

**III.**

**Dislocated Worker  
Eligibility**

## **WIA Dislocated Worker**

The Workforce Investment Act (WIA) serves dislocated workers. WIA dislocated worker programs are designed to meet employer needs by helping job seekers upgrade skills, obtain employment, improve job retention and increase earnings.

The WIA dislocated worker program offers employment and training programs for eligible workers who are unemployed through no fault of their own or have received an official layoff notice. The program also provides the following specialized reemployment services:

### **Rapid Response**

*Rapid Response* services provide short-term early intervention and immediate assistance with layoffs and plant closures. Rapid Response provides early intervention assistance designed to transition workers to their next employment as soon as possible.

### **Rapid Reemployment Services**

*Rapid Reemployment Services (RRS)* are geared toward unemployment insurance (UI) claimants identified as likely to exhaust benefits. Claimants are required to participate in reemployment services as a condition of UI eligibility.

Claimants who have been prioritized and referred to the Local Workforce Development Boards (Boards) shall be considered to have met the eligibility criteria for dislocated worker services under Category 1, outlined in the Rapid Reemployment Services Desk Reference.

### **Trade Adjustment Assistance**

The TAA program provides additional benefits for dislocated workers of companies that are directly affected by increased imports or certain shifts of production to other countries. TAA petitions now trigger immediate provisions of *Rapid Response* and basic adjusted services available under WIA, facilitating coordinated planning and more rapid reemployment.

Trade-affected workers receive notification that their Trade petition has been approved. The notification instructs them to contact the local Virginia Employment Commission (VEC) for services. Making contact with the local VEC and providing a copy of the petition approval letter meets the Category 1 eligibility criteria for WIA dislocated workers.

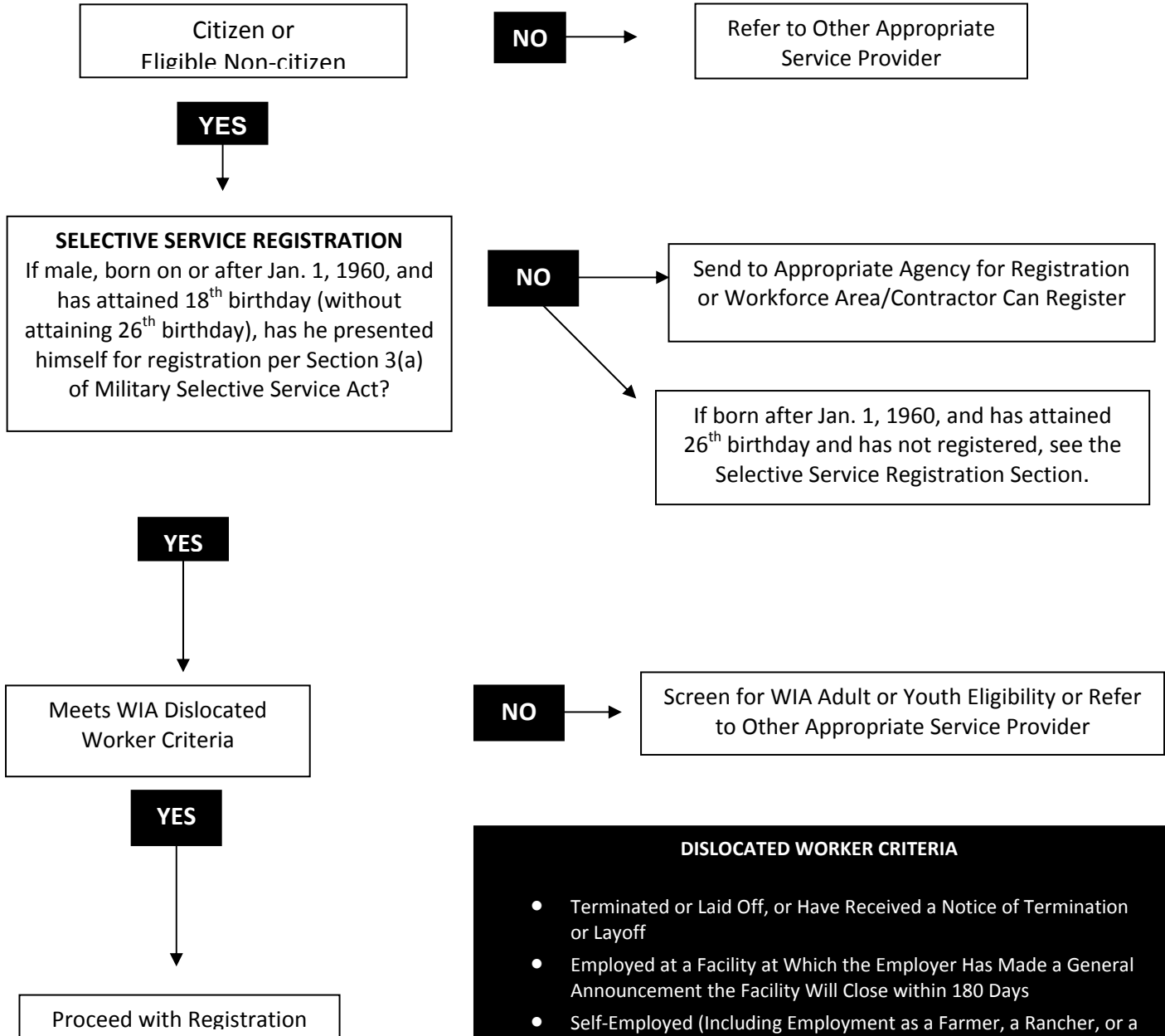
This section provides information for determining eligibility for the dislocated worker program. See Section V for verification and documentation for WIA eligibility.

If you have questions or need assistance with TRADE Act issues, please contact:

COMMONWEALTH OF VIRGINIA  
**TRADE ACT UNIT**  
**Virginia Employment Commission**  
P.O. Box 1358  
Richmond, Virginia 23218-1358

## WIA DISLOCATED WORKER Eligibility Flowchart

### APPLICANT



- DISLOCATED WORKER CRITERIA**

  - Terminated or Laid Off, or Have Received a Notice of Termination or Layoff
  - Employed at a Facility at Which the Employer Has Made a General Announcement the Facility Will Close within 180 Days
  - Self-Employed (Including Employment as a Farmer, a Rancher, or a Fisherman) But Unemployed as a Result of General Economic Conditions or Natural Disasters
  - A Displaced Homemaker

**Note:** See the dislocated worker categories chart for more detailed definitions.

**Note:** WIA does not impose an age or income level standard or criterion on dislocated workers.

**ACT AND/OR REGULATION CITATION**

Act 188(a) (5)  
Act 189(h)  
  
20 CFR 663.110

Act 101(9)(A); 20 CFR 663.115

Act 101(9)(B); 20 CFR 663.115  
Act 101(9)(B); 20 CFR 663.115  
Act 101(9)(C); 20 CFR 663.115

Act 101(9)(D); 20 CFR 663.120

**WIA ELIGIBILITY REQUIREMENTS  
DISLOCATED WORKER**

An applicant shall be eligible to participate in the WIA Title I Dislocated Worker Program if such applicant:

Meets General Eligibility, which consists of providing the appropriate verification to verify:

- Citizenship or Eligible to Work
- Selective Service Registrant, if applicable
- Age

**AND**

Meets the definition and provides the verification source for one of the following categories:

- Terminated/Laid Off; Eligible for UC and Unlikely to Return to Previous Industry or Occupation
- Permanent Closure/Substantial Layoff
- General Announcement of Closure
- Formerly Self-Employed/Currently Unemployed
- Displaced Homemaker

## DISLOCATED WORKER

**Applicants must meet General Eligibility, which consists of Citizenship or Eligible to Work, Age and Selective Service Registration.**

**Citizenship or Eligible to Work** – participation in programs and activities financially assisted in whole or part under WIA shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees and other persons authorized by the Attorney General to work in the United States (applies to all programs under Title I). **[Act 188(a)(5)]**

**Selective Service Registrant** – the Secretary shall ensure that each person participating in any program established under WIA, or receiving any assistance or benefit under WIA, has not violated Section 3 of the Military Selective Service Act (MSSA) (50 U.S.C. App. 453) by not presenting or submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary in carrying out this section.

**NOTE: Males born on or after January 1, 1960 must register with the selective service system within 30 days after their 18<sup>th</sup> birthday or at least before they reach the age of 26. [Act 189(h)]**

**Procedures outlined in TEGL No. 4-89, dated March 19, 1990, and TEGL No. 8-98, dated November 4, 1998, must be followed.**

**Age** – to be eligible for the dislocated worker program, an applicant must be 18 years of age or older. **[20 CFR 663.110]**

**In addition, applicants must meet the following Specific Eligibility: A dislocated worker must meet the definition of one of the five dislocated worker categories.**

A dislocated worker is an applicant who has been:

- **Terminated/Laid Off and Eligible for UC and Unlikely to Return** – has been terminated or laid off, or who has received a notice of termination or layoff from employment and is eligible for or has exhausted entitlement to unemployment compensation;

**OR**

- has been employed for a duration sufficient to demonstrate to the appropriate entity at a one-stop center referred to in Section 134(c), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law and is unlikely to return to a previous industry or occupation;

## DISLOCATED WORKER

(continued)

- **Permanent Closure/Substantial Layoff** – 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;
- **General Announcement of Closure** – is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services described in Section 134(d)(4), intensive services described in Section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
- **Formerly Self-Employed/Currently 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 applicant resides or because of natural disasters; or
- **Displaced Homemaker** – an applicant 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**
  - (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.