



WORKFORCE INVESTMENT ACT
POLICY MANUAL

CHAPTER 2 - SECTION 200

SUBJECT: DISLOCATED WORKER PROGRAM

200 BACKGROUND AND PURPOSE

The WIA Title IB Dislocated Worker Program provides services to individuals who have been terminated, laid off, or have received notice of termination or layoff, from employment generally due to plant closures or downsizing. Self-employed individuals who are unemployed due to general economic conditions and individuals who meet the WIA definition of a displaced homemaker may also be eligible for services. Veterans and spouses of veterans were added as a priority population.

References: Workforce Investment Act (WIA) of 1998 (P.L. 105-220); Federal Register 20 CFR 652; Jobs for Veterans Act (P.L. 107-288); Federal Register 20 CFR 1010; Jobs for Veterans Act of 2002.

201 SERVICES

For a description of services (core services, intensive services, and training), please see the [Adult Program Policy Section 102](#).

202 DISLOCATED WORKER ELIGIBILITY CRITERIA

Eligibility of a dislocated worker is determined at the time of application. This determination remains intact for the period of the Dislocated Worker Program participation.

There is no time limit after an individual's date of dislocation to be considered eligible for the Dislocated Worker Program.

.01 Program Eligibility

There is no age requirement for core services under the Dislocated Worker Program. To be eligible for intensive services as a dislocated worker, an individual must meet the eligibility requirements described in the [Adult Program Policy Section 102.02](#) as well as LWIA policy and procedures.

.02 Eligibility Categories

In addition to meeting requirements identified in [Adult Program Policy Section 102.02](#), an individual must fall into one of the following eligibility categories:

- Category I – Terminated from employment or U.S. veterans and military spouses;
 - Category II – Terminated due to plant closure;
 - Category III – Self-employed; or
 - Category IV – Displaced homemaker.
- A. **Category I** – Individuals, including U.S. veterans and military spouses, who
1. Have been laid off or terminated, or who received a notice of termination.
 - a. Terminated from employment does not include workers who were terminated for cause, left voluntarily, or voluntarily retired. Individuals who accept “forced” early retirement as part of a reduction in workforce are considered dislocated.
 - b. Terminated from employment is a permanent situation where the employer does not plan to rehire the individual. A layoff notice for a period of twenty-six or more weeks is considered terminated. Individuals who are likely to remain employed with the employer through a layoff, or those who are retiring and leaving the labor force are not considered dislocated workers.

AND

2. Are eligible for unemployment insurance benefits or have exhausted unemployment insurance entitlement, **OR** who have been employed for a duration that shows attachment to the workforce but were not monetarily eligible or worked in employment not covered by unemployment insurance taxes.

- a. Individuals are considered to have an attachment to the workforce when the duration of time they have been employed in a particular job is sufficient to demonstrate acquisition of the knowledge, skills, and abilities necessary to perform that job.
- b. Attachment to the workforce is determined on a case-by-case basis by the LWIA and is not defined as a specific timeframe (e.g., number of months on the job).

AND

3. Are unlikely to return to their previous industry/occupation. An individual is considered unlikely to return to a previous industry/occupation when:
 - a. Labor market information for the occupation shows a zero or negative growth rate;
 - b. Employment Service confirms that in the previous sixty days there was a lack of job orders for that occupation to qualify job seekers, as determined by the LWIA;
 - c. The local Chamber of Commerce, Economic Development representative, or other credible sources of regional economic information confirms the occupation or industry has shown a significant employment decline in the local labor market area;
 - d. A plant closure or substantial layoff within the labor market area in the same industry/occupation has occurred in the last six months from the date of plant closure or substantial layoff;
 - e. The individuals have been actively seeking but are unable to find employment in their previous industry or occupation for a period of ninety days or more from employment separation; or
 - f. A person is laid off from a job due to lack of certification.
- B. **Veterans** (returning service members or recently separated veterans) and spouses of veterans may be eligible for dislocated worker services under Category I.

1. A basic requirement for military service members to qualify as a dislocated worker is that the service member be terminated or laid off. It is a Department of Labor policy that being discharged under honorable circumstances either voluntarily or involuntarily falls within the scope of the termination component of the Dislocated Worker program.
 2. Stop gap employment does not change a veteran's dislocated worker status based on military discharge.
 3. When a military spouse is unable to continue employment because of the service member's permanent change of military station, or the military spouse loses employment because of the spouse's discharge from the military, then the cessation of employment is considered to meet the termination criteria of the WIA definition of dislocated worker.
 4. The military spouse must also satisfy the other criteria for dislocated worker eligibility, including the requirement that the spouse is unlikely to return to a previous industry or occupation.
 5. A military spouse may also qualify to be served as a dislocated worker if s/he meets the definitional requirements for a displaced homemaker.
 6. If a surviving spouse qualifies as a dislocated worker or displaced homemaker, s/he may be served under the WIA Dislocated Worker Program. If a surviving spouse does not meet those requirements, s/he may be served under the WIA Adult Program (see [Adult Program Policy Section 102.02](#)). A surviving spouse of a veteran who qualifies under the Jobs for Veterans Act receives priority of service.
- C. **Category II** – Individuals terminated due to plant closure who:
1. Have been terminated or laid off or have received a notification 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

2. Are employed at a facility where the employer has made a general announcement that such facility will close within 180 days; or
 3. For purposes of eligibility for core services, are employed at a facility where the employer has made a general announcement that such facility will close.
- D. **Category III** – An individual who was self-employed (including employment as a farmer, 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. The individual must provide documentation of not being in business.
- E. **Category IV** – Displaced Homemaker is an individual who has been providing unpaid services to family members in the home, and who:
1. Has been dependent on the income of another family member but is no longer supported by that income, and
 2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

203 DOCUMENTATION FOR ELIGIBILITY DETERMINATION

.01 Verification of Layoff or Termination

- A. A list of acceptable documentation that satisfies verification requirements may be found in Dislocated Worker Program Eligibility (Category 1) Acceptable Documentation for Veterans and Spouses of Veterans ([Exhibit 200A](#)).
- B. If gathering the verification document(s) becomes a hardship, the WIA Applicant Statement (WIA-1027A) ([Exhibit 100B](#)) may be used.
- C. Methods to verify layoff include verification from the employer, a WARN notice, a public announcement with a follow-up cross-match with the unemployment insurance system, or a Rapid Response list showing names of affected employees. (see Section Rapid Response.)

.02 Verification/Documentation of Program Eligibility Requirements

See the [Adult Program Policy Section 103](#) for documentation of eligibility for programs.

204 CO-ENROLLMENT WITH TRADE ADJUSTMENT ACT (TAA) PROGRAM

An individual who is dislocated from an employer that is certified for TAA must be co-enrolled in the Dislocated Worker Program.

205 PRIORITY OF SERVICE

Veterans and eligible spouses of veterans that meet federal veteran priority of service regulations receive access to services before other individuals. See [Adult Program Policy Section 105](#).

206 REGISTRATION/ENROLLMENT

For information on registration and enrollment, please see the [Adult Program Policy Section 106](#).

207 SKILLS ASSESSMENTS

For information on skills assessments, please see the [Adult Program Policy Section 107](#).

208 EXITS

For information on program exit requirements and gaps in services, please see the [Adult Program Policy Section 108](#).

209 FOLLOW-UPS

For information on follow-up activities, please see the [Adult Program Policy Section 109](#).