



Workforce Investment Act Policy
WorkSource Standards & Integration Division

Washington envisions a nationally recognized fully integrated One-Stop system with enhanced customer access to program services, improved long-term employment outcomes for job seekers and consistent, high quality services to business customers. In order to achieve this vision, the WorkSource Standards & Integration Division sets a common direction and standards for Washington's WorkSource system through the development of WorkSource system policies, information notices, and technical assistance.

Policy Number: 3920 Rev 1
To: Washington WorkSource System
Date of Publication: July 11, 2012
Subject: Dislocated Worker Eligibility Determination

1. Purpose:

This policy provides federal and state guidance relative to eligibility determination for dislocated workers under the Workforce Investment Act (WIA). Individuals registered as dislocated workers must meet the eligibility requirements outlined in this policy.

2. Background:

WIA specifies eligibility criteria for the WIA Dislocated Worker Program (WIA Sec. 101(9)). These criteria serve as the "minimum standards" for program eligibility determination. States and local areas may establish additional procedures for One-Stop operators to use in determining individual eligibility for dislocated worker services as long as eligibility determination is consistent with the definition in WIA.

While the Department of Labor (DOL) allows states and local governments the flexibility to use discretion to address registration, state and local governments must ensure that dislocated workers registered under WIA Title I-B are determined eligible. Registration is an information collection process that documents a determination of eligibility.

20 CFR Part 603(b) and the Unemployment Insurance (UI) Resource Manual (5210 - Release of Information) outline confidentiality requirements for UI information. This includes requirements regarding confidentiality of names and other identifying information, including any past or present employers or employing units. The requirements within this policy regarding the confidentiality of UI information (see Section 3.c) support the Employment Security Department's (ESD's) efforts to prevent the disclosure of such information and to comply with federal requirements preventing ESD from acting as an information clearinghouse.

The WIA001 Report (WIA Eligibility and Claims Data) was developed to protect confidential unemployment information that was previously available upon request to claimants and potential claimants, and to service providers upon release. Although specifically designed to assist staff and partners in determining participant eligibility for WIA programs and services, ESD also uses this report to assist customers where unemployment claims (GUIDE) screens were previously used.

3. Policy:

a. Dislocated Worker Eligibility Requirements:

i. Basic eligibility requirements

1. Local procedures must ensure that individuals registered as dislocated workers meet the following minimum requirements:
 - The definition of "dislocated worker" at WIA section 101(9); and
 - The citizenship or eligible non-citizen status requirements as described in Section 188 (a)(5); and
 - Selective service registration status (when applicable) as referenced in Section 189(h).

ii. Eligibility for intensive services

1. Two categories of dislocated workers may receive intensive services:
 - WIA Title I-B eligible dislocated workers who are unemployed, have received at least one core service and are determined by the case manager to need more intensive services to obtain employment; and
 - WIA Title I-B eligible dislocated workers who are employed, have received at least one core service, and are determined by the case manager to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

iii. Eligibility for training services

1. At a minimum, a WIA Title I-B eligible dislocated worker must receive at least one intensive service and determined to be unable to obtain or retain employment through intensive services in order to receive training services.

b. Documentation requirements:

i. Documentary evidence and self-attestation

1. All elements of dislocated worker eligibility determination require specific documentation (see Attachment A). Self-attestation is sufficient for many elements where specific source documentation requirements are not specified in federal law or regulation. There are certain elements that do not allow for self-attestation (e.g. Age and Selective Service

Registration). The key components for self-attestation are:

- Identifies his or her status for permitted elements; and
 - Signs and dates a form attesting to this self-identification.
2. The documentation standards in Attachment A of this policy are in alignment with TEGL 28-11 for data element validation requirements.

IMPORTANT NOTE: This policy does not serve as a substitute for data validation guidance. Refer to TEGL 28-11 for guidance specific to data validation. Workforce Development Councils (WDCs) may establish more restrictive documentation requirements consistent with the definition of a dislocated worker and the minimum requirements established in Attachment A.

3. Requirements in Attachment A reflect intensive or training levels of service only. Self-attestation is also allowable for dislocated worker or National Emergency Grant (NEG) participants who did not receive intensive or training services except for Date of Birth (Age). Date of Birth records for Adults, Dislocated Worker, or NEG participants who only received staff-assisted core services require hard or electronic case notes. These case notes should reflect that the client has shown proof of age, and should include, for example, the driver's license number or other uniquely identifiable information of the document.
4. The template (Attachment B) should be used as a self-attestation form ([download the form here](#)). Please note that this self-attestation form is not a substitute for the required application. WDCs may develop other forms to promote self-attestation as long as the self-attestation statement and the key elements described in section b.i.1. of the policy are included.
5. Local procedure must define each of the following:
 - What constitutes a determination that a worker is "unlikely to return to a previous industry or occupation";
 - What constitutes a substantial layoff under WIA Section 101(9)(B)(i);
 - What constitutes a "general announcement" of plant closing under WIA Section 101(9)(B)(ii) or (iii);
 - What constitutes "unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters" for determining the eligibility of self-employed individuals, including family members and farm or ranch hands, under WIA Section 101(9)(C); and
 - What constitutes "self-sufficiency" for a dislocated worker when determining whether an employed worker needs intensive services to obtain or retain employment that leads to self-sufficiency (CFR 663.230).

ii. Record keeping

1. Local procedures must identify the record keeping system that will be used to ensure

documentary evidence confirms the individual's dislocated worker eligibility. Records must include a completed application for each applicant, in addition to documentary evidence of eligibility. If records that document eligibility cannot be obtained, local procedures must describe under what circumstances other actions will be taken to substantiate eligibility, such as collateral contacts.

c. Claimants' unemployment data and the WIA001 report:

i. Confidentiality of claimants' data

1. With a signed release, WorkSource partners requesting a claimant's data should be directed to the local WorkSource office where designated staff members will provide a Data Mail report (WIA001 - For WIA Eligibility & Claims Data) specifically created for WIA eligibility determination and claim data release.
2. For additional data, such as screen prints, WorkSource partners should contact the Records Disclosure Unit.

ii. Disallowed use of unemployment claim screens

1. Unemployment claim screens (UI GUIDE Screens) can no longer be used to determine program eligibility.
2. Local procedures must be modified, as appropriate, to comply with this policy and eliminate the use of UI GUIDE Screens as the basis for determining program eligibility.

4. Definitions:

Dislocated Worker – As outlined in WIA Section 101(9), Dislocated Worker refers to 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 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 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 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;
(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; or
(D) is a displaced homemaker.

Displaced Homemaker - An individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

5. References:

- WIA Section 101(9)
- 20 CFR Part 652 et al.
- 20 CFR 663.110; 115(a-b); 220; 230; 240; and 310
- 20 CFR 603(b)
- Unemployment Insurance Resource Manual: 5210 Release of Information
- Chapter 50.13 RCW
- [WIN 009 Change 2](#), Selective Service Requirements for WIA Grants
- [TEGL 11-11 Change 2](#), Selective Service Registration Requirements for Employment and Training Administration Funded Programs
- [TEGL 28-11](#), Program Year 2011/Fiscal Year 2012 Performance Reporting and Data Validation Timelines
- WIA001 Report Page: http://www.wa.gov/esd/1stop/policies/wia001_report.htm

6. Supersedes:

WorkSource Policy 3920 - Dislocated Worker Eligibility Determination

7. Website:

<http://www.wa.gov/esd/1stop/policies/title1b.htm>

8. Attachments:

- Eligibility Criteria & Acceptable Documentation - Attachment A
- [WIA Dislocated Worker Self-Attestation Form](#) - Attachment B

9. Action:

WDCs must ensure local eligibility determination for dislocated worker services is consistent with WIA law and regulations as well as state requirements contained within this policy.

Local procedures must ensure adequate and correct determinations of dislocated worker eligibility

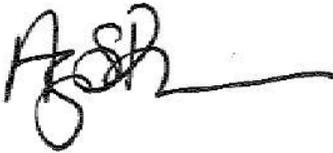
are made. Local procedures may be more restrictive than the minimum standards established in this policy as long as local standards are not in conflict with this policy. WDCs are encouraged to review their existing procedures to ensure alignment and compliance with the elimination of the use of UI GUIDE screens as the basis for eligibility determinations. Local procedures and requirements must be maintained on file and available for review.

WDCs must distribute this policy and local procedures broadly throughout the system to ensure that WorkSource System staff is familiar with its content and requirements.

Direct Inquiries To:

*WorkSource Standards & Integration Division
Employment Security Department
PO Box 9046
Olympia, WA 98507
(360) 725-9500*

Approved:

A handwritten signature in black ink, appearing to be 'ASH' followed by a horizontal line.

x _____

Eligibility Criteria & Acceptable Documentation Matrix – Attachment A

Dislocated Worker Eligibility Criteria	Conditions	Acceptable Documentation for Intensive and Training Levels of Service
Age	<ul style="list-style-type: none"> Must be 18 years of age or older 	<ul style="list-style-type: none"> Copy of ID Baptismal record Birth certificate DD-214 Report of Transfer or Discharge paper Driver's license Federal, state or local identification card Passport Hospital record of birth Public assistance/social service records School records or ID cards Work permit Cross match with the Department of Health's Center for Health Statistics Tribal records
Citizenship or Eligible Non-Citizen	<ul style="list-style-type: none"> Legally entitled to employment within the U.S. and territories 	<ul style="list-style-type: none"> Self -attestation <p>If a WDC elects to establish a more restrictive local policy/procedure, the following documents may be used to verify eligibility to work in the US and territories:</p> <ul style="list-style-type: none"> Social Security Card Birth certificate Any form of documentation as defined by Immigration and Naturalization Service (INS) for work eligibility
Selective Service Registration	<ul style="list-style-type: none"> Almost all male U.S. citizens, and male aliens living in the U.S., who are 18 through 25, are required to register with Selective Service. <p>Note: Section 189(h) of WIA requires individuals to be in compliance with Section 3 of the Military Selective Service Act (50 U.S.C. App 453), in order to participate in WIA Title 1-B funded programs. Section 3 of the Military Selective Service Act requires all males born after December 31, 1959 to be registered</p>	<ul style="list-style-type: none"> Selective Service Acknowledgement letter Form DD-214 "Report of Separation" Screen printout of the Selective Service Verification site: WWW.SSS.Gov/RegVer/wfVerification.aspx Selective Service Registration Card Selective Service Verification Form (Form 3A) Stamped Post Office Receipt of Registration <p>Note: Males 26 years of age or older must</p>

Dislocated Worker Eligibility Criteria	Conditions	Acceptable Documentation for Intensive and Training Levels of Service
	with the US Military Selective Service.	provide (1) documentation of compliance (2) documentation showing they were not required to register or (3) if they were required to but did not register, documentation establishing that their failure was not knowing and willful. See WIN 0009 Change 2 or TEGL 11-11 Change 2 for additional guidance.
General Dislocated Workers; Plant Closure; Self Employed; or Unemployed [Reference: WIA Section 101(9)(A-C)]	<ul style="list-style-type: none"> • Terminated or Laid off, or who has received notice of termination or layoff, from employment • 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 WIA section 134 (c), attachment to the workforce, but is not eligible for UI 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 as defined in local WDC policy. • 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 as defined in local WDC policy at, a plant, facility or enterprise; • Is employed at a facility at which the employer has made a general announcement that such facility 	<ul style="list-style-type: none"> • Self-attestation <p>If a WDC elects to establish a more restrictive local policy/procedure, the following documents may be used to verify dislocation from employment:</p> <ul style="list-style-type: none"> • Verification from employer • Rapid response list • Notice of layoff • Public announcement with follow-up cross-match¹ with UI (e.g. WIA001 Report or letter of entitlement).

¹ **Cross-match** refers to a cross-match with a state generated document from a state management information system or electronic database within the associated state agency or department.

Dislocated Worker Eligibility Criteria	Conditions	Acceptable Documentation for Intensive and Training Levels of Service
	<p>will close within 180 days; or</p> <ul style="list-style-type: none"> • For the purposes of eligibility to receive services other than training services in WIA section 134(d)(4), intensive services described in section 134(d)a(3), or support services, is employed at a facility at which the employer has made a general announcement that the facility will close. • 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 	
<p>Displaced Homemaker [Reference: WIA Section 101(9)(D)] Note: Do not enter a date of dislocation when recording as a displaced homemaker.</p>	<ul style="list-style-type: none"> • Is a displaced homemaker. An individual who has been providing unpaid services to family members in the home and who— <ul style="list-style-type: none"> ▪ has been dependent on the income of another family member but is no longer supported by that income; and ▪ is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. <p>Note: The definition of Displaced Homemaker in WIA Section 101(10) includes only those individuals who were dependent on a family member's income. Those individuals who have been dependent on public assistance may be served in the adult program.</p>	<ul style="list-style-type: none"> • Self-attestation <p>If a WDC elects to establish a more restrictive local policy/procedure, the following documents may be used to verify displaced homemaker status:</p> <ul style="list-style-type: none"> • Public assistance records • Court records • Divorce papers • Bank records • Spouse's layoff notice • Spouse's death record



Dislocated Worker Self-Attestation Form – Attachment B

Participant Information:

Last Name:	First Name:	MI:	Date of Birth*:
Address:	City:	State:	Zip:

Self-attestation Questions:

Adults entering WIA services as a dislocated worker or displaced homemaker may self-attest to the information below.

1. Are you legally entitled to employment within the U.S. and territories?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Have you been terminated or laid off, or have you received a notice of termination or layoff from your employer?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Have you lost employment as a result of a plant closure or a substantial layoff?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Were you self-employed, but are unemployed as a result of general economic conditions in the community in which you reside?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Are you a displaced homemaker**?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. (Placeholder for locally developed questions)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Employment History:

Job Title:
Employer Name:
Address:
City, State, Zip:

Self-Attestation Statement:

I certify that the information provided on this document is true and accurate to the best of my knowledge and belief. I understand that such information is subject to verification and further understand that the above information, if misrepresented or incomplete, may be grounds for immediate termination from the WIA Dislocated Worker program and/or penalties as specified by law.

SIGNATURE OF PARTICIPANT	DATE
X	

Case Manager Verification Statement:

I certify that the individual whose signature appears above provided the information recorded on this form.

SIGNATURE OF CASE MANAGER	DATE
X	

* For the purposes of dislocated worker eligibility determination, age must be accompanied by a birth certificate, copy of personal identification, or other allowable documentation listed in Attachment A of WorkSource Policy 3920 Rev 1.

** A displaced homemaker is an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.