

**THE MISSISSIPPI PARTNERSHIP
LOCAL WORKFORCE DEVELOPMENT AREA**

**DISLOCATED WORKER
REGISTRATION
POLICY**

Revision Date April 21, 2020

**THE MISSISSIPPI PARTNERSHIP
WIOA DISLOCATED WORKER
REGISTRATION POLICY**

I. Scope and Purpose

The purpose of this policy is to provide guidance for eligibility determination and the registration of dislocated workers. The intent is to substantially increase the accessibility of dislocated worker services funded by Title I of the Workforce Innovation and Opportunity Act (WIOA). This policy is being issued to ensure that front-line WIN Job Center staff have and understand the local definitions, policies, and procedures related to the identification and registration of dislocated workers.

II. Requirements

A. Dislocated Worker Eligibility Requirements

There are five types of eligible dislocated workers, with key WIOA eligibility requirements set out below:

1. General dislocated workers - a “general dislocated worker” is an individual who:
 - a. Has been terminated or laid off, or has received a notice of termination or layoff from employment;
and
 - b. Is unlikely to return to their previous industry or occupation;
and
 - c. One of the following:
 - i. Has been employed long enough to demonstrate workforce attachment, but is ineligible for unemployment compensation due to low earnings or work for an uncovered employer,
or -
 - ii. Is currently eligible for unemployment compensation (UC) or has in the past exhausted unemployment compensation.

2. Rapid Response Dislocated Worker - A “rapid response dislocated worker” is an individual who fits one of the following three categories:
 - a. Has been terminated or laid off or has received a notice of termination or layoff, and the termination or layoff is a result of a permanent closure or substantial layoff at a plant, facility or enterprise;
or
 - b. Is employed at a facility at which the employer has made a general announcement of closure within 180 days;
or
 - c. Is employed at a facility at which the employer has made a general announcement of closure, but there is either no known date or the date will occur after 180 days. In this instance training services describe in WIOA Section 134(c)(3), career services described in WIOA Section 134(c)(2)(A)(xii), or supportive services may not be provided to individuals in this category.

3. Self-Employed Dislocated Workers - A “self-employed dislocated worker” (including but not limited to farmers, ranchers, and fishermen) must be:
 - a. Unemployed,

and

- b. The unemployment must be due to general economic condition in the community in which the individual resides or due to a natural disaster.
4. Displaced Homemaker - A “displaced homemaker” is an individual who:
- a. Has been providing unpaid services to family members in the home,
and
 - b. Has been dependent upon another family member’s income,
and
 - c. Is no longer supported by that family member’s income,
and
 - d. Is unemployed or underemployed,
and
 - e. Is experiencing difficulty in either obtaining employment or upgrading to better employment.
5. Spouse of a member of the Armed Forces on active Duty who:
- a. Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of spouse
or
 - b. is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
6. Disaster Related Unemployment – A disaster related dislocated worker is an individual who:
- a. Is temporarily or permanently laid off as a consequence of the disaster;
or
 - b. Is an eligible dislocated workers as defined in WIOA Section 3(15);
or
 - c. Is long-term unemployed workers, as defined by one of the following:
 - i. Unemployed for more than 26 weeks.
 - ii. Unable to secure employment due to the general economic condition in the community in which the individual resides as a result of the disaster.
or
 - d. Self-employed individuals who become unemployed or significantly underemployed as a result of the emergency or disaster.
- B. Dislocated Worker Eligibility Definitions
1. General Dislocated Worker (GDW)

A key eligibility requirement is either current UC eligibility or past exhaustion of UC, or past workforce attachment of sufficient duration with an uncovered employer. For satisfying the length of workforce attachment of sufficient duration with an uncovered employer, continuous employment with an uncovered employer of thirteen weeks is presumed adequate. If the applicant has been working in uncovered employment for longer than thirteen weeks, the eligibility determination would still have to deal with the other two eligibility requirements for a general dislocated worker - termination or layoff and “unlikely to return.”

An individual who has been laid off is only considered a dislocated worker until the individual receives a job of equal or greater pay than their job they were dislocated from.

2. Rapid Response Dislocated Worker (RRDW)

A key eligibility requirement is past or prospective termination or layoff due to a permanent closure or substantial closure. For eligibility purposes, “permanent” means that the plant, facility, or enterprise is not expected to reopen for at least two years. A “substantial layoff” means ten or more persons laid off within a six-month span from the same plant, facility, or enterprise. If a county has an unemployment rate over seven percent which has increased by two or more percentage points within the past two years, the threshold for a substantial layoff is decreased to five individuals. Layoffs must be expected to last six months or more. These definitions may be expanded on a case-by-case basis to fit community circumstances if needed (upon written approval from the fiscal agent).

An individual who has been laid off is only considered a dislocated worker until the individual receives a job of equal or greater pay than their job they were dislocated from.

Note that RRDW’s need not be “unlikely to return” and do not need to be UC eligible. The past or prospective layoff or closure event alone triggers eligibility for affected individuals. Eligibility is not lost through subsequent reemployment. One-stop staff are urged to recruit RRDW’s who have become reemployed but who need assistance to achieve their previous earnings level.

3. Self-Employed Dislocated Workers

“Unemployment due to general economic conditions” is established if the business closed or was sold due to a downturn in profitability, and the county in which the business was located has an unemployment rate of over seven percent or has increased by two or more percentage points within the previous two years. This definition may also be expanded on a case-by-case basis to fit community circumstances if needed (upon written approval from the fiscal agent).

4. Displaced Homemaker (DH)

20 CFR 680.630 discusses DH eligibility and registration, concluding that past dependence upon public assistance does not meet the second of the five eligibility requirements, which is past dependence upon a family member’s income. Public assistance receipt, past, present, or future does not disqualify a displaced homemaker applicant if in addition to public assistance, that person was dependent upon another family member’s earned income.

Families must be related by blood, marriage, or decree of court, and must live in a single residence. Past dependence upon a boyfriend or girlfriend’s income, or an aunt or uncle’s income, will not meet the displaced homemaker requirements. Past dependence on a dislocated worker’s income (assuming the dislocated worker was or is in the displaced homemaker’s family) would meet the requirement for this element.

One-stop staff are urged to recruit displaced homemakers from the families of dislocated workers.

C. The Dislocated Worker Registration Process

1. Registration is the process of collecting information to establish eligibility, and can be done in a number of ways, including:
 - a. A personal interview with the applicant;
 - b. Accessing electronic data to visually verify eligibility; or
 - c. Collecting or viewing applicant paperwork.A combination of all three will typically be used to establish eligibility.
2. Dislocated Worker Eligibility Documentation

An individual who has been laid off is only considered a dislocated worker until the individual receives a job of equal or greater pay than their job they were dislocated from.

- a. Unemployment Compensation Receipt - An applicant who is receiving Unemployment Compensation will have an electronic record of receipt, accessible by the Mississippi Department of Employment Security. Viewing this data onscreen may verify:
 - i. Termination or layoff status,
 - ii. UC eligibility or exhaustion of UC benefits, and
 - iii. Unlikely to return to their industry or occupation due to four or more consecutive weeks of UC receipt. UC receipt requires that an individual be available for and seeking work unsuccessfully during a given week.
- b. Closure Announcement - A copy of the announcement or a news report of the closure announcement should be kept on file.
- c. Old Termination Date - If the date of dislocation is prior to the oldest date upon which UC information is electronically available to local MDES staff, and if the dislocation event is credible, the termination event and UC exhaustion may be self-certified. Note that mere past receipt of UC absent exhaustion and also absent current UC eligibility is inadequate to establish eligibility. The second “general dislocated worker” eligibility element requires either *current* UC eligibility or *past* UC exhaustion. Also, if the old termination date was unrelated to a substantial layoff or permanent closure, “unlikely to return” must be determined.
- d. Unlikely to Return to the Previous Industry or Occupation - This is an eligibility element only for “general dislocated workers.” WIN Job Center staff, through a brief initial assessment, may document “unlikely to return” by at least one of the following:
 - i. Continuous UC receipt (four or more consecutive weeks of UC receipt),
 - ii. Labor market information,
 - iii. Four weeks of unsuccessful job search,
 - iv. A lack of openings or job announcements in the WIN Job Center as determined by staff,
 - v. Applicant barriers such as a disability, lack of personal transportation, or lack of child care, preventing return to the industry or occupation,
 - vi. An assessed skill deficit preventing reemployment, or
 - vii. A significant disparity in pre-dislocation wages (\$1.00/hr. or more) and the wages currently available in the industry or occupation.
- e. Selective Service Registration - Selective Service status shall be electronically verified, if required.
- f. Self-employed - For registration of “self-employed dislocated workers”, WIN Job Center staff shall document if the business closed or was sold due to a downturn in profitability and that the county in which the business was located has an unemployment rate greater than seven percent or has increased by two or more percentage points within the past two years.
- g. Displaced homemaker - For registration of “displaced homemakers”, WIN Job Center staff shall document the five requirements for a displaced homemaker outlined in Section II.4., as well as documenting the family status.
- h. Social Security Number and Identification - Social Security cards and numbers (or work visas and resident alien registration) and personal identification may be used to verify this. Refer to the MS Partnership Eligibility Policy for a comprehensive list of accepted documentation.

D. Concurrent Enrollment

Many adults and some youth participants are also dislocated workers. One-stop staff should review current adult caseloads and coordinate with the local youth providers to determine if any of these individuals are eligible to be enrolled as dislocated workers. If dislocated worker eligibility is established, these individuals may be concurrently enrolled. Pro-rata costs for serving those individuals may then be charged to the dislocated worker program to the extent they are allowable as of the effective date of the concurrent enrollment. The individuals concurrently enrolled will count towards the performance goals of both programs in which they are concurrently enrolled.

E. Monitoring and Cost Disallowance

Compliance with this policy shall be the standard for monitoring, audit, and cost disallowance findings and determinations.

III. Effective Date

This policy is effective April 21, 2020.