

Policy Number: _____ Effective Date: _____

Preliminary Policy - Eligibility for Dislocated Workers Programs

PURPOSE:

The purpose of this policy is to outline and define the eligibility for dislocated workers (DLW) programs with the Local Workforce Development Areas (LWDA) in accordance with the federal Workforce Innovation and Opportunity Act of 2014.

REFERENCE:

Workforce Innovation and Opportunity Act (WIOA) sections 3, 134, and 189.

ACTION:

This policy becomes effective on July 1, 2015.

POLICY:

WIOA section 3(15) defines “dislocated worker”, for purposes of qualifying for services under WIOA section 134, as an individual who meets one of the following five parts:

Part I

1. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment;
 - a. Is eligible for or has exhausted entitlement to unemployment compensation; or
 - b. Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), 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 a State unemployment compensation law; and
2. Is unlikely to return to a previous industry or occupation.

Part II

1. 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;
2. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

3. For purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

Part III

1. Was previously 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

Part IV

1. Is a displaced homemaker;

Displaced Homemaker – WIOA section 3(16) defines “displaced homemaker” as an individual who has been providing unpaid services to family members in the home and who:

- Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; and either
 - 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;
 - A call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;
 - A permanent change of station; or
 - The service-connected death or disability of the member.

Part V

1. Is the 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; or
2. Is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

There is no age requirement or restriction for dislocated workers.

Required Employment and Training Activities

WIOA divides required employment and training activities provided by one-stop operators and one-stop partners into two categories: career services and training services. The eligibility requirements for services in these categories are different.

Required Career Services

WIOA section 134(c)(2)(A) requires that local areas provide services that include, at a minimum:

1. Determinations of whether the individuals are eligible to receive assistance;
2. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;
3. Initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;
4. Labor exchange services, including:
 - a. Job search and placement assistance and, in appropriate cases, career counseling, including:
 - i. Provision of information on in-demand industry sectors and occupations; and
 - ii. Provision of information on nontraditional employment and
 - b. Appropriate recruitment and other business services on behalf of employers, including small employers, in the local area, which services may include services described in this subsection, such as providing information and referral to specialized business services not traditionally offered through the one-stop delivery system;
5. Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, in appropriate cases, other workforce development programs;
6. Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including:
 - a. Job vacancy listings in such labor market areas;
 - b. Information on job skills necessary to obtain the jobs described in (a); and
 - c. Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations;
7. Provision of performance information and program cost information on eligible providers of training services as described in section 122, provided by program, and eligible providers of youth workforce investment activities described in section 123, providers of adult education described in Title II, providers of career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, under the Carl D. Perkins Career and Technical Education Act of 2006 [20 U.S.C. 2301 et. Seq.], and providers of vocational rehabilitation services described in Title I of the Rehabilitation Act of 1973 [29 U.S.C. 720 et seq.];
8. Provision of information, in formats that are usable by and understandable to one-stop customers, regarding how the local area is performing on the local performance accountability measures and any additional performance information with respect to the one-stop delivery system in the local area;
9. Provision of information, in formats that are usable by and understandable to one-stop center customers, relating to the availability of supportive services or assistance, including:

- a. Childcare, child support, medical or child health assistance under Title XIX or XXI of the Social Security Act [42 U.S.C. 1396 et seq. and 1397aa et seq.];
 - b. Benefits under the Supplemental Nutrition Assistance Program established under the Food and Nutrition Act of 2008 [7 U.S.C. 2011 et seq.];
 - c. Assistance through the earned income tax credit under section 32 of the Internal Revenue Code of 1986;
 - d. Assistance through the Temporary Assistance for Needy Families program funded under part A of Title IV of the Social Security Act [42 U.S.C. 601 et seq.]; and
 - e. Other supportive services and transportation provided through funds made available under such part, available in the local area;
10. Referral to the services or assistance described in item 9 as appropriate;
 11. Provision of information and assistance regarding filing claims for unemployment compensation;
 12. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under WIOA;
 13. Services, if determined to be appropriate in order for an individual to obtain or retain employment, that consist of:
 - a. Comprehensive and specialized assessments of the skill levels and service needs, which may include:
 - i. Diagnostic testing and use of other assessment tools; and
 - ii. In-depth interview and evaluation to identify employment barriers and appropriate employment goals;
 - b. Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;
 - c. Group counseling;
 - d. Individual counseling;
 - e. Career planning;
 - f. Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct;
 - g. Internships and work experiences that are linked to careers;
 - h. Workforce preparation activities;
 - i. Financial literacy services;
 - j. Out-of-area job search assistance and relocation assistance;
 - k. English language acquisition and integrated education and training programs; and

14. Follow-up services, including counseling regarding the workplace, for participants in workforce investment activities who are placed in unsubsidized employment, for not less than 12 months after the first day of employment, as appropriate.

Eligibility for Career Services

There are no special eligibility requirements for participation by dislocated workers in career services under WIOA section 134(c)(2).

Required Training Services

As defined by WIOA section 134(c)(3)(D), training services may include:

1. Occupational skills training, including training for nontraditional employment;
2. On-the-job training;
3. Incumbent worker training;
4. Programs that combine workplace training with related instruction , which may include cooperative education programs;
5. Training programs operated by the private sector;
6. Skill upgrading and retraining;
7. Entrepreneurial training;
8. Transitional jobs;
9. Job readiness training provided in combination with the other services in this list;
10. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with any of the other services in this list; and
11. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Linkage to Occupations in Demand

Training services provided must be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which a dislocated worker receiving such services is willing to relocate, except that a local board may approve training series for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

Eligibility for Training Services

Funds for adult training services under WIOA 134(c)(3) must be used to provide training to adults and dislocated workers who:

1. After an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to:
 - a. Be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services;

- b. Be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
- c. Have the skills and qualifications to successfully participate in the selected program of training services.

Use of Previous Assessment – A one-stop operator or one-stop partner is not required to conduct a new interview, evaluation, or assessment of a participant if it determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.

2. Select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate; and
3. Are unable to obtain other grant assistance for such services, including Federal Pell Grants or require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

Require assistance – When making the determination about whether an individual requires assistance, a one-stop operator may take into consideration the full cost of participating in training services, including the costs of dependent care and transportation, and other appropriate costs.

Permissible Employment and Training Activities

In addition to the required career and training activities, local areas may provide:

1. Customized screening and referral of qualified participants in training services to employers;
2. Customized employment-related services to employers, employer associations, or other such organizations on a fee-for-service basis;
3. Implementation of a pay-for-performance contract strategy for training services, for which the local board may reserve and use not more than 10 percent of the total adult or dislocated worker funds allocated to the local area;
4. Customer support to enable individuals with barriers to employment (including individuals with disabilities) and veterans, to navigate among multiple services and activities for such populations;
5. Technical assistance for one-stop operators, one-stop partners, and eligible providers of training services, regarding the provision of services to individuals with disabilities in local areas, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, the coordination of services across providers and programs, and the development of performance accountability measures;
6. Employment and training activities provided in coordination with:
 - a. Child support enforcement activities of the State and local agencies carrying out part D of Title IV of the Social Security Act [42 U.S.C. 651 et seq.];

- b. Child support services, and assistance, provided by State and local agencies carrying out part D of Title IV of the Social Security Act [42 U.S.C. 651 et seq.];
 - c. Cooperative extension programs carried out by the Department of Agriculture; and
 - d. Activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;
7. Activities:
- a. To improve coordination between workforce investment activities and economic development activities carried out within the local area involved, and to promote entrepreneurial skills training and microenterprise services;
 - b. To improve services and linkages between the local workforce investment system (including the local one-stop delivery system) and employers, including small employers, in the local area, through services described in this section; and
 - c. To strengthen linkages between the one-stop delivery system and unemployment insurance programs;
8. Training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;
9. Activities to provide business services and strategies that meet the workforce investment needs of area employers, as determined by the local board, consistent with the local plan, which services:
- a. May be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local board; and
 - b. May include:
 - i. Developing and implementing industry sector strategies (including strategies involving industry partnerships, regional skills alliances, industry skill panels, and sectoral skills partnerships);
 - ii. Developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and workers;
 - iii. Assistance to area employers in managing reductions in force in coordination with rapid response activities and with strategies for the aversion of layoffs, which strategies may include early identification of firms at risk of layoffs, use of feasibility studies to assess the needs of and options for at-risk firms, and the delivery of employment and training activities to address risk factors; and
 - iv. The marketing of business services offered under this title, to appropriate area employers, including small and mid-sized employers;

10. Activities to adjust the economic self-sufficiency standards for local factors, or activities to adopt, calculate, or commission for approval, economic self-sufficiency standards for the local areas that specify the income needs of families, by family size, the number and ages of children in the family, and sub-state geographical considerations;
11. Improved coordination between employment and training activities and programs carried out in the local area for individuals with disabilities, including programs carried out by Arkansas Rehabilitation Services and Division of Services for the Blind relating to intellectual disabilities and developmental disabilities, activities carried out by Arkansas Independent Living Council established under section 705 of the Rehabilitation Act of 1973 [29 U.S.C. 796d], programs funded under part B of chapter 1 of Title VII of such Act [29 U.S.C. 796e et seq.], and activities carried out by centers for independent living, as defined in section 702 of such Act [29 U.S.C. 796a]; and
12. Implementation of promising services to workers and businesses, which may include support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising.

Rule of Construction

Nothing in this policy or in WIOA should be construed to mean an individual is required to receive career services prior to receiving training services.

Work Support Activities for Low-Wage Workers

Funds for dislocated workers may be used to provide work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners of the system shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

These activities may include the provision of activities in a manner that enhances the opportunities of such worker to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of onsite child care while such activities are being provided.

Supportive Services

Funds for dislocated workers may be used to provide supportive services to dislocated workers who:

1. Are participating in programs with career or training activities; and
2. Are unable to obtain such supportive services through other programs providing such services

Supportive Services Definition – WIOA section 3(59) defines supportive services as services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized by WIOA.

Needs-Related Payments

Funds for dislocated workers may be used to provide needs-related payments to dislocated workers who are unemployed and do not qualify for (or have ceased to qualify for) unemployment

compensation for the purpose of enabling such individuals to participate in programs of training services.

Eligibility Requirement for Needs-Related Payments

A dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments only if such worker was enrolled in the training services:

1. By the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers; or
2. If later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

Priority for Veterans

Pursuant to section 2(a) of the Jobs for Veterans Act [38 U.S.C. 4215(a)], veterans and eligible spouses of veterans who otherwise meet the eligibility requirements dislocated worker programs must receive the highest priority for receipt of services.

Please refer to Application of Priority of Service for Covered Persons [20 C.F.R. Part 1010] and Veterans' Program Letter (VPL) 07-09, Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in Whole or in Part by the U.S. Department of Labor for additional information.

Registration

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 an individual's application.

- Adults who receive services funded under Title I other than self-service or informational activities must be registered and determined eligible.
- Equal Employment Opportunity data must be collected on individuals during the registration process.

Concurrent Enrollment

Under WIOA section 3, eligible adults are defined as individuals age 18 or older. WIOA defines eligible youth as 14 through 21 years of age, if in-school youth, and 16 through 24, if out-of-school youth. Thus, individuals between the ages of 18 through 24 (at eligibility determination) may be eligible for both adult/dislocated worker and youth programs.

- Eligible individuals who are 18 through 24 years old (at eligibility determination) may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth and adult/dislocated worker eligibility criteria applicable to the services received. Local program operators should determine the appropriate use of co-enrollment for individuals in this age group. This determination should be driven by program design and services provided.
- Local program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult/dislocated worker programs concurrently, and ensure that services are not duplicated.

Nondiscrimination

WIOA section 188 provides that no individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief.

Participation in programs and activities must also be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization may access any WIOA services for which they otherwise would qualify.

Verification of Lawful Presence

Each agency responsible for determining eligibility for WIOA benefits in Arkansas is required to:

1. Have each applicant for WIOA services attest that he or she is a U.S. citizen or a qualified alien. This must be done using the format prescribed by the Arkansas Department of Workforce Services.
 - If in the above Step 1, the applicant indicates he or she is an alien, then complete Step 2 as follows:
2. Verify his or her lawful presence in the United States using the SAVE (Systematic Alien Verification for Entitlements) Program operated by the U.S. Department of Homeland Security.

Enforcement of Military Selective Service Act

Local programs shall ensure that each individual participating in any program established under Title I of WIOA or receiving any assistance or benefit under such title, has not violated Section 3 of the Military Selective Services Act [50 U.S.C. App. 453] by not presenting and submitting to registration as required pursuant to such section.