



# Montgomery County Workforce Investment Board

Policy: **ADULT AND DISLOCATED WORKER WIA ELIGIBILITY AND ELIGIBILITY DOCUMENTATION**

Effective Date: July 1, 2012

Policy Number: 2012-17

## **SUBJECT: WIA Adult and Dislocated Worker Eligibility and Eligibility Documentation**

**PURPOSE:** To transmit policy on eligibility determination for Workforce Investment Act Adult and Dislocated Worker Program Participants

**REFERENCES:** Workforce Investment Act (WIA) section 101(9); TEGL 31-09 & TEGL 27-10; Workforce Investment Field Instruction (WIFI) No. 02-99, No. 09-04 , and 03-99.

**EFFECTIVE DATE:** July 1, 2012

**ACTION REQUIRED:** Within 15 days of the receipt of this policy it is the recipient's responsibility to ensure all staff are informed of the policy and to create an internal process to ensure accountability.

**BACKGROUND:** WIA *adult programs* are designed to meet employer needs by helping job seekers upgrade skills, obtain employment, improve job retention, and increase earnings.

WIA adult services include:

- job search, job referral, and placement assistance;
- career counseling;
- labor market information;
- assessment of skills and needs;
- individual employment plan development;
- occupational skills training;
- skills upgrading and retraining;
- job readiness training; and
- adult education and literacy.

The Workforce Investment Act (WIA) also serves *dislocated workers*. WIA dislocated worker programs are designed to meet employer needs by helping job seekers upgrade skills, obtain employment, improve job retention, and increase earnings.

The WIA dislocated worker program offers employment and training programs for eligible workers who are unemployed through no fault of their own or have received an official layoff notice. The program also provides the following specialized reemployment services:

### **Rapid Response**

Rapid Response services provide short-term early intervention and immediate assistance with layoffs and plant closures. Rapid Response provides early intervention assistance designed to

transition workers to their next employment as soon as possible.

### **Rapid Reemployment Services**

Rapid Reemployment Services (RRS) are geared toward unemployment insurance (UI) claimants identified as likely to exhaust benefits. Claimants who have been prioritized and referred to the Local Workforce Investment Boards shall be considered to have met the eligibility criteria for dislocated worker services.

### **Trade Adjustment Assistance**

The TAA program provides additional benefits for dislocated workers of companies that are directly affected by increased imports or certain shifts of production to other countries. TAA petitions now trigger immediate provisions of Rapid Response and basic adjusted services available under WIA, facilitating coordinated planning and more rapid reemployment. Trade-affected workers receive notification that their Trade petition has been approved. The notification instructs them to contact the local Department of Labor for services. Making contact with the local DLLR and providing a copy of the petition approval letter meets the eligibility criteria for WIA dislocated workers.

### **POLICY:**

This policy is intended to define local eligibility criteria for the Montgomery County Workforce Investment Act (WIA) Adult and Dislocated Worker programs. In addition, the policy will identify local documentation requirements for the relevant aspects of WIA Dislocated Worker eligibility.

Provision of intensive or training services for all WIA programs is dependent on the individual's ability to prove authorization to work in the United States. Any individual who cannot demonstrate authorization to work will not be eligible for program enrollment, intensive or training services and will be referred to the appropriate partner to assist them. All individuals regardless of authorization to work, are able to receive self-services through MontgomeryWorks centers.

### ***Basic Eligibility Criteria***

To be eligible for participation in the WIA Adult and Dislocated Worker programs individuals must at minimum:

- 1) Be age 18 or older.
- 2) Be a citizen of the United States or an eligible non-citizen.
- 3) If the individual is a male, born after January 1, 1960 who is 18 years of age or older; be registered for selective service.

### ***WIA Adult Intensive Service Eligibility:***

If an individual meets the above criteria and the following local requirements they may be considered for enrollment in the WIA Adult program, allowing them to receive intensive services. The Montgomery County WIB requires individuals meet the following local eligibility requirements for enrollment in the WIA Adult program:

- 1) Adults are unemployed or underemployed, have received at least one core service and are unable to obtain employment through core services, and are determined by a One-Stop operator to be in need of more intensive services to obtain self-sustaining employment;  
AND
- 2) Are underemployed OR unemployed and have a household income at or below Montgomery County WIB's locally defined self-sufficiency levels (Reference local Policy 2012-10 on Self- Sufficiency).

***WIA Dislocated Worker Intensive Service Eligibility:***

To qualify for participation in the WIA Dislocated Worker Program for Intensive Services individuals must meet the basic eligibility criteria above and one of the following criteria:

- 1) Have been terminated or laid off, or who has received a notice of termination or layoff from employment; is 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 attachment to the workforce but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; AND is unlikely to return to a previous industry or occupation;
- 2) Has been terminated or laid off, or has received a notice of termination or layoff from employment as a result of permanent closure of, or any substantial layoff at a plant, facility or enterprise; is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for the purposes of eligibility to receive services other than training services described in section 134(d)(4) of WIA, intensive services as described in section 134(d)(3) of WIA, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
- 3) 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
- 4) Is a displaced homemaker.

***Local Documentation Requirements for Dislocated Worker Eligibility:***

Dislocated Workers may be eligible under one of several definitions provided by WIA and DLLR policy. Documentation required for Dislocated Worker eligibility includes documentation policies established by the WIB for:

- Unlikely to return to a previous industry or occupation, and
- Have been employed for duration sufficient to demonstrate attachment to the workforce.

1) Dislocated Workers are individuals who have been terminated or laid off, or who has received a notice of termination or layoff from employment; is 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 attachment to the workforce but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; AND is unlikely to return to a previous industry or occupation.

The industry or previous occupation in which the individual worked will be documented by self-certification. The occupation in which the individual worked shall not only be based on job title, but on the majority of job duties identified on the applicant's referral/skills inventory form.

The Montgomery County WIB has chosen to use Labor Market Information (LMI) from the following sources to determine whether the individual is unlikely to return to his/her previous industry/occupation:

- Labor Market Information documents from the State of Maryland including: annual labor market information distributed by the state for planning purposes, Industry Information documents, and Occupation Information documents.
- Labor Market Information relating to industries and/or occupations from the EMSI database software procured by the Montgomery County Department of Economic Development and available for use by the WIB.
- Information provided by service provider case managers.

Service providers shall obtain written verification from the employer that documents the applicant's chance for recall at that particular industry.

Exceptions to the above prohibition can be granted if the applicant has a characteristic that makes him or her "unlikely to return" that can be documented and justified on the applicant's Individual Service Strategy. If this is the case, the Individual Service Strategy should be submitted to the WIB Director for approval. The Individual Service Strategy should detail the circumstances causing the participant to be unable to return to the previous occupation. Examples of exceptions would include (but not be limited to) medical or personal situations that clearly prevent the individual from returning to their previous occupation.

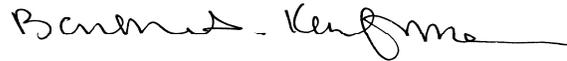
2) The Dislocated Worker eligibility also depends on the applicant proving that he/she has been employed for sufficient duration to show attachment to the workforce. The Montgomery County WIB accepts proof of attachment to the workforce when the applicant verifies a minimum of 30 days of previous employment within the past twelve months using pay stubs or telephone verification from the employer. As a last resort, an applicant statement of previous employment is acceptable.

Refer to Attachment 1 for appropriate and acceptable documentation.

**Approved:**

February 27, 2013

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Date of Board Approval



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Barbara Kaufmann, WIB Director

# ATTACHMENT 1 ADULT & DISLOCATED WORKER ELIGIBILITY CRITERIA & DOCUMENTATION FORM

**Checklist KEY:**

- \* The document is used for State and Local Monitoring
- ^ The document is used for State and Local Data Validation

## WIA ADULT & DISLOCATED WORKER DOCUMENTATION

Eligibility Criteria for WIA Adult & Dislocated Workers	Acceptable Documentation	In File/Not in File Comments
<p><b>*^ COMPLETED &amp; SIGNED APPLICATION</b> <i>An individual is required to sign and date an application form certifying the accuracy of his/her enrollment information</i></p>	Signed and dated WIA Registration Form (hard copy or electronic)	
<p><b>*^ AGE/DATE OF BIRTH</b> <i>Must be 18 years of age or older</i></p>	Birth Certificate or hospital record of birth Drivers License or DMV Identification Baptismal Certificate Voter Registration Card DD Form 214, Report of Transfer or Discharge Cross-match with Department of Vital Statistics Alien Registration Card Food Stamp Records or Medical Coupons School enrollment documents/ID cards Naturalization Certificate Public Assistance or Social Service records US Passport Native American Tribal Document(s) Work Permit Tribal records Federal, State or Local identification card Passport	
<p><b>*^ ENTITLED TO WORK</b></p>	Social Security Card Birth Certificate Any form of documentation as defined by Immigration and Naturalization Service (INS) for work eligibility List of Acceptable Documents as listed on Form I-9	
<p><b>*^ SELECTIVE SERVICE REGISTRATION</b> <i>Almost all male U.S. citizens, and male aliens living in the U.S., who</i></p>	Selective Service Registration Card Receipt of registration On-line confirmation or Telephonic verification with Selective Service	

<p>are 18 through 25, are required to register with Selective Service. This rule applies to applicants who are 18 through 21 years of age at the time of application</p>	<p>DD Form 214 (Report of Transfer or Discharge)</p>	
<p><b>*^ ADULT PARTICIPANT Low income verification</b>  (Public Assistance recipient or whose income is 150% of the federal poverty level):  Service Priority under Local Unified Plan: Recipients of public assistance and others whose income is under 150% of the federal poverty level.</p> <p>[Reference: WIA Section 134(d)(4)(E) 663.600]</p>	<p>Copy of authorization to receive cash public assistance  Copy of Public Assistance Check  Medical Card Showing Grant Status  Public Assistance Identification Card Showing Cash Grant Status  Refugee Assistance Records  Authorization to obtain food stamps  Social security administration Disability records  Veterans administration letter/records  Vocational rehabilitation letter  Workers compensation record  Written statement from shelter  Alimony Agreement  Divorce Record  Award Letter from Veterans Administration  Bank Statement (Direct Deposit)  Compensation Award Letter  Court Award Letter  Employer Statement/Contract  Housing Authority Verification  Pay Stubs  Rental income  Strike benefits  Child Support Legal Agreement  Pension Statement  Public Assistance Records  Quarterly Estimated Tax for self-employed persons (schedule c)  Social security benefits  UI documents  Medical records/statements of substance abuse treatments  Assessment/test of disabilities  Applicant Statement/Signed Registration  Telephone verification  Family or business financial records  Notary-certification in absence of other documents</p>	
<p><b>*^ TANF (NEEDY FAMILY STATUS)</b></p>	<p>TANF public assistance records</p>	
<p><b>*^ OTHER PUBLIC ASSISTANCE RECIPIENT</b>  <i>Defined as a person who is receiving or has received cash assistance or other support services from one of the following sources in the last six months prior to</i></p>	<p>Copy of authorization to receive cash public assistance  Copy of public assistance check  Medical card showing cash grant status  Public assistance records  Refugee assistance records  Cross-match with public assistance</p>	

<p><i>participation in the program: General assistance (GA) (State/local government), Refugee Cash Assistance (RCA), Food Stamp Assistance and Supplement Security Income (SSI). Do not include foster child payments.</i></p>	<p>database Award letters from DSHS Copies of DSHS printouts of benefit histories and telephone verification forms are accepted if filled out completely. The documentation must support receipt of Other Public Assistance at the time of enrollment or not more than six months prior to enrollment</p>	
<p><b>*^ GENERAL DISLOCATED WORKER</b> <i>REFERENCE: IWA SECTION 101(A)</i> (1). Terminated or laid off, or who has received notice of termination or layoff from employment (1a). Eligible for or has exhausted entitlement to unemployment compensation; or (1b). Has been employed for a duration sufficient to demonstrate to the appropriate entity at a one stop center referred to in IWA 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 (1c). Is unlikely to return to a previous industry or occupation</p>	<p><b>General Dislocated Worker (1).</b> Lay-off notice or termination notice from employer or pay stubs. ^DATE OF DISLOCATION: _____ o UI documents o WARN notification letter/notice of layoff o Verification from employer o Rapid Response list o Self-attestation Contact with last employer UI documents Certification of expected Separation (Federal Civilian Employees) Notary-certification in absence of other documents (1a) UI documents or adjudication decision (1b) UI documents Pay stubs (1c) Labor market information Labor analysis Open job orders Comparison of current job listing wages to previous wage Local demand list Statement with ratio of openings to job seekers Skills need to be updated Available wages below 80% of wage at separation</p> <p><b>Plant Closure (2), 180 Days Prior Notice (3 &amp; 4), Self Employed (5)</b> Lay-off or termination notice from employer WARN Letter from employer Newspaper article Tax returns</p>	

<p><b>Plant Closure</b>  <i>Reference: WIA Section 101(B)</i>  (2) 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 layoffs as defined in local WIB policy at a plant, facility or enterprise</p> <p><b>180 Days Prior Notice</b> (3)  Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days;  or  (4) 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)(3), or support services, is employed at a facility at which the employer has made a general announcement that the facility will close.</p> <p><b>Self Employed</b>  <i>Reference: WIA Section 101(C)</i>  (5) 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 disaster.</p>	<p>Business license  Document that disaster caused going out of business  Foreclosure notice  Labor market information  Income and Expense Statement  Bankruptcy proceedings  Insufficient debt-to-asset ratio  Depressed prices or markets  Notary-certification in absence of other documents</p>	
<p><b>Displaced Homemaker</b>  <i>Reference WIA Section 101(D)</i>  (6) Is a displaced homemaker. An individual who has been providing unpaid services to family</p>	<p>Displaced Homemaker (6)  Public Assistance Records  Court Records  Separation or divorce decree  Divorce papers  Bank records</p>	

<p>member(s) in the home and who- (6a) has been dependent on the income of another family member but is no longer supported by that income; and (6b) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. The definition 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>	<p>UI Documents  Tax returns  Documents affirming spouse's notification of layoff or UI claim  Evidence of unsuccessful job search or wage progression activities  Spouse's death record  Notary-certification in absence of other documents</p>	
<p><b>^ Release of Information</b></p>	<p>SIGNED Authorization to Release Information Form</p>	
<p><b>^ Veteran Status</b></p>	<p>DD-214  Cross match with veteran's data  A letter from the Veteran's Administration  The documentation must include the dates of service and indicate the veteran was discharged or released from such duty with other than a dishonorable discharge</p>	