member but is no longer supported by that income; and

Criterion 2: is unemployed or *underemployed* and is experiencing *difficulty in obtaining or upgrading employment*.

It is important to note that the definition of a displaced homemaker 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 considered for service under the WIA Title I-B and/or ARRA Adult Program.

D. LOCAL OPERATIONAL DEFINITIONS USED IN ELIGIBILITY DETERMINATION AND REGISTRATION

Local operational definitions for each term italicized in the descriptions above have been established by WDCSC and are provided below.

Self-sufficiency is defined in Memorandum #__-20.

Terminated or laid off from employment through no fault of her/his own includes veterans who have been discharged under honorable circumstances, either voluntarily or involuntarily, from any branch of the United States military including National Guard or Reserve service. Please note that the definition of a veteran under WIA is someone who has been discharged for other than dishonorable reason. The universe of veterans who meet this eligibility criterion under Category A-General Dislocation is therefore more narrow than the universe of veterans for other purposes under WIA and ARRA.

This definition of ***terminated or laid off from employment through no fault of her/his own*** also applies to military spouses. A military spouse is an individual who is married to an active duty service member, including service members serving active duty in the National Guard or Reserve. The surviving spouse of an active duty service member who lost her/his life while on active duty service in a combat-related area is also considered to be a military spouse. When a military spouse is unable to continue an employment relationship because of her/his spouse's permanent change of military station, or the military spouse loses employment as a result of her/his spouse's discharge from the military, the cessation of employment may be considered to meet the definition of ***terminated or laid off from employment through no fault of her/his own***.

Both veterans discharged under honorable circumstances and military spouses must still meet both additional criteria associated with being eligible under Category A-General Dislocation to be eligible for service under the WIA Title I-B and ARRA Dislocated Worker Programs. Such eligible individuals are to receive priority of service under that program as specified in WDCSC Adult-Dislocated Worker Program Policies and Procedures Memorandum #__-16, *Jobs for Veterans Act and Priority of Service*, as amended.

Someone who has previously exhausted unemployment compensation in a given occupation or industry and has become re-employed in that occupation or industry for an inadequate period of time prior to dislocation to reopen an unemployment compensation claim may be considered to have worked for a ***duration sufficient to demonstrate attachment to the workforce***. Additionally, someone who has worked in an occupation for sufficient time to have been eligible for unemployment compensation in Washington State had her/his services been covered by unemployment insurance may also be

considered to have demonstrated such attachment. Employment under the following conditions may be examined to determine if this definition is met: Federal employment, sectarian employment, military employment, out of state employment, and employment in another country.

Someone may be considered to be ***unlikely to return to the prior industry or occupation*** when any one of the following conditions is met:

- labor market information from the Washington State Employment Security Department Labor and Economic Analysis Branch (LMEA), including WILMA and ORCA data, can be provided which documents that 20% or fewer of the opportunities which exist for the occupation from which the worker has been dislocated result from growth (as opposed to replacement),
- labor market information can be provided which documents a decline in the occupation of dislocation,
- labor market information can be provided which documents a decline in the industry of dislocation,
- labor market information can be provided which documents that there are fewer than 50 jobs in Snohomish County and/or the Workforce Development Area to which the worker is willing to relocate (a willingness to relocated must be documented in an APPLICANT STATEMENT for non-contiguous counties),
- the wage published in at least three job orders for the occupation from which the worker has been dislocated is 75% or less of the wage which the worker was being paid at the time of her/his dislocation or at the point of intake if prior to actual dislocation,
- the worker does not possess the skill requirements published in at least three job orders for the occupation from which the s/he has been dislocated,
- the worker is no longer able to perform the duties of the occupation due to injury or other medical condition as published in at least three job orders for the occupation and as documented by the Washington State Department of Labor and Industries, its agent, or a health care professional.

Substantial lay off is any reduction-in-force which is not the result of a plant, facility, or enterprise closure which results in an employment loss at a single site of employment during any 30 day period which represents any one of the following:

- the closure of an entire department,
- the elimination of an entire class of occupations,
- cessation of production of a product line,
- the termination of at least 25% of all employees,
- the termination of at least 50 employees.

A **general announcement** may be considered to have been given when any one of the following conditions has been met:

- a WARN has been issued,
- a report is published in a Washington State newspaper,
- a report is published in the LMEA *Metropolitan Statistical Area Labor Market Summary* or other LMEA publication,
- a report is published in the Washington State Employment Security Department *Morning News*,
- An application for the Shared Work Program or other WorkSource service to avert a substantial layoff or closure has been made,
- A confidential letter has been issued to WDCSC by the business that documents a potential impending substantial layoff or closure and that is otherwise supported by *general economic conditions*.

General economic conditions can be considered in the determination of eligibility of a formerly self-employed and currently unemployed individual for the WIA Title I-B and/or ARRA Dislocated Worker Program when one of the following conditions has been met:

- the published unemployment rate for Snohomish County is 10% or higher,
- Snohomish County is designated as a Labor Surplus Area,
- Snohomish County is designated as an Economically Distressed County,
- a dominant local industry experiences a downsizing of 2,000 or more employees,

Natural disaster is defined as any event of nature which results in a disaster as declared by the Federal Emergency Management Agency (FEMA) or the Governor of the State of Washington.

An individual may be considered to be **underemployed** if s/he does not meet the definition of self-sufficient as defined in Memorandum #__-20.

A displaced homemaker may be considered to be experiencing **difficulty in obtaining or upgrading employment** when one of the following conditions is met:

- s/he has been unable to obtain employment through the provision of core services as documented on her/his IEP,
- her/his wage at the time of intake is less than the LMEA published average wage for her/his occupation,
- s/he does not possess the skill requirements published in at least three job orders for the occupation in which s/he is seeking employment or an upgrade.

E. ELIGIBILITY DETERMINATION AND REGISTRATION SYSTEM

Consistent with the Act, the registration system will include each of the following elements.

1. The use of the WIA REGISTRATION FORM to generate all information necessary to determine eligibility and meet reporting requirements.
2. The applicant signature and date on the WIA REGISTRATION FORM attesting that the information on the form is true to the best of the applicant's knowledge.
3. The service provider signature and date on the form.
4. The maintenance of adequate documentation to ensure the credibility of the eligibility determination, which shall at a minimum consist of:
 - a. a completed registration form for each applicant; and
 - b. copies of documents used to determine and verify eligibility.
5. Verification of the information provided on the WIA REGISTRATION FORM shall be maintained as part of each applicant's/registrant's file.

Each criterion used to establish eligibility must be supported by a verifying document. Examples of documents which can be used to support eligibility for each criterion are provided in Attachment A. This list is not intended to exclude other forms of reasonable verification which the applicant can provide as determined by the Site Operator and approved by WDCSC.

F. SITE OPERATOR ROLE

It is the Site Operator's responsibility to review and approve all registration paperwork for completeness, accuracy, and internal consistency within 30 days of an applicant's registration. It is also the Site Operator responsibility to enter the appropriate data for tracking client registration and eligibility information into the designated Management Information System using established protocols; maintain a centrally controlled file for each program applicant and registrant which contains all documents collected; and provide any and all Federal, State, County, and WDCSC monitors and auditors with access to such records given reasonable notice. As noted above, the Site Operator is to maintain separate files for applicant paperwork begun, but never completed, which does not result in a client registration into the WIA I-B and/or ARRA system. Additionally, the Site Operator is responsible for assuring additional confidentiality of files for applicants and registrants who do not sign the CONSENT FORM documenting approval of data sharing among Center partners.

**Acceptable Documentation for
Determining Dislocated Worker
Eligibility**

Eligibility Criteria Dislocated Worker	Conditions	Acceptable Documentation
Age	Must be 18 years of age or older	<ul style="list-style-type: none"> ▪ Birth Certificate or hospital record of birth ▪ Drivers License or DMV Identification ▪ Baptismal Certificate ▪ Voter Registration Card ▪ DD Form 214 (Report of Transfer or Discharge) ▪ Alien Registration Card ▪ Food Stamp Records or Medical Coupons ▪ School enrollment documents ▪ Naturalization Certificate ▪ Public Assistance Records ▪ US Passport ▪ Native American Tribal Document(s)
Citizen or Eligible Non-citizen	Legally entitled to employment within the U.S. and territories	<ul style="list-style-type: none"> ▪ Documentation sufficient to meet Employer Eligibility Verification requirements established by the United States Department of Justice Immigration and Naturalization Service (I-9 requirements)
Compliance with Selective Service Act	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"> ▪ Selective Service registration card ▪ Receipt of registration ▪ On-line confirmation or telephonic verification with Selective Service ▪ DD Form 214 (Report of Transfer or Discharge) ▪ Copy of registration form

**Acceptable Documentation for
Determining Dislocated Worker
Eligibility**

Eligibility Criteria Dislocated Worker	Conditions	Acceptable Documentation
Category A – General Dislocation	<p>Terminated or Laid off, or who has received notice of termination or layoff, from employment</p> <p>Eligible for or has exhausted entitlement to unemployment compensation or has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for UI due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law Is unlikely to return to a previous industry or occupation</p>	<ul style="list-style-type: none"> ▪ Lay off notice or no fault termination notice from employer or other employer documentation ▪ Documented contact with employer of dislocation ▪ UI Guide screen establishing lay off ▪ Certification of Expected Separation (Federal Civilian Employees) ▪ DD-214 showing separation from the military as a honorable discharge for a veteran ▪ Documentation of active service or documentation of combat-related death and a marriage certificate for a military spouse ▪ Self certification in absence of other documents ▪ UI Guide screen or adjudication decision documentation establishing eligibility or exhaustion ▪ Documentation of employment which would qualify were the individual's services covered by Washington State unemployment compensation such as pay stubs, employer verification letter, or other such documentation ▪ Labor market information ▪ Job orders ▪ Medical records
Category B – Permanent Closure or Substantial Lay Off	<p>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 at, a plant, facility or enterprise or is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days</p>	<ul style="list-style-type: none"> ▪ Lay-off or termination notice from employer ▪ Documented contact with employer of dislocation verifying that a WDC condition has been met ▪ WARN ▪ Newspaper article ▪ Employment Security Department publication

**Acceptable Documentation for
Determining Dislocated Worker
Eligibility**

Eligibility Criteria Dislocated Worker	Conditions	Acceptable Documentation
Category C - Self Employed and Unemployed	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 resides or because of natural disasters	<p>The WDC establishes that a condition has been met through one of the following means:</p> <ul style="list-style-type: none"> ▪ Unemployment rate for Snohomish County ▪ Designation of Snohomish County as a Labor Surplus Area ▪ Designation of Snohomish County as an Economically Distressed County ▪ Documentation of FEMA or Governor declared disaster ▪ Announcement of large-scale lay off ▪ Other means as appropriate
Category D – Displaced Homemaker	Is an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment	<ul style="list-style-type: none"> ▪ Separation or divorce decree ▪ Divorce Papers ▪ Tax Returns ▪ Documents affirming spouse’s eligibility for the WIA I-B Dislocated Worker Program ▪ UI Guide Screen ▪ IEP Documentation ▪ Self-certification in the absence of other documentation