

Fresno Regional Workforce Development Board

A proud member of America's Job Center of CaliforniaSM Network

2125 Kern Street, Suite 208 • Fresno, California 93721 • 559.490-7100 • Fax 559.490.7199 •
www.workforce-connection.com

Blake Konczal, Executive Director

POLICY BULLETIN

FRWDB PB # 17-01, Revision B	Date Released: March 28, 2018
To: All Fresno Regional Workforce Development Board Providers of Services	
From: Blake Konczal, Executive Director	
Effective Date: March 28, 2018	
Subject: Dislocated Worker Definition and Eligibility Criteria	
Applicable Program: Dislocated Worker	
Revision History: Initial Release – 9/20/01	

This Revision B updates and expands the definition and criteria for Workforce Innovation and Opportunity Act (WIOA) requirements, including the addition of honorably discharged veterans and their spouses.

This revision was approved by the Fresno Regional Workforce Development Board on March 7, 2018.

The WIOA provides local areas increased flexibility to implement local policy that best meets the needs of the local communities. Under the authority of WIOA and the State of California's WIOA Eligibility Technical Assistance Guide (State Directive 14-04), local boards have the authority to develop local policies to meet local needs.

A Dislocated Worker is an individual who:

1. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment and is eligible for or has exhausted entitlement to unemployment compensation;

or

2. 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 a State unemployment compensation law;

and

is unlikely to return to a previous industry or occupation;

3. 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;

or

4. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days;

or

or for purposes of eligibility to receive services other than training services described in WIOA Section 134 (c)(3), career services described in Section 134 (c)(2), or supportive services described in Section 134(c)(2)(ix)(I) is employed at a facility at which the employer has made a general announcement that such facility will close;

or

5. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a results of **general economic conditions** in the community in which the individual resides or because of natural disasters;

or

6. Is a transitioning military service member or a recently honorably discharged veteran; or

or

7. Is a displaced homemaker [Reference: WIOA Section 3(15)(D) and (E)]

or,

is the spouse of a recently discharged veteran, or recently transferred military personnel; [Reference: WIOA Section 3(15)(E);

or

8. Has voluntarily terminated employment, and is receiving, or has been determined eligible to receive unemployment compensation or has subsequently exhausted entitlement to unemployment compensation since terminating employment voluntarily, and is **unlikely to return** to a previous industry or occupation.

Definitions:

Sufficient attachment to the workforce: A period of 90 cumulative full or part time workdays within the last two (2) years prior to the date of the WIOA application/registration. For the purpose of this definition, a workday can include as little as 2 hours of work. Part time employment conditions that, by their nature or design, restrict the number of hours available for work in any day are acceptable in determining sufficient attachment. Examples include, but are not limited to school aides, baby sitters, domestics, etc.

Unlikely to return to a Previous Industry or Occupation: Status of an applicant who has limited opportunities for employment in their occupation of dislocation. This could include personal and/or confidential information and should be determined on a case-by-case basis.

Examples include but are not limited to:

1. The industry and/or occupation shows it is in "Decline" or not a local demand occupation.
2. The industry and/or occupation is in demand, but the individual has had a lack of job offers as documented by local EDD Workforce Services or Unemployment staff, rejections letters from employers in the area, or other documentation of the individuals unsuccessful job search activities;
3. The individual would be required to re-locate to an area where the previous occupation is in demand;
4. Change in family situation that requires higher income;
5. Natural disaster that results in lost wages;
6. Loss of agricultural land and or mechanization;
7. The individual is not able to work in another capacity in the occupational area from which s/he was dislocated due to disability. An individual may have started out in an industry performing physically or mentally demanding jobs but is no longer capable of performing the essential requirement of the job;

8. A review of the individual's skills are obsolete compared to the skills that are no required;
9. A college degree was not required when an individual started in their previous occupation, but is under the current labor market.
10. Any significant variance to normal seasonal employment patterns resulting in uncertain return-to-work dates.

Substantial layoff: Any event that results in the temporary or permanent reduction in workforce by 20% or fifty (50) of employees either by department or total company, but not necessarily resulting in permanent closure.

General economic conditions: Are defined as those that have a direct adverse effect on a self-employed individual(s) and are beyond one's control. Examples include but are not limited to, self-employment which has little demand or has been declining in the local area, seasonal factors, unforeseen or unusual operating costs, and depressed market conditions.