

# Northwest Workforce Council

## POLICY AND PROCEDURE DIRECTIVE

**EFFECTIVE DATE:** October 15, 2001

**SUBJECT:** Eligibility Verification and Priority Selection for Title I-B  
Dislocated Worker

**REFERENCE #:** WIA 01-20 (Revised 01-02-2010)

This policy establishes NWC verification and registration standards for Dislocated Worker eligibility and priority selection for WIA Title I-B funded Intensive and Training Services. Registration is the process of application completion and information collection that verifies the determination of eligibility.

### 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).

Being determined “eligible” for intensive and training services funded under WIA Title I-B does not entitle an individual to receive WIA Title I-B intensive and training services.

### **WIA I-B Dislocated Worker Program Priority Selection for Services:**

The Council has developed the following priorities and service strategies directing Dislocated Worker program services to veterans and other individuals in need of intensive and training services under the WIA Title I-B Dislocated Worker Program:

- 1) Priority for intensive services will be given to veterans and other covered persons (Washington State WIA Policy Washington State WIA Policy 1009 Rev.1- Priority of Services for Veteran and Eligible Spouses - <http://www.wa.gov/esd/policies/title1b.htm>) . and defined in Attachment A of this policy) who have demonstrated an appropriate effort to obtain employment through participation in core services and have been unsuccessful in this attempt.
- 2) Should funds be available, funds may also be used to serve any other unemployed or underemployed dislocated workers in need of intensive services to gain employment.

Training Services will become available to individuals who have engaged in intensive services and will use the above priority criteria. Following an interview, evaluation, or assessment, and case management, individuals must meet additional criteria for training services:

1. There is no suitable employment available.
2. The participant will benefit from appropriate training: The training program will provide the necessary skills to obtain employment in a demand occupation. Suitable employment is defined as work of an equal or higher skill level than the adversely affected employment and the wages are not less than 80 percent of the average weekly wage at the time of the qualifying separation.
3. There is a reasonable expectation of employment following the completion of training: The training must be for a demand occupation in the labor market where the participant resides or is planning to relocate.
4. Training is reasonably available to the participant from either public or private sources: The training site must be within the commuting area of the participant. Training at institutions outside of the commuting area may be approved if similar training programs are not offered within the local commuting area.
5. The worker is qualified to undertake and complete the training program. The following factors will be considered:
  - physical and mental capabilities
  - educational background
  - previous work experience
  - financial resources for duration of training program (UI, Worker Retraining, WIA, TRA and TB)
  - Personal or family financial resources available in the event that UI, Worker Retraining, WIA, TRA and TB exhaust prior to completion of the training program
6. Training is suitable (suitability in this case means the participant satisfies all criteria from #5) for the worker and is available at a reasonable cost: The training provider shall not approve training when the cost of the training is unreasonably high in comparison with the average cost of training in similar occupation at other providers. The service provider shall not approve training:
  - In an occupational area, that requires an extraordinarily high skill level relative to the participant's current skill level.
  - When the cost of training is substantially higher than the costs of other training that is suitable for the participant.

Equity in this selection process will be based on the ability of workforce system resources to address the individual needs of the priority group and other interested job seekers.

Enrollment decisions in the process of selecting individuals for intensive and training services will be based upon the coordination of resources developed by the Northwest Partnership for Workforce Development.

The Council's and the Northwest Partnership for Workforce Development's criteria for assessment, the use of workforce skill standards, and definitions of satisfactory progress, will

ensure participants receive services in an efficient and effective manner, without undue delays in service completion.

The Northwest Workforce Development Council and Local Chief Elected Officials may revise this priority policy and criteria for intensive services and training services should adverse impacts for low income and welfare recipients or other identified populations become evident.

Two categories of dislocated workers may receive intensive services:

1. 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 to obtain employment; and
2. WIA Title I-B eligible dislocated workers who are employed, have received at least one core service, and are determined by the coordinator to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

All dislocated workers who receive services other than self service or informational activities must be registered and determined eligible for services. At a minimum, a WIA Title I-B eligible dislocated worker must receive at least one intensive service and be determined to be unable to obtain or retain employment through intensive services in order to receive training services.

This policy ensures 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) and that adequate and correct determinations of dislocated worker eligibility are made and are valid.

NWC defines each of the following criteria and the pertinent acceptable documentary evidence:

- a. **Unlikely to return to a previous industry or occupation:** a status of an unemployed worker as having limited opportunities for employment or reemployment in the same or similar occupation in the area in which the individual resides as confirmed by labor market information and/or labor analysis by the Employment Security Department or recent local labor market events.
- b. **Substantial layoff:** Layoff under WIA Section 101(9)(B)(i): any reduction in force of a least 33% of a company's workforce that is not the result of a plant closing and which result in an employment loss at a single site of employment during any 30-day period.
- c. **General announcement of a plant closing** under WIA Section 101(9)(B)(ii) or (iii): an announcement of an upcoming plant or division closure as demonstrated by one of the following: (a) plant status as confirmed by written notice from employer of layoff or termination, (b) WARN notice, (c) newspaper article, (d) documentation that disaster necessitated business closure or layoff, (e) foreclosure notice, (f) self-certification in absence of other documents (self-certification must include reason why other documentation is unavailable).
- d. **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), self-sufficiency is 80% of the individual's last wage of dislocation.
- e. **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): a status of an unemployed worker as provide below and documented in conformance to Attachment A.

General economic conditions resulting in the dislocation of a self-employed individual in the community in which they reside include, but not limited to:

- Failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or services;
- Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products or services;
- Substantial layoff(s) from, or permanent closure(s) of, one or more plants or facilities that support a significant portion of the state or local economy; and/or
- Depressed price(s) or Market(s) for articles produced by the self-employed individual.

Where self-employed farmers, ranchers, or business operations are likely to be terminated as evidenced by one or more of the following conditions:

- Foreclosure or notice of intent to foreclose
- Inability of farm/ranch or business to turn a profit during preceding 12 months
- Entry of self-employed person into bankruptcy proceedings
- Inability to make four payments on loans secured by tangible business assets resulting in a loss that directly affects closure

- Inability to obtain capital necessary to continue operations
- Debt-to-asset ratio sufficiently high to be indicative of the likely insolvency of the farm/ranch or business.
- Other events indicative of the likely insolvency of the farm, ranch or business.

Natural disasters include: any hurricane, tornado, storm, flood, high water, wind driven water, tidal wave, tsunami earthquake, volcanic eruption, landslide, mudslide, snow storm, drought, fire, explosion, or other catastrophe.

Each file must include a completed application for each applicant and documents that confirm the eligibility requirements. All questions on the intake form must be answered, and both the applicant and the intake coordinator must sign the intake form. The participant must be advised that all information is subject to verification, and that false registration is grounds for immediate termination, and prosecution under the law. All eligibility issues that arise must be referred to the NWC's Deputy Director or designee for investigation and resolution. All documents supporting eligibility must be included in the applicant's file and available for review by the administrative entity. Examples of acceptable documentation and included in Attachment A.

Order of priority for methods of verification is:

1. Documentary evidence identified in Attachment A or approved by the NWC Executive/Deputy Director.
2. If documentary evidence is not available or if it cannot be provided when time is of the essence, collateral contacts that confirm the participant's eligibility by someone outside the participant's immediate family or participant self-certification of eligibility criteria may be used.

**Attachment A: Acceptable  
Documentation for Determining  
Dislocated Worker Eligibility**

<b>Eligibility Criteria Dislocated Worker</b>	<b>Conditions</b>	<b>Acceptable 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 provided 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 provided 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 provided by WDC policy</li> </ul>
General Dislocated Worker  [Reference: WIA Section 101(A)]	(1). Terminated or Laid off, or who has received notice of termination or layoff, from employment	<ul style="list-style-type: none"> <li>▪ Lay-off notice or termination notice from employer or pay stubs</li> <li>▪ Contact with last employer</li> <li>▪ UI-Guide Screen</li> <li>▪ Certification of expected Separation (Federal Civilian Employees)</li> <li>▪ Self-Certification in absence of other documents</li> </ul>
	(1a). Eligible for or has exhausted entitlement to unemployment compensation; or	<ul style="list-style-type: none"> <li>▪ UI-Guide screens or adjudication decision</li> </ul>

	(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 or having performed services for an employer that were not covered under a State unemployment compensation law; and	<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>
	(1c). Is unlikely to return to a previous industry or occupation	<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>▪ <i>Local demand list</i></li> <li>▪ <i>Statement with ratio of openings to job seekers</i></li> <li>▪ <i>Skills need to be updated</i></li> <li>▪ <i>Available wages below 80% of wage at separation</i></li> <li>▪ Other documents or procedures as established by WDC policy</li> </ul>
<p>Plant Closure</p> <p>[Reference: WIA Section 101(B)]</p> <p>180 Days Prior Notice</p> <p>Public Notice</p> <p>Self Employed or Unemployed</p> <p>[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 <i>as defined in local WDC policy at, a plant, facility or enterprise;</i></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 resides or because of natural disasters</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>▪ Labor market information</li> <li>▪ Income &amp; Expense Statement</li> <li>▪ Bankruptcy proceedings</li> <li>▪ Insufficient debt-to-asset ratio</li> <li>▪ Depressed prices or markets</li> <li>▪ Self-Certification in absence of other documents</li> <li>▪ Other documents or procedures as established by WDC policy</li> </ul>

<p>Displaced Homemaker</p> <p>[Reference: WIA Section 101(D)]</p>	<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>   <li>▪ Evidence of unsuccessful job search or wage progression activities.</li> <li>▪ Assessment documents such as, but not limited to, Services Justification, Job Search Log, Career Kit, etc.</li> </ul>
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<b><i>Criteria for Priority Selection</i></b>	<b>Definitions</b>	<b><u>Commonly Used Documentation</u></b>
<p>1<sup>st</sup> Veteran and other covered persons</p> <p>2<sup>nd</sup> Other unemployed or underemployed dislocated workers in need of intensive services to gain employment.</p>	<p>A “covered person” is one of the following:</p> <p><u>A veteran</u> 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);</p> <p><u>A recently separated veteran</u> 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</p> <p><u>The spouse of :</u></p> <ul style="list-style-type: none"> <li>• A veteran who died of a service connected disability;</li> <li>• 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</li> <li>• A veteran with a total disability from a service connected disability or one who died while being evaluated for it.</li> </ul> <p>See WIA Forms Manual for complete definition</p>	<ul style="list-style-type: none"> <li>▪ DD214 Member 4</li> </ul>