

WIOA Title 1 Dislocated Worker Program Eligibility Policy

Definitions

1. Active Duty
 - a. Full-time duty in the active military service of the United States.
 - b. The 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.
2. Age of Compulsory School Attendance
 - a. Virginia requires that all children between the ages of 5 and 18, who live in Virginia, attend school.
 - b. There are these exceptions:
 - i. Has a high school diploma or GED;
 - ii. Has a disability and has completed requirements for a Virginia high school certificate of completion;
 - iii. Is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age (homeschool, nonpublic school);
 - iv. Has completed receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age;
 - v. Is severely ill and requires home or hospital instruction;
 - vi. Is married;
 - vii. Is in military service;
 - viii. Is committed by court order to an institution without an educational program;
 - ix. Provides financial support to the child's family as documented by a local department of social services;
 - x. Has been expelled
 - xi. Is pregnant or a parent and is enrolled in an alternative educational program;
 - xii. Attends an alternative educational program;
 - xiii. Attends a public school on a part-time basis and attends a private career school, with guardian and school official consent; or
 - xiv. Received a waiver by the State Superintendent
3. Attachment to the Workforce
 - a. Having been employed at least twenty (20) or more hours per week for at least six (6) of the most recent thirty-six (36) months in a single occupation.
 - b. The six (6) months need to be consecutive.
 - c. An employee of a temporary agency, in order to demonstrate attachment to the workforce, must have worked on the same assigned for the same number of weekly hours and duration notes above.

4. **Attending Postsecondary School**
 - a. Enrollment in credit-bearing postsecondary education classes including credit bearing community college classes and continuing education classes.
 - b. If an individual is enrolled in non-credit bearing postsecondary classes only, then the individual is not considered to be attending postsecondary school.
 - c. If an individual is enrolled in the Youth program between high school graduation and postsecondary education, the individual is considered In-School if they are registered for postsecondary education, even if they have not yet begun classes at the time of determining eligibility.
5. **Attending School**
 - a. Enrolled in and regular attendance at a school approved by the Virginia State Board of Education.
6. **Basic Skills Deficient**
 - a. A youth who has English reading or writing skills or computing skills at or below the 8th grade level based on a generally accepted standardized test; or,
 - b. A youth or adult who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job in the individual's family, or in society.
7. **Call or Order to Active Duty**
 - a. The phrase *call or order to active duty* refers to the call or order or retention on active duty for members of the uniformed services under 10 USC §§ 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406 or 10 USC Subtitle A Part I Chapter 15, or any other provision of law during a war or during a national emergency declared by the United States President or Congress.
8. **Deployment**
 - a. A member of the US Armed Forces is considered to be deployed 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 duty at the member's permanent duty station or homeport. If the individual is member of a reserve component of the US Armed Forces and is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to above is any housing (including the member's residence) that the member usually occupies for use during off-duty time when on duty at the member's permanent duty station or homeport. The Secretary of Defense may prescribe an alternative definition of deployment other than that described above.
 - b. A member of the United States Armed Forces is not deployed when the member is:
 - i. Performing service as a student or trainee at a school including a government school;
 - ii. Performing administrative, guard, or detail at the member's permanent duty station; or
 - iii. Unavailable solely because of 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
 - iv. Unable solely because of a disciplinary action taken against the member.

9. Dropout

- a. An individual no longer attending school, and has not received a secondary school diploma or a recognized equivalent.
- b. Dropout refers only to an individual who is currently a secondary school dropout, which does not include a youth who previously dropped out of secondary school but subsequently returned.

10. English Language Learning

- a. Limited ability in reading, writing, speaking, or comprehending the English language and:
 - i. Whose native language is a language other than English; or,
 - ii. Who lives in a family or community environment where a language other than English is the dominant language.

11. Individual with a Disability

- a. An individual with a disability as defined in Section 3 of the Americans with Disabilities Act of 1990.

12. Laid Off or Layoff

- a. An individual's employment relationship is or will be suspended by the employer, without cause, for more than one-hundred eighty (180) calendar days.

13. Low-Income Individual

- a. An individual who meets one (1) or more these eight (8) criteria:
 - i. The individual currently receives or is a member of a family currently receiving assistance through:
 - 1. Supplemental Nutrition Assistance Program;
 - 2. Temporary Assistance for Needy Families Program;
 - 3. Supplemental Security Income through the Social Security Administration; or,
 - 4. State or local income-based public assistance.
 - ii. In the past six (6) months, the individual has received or is a member of a family that has received assistance through:
 - 1. Supplemental Nutrition Assistance Program;
 - 2. Temporary Assistance for Needy Families Program;
 - 3. Supplemental Security Income through the Social Security Administration; or,
 - 4. State or local income-based public assistance.
 - iii. The individual is in a family whose total family income does not exceed the higher of:
 - 1. The current Federally-established poverty line; or
 - 2. Seventy (70) percent of the Federally-established lower living standard income level (LLSIL).
 - iv. The individual is a homeless individual who:
 - 1. Lacks a fixed, regular, and adequate nighttime residence, and is:
 - a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b. Living in a motel, hotel, trailer park, or campground due to the lack of adequate alternative;
 - c. Living in an emergency or transitional shelter; or,
 - d. Awaiting foster care placement.

2. Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
 3. Is a migratory youth and meets information in iv1 and iv2 in this section.
 4. Lives in a car, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
 5. Is a runaway.
 - v. The individual receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act, unless the individual is a recipient of a secondary school diploma or its recognized equivalent.
 - vi. The individual is a foster child on behalf of whom state or local government payments are made.
 - vii. The individual is an individual with a disability whose income meets the income requirements of iii in this section.
 - viii. The individual lives in a high-poverty area.
14. Offender
- a. An adult or juvenile who:
 - i. Is or has been subject to any stage of the criminal justice process and for whom services under Youth, Adult, or Dislocated Worker programs may be beneficial; or,
 - ii. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
15. Pregnant or Parenting
- a. A pregnant individual is the expectant mother only.
 - b. An individual who is parenting is a mother or father, custodial or non-custodial.
16. Requires Additional Assistance
- a. West Piedmont Workforce Development Board defines this as a youth in need of assistance to complete an educational or employment goal.
17. Unlikely to return to a previous occupation or industry
- a. For determining eligibility as a dislocated worker, an individual is unlikely to return to a previous occupation or industry if job opportunities in the occupation or industry are significantly diminished for an individual based on one (1) or more of the following criteria:
 - i. Official assessments of market demand for products or services in the occupation or industry;
 - ii. Local labor market conditions for the industry or occupation;
 - iii. Evolution of skill requirements in the occupation or industry and whether an individual's skills have kept pace over time based on a current skills assessment;
 - iv. Impact of technology or trade on the industry or occupation.
 - b. A separating service member meets the standard of unlikely to return to a previous industry or occupation.

Policy

1. West Piedmont Workforce Development Board will serve Dislocated Workers who are determined eligible prior to enrollment in Workforce Innovation and Opportunity Act activities.

2. All Workforce Innovation and Opportunity Act Title I Dislocated Worker Program clients must:
 - a. Be 18 years of age or older;
 - b. Be a United States citizen or noncitizen authorized to work in the United States; and,
 - c. Meet Military Selective Service registration requirements, if applicable.
3. Martinsville City, Danville City, Pittsylvania County, Henry County and Patrick County residents receive priority for enrollment into the Dislocated Worker Program.
4. Non-residents of Martinsville City, Danville City, Pittsylvania County, Henry County and Patrick County may be enrolled if a training opportunity exists with an employer in the West Piedmont area.
5. If a non-resident is enrolled West Piedmont will coordinate with the workforce agency in the county of residency.
6. West Piedmont's Workforce Innovation and Opportunity Act Dislocated Worker Program offers employment and training services for eligible workers who are unemployed through no fault of their own or who have received an official layoff.
7. To be an eligible Title I Dislocated Worker an individual must meet at least one of the following six criteria:
 - a. General Dislocation
 - i. Has been terminated or laid off, or has received a notice of termination or layoff from employment;
 - ii. Is eligible or has exhausted entitlement to unemployment compensation OR has been employed for a duration sufficient to demonstrate 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 Virginia's Unemployment Insurance Law; AND,
 - iii. Is unlikely to return to a previous industry or occupation.
 - b. Dislocation from Facility Closure
 - 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 one-hundred eighty (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. Self-Employment Dislocation
 - i. The individual was self-employed but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.
 - ii. This includes employment as a farmer, a rancher, or a fisherman.
 - d. Displaced Homemaker
 - 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, a permanent change of station, or the service-connected death or disability of the member; AND,
- iii. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
 - e. Dislocated/Separating Military Service Members
 - i. The individual is a separated service member with a discharge other than dishonorable, who has received a notice of separation from the Department of Defense and is unlikely to return to a previous industry or occupation.
 - f. Dislocated Spouse of a Military Service Member
 - i. The individual is the spouse of a member of the Armed Forces on active duty as defined in Section 10(d)(1) of Title 10, U.S. Code, and who:
 - 1. Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such members; OR,
 - 2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
8. If an employed individual seeks Workforce Innovation and Opportunity Act Title I Dislocated Worker services, the individual must meet one of the following criteria:
- a. Employment is interim identified as:
 - i. Employment less than full-time if the individual desires full-time employment;
 - ii. Short-term contract-based employment; OR,
 - iii. Employment through a temporary or staffing agency.
 - b. Employment is at level below the self-sufficiency standard or below a level commensurate with previous experience, identified as:
 - i. A level not commensurate with the individual's demonstrated level of education and/or skill achievement;
 - ii. A wage that is less than the self-sufficiency standard; OR,
 - iii. Current job earnings that are less than 80% of their previous job earnings.
9. Workers who have received a notice of layoff, but who have not yet been laid off and have no other sources of employment are not subject to a review of underemployment status.
10. Service members exiting the military, including but not limited to, recipients of Unemployment Compensation for Ex-Military Members (UCX), generally qualify as dislocated workers.
11. A separating service member needs a notice of separation, either a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation or imminent separation from the Armed Forces qualifies as the notice of termination or layoff.
12. A separating service member must meet the Dislocated Worker Program requirement of an individual being unlikely to return to his or her previous industry or occupation.
13. In the case a separating service member may be on a terminal leave from the military, career services may be provided if an imminent separation from the military is verified and the discharge is anything other than dishonorable.
14. Documentation verifying eligibility for the Workforce Innovation and Opportunity Act Title I Dislocated Worker Program must be documented in the Case Notes.

Approval Signature: _____

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