



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

MEMORANDUM #14-01D

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

Subject: Dislocated Worker Eligibility/Registration

Supercedes: Dislocated Worker Eligibility/Registration #13-01D

Effective Date: September 16, 2014

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.

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 (Workforce Snohomish) 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 Workforce Snohomish 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 Workforce Snohomish, 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.
5. Consent, Complaint & Grievance, and Data Sharing forms.
- 6.

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 a United States citizen or eligible non-citizen; and
2. for males born on or after January 1, 1960, in compliance with the Selective Service Act; and
3. meets the criteria for one of the following Dislocated Worker Program categories:

Dislocated Worker Eligibility Criteria	
Category	Criteria
A. General Dislocation	<input type="checkbox"/> 1.1 An individual who was terminated, laid off, or received a notice of termination or layoff. AND
	<input type="checkbox"/> 1.2 Is determined unlikely to return to previous industry or occupation (defined by WDCs); AND
	<input type="checkbox"/> 1.3.1 Is eligible for or has exhausted entitlement to unemployment compensation; OR <input type="checkbox"/> 1.3.2 Is not eligible for unemployment compensation but can show attachment to the workforce.
B. Dislocation from Facility Closure / Substantial Layoff	<input type="checkbox"/> 2.1 An individual who was terminated, laid off, or received a notice of layoff from employment at a plant, facility, or enterprise as a result of: <ul style="list-style-type: none"> • Permanent closure; or • Substantial layoff;
	<input type="checkbox"/> OR 2.2 An individual employed at a facility at which the employer has made a general announcement that such facility will close within 180 days.
C. Self-employed Dislocation	<input type="checkbox"/> 3.1 An individual who was self-employed but is unemployed as a result of: <ul style="list-style-type: none"> • General economic conditions in the WDA where the individual resides; or • A natural disaster.
D. Displaced Homemaker	<input type="checkbox"/> 4.1 An individual who was dependent on the income of another family member and is no longer supported by the income of another family member; AND
	<input type="checkbox"/> 4.2 Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
E. Dislocated	5.1 A military service member who was discharged or released from service under

Military Service Members	<input type="checkbox"/>	conditions <u>other than dishonorable</u> , or has received a notice of military separation (defined by WDC, see Section XX) ; AND
	<input type="checkbox"/>	5.2 Is determined unlikely to return to previous industry or occupation (defined by WDC); AND
	<input type="checkbox"/> <input type="checkbox"/>	5.3 Is eligible for or has exhausted entitlement to Unemployment Insurance; or has had an employment duration that shows attachment to the workforce. Note: Dislocated military service members, veterans and other covered persons are eligible for Priority of Service (POS) as described in POS Policy 1009 Rev 1.
F. Spouses of - Military Service Members	<input type="checkbox"/>	6.1 A military spouse who is unable to continue an employment relationship due to the service member's permanent change of military station; OR 6.2 A military spouse who lost employment as a result of the service member's discharge from the military. Note: a military spouse may also qualify as a displaced homemaker (category 4).

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 Workforce Snohomish 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 other than dishonorable 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 E-Dislocated Military Service Members** 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 other than dishonorable circumstances and military spouses must still meet both additional criteria associated with being eligible under Category E- Dislocated Military Service Members or Category F-Spouses of Military Service Members 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 Workforce Snohomish 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 WORKFORCE SNOHOMISH 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 WORKFORCE SNOHOMISH.

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 WORKFORCE SNOHOMISH 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		<ul style="list-style-type: none"> ▪ Birth Certificate or hospital record of birth ▪ Drivers License or DMV Identification ▪ Baptismal Certificate ▪ 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
<p>Category A – General Dislocation</p>	<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"> ▪ Self-attestation; ▪ Verification from employer; ▪ Rapid Response list; ▪ Notice of layoff; or ▪ Public announcement with cross-match with UI (WIA001 Report). <p>Documents must meet criteria noted above.</p>
<p>Category B – Permanent Closure or Substantial Lay Off</p>	<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"> ▪ Self-attestation; ▪ Verification from employer; ▪ Rapid Response list; ▪ Notice of layoff; or ▪ Public announcement with cross-match with UI (WIA001 Report). <p>Documents must meet criteria noted above.</p>

**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 <p>Documentation for enrollees includes:</p> <ul style="list-style-type: none"> ▪ Self-attestation; ▪ Verification from employer; ▪ Rapid Response list; ▪ Notice of layoff; or ▪ Public announcement with cross-match with UI (WIA001 Report).
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"> ▪ Self-attestation; ▪ Public assistance records; ▪ Court records; ▪ Divorce Papers; ▪ Bank records; ▪ Spouse’s layoff notice; or ▪ Spouse’s death record. <p>Documents must meet criteria noted above.</p>
Category E-Dislocated Military Service Member	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 WIA Dislocated Worker program based on the “termination” criteria. This may include National Guard or	<ul style="list-style-type: none"> ▪ DD-214 ▪ Self-attestation; ▪ Verification from employer; ▪ Rapid Response list; ▪ Notice of layoff; or ▪ Public announcement with cross-match with UI (WIA001 Report).

	<p>Reserve members who have been discharged from active duty service, but not necessarily from other reserve commitments, such as training.</p> <p>Veterans and other covered persons determined eligible for the Dislocated Worker program are given priority for services according to the Jobs for Veterans Act and WorkSource (see Policy 1009 Rev. 1 – Priority of Service).</p>	<p>Documents must meet criteria noted above.</p>
<p>Category F-Spouse of Military Service Member</p>	<p>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 WIA 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:</p> <ul style="list-style-type: none"> • The spouse of a military service member voluntarily quits because he/she is relocating with the service member to a <u>new</u> 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. <p>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.</p>	<ul style="list-style-type: none"> ▪ Self-attestation; ▪ Verification from employer; ▪ Rapid Response list; ▪ Notice of layoff; or ▪ Public announcement with cross-match with UI (WIA001 Report).

