

## Attachment B

# WIOA Dislocated Worker

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

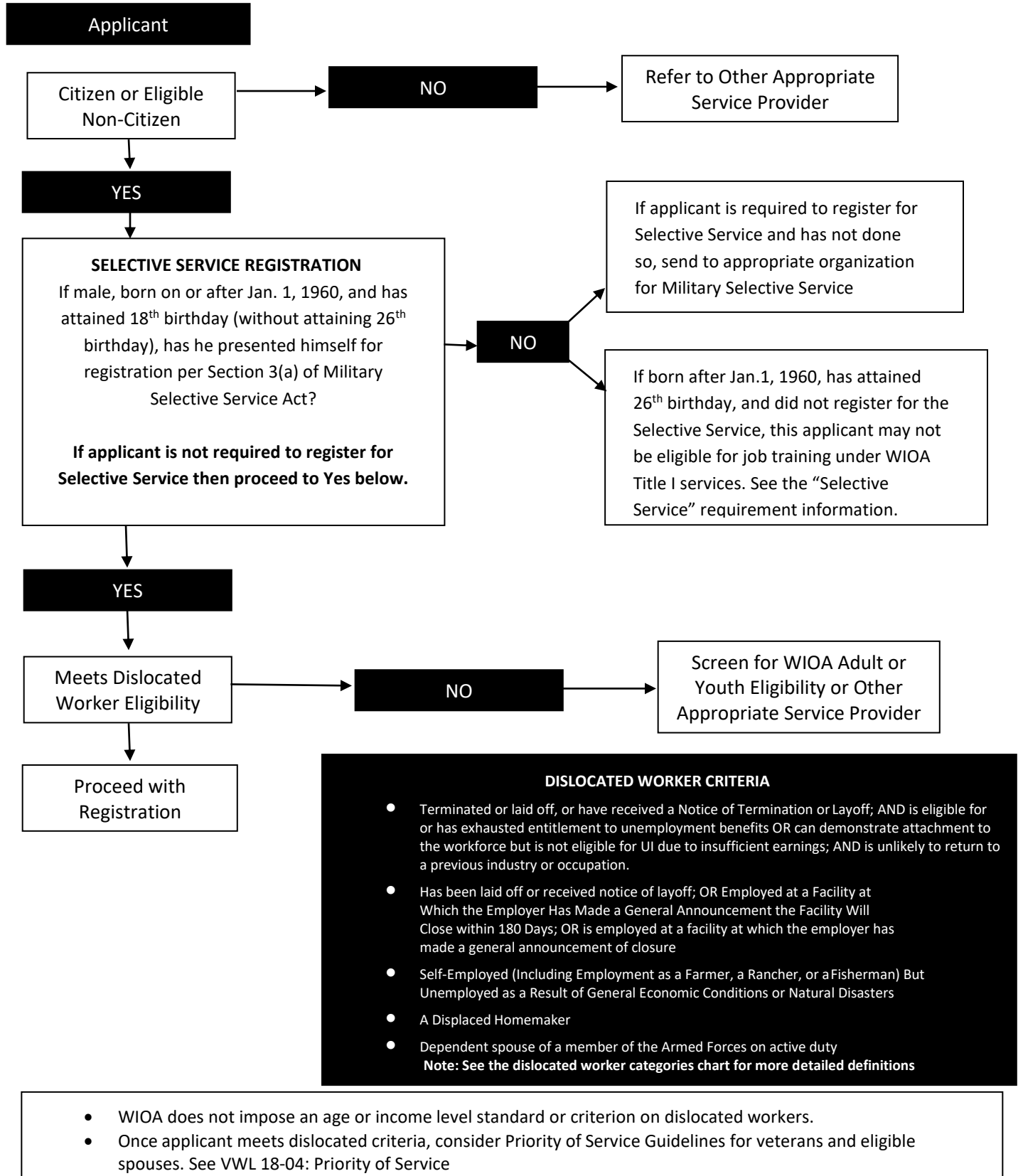
The WIOA dislocated worker program offers employment and training programs for eligible workers who are unemployed through no fault of their own or have received an official layoff notice. The program also provides the following specialized reemployment services:

- Staff assisted job search, job referral, and placement assistance;
- Career counseling;
- Labor market information review with staff;
- Comprehensive and specialized assessments of skills and needs;
- Individual employment plan development;
- Occupational skills training;
- Skills upgrading and retraining;
- Job readiness training; and
- Adult education and literacy

### **Rapid Response**

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

## WIOA DISLOCATED WORKER Eligibility Flowchart



**ACT AND/OR REGULATION CITATION**

**WIOA ELIGIBILITY REQUIREMENTS  
DISLOCATED WORKER**

An applicant shall be eligible to participate in the WIOA 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

**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
- Spouse of member of the Armed Forces on active duty

Act 188(a) (5)  
Act 189(h)

Act 3(15) (A);

Act 3(15) (B);  
Act 3(15) (C);  
Act 3(15) (D);  
Act 3(15) (E);

## DISLOCATED WORKER

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

**Citizenship or Eligible to Work** – participation in programs and activities financially assisted in whole or part under WIOA 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 WDBs shall ensure that each individual participating in any program established under WIOA, or receiving any assistance or benefit under WIOA, 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.

**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 are outlined in Training and Employment Guidance Letter 11-11, change 2, dated May 16, 2012.

**38 United States Code 4215, provides for priority of service to veterans and eligible spouses in all Department of Labor-funded job training programs.**

**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:***

1. terminated or laid off, or who has received a notice of termination or layoff, from employment; 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 121(e), 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***

is unlikely to return to a previous industry or occupation;

2. 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;

**or**

for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

3. 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;
4. is a displaced homemaker; or
5. is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), 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**

is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

The following definition is to be used when determining eligibility for a **Displaced Homemaker**:

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 (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member;

**and**

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Underemployed Individual - may include:

- Individuals employed less than full-time who are seeking full-time employment;
- Individuals who are employed in a position that is inadequate with respect to their skills and training;
- Individuals who are employed who meet the definition of low-income definition in WIOA sec. 3(36); and

- Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment, per State and/or local policy.

### **Additional References Applicable to Dislocated Worker Eligibility**

10 U.S. Code § 101 – Definitions:

**(a) In General** — The following definitions apply in this title:

**(d) Duty Status** — The following definitions relating to duty status apply in this title:

**(1)** The term “active duty” means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

**(13)** The term “contingency operation” means a military operation that—

**B)** results in the call or order to, or retention on, active duty of members of the uniformed services under section [688](#), [12301\(a\)](#), [12302](#), [12304](#), [12304a](#), [12305](#), or [12406](#) of this title, chapter [15](#) of this title, section [712](#) of title [14](#), or any other provision of law during a war or during a national emergency declared by the President or Congress.

10 U.S. Code § 991(b) MANAGEMENT OF DEPLOYMENTS OF MEMBERS AND MEASUREMENT AND DATA COLLECTION OF UNIT OPERATING AND PERSONNEL TEMPO

**(b) Deployment Defined.**—

**(1)** For the purposes of this section, a member of the armed forces shall be considered to be deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the member to spend off-duty time in the housing in which the member resides when on garrison duty at the member's permanent duty station or homeport, as the case may be.

**(2)** In the case of a member of a reserve component who is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to in paragraph (1) is any housing (which may include the member's residence) that the member usually occupies for use during off-duty time when on garrison duty at the member's permanent duty station or homeport, as the case may be.

**(3)** For the purposes of this section, a member is not deployed or in a deployment when the member is—

- (A)** performing service as a student or trainee at a school (including any Government school);
- (B)** performing administrative, guard, or detail duties in garrison at the member's permanent duty station; or
- (C)** unavailable solely because of—

**(i)** a hospitalization of the member at the member's permanent duty station or homeport or in the immediate vicinity of the member's permanent residence; or

**(ii)** a disciplinary action taken against the member.

**(4)** The Secretary of Defense may prescribe a definition of deployment for the purposes of this section other than the definition specified in paragraphs (1) and (2). Any such definition may not take effect until 90 days after the date on which the Secretary notifies the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the revised standard definition of deployment.