




Local Workforce Innovation And Opportunity Act (WIOA) Policy No. 2016-PL-03

To: All Delegate Agencies, One-Stops and Sector Centers

From:


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Subject: DISLOCATED WORKER ELIGIBILITY

Date: December 8, 2016

Purpose:

To define the eligibility requirements for dislocated worker under WIOA.

References:

Illinois Department of Commerce (IDOC) WIOA POLICY 15-WIOA-4.3
U.S Department of Labor WIOA Final Rule 20 CFR Part 680

Background:

WIOA identifies the eligibility criteria for enrolling an individual into the WIOA Title 1B Dislocated Worker Fund.

POLICY:

- A. A "Dislocated Worker" customer of WIOA must meet general eligibility requirements and at least one of the following dislocated worker eligibility requirements:
 1. The individual:
 - a. Has been terminated or laid off within 5 years, or has received notice of employment termination or layoff; **and**
 - b. Is eligible for or has exhausted entitlement to unemployment compensation.
 - i. The classification of persons as eligible for unemployment compensation is limited to those who have been determined eligible to receive a

monetary benefit by the state unemployment insurance administering agency, or who have been determined by the state unemployment insurance administering agency to have exhausted their benefits, **or**

- ii. Has been employed for a duration sufficient to demonstrate attachment to the workforce (meaning the individual must have at least six months employment in the industry or occupation from which he/she was dislocated), 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**
 - c. Is unlikely to return to a previous industry or occupation because the occupation or industry is low growth or in decline; for example:
 - i. Laid off or terminated from a low growth industry, defined by a North American Industrial Classification System (NAICS) code category with less than the statewide average growth rate;
 - ii. Laid off or terminated from a low growth occupation, defined as any O*NET Codes category with an average annual employment growth rate of less than the statewide average growth rate for all occupations;
 - iii. Has been unemployed for at least 26 weeks and has completed one month of documented job search through Illinois workNet; **or**
 - iv. After an assessment of education, skills and work experience has been determined by the Title IB entity to require additional assistance to qualify for any available openings in the industry or occupation from which the person was laid off, or to obtain employment in another occupation. Such determination must be documented in the individual's case file.
2. The individual:
- a. Has been terminated or laid off within 5 years, or has received notice of termination or layoff from employment due to a permanent closure of or a substantial layoff at a plant, facility or enterprise; **or**
 - b. Is employed at a facility in which the employer has made a general announcement that that the facility will close within 180 days; **or**
 - c. Is employed at a facility at which the employer has made a general announcement that such facility will close. *Customers determined eligible under this criteria are not eligible to receive individualized career services, training services, or supportive services unless it is within 180 days of planned facility closure at which time they become eligible under 2.b. above for all*

WIOA services; or

3. The individual is self-employed (including employment as a farmer, a rancher or 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:
 - a. Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station; **or**
 - b. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- B. Eligibility determination for the self-employed is based on the following requirements:
1. Formerly self-employed but currently unemployed, including individuals who have lost their business(es) due to a specified natural disaster or a specific economic condition.
 2. Self-employed and going out of business or in the process of going out of business due to specified events or conditions that provide evidence of impending business failure.
 3. Family member of, or worker for a formerly self-employed individual including farm hands or ranch hands of persons in categories 1. and 2. above, provided that their contribution to the business constituted as least one year of full-time work.
 4. This would include independent contractors or consultants who are not employees of an entity.
- C. Evidence of dislocated worker eligibility **must** be maintained in the individual's case file. A list of documents acceptable to support general eligibility can be found in the Illinois Department of Commerce's "WIOA 1B General and Fund Source Eligibility Requirements and Documentation Source Guide". This guide is an attachment to IDOC POLICY 15-WIOA 4.1 located on the Illinois WorkNet website at www.illinoisworknet.com/WIOA/Resources/Pages/WIA-WIOAPolicies

Effective Date:

Immediately upon Board approval.