

MISSISSIPPI
Policy Number 31
DISLOCATED WORKER REGISTRATION
Workforce Innovation and Opportunity Act
Office of Grant Management

I. SCOPE AND PURPOSE

This policy provides 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). Each Local Workforce Development Area (LWDA) shall develop and adopt a policy for eligibility determination and registration of dislocated workers. The LWDA should take all appropriate steps 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. Statutory and Regulatory Citations

1. WIOA Title I describes services to adults and dislocated workers.
2. Part 675 Introduction to the Regulations for the Workforce Development System under Title I of WIOA defines the terms “dislocated worker,” “displaced homemaker,” “family,” “rapid response,” and “unemployed.”
3. 20 CFR 680 establishes the framework for services to adults and dislocated workers.
4. Part 680 Adult and Dislocated Worker Activities Under Title I of WIOA. In this part of the Final Rule, the Department describes requirements relating to the services that are available for adults and dislocated workers under WIOA Title I. Under WIOA, adults and dislocated workers may access career services and training services. Training is provided through a robust Eligible Training Provider List (ETPL), comprised of entities with a demonstrated capability of training.
5. 20 CFR 675 and 20 CFR 680 helps individuals to enter quality employment. WIOA also provides enhanced access and flexibility for work-based training options, such as on-the-job training (OJT), customized training, and incumbent worker training. In this part, DOL also discusses supportive services and needs-related payments that can be provided, based on customer needs, to enable them to participate in WIOA career and training services.
 - a. 20 CFR 680.130 (b) allows the state and local boards to establish policies and procedures to use in determining a dislocated worker’s eligibility.

6. Part 687—National Dislocated Worker Grants (NDWGs) are discretionary awards that temporarily expand service capacity at the State and local levels through time-limited funding assistance in response to significant dislocation events. These grants are governed by sec. 170 of WIOA.

Part 687 regulations set forth the key elements and requirements for NDWGs. Additional guidance on NDWGs and the application requirements for these grants were published separately by the Department of Labor (DOL) in Training and Employment Guidance Letter (TEGL) No. 01-15, "Operational Guidance for National Dislocated Worker Grants, pursuant to the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act)."

All federal, state, and local policymaking is to be guided by key principles, the first of which is "*streamlining services*" to increase accessibility for individuals and businesses. (20 CFR 675, of the WIOA Final Rules, Part I.A., "WIOA Principles").

B. Dislocated Worker Eligibility Requirements

There are four types of eligible dislocated workers, with key WIOA eligibility requirements set forth 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 currently eligible for unemployment compensation (UC) or has in the past exhausted unemployment compensation;
- or -
been employed long enough to demonstrate workforce attachment, but is ineligible for unemployment compensation due to low earnings or work for an uncovered employer;
- and -
 - c. is unlikely to return to their previous industry or occupation.
2. Rapid Response Dislocated Worker – A "rapid response dislocated worker" is an individual who:
 - 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 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 within 180 days; but there is either no known date or the date will occur after 180 days. In this instance only rapid response and career services may be provided.

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 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 paying employment.

C. Dislocated Worker Eligibility Definitions

The local policy shall establish the specific rules and requirements related to the following 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. The length of workforce attachment with an uncovered employer is a state and local call. For purposes of satisfying this element for uncovered GDWs, continuous employment with an uncovered employer of 13 weeks or more is presumed adequate. LWDAs may choose to extend upon this presumption due to community or individual circumstances. If the applicant has been working in uncovered employment for longer than 13 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.”

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 7%, which has increased by two or more percentage points within the last two years, the threshold for a substantial layoff is reduced to five individuals. Layoffs must be expected to last six months or more. Again, the LWDA may choose to expand upon these definitions to fit community circumstances on a reasonable, case-by-case basis. An example could be a labor market with an 8.5% unemployment rate including several counties, one of which has a 7.8% unemployment rate. The lower threshold for a substantial layoff could be extended to all counties in the labor market through LWDA policy making.

Note that RRDWs 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. LWDAs are encouraged to recruit RRDWs who have become reemployed, but who need assistance to achieve their previous earnings levels.

3. Self-Employed Dislocated Workers (SEDW)

“Unemployment due to general economic conditions” is established if the business closed or was sold due to a downturn in profitability, and the county’s unemployment rate is either over seven (7) percent or has increased by two or more percentage points in the last two years. Again, the LWDA may choose to expand upon this presumption due to community or individual circumstances.

4. Displaced Homemaker (DH)

20 CFR 679 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 DH applicant if, in addition to public assistance, that individual was dependent upon a family member’s earned income.

LWDAs are encouraged to adopt eligibility policies and procedures stressing self-certification based upon personal interviews to establish DH eligibility. Note that the WIOA 20 CFR part 603 definition of a “family” is narrow and includes (a) husband, wife and dependent children, (b) a parent or guardian and dependent children, and (c) a husband and wife alone. 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 DH requirements. Past dependence on a dislocated worker’s income, assuming the DW was or is in the DH applicant’s family, would meet the requirements for this element.

LWDAs are encouraged to actively recruit DHs, from the families of DW participants, as a part of rapid response and from the broader community. It may be necessary to hire or move DH coordinators whose sole job is to recruit and serve DH effectively.

D. The Dislocated Worker Registration Process

Registration is the process of collecting information to establish eligibility. It can be done in a variety of ways including:

1. A personal interview with the applicant;
2. Accessing electronic data to visually verify eligibility; or
3. Collecting or viewing applicant paperwork. All three eligibility information collecting methods are permissible either alone or in

combination. At a minimum, dislocated worker eligibility shall be established using self-certification, a signed attestation by the applicant that this eligibility information is true and accurate.

4. All of the above methods **will require** collection of certain documentation for data validation requirements as outlined in TEGL 23-19.

E. Local Policy Required

Each LWDA shall adopt a written policy describing how dislocated worker registration should occur, including which eligibility requirements may be determined using self-certification, which may be determined using electronic data, and which may be determined by collecting or viewing applicant paperwork. The local policy shall encourage streamlined services over paperwork collection and copying.

F. Examples

The LWDA may use any of the following examples to determine one or more eligibility elements. These examples are intended to be illustrative rather than inclusive.

1. Unemployment Compensation (UC) Receipt

An applicant who is receiving UC will have an electronic record of receipt, accessible by the Mississippi Department of Employment Security (MDES). Viewing this data onscreen may verify:

- (a) Termination or layoff status,
- (b) UC eligibility or exhaustion, and
- (c) 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.

Viewing electronic UC data could verify each and every element for a general dislocated worker. All other application information, with the sole exception of selective service registration, which could also be verified electronically, would be self-certified.

2. Closure Announcement

A copy of the announcement or a news report of the closure announcement would be kept in the file. All other "rapid response dislocated worker" application information would be self-certified.

3. 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.

If the old termination date was due to a substantial layoff or permanent closure, "unlikely to return" need not be established since this is not a required element for a "rapid response dislocated worker." If the old termination date was unrelated to a substantial layoff or permanent closure, "unlikely to return" must be determined.

4. Unlikely to Return to the Previous Industry or Occupation

This is an eligibility element only for "general dislocated workers." It could be determined by (a) continuous UC receipt, (b) labor market information (LMI), (c) four weeks of unsuccessful job search, (d) a lack of openings or job announcements in the WIN Job Center as determined by staff, (e) applicant barriers such as a disability, lack of personal transportation or lack of child care preventing return to the industry or occupation, (f) an assessed skill deficit preventing reemployment, or (g) a significant disparity in pre-dislocation wages (\$1.00/hr or more, for example) and the wages currently available in the industry or occupation. WIN Job Center staff through a brief, initial assessment may determine any or all of these items.

5. Self-Employed or Displaced Homemaker

Self-certification may be based upon a personal applicant interview corroborated by brief file notes. All file information should be reasonably consistent with the eligibility determination, or paper or electronic verification should be sought.

6. Selective Service

Selective service status would be electronically verified.

G. Concurrent Enrollment

Many adults and some youth participants are also dislocated workers. LWDAs are encouraged to review current adult and youth caseloads, and if dislocated worker eligibility is established, to concurrently enroll the individual in the dislocated worker program. Costs for serving that individual may be charged to the dislocated worker program; to the extent they are allowable, as of the effective date of concurrent enrollment. The concurrently enrolled participant will count towards the performance goals of both programs in which they are concurrently enrolled.

H. Monitoring Audit and Cost Disallowance

Compliance with the LWDA policy on dislocated worker registration shall be the standard for monitoring, audit and cost disallowance findings, and determinations. The mere fact of participant ineligibility shall not establish a questioned or disallowed cost. If a significant number of ineligibles are discovered, the LWDA registration policy may be revisited and a greater level of electronic and paper verification should be sought in the future.

I. Adult and Youth Programs

The identical principles set out in this policy apply to the WIOA Title I adult and youth programs. LWDAs are encouraged, but not required, to adopt similar registration policies for adults and youth, considering the differing eligibility requirement for these programs.

III. EFFECTIVE DATE

This policy shall be effective immediately.



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Date