



WORKFORCE DEVELOPMENT BOARD OF VENTURA COUNTY

LOCAL POLICY BULLETIN #2018-05

Policy on the Definition of Eligibility for Dislocated Workers

Effective date: August 23, 2018

(Original effective date: January 10, 2018)

(This policy updates and replaces the WIA Policy #16-02 on the Definition of Eligibility for Dislocated Workers of 7/1/15 & 7/1/10)

SUBJECT: Policy on the Definition of Eligibility for Dislocated Workers

PURPOSE: This policy establishes the criteria for defining eligibility for WIOA Title I Dislocated Worker program services and the types of documentation that are acceptable in the Ventura County Workforce Area.

REFERENCE:

WIOA Section 3(15),3(16)

CFR 680.120, 130 & 140, 680.600 & 680.660

TEGL 19-16

Section 101(d)(1), 991(b) & 101(a)(13)(B) of title 10, United States Code

Section 101(16) of title 38, United States Code

POLICY:

I. Definition of a Dislocated Worker

The term “dislocated worker” means an individual who:

- (A) (i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;
- (ii) (I) is eligible for or has exhausted entitlement to unemployment compensation; or
(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center, 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
- (iii) is unlikely to return to a previous industry or occupation;
- (B) (i) 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;
- (ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
- (iii) for purposes of eligibility to receive services other than training services, career services, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

- (C) 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;
- (D) is a displaced homemaker; or
- (E) (i) 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
- (ii) is the spouse of a member of the Armed Forces on active duty.

The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who—

- (A) (i) has been dependent on the income of another family member but is no longer supported by that income; or
- (ii) 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, a permanent change of station, or the service-connected death or disability of the member; and
- (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

II. The Criteria for Defining Dislocated Worker

1. Demonstrating sufficient attachment to the workforce:
 - a. An individual who is not eligible for unemployment compensation but was employed for at least 3 consecutive months in the past 12 months
 - b. A seasonal worker who has been employed 30 out of the last 52 weeks
2. Unlikely to return:
 - a. An individual who has worked in a declining industry/occupation as documented by any of the following: State of local Labor Market Information, a quantified publication from a local Chamber of Commerce, local Workforce Development Board or Economic Development Agency publication, or a qualified consultant, educational entity; or
 - b. An individual who worked in an industry/occupation for which there are limited job orders in State (CalJOBS) and/or the local job match system; or
 - c. An individual who is insufficiently education and/or does not have the necessary skills for re-entry into the former industry/occupation, as documented by an assessment of the client’s educational achievement level, comprehensive testing or by other suitable means; or
 - d. An individual who has physical or mental problems that would preclude his/her re-entry into the former industry/occupation, as documented by a physician or other applicable professional; or

- e. An individual whose family, personal or financial circumstances would preclude his/her re-entry into the former industry/occupation, as documented by an applicable professional organization, legal document, financial institution or other legal service.
3. Substantial layoff:
Any reduction in workforce that is not the result of a plant, facility, or enterprise closure that results in an employment loss at a single site of employment in any 30-day period that represents at least one of the following:
 - a. The closure of an entire department
 - b. The elimination of an entire class or occupation(s)
 - c. Cessation of production on a product or manufacturing line
 - d. The termination of at least 25% of all employees who worked 20 or more hours per week
 - e. The termination of at least 50 employees who comprised at least one third of the layoff employer's workforce
 4. General announcement of plant closing:
 - a. A Federal and/or State WARN Notice
 - b. A published or electronically generated report, publication or article generated from Southern California
 - c. A report or electronic (Internet) report, publication or article from a recognized California employment entity or State or local LMI monthly or quarterly report
 5. A self-employed individual who is unemployed as a result of general economic conditions in the community in which the individual resides:
 - a. If the Ventura County unemployment rate reaches 7 percent
 - b. If a dominant local industry experiences a downsizing of 500 or more employees
 6. Unemployment as the result of a natural disaster
An individual who has lost employment as a result of a natural disaster as declared by the Federal Emergency Management Agency (FEMA) or the Governor of the State of California
 7. Displaced homemaker experiencing difficulty in obtaining or upgrading employment:
An individual who has been providing unpaid services to family members in the home and
 - a. Who has been dependent on the income of another family member but is no longer supported by that family member's income and
 - b. Is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment
 8. Trade Adjustment Assistance (TAA) Clients:
All TAA certified individuals will meet the criterion of having been terminated from employment and receiving or determined eligible to receive unemployment compensation, as well as unlikely to return to a previous

industry since the company in which they were employed was trade-affected and suffered a substantial layoff or shutdown.

9. Unemployment Insurance (UI) Claimants for Reemployment and Eligibility Assessment (REA) Services: those individuals who have
 - a. Been assessed by EDD for their job readiness in relationship to the local labor market and
 - b. Completed a re-employment plan with the goal of seeking retraining and
 - c. Receive a referral to WIOA training with specific documentation for the six elements used to conclude that vocational training is needed (because there is no suitable employment available for the adversely affected worker), as documented by EDD.
10. Unemployment Insurance (UI) Profiling

III. Acceptable Sources of Documentation

1. Staff may include the use of Applicant Statements when reasonable efforts on the part of the applicant have failed to obtain necessary documentation to support Dislocated Worker status.
2. The Applicant Statement must be supported by a written narrative from staff explaining the need for the statement.

INQUIRIES:

Inquiries regarding this policy can be addressed to the WDB administrative staff: 805-477-5306.