LOCAL DIRECTIVE

Directive #: 18-172 REV 2 Date: January 9, 2020

TO: SkillSource Staff and Service Providers
FROM: Dave Petersen, Executive Director
SUBJECT: Dislocated Worker Eligibility Determination
SUPERCEDES: Directive 18-172 REV 1

REV 1 Change Summary
1) Replaced self-certification with self-attestation throughout
2) Clarified the WIOA Application may be used for self-attestation for allowable criteria
3) Updated Verification checklist for Displace Homemakers

Eligibility:
After receiving at least one career service and being determined in need of additional services individuals must meet the following eligibility criteria for the Dislocated Worker Program:

- U.S. citizen or otherwise legally entitled to work in the U.S.; and
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified
- One of the Dislocated Worker criteria as defined in WIOA Section 3(15) and TEGL 22-04.

Application & Documentation:
To ensure adequate eligibility determinations, documentation for each applicant is required. Adequate documentation includes:

- A completed application for each applicant.
- Copies of documents used to determine eligibility as outlined in the attached verification form.
- The Dislocated Worker Verification Form outlines acceptable forms of documentation including self-attestation where appropriate. Self-attestation may be used, where indicated, when other forms of documentation cannot be obtained. Self-attestation can be a signed and dated WIOA eligibility application as it includes an acknowledgment that falsification of the information shall be grounds for immediate termination and may subject the applicant to other penalties under the law.
- A Training Manager or his/her designee will review each file for correct eligibility determination and sign at the top of the Eligibility Verification Record upon review. Data will be entered into the ETO/WAWIN data system.

Definitions / Criteria:

- **Substantial Lay off:**
  Any reduction in force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30 day period for:
(a) (1) At least 33 percent of the employees (excluding employees regularly working less than 20 hours per week); and
   (2) At least 50 employees (excluding employees regularly working less than 20 hours per week); or
(b) At least 500 employees (excluding employees regularly working less than 20 hours per week).

- **Unlikely to return to a previous industry or occupation:**
  A person may be considered unlikely to return to their previous industry or occupation when any of the following apply:
  1) The previous industry or occupation is in low demand or decline within the local area.
  2) The individual’s skills are outdated to re-enter the labor market in that occupation or industry.
  3) Current job listings show no position openings (for same job from which applicant was separated) with wages higher than 90% of previous wage.
  4) The individual has a physical or mental limitation that has rendered them unable to perform their previous occupation.
  5) The individual is 55 years of age or older
  6) The individual was terminated for conduct that precludes them from returning to that specific occupation.

- **General Announcement of Plant Closure:**
  Criteria:
  1) Announcement must be made by the employer, and
  2) Indicate a planned closure date

- **Unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disaster:** For individuals who were self-employed (including farmers, ranchers and fisherman) and are unemployed.
  1) Categories of economic conditions resulting in the dislocation of a self-employed individual may include, but are not limited to:
     a) Failure of one or more businesses to which the self-employed individual supplied a significant proportion of products or services;
     b) Failure of one or more businesses from which the self-employed individual obtained a significant proportion of products or services;
     c) Substantial layoff(s) from, or permanent closure(s) of, one or more plants or facilities that support a significant portion of the local economy.
  2) Categories of natural disaster include, but are not limited to, any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire or explosion.

**Military Service Members**
As per TEGL 22-04, 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.

The following serves as an outline of Dislocated Worker eligibility criteria as it applies to military service members:
- Has been terminated or laid off or received notice of termination or layoff.
- Is eligible for unemployment insurance (UI) benefits or has exhausted UI entitlement; or has had an employment duration that shows attachment to the workforce.
  Is unlikely to return to a previous industry or occupation.
Spouses of Military Service Members

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).

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.

A military spouse can also be served as Dislocated Worker if he/she meets the definitional requirements for Displaced Homemaker (see definition).

Employed Dislocated Workers:
Employed Dislocated Workers must meet the underemployed/not self-sufficient definition to receive career and training services. (See Local Directive)

Stop Gap Employment: is temporary work an individual accepts only because they have been laid off from the customary work for which their training, experience or work history qualifies them. Stop-gap employment must be temporary in nature with the intent to end employment upon completion of training, obtaining self-sufficient employment or as specified in the individual employment plan (IEP).

Typically, stop-gap employment will pay less than the self-sufficiency wage, however, there may be specific circumstances where stop-gap employment does provide a sufficient wage temporarily but is not considered permanent employment that leads to self-sufficiency. (ie: temporary, seasonal or lower skilled work, or a position that is inconsistent with the participant’s occupational goal and/or IEP) This stop-gap employment would not change the individual’s dislocated worker status if it meets the WDC’s criteria.

An otherwise eligible Dislocated Worker remains eligible if either prior to, or during DW program participation, stop-gap employment is obtained for the purpose of income maintenance. If dislocation from a stop-gap position occurs, the job of dislocation remains the original job that established the self-sufficient income. If, at any time, an individual obtains employment that meets self-sufficiency, then that position would be considered the self-sufficient job of dislocation in the event of a future dislocation.

For additional information: refer to TEGL 10-16 Change 1 and WorkSource System Policy 1019 (Rev 4)
Dislocated Worker Criteria

**Criteria 1) Dislocated Worker**

**General**

Must document:
- **A and**
- **B or C, and**
- **D**

(a). Terminated or Laid off, or who has received notice of termination or layoff from employment (Date of Actual Qualifying Dislocation); and

(b). Eligible for or has exhausted entitlement to unemployment compensation; or

(c). Has been employed for a duration sufficient to demonstrate to the appropriate entity at a one-stop center referred to in WIOA 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; *local policy defines attachment to the workforce as “employed at least 680 hours during the 12 months prior to dislocation”* and

(d). Is unlikely to return to a previous industry or occupation:

(i) low demand or decline

(ii) wage comparison

(iii) skills are outdated

(iv) physical or mental limitation

(v) individual is 55 or over

(vi) terminated for conduct that precludes returning to that specific occupation

- Lay-off notice or termination notice from employer
- Contact with last employer
- UI Printout from ESD
- Certification of expected Separation (Federal Civilian Employees)
- DD-214 (Military separation)
- Self-Attestation

- UI Printout from ESD
- Pay stubs
- Employer Collateral Contact
- Self-attestation

- Comparison of current job listing wages to previous wage
- Work History
- Labor Market Information
- Self-attestation

- Doctor’s Statement
- Vocational Rehab or L&I Statement
- Driver’s license or other document listed on verification checklist

- Termination letter or other document substantiating reason for dismissal.
<table>
<thead>
<tr>
<th>Criteria 2) Plant Closure</th>
<th>(a). 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, and (b) Worked with Employer</th>
<th>• Lay-off or termination notice or letter from employer • WARN • Newspaper article • Self-attestation • Employer list of laid off employees • Printout from ESD • Pay Stub • Self-attestation (work history)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criteria 3) 180 Days Prior Notice</strong></td>
<td>a). Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days, and (b) Works with Employer</td>
<td>• Any general announcement made by the employer, reported by the media or communicated in some other fashion indicating date of closure • Employer list of employees • Printout from ESD • Current Pay Stub • Self-attestation (work history)</td>
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<tr>
<td><strong>Criteria 4) Public Notice</strong></td>
<td>(a). For the purposes of eligibility to receive services other than employment and training services in WIOA section 134(d)(1 or support services, is employed at a facility at which the employer has made a general announcement that the facility will close, and (b) Works with Employer</td>
<td>• Any general announcement made by the employer, reported by the media or communicated in some other fashion indicating date of closure • Employer list of employees • Printout from ESD • Pay Stub • Self-attestation (work history)</td>
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<td><strong>Criteria 5) Self Employed and Unemployed</strong></td>
<td>(a). Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed, and (b) as a result of general economic conditions in the community in which the individual resides or (c) because of natural disasters</td>
<td>• Tax returns • Business license • Newspaper articles • Foreclosure notice • Document that disaster caused going out of business • Self-attestation</td>
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<td><strong>Criteria 6) Displaced Homemaker</strong></td>
<td>Is a displaced homemaker. An individual who has been providing unpaid services to family members in the home and who— (a) has been dependent on the income of another family member but is no longer supported by that income; and</td>
<td>• Separation or divorce decree • Divorce Papers or Court records • Spouse’s layoff notice or UI claim • Spouse’s death record • Tax Returns/Bank Records • Self-attestation</td>
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</table>
(b) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

The definition in WIOA Section 3(15) 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.

Criteria 7: Military Service Members
(Must document A, B and C)

(a) A military service member who was discharged or released from service under conditions other than dishonorable, or has received a notice of military separation, and

(b) Is determined unlikely to return to a previous industry or occupation, and

(c) Is eligible for or has exhausted entitlement to Unemployment Insurance; or has had an employment duration that shows attachment to the workforce.

Use General Dislocation Criteria 1
(Still active military service members may apply for services prior to date of discharge, but must be fully separated from the military to be determined eligible for and receive services)

Criteria 8: Spouses of Military Service Members
(Must document A or B)

(a) A military spouse who is unable to continue an employment relationship due to the service member’s permanent change of military station; or

(b) 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.

- Lay-off notice or termination notice from employer
- Contact with last employer
- UI Printout from ESD
- Certification of expected Separation (Federal Civilian Employees)
- DD-214 (Military separation)
- Self-attestation
**DISLOCATED WORKER VERIFICATION CHECKLIST**

Applicant Name __________________________

Determination is correct: Yes__ No__

Application is complete, reasonable and internally consistent. Yes__ No__ Signature __________________________

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<thead>
<tr>
<th>Eligibility item</th>
<th>Verification Source</th>
<th>Result</th>
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<tbody>
<tr>
<td>Social Security Number</td>
<td>If applicant refuses to provide SS#, notify Managing Director.</td>
<td>#</td>
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**US Citizen or otherwise Eligible to work in the U.S**

- I-9 Documentation
- From List A
- OR
- From List B
- And List C

**Age**

- Birth certificate or hospital record of birth
- Driver’s License
- Baptismal Record
- DD-214 (Report of Transfer or Discharge)
- Work permit

**Selective Service**

- Selective Service Acknowledgment Letter
- Selective Service Registration Card
- Internet verification [www.sss.gov](http://www.sss.gov)
- Form DD 214 (Report of Separation)
- Selective Service Verification (Form 3A)

**Veteran**

- DD214

**Eligible Spouse of a Veteran**

- Other verification ________________

Verify ONE of the 8 Dislocated Worker criteria below.

Refer to Dislocated Worker Directive for detailed definitions and documentation requirements.

<table>
<thead>
<tr>
<th>Eligibility Criteria</th>
<th>Conditions</th>
<th>Documentation (Document only one for each required condition)</th>
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<tbody>
<tr>
<td>CRITERIA 1: General Dislocated Worker AND Military Service Members</td>
<td>Must Document</td>
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<tr>
<td></td>
<td>A and B or C, and D</td>
<td>A. Terminated or Laid off (Date of Actual Qualifying Dislocation), and</td>
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<td>B. Eligible for or has exhausted entitlement to UI, or</td>
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<td>C. Has been employed for a duration sufficient to demonstrate attachment to the workforce. (See directive 18-172), and</td>
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<td>D. Unlikely to Return (document one)</td>
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<td>(i) Low demand or decline</td>
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<td>(ii) Wage Comparison</td>
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<td>(iii) Outdated Skills</td>
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<td>(iv) Physical or mental limitation</td>
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<td>(v) Aged 55 or older</td>
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<td>A1. Lay off or termination notice</td>
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<td>A2. Call to last employer</td>
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<td>A3. UI Printout from ESD</td>
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<td>A4. Certification of expected separation (Fed. Civilian)</td>
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<td>A5. DD-214 (Military separation)</td>
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<td>A6. Self-attestation</td>
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<td>B1. UI Printout from ESD</td>
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<td>C2. Pay Stubs</td>
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<td>C3. Employer Collateral Contact</td>
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<td>C4. Self-attestation</td>
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<td>(i) WDC Qualifying Occupations list</td>
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<td>(ii) Labor market information</td>
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<td>(ii) Labor Market Information</td>
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<td>(i) Driver’s License</td>
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<td>(v) Federal or State ID</td>
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<td>(vi) Public Assistance record</td>
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<td>(vii) US Passport</td>
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<td>(viii) DD-214</td>
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<td>(ix) Termination letter</td>
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<td>(x) Other document substantiating reason for dismissal</td>
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</table>
### CRITERIA 2: Plant Closure (Must Document A and B)
- A. 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, and  
- B. Worked with employer
- A1. Layoff or termination notice or letter from employer  
- A2. WARN notice  
- A3. Newspaper article  
- A4. Self-attestation  
- B1. Employer list of laid off employees  
- B2. Printout from ESD  
- B3. Pay stub  
- B4. Self-attestation (work history)

### CRITERIA 3: 180 Days Prior Notice (Must Document A and B)
- A. Employed at a facility at which the employer has made a general announcement that such facility will close within 180 days, and  
- B. Works with employer
- A1. Any general announcement made by the employer, reported by media or communicated in some other fashion indicating date of closure.  
- B1. Employer list of employees  
- B2. Printout from ESD  
- B3. Current Pay stub  
- B4. Self-attestation (work history)

### CRITERIA 4: Public Notice (Must Document A and B)
- A. Is employed at a facility at which employer has made a general announcement that the facility will close, (see Local directive 04-41), and  
- B. Works with employer
- A1. Tax returns  
- B2. Business license  
- B3. Newspaper article  
- B4. Foreclosure notice  
- B5. Documentation that disaster caused going out of business  
- B6. Self-attestation

### CRITERIA 5: Self Employed and Unemployed Must Document A, and B or C
- A. Self Employed, but unemployed, and  
- B. As a result of general economic conditions, or  
- C. Because of natural disaster
- A1. Tax returns  
- A2. Business license  
- B or C
- B1. UI Printout from ESD  
- B2. Self-attestation

### CRITERIA 6: Displaced Homemaker (Must document A and B)
- A. Has been dependent on income of family member & no longer supported by that income, and  
- B. Is unemployed or underemployed & experiencing difficulty obtaining or upgrading employment
- A1. Separation or divorce decree  
- A2. Divorce Papers or Court Records  
- A3. Spouse’s layoff notice or UI claim  
- A4. Spouses’ death record  
- A5. Tax Returns/ Bank Records  
- A6. Self-attestation  
- B1. UI Printout from ESD  
- B2. Self-attestation

### CRITERIA 7: Military Service Members (Must document A, B and C)
- A. A military service member who was discharged or released from service under conditions other than dishonorable, or has received a notice of military separation, and  
- B. Is determined unlikely to return to a previous industry or occupation, and  
- C. Is eligible for or has exhausted entitlement to Unemployment Insurance; or has had an employment duration that shows attachment to the workforce.
- A1. Separation or divorce decree  
- A2. Divorce Papers or Court Records  
- A3. Spouse’s layoff notice or UI claim  
- A4. Spouses’ death record  
- A5. Tax Returns/ Bank Records  
- A6. Self-attestation  
- B1. Self-attestation  
- C1. Self-attestation

### CRITERIA 8: Spouses of Military Service Members (Must document A or B)
- A. A military spouse who is unable to continue an employment relationship due to the service member’s permanent change of military station; or  
- B. 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.
- A1. Lay off or termination notice  
- A2. Call to last employer  
- A3. UI Printout from ESD  
- A4. Certification of expected separation (Fed. Civilian)  
- A5. DD-214 (Military separation)  
- A6. Self-attestation  
- B1. Self-attestation  
- B2. Self-attestation

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Use General Dislocation Criteria 1
(Still active military service members may apply for services prior to date of discharge, but must be fully separated from the military to be determined eligible for and receive services)