

Governor's Workforce Investment Division Policy No. 22-02

Subject: Dislocated Worker Definitions

Effective Date: July 1, 2002

Purpose: To expand the definition of Dislocated Worker

Reference: Workforce Investment Act of 1998, Section 101(9)

Background: The Final Rules of the Workforce Investment Act (WIA), 20 CFR Part 652, at 663.115(b) states that Governors and Local Boards may establish policies and procedures for One-Stop operators to use in determining an individual's eligibility as a dislocated worker consistent with the definition at WIA Section 101(9).

WIA Section 101(9). The term "dislocated worker" means 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.

Policy: GWID is defining the following dislocated worker terms:

Attachment to the workforce: “Attachment to the workforce” referenced in WIA Section 101(9)(A)(II) may be defined by each local WIB.

Long Term Unemployed: Individuals who at the time of registration are unemployed and have been unemployed for any 12 out of the last 26 weeks may be classified as long term unemployed and served as dislocated workers under National Emergency Grants. The 12 weeks do not have to be consecutive.

Priority: Local WIBs may expand the definition of dislocated workers consistent with WIA, Section 101(9), with priority given to dislocated workers who are unemployed and to workers notified of a pending termination, lay off, dislocation or plant closure.

The Act provides local Workforce Investment Boards the flexibility to define terms, establish eligibility criteria, and develop policies and procedures consistent with State and Federal requirements when creating a system to provide workforce activities to citizens within the local area. Where authorized by the Act, the State feels local boards are better positioned to create policies reflective of the local need.

Action: Local areas should establish policies, interpretations, guidelines and definitions to implement provisions of Title I of WIA to the extent that such policies, interpretations, guidelines and definitions are not inconsistent with the Act and the regulations issued under the Act, Federal statutes and regulations governing One-Stop partner programs, and with State policies [20 CFR Part 652 Section 661.120(a)]. Local WIBs should advise and make available to the region’s One-Stops such policies, interpretations, guidelines and definitions.

Questions: Questions should be directed to the Governor’s Workforce Investment Division, Building 6, Room B-617, 1900 Kanawha Boulevard, East, Charleston, WV 25305. Toll free 1-877-967-5498.

Expiration Date: Effective until rescinded or modified by the West Virginia Workforce Investment Council.

