



POLICY TRANSMITTAL

SUBJECT:	Workforce Innovation Opportunity Act (WIOA) Dislocated Worker Eligibility	Policy/Guidance No.:
APPLIES TO:	Workforce Services WIOA Adult and Dislocated Worker Service Providers	Effective Date:
		Revised Date:
		Expiration Date: Indefinite
REFERENCE:	<ul style="list-style-type: none"> • Workforce Innovation and Opportunity Act (WIOA) Sec. 3 (15) and (16); • Training and Employment Guidance Letter (TEGL) 19-16; TEGL 22-04 and 22-04 Change 1; TEGL 26-13 • Memorandum: Category 1 and 2 for Dislocated Workers 	

I. PURPOSE

The purpose of this policy is to provide guidance on the Dislocated Worker (DW) eligibility determination for participation under the Workforce Innovation and Opportunity Act (WIOA) Title 1 DW program.

II. BACKGROUND

The DW program is designed to help workers get back to work as quickly as possible and overcome barriers to employment. When individuals become dislocated workers as a result of job loss, mass layoffs, global trade dynamics, or transitions in economic sectors, the DW program provides services to assist them in re-entering the workforce. The eligibility criteria for the DW population are defined under the provisions of the WIOA rules and regulations.

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III. PROGRAM REGISTRATION AND ELIGIBILITY

Registration Process

Registration is the process for collecting information for supporting a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or the applicant’s application. Dislocated Workers who receive services funded under WIOA other than self-service or informational activities must be registered and determined eligible. Equal Employment Opportunity (EEO) data must be collected on applicants during the registration process. An applicant who is registered is determined eligible for services and is counted against the core indicators of performance for WIOA.

Once an applicant receives WIOA staff assisted services, the career center must complete the eligibility determination for WIOA DW services in order to provide career services and training services.

General Eligibility Determination for Dislocated Worker

All adults shall meet the Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker general eligibility criteria listed below:

- 18 years of age or older; and
- Is a resident of Miami-Dade County or Monroe County; and
- A citizen of the United States; or
- An eligible non-citizen who is authorized by the U.S. Citizenship and Immigration Services; and
- In compliance with the Selective Service Act (only relevant for males at least 18 years of age and born after December 31, 1959); and
- Provide the highest grade completed; and
- Provide proof of veteran status, if applicable.

Program Specific Eligibility for Dislocated Workers

In addition to the above general eligibility criteria, for an applicant to qualify as a Dislocated Worker, one or more of the following criteria must be met and documentation must be obtained to validate the dislocation.

Category	Criteria	Documentation
1. General Dislocation *Applicant must meet all criteria	Terminated/laid-off or received a notice of termination/lay-off AND Eligible or Exhausted UC benefits, AND Unlikely to return to occupation/industry.	<ul style="list-style-type: none"> • Letter or Collateral Contact from Employer • Connect System Printout • Notice of Monetary Determination • DD-214 with other than dishonorable discharge • Unlikely to Return - See Memo: Category 1 and 2 for Dislocated Workers

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<p>2. General Dislocation</p> <p>*Applicant must meet all criteria</p>	<p>Terminated/laid-off or received a notice of termination/lay-off AND Has been employed 6 months to demonstrate workforce attachment BUT is not eligible for UC due to insufficient earnings OR the employer is not covered under UC, AND is Unlikely to return to occupation/industry.</p>	<ul style="list-style-type: none"> • Letter or Collateral Contact from Employer • Connect System Printout • DD-214 with other than dishonorable discharge • Paystubs • Unlikely to Return - See Memo: Category 1 and 2 for Dislocated Workers
<p>3. Facility Closure / Substantial Layoff</p>	<p>Terminated/laid-off or received a notice of termination/lay-off from employer as a result of the Permanent Closure OR Substantial Layoff at a plant, facility, or enterprise.</p>	<ul style="list-style-type: none"> • Letter or Collateral Contact from Employer • Connect Printout if it shows separation reason • Self-Attestation attesting to closure or substantial layoff, in addition to one of the documents listed above
<p>4. General Announcement of Closure</p>	<p>Employed at a facility where the employer has made a general announcement that the facility will close within 180 days OR employer has made a general announcement that such facility will close. Enter the date the facility will close (if known) in the Projected Layoff Date field.</p>	<ul style="list-style-type: none"> • Public Notice • Pay Stub as Proof of Employment at Plant at Time of Closure or Impending Closure • Worker Adjustment and Retraining Notice (WARN) • Collateral Contact form • Self-Attestation attesting to closure, in addition to one of the documents listed above
<p>5. Self-employed Dislocation</p>	<p>Previously self-employed (including farmers, ranchers and fishermen), BUT is unemployed due to general economic conditions in the community of residence because of natural disaster. Record of the last date of self-employment in the Actual Layoff Date.</p>	<ul style="list-style-type: none"> • Business License or Permit • IRS Document • State Employer Business Records • Business Ledgers • Chapter 7 or 11 bankruptcy • Letter or documentation of the failure of a business supplier or customer • Federal/State declaration of disaster • Self-Attestation attesting to s/he was self-employed but is currently unemployed as a result of economic conditions or because of a natural disaster, in addition to one of the documents listed above

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<p>6. Displaced Homemaker</p> <p>*Per TEGL 26-13, Married couples are family members. Applicants can claim adult children upon whom they were financially dependent as family members, must be appropriately documented.</p> <p>*Applicant must meet all criteria</p>	<p>One that has provided unpaid services to family members in the home and has been dependent on the income of another family member but is no longer supported by that income OR is the dependent spouse of a member of the Armed forces on active duty and whose family income is significantly reduced because of a deployment or a call or order to active duty, or a permanent change of station, or the service-connected death or disability of the member; AND is unemployed or underemployed AND is experiencing difficulty in obtaining or upgrading employment</p>	<ul style="list-style-type: none"> • Divorce Decree or Legal Separation • Death Certificate • Employer Statement or Layoff Notice • Public Assistance Records • Court Records • Military Orders • DD-214 or other documentation certifying a service-connected death or disability • Documentation showing current annualized wage rate, in relation to family size, is not in excess of the higher of either the federal poverty level (FPL) or 200% or 250% of the Lower Living Standard Income Level (LLSIL) • Self-Attestation indicating the family income has been reduced with paystubs, in addition to one of the documents listed above
<p>7. Dislocation Military Spouse</p> <p>*Applicant must meet all criteria</p>	<p>Spouse of a member of the Armed Forces on active duty, AND who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member.</p>	<ul style="list-style-type: none"> • Military Orders • Marriage License • Documentation of change in duty station • Documentation showing separation from employment • Self-Attestation indicating loss of employment was due to change in duty station, in addition to one of the documents listed above
<p>8. Dislocation Military Spouse</p> <p>*Applicant must meet all criteria</p>	<p>Spouse of a member of the Armed Forces on activity duty AND who is unemployed or underemployed AND is experiencing difficulty in obtaining or upgrading employment.</p>	<ul style="list-style-type: none"> • Military Orders • Marriage License • Pay stubs • Documentation showing current annualized wage rate, in relation to family size, is not in excess of the higher of either the federal poverty level (FPL) or 200% or 250% of the Lower Living Standard Income Level (LLSIL) • Self-Attestation indicating s/he has looked for employment (See Memo: Category 1 and 2 Dislocated Worker) but was unsuccessful, in addition to one of the documents listed above
<p>12. Dislocated Worker Grant</p>	<p>Individual that does not meet criteria outlined for Dislocated Workers in categories 1-8 above, BUT is an individual that meets DWG eligibility outlined under WIOA Title ID National programs, Sec. 170 National dislocated worker grants, relating to Sec 170(b)(1)(A) workers affected by major economic disasters OR Sec 170(b)(1)(B) workers affected by an emergency or major disaster.</p>	<ul style="list-style-type: none"> • Letter or Collateral Contact from Employer • Connect System Printout • Employer Records

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Serving Military Service Members

A military service member who is separated from military service under conditions other than dishonorable, or, who receives a notice of future separation, may be eligible under the WIOA Dislocated Worker Program based on the “termination” criteria. This may include National Guard or Reserve members who have been discharged from active duty service, but not necessarily from other reserve commitments, such as training.

Veterans and other covered persons determined eligible for the Dislocated Worker Program are given priority for services as per the WIOA Priority of Service Policy.

Military service members can qualify as a DW based on the criteria listed below, which is in addition to the program specific criteria indicated above, and documentation must be obtained to validate the dislocation.

- TEGL 22-04 states that a discharge from the military under honorable circumstances meets the “termination” criterion. A DD-214 form is the most common documentation used to determine discharge status and must be on file establishing eligibility for priority of service for every veteran receiving WIOA career or training services.
- For the purposes of serving still-active transitioning service members under the “notice of termination or layoff” eligibility criterion, documentation must be obtained to validate the “Date of Actual Qualifying Dislocation”.
- Military personnel are eligible to begin receiving Dislocated Worker Program services upon receipt of discharge or retirement orders (Effective Termination of Service “ETS” Orders or DD-2648-ACAP Transition Checklist). Length of service to qualify an individual for such discharges or separations under WIOA guidance may be as few as one day of service. Qualified individuals can receive services up to 180 days prior to discharge.
- Individual circumstances affect whether a returning Military Reserve or National Guard member is eligible for UI benefits. For example, the Uniformed Services Employment and Reemployment Rights Act (USERRA) provide reemployment rights to many veterans who left their civilian jobs to serve.
- Generally, overall work history of a Military Reserve or National Guard member is taken into account, which could include most recent and past industries and occupations. Length of time in the military may also be relevant to make this determination since that would also be the previous industry.

Spouses of Military Service Members

TEGL 22-04 Change 1 provides clarification and flexibility to serve spouses of military service members (military spouses) under the Dislocated Worker Program. TEGL 22-04 clarifies that the term “military spouse” includes individuals who are married to active duty service members (including National Guard or Reserve personnel on active duty) and surviving spouses of active duty service members who lost their lives while on active duty service in combat-related areas (e.g. Afghanistan or Iraq).

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When the spouse is unable to continue an employment relationship due to the service member's permanent change of military station, or the military spouse loses employment as a result of the spouse's discharge from the military, then the separation from employment meets the termination component of the WIOA definition of dislocated worker. Eligibility determinations must align with UI policy regarding "good cause" for voluntary quits. Below are two common scenarios that would qualify:

- The spouse of a military service member voluntarily quits because he/she is relocating with the service member to a new duty location.
- The spouse of a military service member is no longer eligible to work on the base as a result of the (military service member's) discharge.

NOTE: Good cause is not found when a claimant quits work to relocate someplace other than the military spouse's or domestic partner's new duty location, including relocation to the home of record or elsewhere.

As provided in TEGL 22-04 and TEGL 22-04 Change 1, "termination" of military spouses based on the circumstances described above can be considered to meet the "unlikely to return to a previous industry or occupation" in order to qualify as a dislocated worker. Determination is a matter of judgment based on relevant circumstances, but in most cases, military spouses impacted by a service member's duty reassignment or discharge will meet the "unlikely to return to a previous industry or occupation" criterion of WIOA and could be served as dislocated workers.

In the majority of cases, the circumstances in which military spouses are required to leave a job/occupation as a result of the military member's transfer do not position the spouse to return immediately to his/her previous occupation or industry, particularly at the same level for the following reasons: *f*

- Spouses are generally not resuming employment with the same employer. *f*
- Even if a spouse resumes employment with the same employer, the employment is in a new location, and occupations/jobs will generally not be the same structurally or organizationally as in the prior location. *f*
- When military spouses do get jobs in their new locations, it is likely, as new employees that they will start at lower levels of seniority than the levels of their positions in their prior locations.
- There is frequently a gap in employment as spouses make the move and search for new employment, which may lessen their likelihood of returning to the same level of occupation or type of job.

Interim or Income Maintenance

Dislocated workers who have become re-employed in "income maintenance" jobs (a job with a lower rate of pay than the job of dislocation) may be served in the dislocated worker program. If the current wage is, 80% or less than the pre-layoff wage the individual is eligible to receive individualized and training services. If the individual's income is higher than 80% of the pre-layoff

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wage, the individual may be eligible if the income is below any of the other components of the self-sufficiency standard.

Documenting Eligibility in the System

In addition to documentation in the case file, appropriate entries must be made in the Employ Miami-Dade (EMD)/Employ Monroe (EM) system, the state Management Information System (MIS). EMD/EM uniquely identifies each participant in the system by using, for example, the participant's social security number, username, state id number, etc. Due to these factors, the EMD/EM application will have a database of participants who may be active, inactive, open, closed/soft exit, or not enrolled in any programs (for example, the participant has a WIOA case closed and needs to be re-registered in WIOA, or for a participant already registered in WP and now wants to be registered for the WIOA program).

Rapid Response

One service funded under the Dislocated Worker Program is Rapid Response. The Rapid Response program is a pro-active, business-focused, and flexible strategy designed to respond to layoffs and plant closings by quickly coordinating services and providing immediate aid to companies and their affected workers. Rapid Response teams will work with employers and any employee representative(s) to quickly maximize public and private resources to minimize disruptions associated with job loss. Rapid Response can provide customized services on-site at an affected company, accommodate any work schedules, and assist companies and workers through the painful transitions associated with job loss. Rapid Response is carried out by states and local workforce development agencies in partnership with local American Job Center. Many services are available through American Job Centers, from resume and interview workshops, career counseling, and job search.

Trade Adjustment Assistance Program

The TAA Program seeks to provide adversely affected workers with opportunities to obtain the skills, credentials, resources, and support necessary to (re)build skills for future jobs. Any member of a worker group certified by the Department may be eligible to receive the following benefits and services at a local American Job Center: training, employment and case management services, job search allowances, relocation allowances, and income support in the form of Trade Readjustment Allowances (TRA). Reemployment TAA (RTAA) and Alternative TAA (ATAA), which provide wage supplements for reemployed older workers whose reemployment resulted in lower wages than those earned in their trade-affected employment, may also be available.

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