

Definition: Dislocated Worker Eligibility

Reference State Policy:	WIOAPL 15-02 (Adult and Dislocated Worker Eligibility) July 15, 2015
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Revision Approved:	April 10, 2020

Deleted: Dislocated Worker Eligibility Procedures Manual-
Definitions ¶
(as of 1/31/11)

Definitions

Attachment to the Workforce

An Individual who, at the time of application to WIOA, worked at the same company or same occupation: 15 out of the last 26 weeks.

Eligible for/exhausted unemployment insurance

An individual who has been determined to be eligible for benefit payments under one or more State or Federal unemployment compensation programs whether or not he or she has exhausted his/her benefit rights. An individual need not actually receive benefits to be eligible.

Farmer, ranch worker or fisherman

An individual who is self-employed or employed by another, on a farm, ranch, or boat which produces agricultural or food products with annual sales of \$1,000 or more, and who receives at least 50% of their family or individual income from agricultural or food production.

Interim Employment

Employment that has been accepted for income maintenance prior to, and/or during, participation in intensive or training services with the intention of ending such employment at the completion of the intensive or training services with entry into permanent, unsubsidized employment as a result of the services. Interim employment is accepted because the affected worker(s) have lost the customary work for which their training, experience, or work history qualifies them. Interim employment can be part-time or full-time. Consideration may be made to categorize employment as "interim" when the worker does not have access to health care and is seeking a new job that provides this coverage. An eligible worker who is in interim employment following dislocation is not considered self-sufficient even if the hourly wage exceeds 85% of the dislocation wage.

Laid-off or Layoff

Laid-off is defined as a separation due to the lack of work or other factor(s) not related to the behavior of the employee.

Natural disaster

Events that may include a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mud-slide, snowstorm, ice storm, drought, fire, explosion, or other catastrophe.

Notice of termination from employment

A written notice from an employer concerning the lay-off or termination of an employee. Such written notice of lay-off or termination may consist of:

- A final letter from an employer laying off or terminating the employee; or
- A public announcement by an employer about an upcoming lay-off or termination affecting groups of employees, provided that the announcement makes clear that the applicant is a member of that group.

Occupation

An individual's primary occupation, i.e. the occupation to which the individual has a long-term connection and/or has invested substantial time in education or skill training. Long term connection is defined as at least 12 months of prior full-time or 24 months of part-time employment. Months need not be consecutive.

Permanent Closure

The permanent shutdown of a plant, facility or enterprise.

Plant facility or enterprise

A distinct unit of business or industry; for example, the closure of a division of a corporation, the entire facility at a specific site of location, or the closure of a functional unit, such as a warehouse.

Seasonal workers

Individuals who work in cyclical, intermittent or seasonal industries. Workers are predictably laid off or terminated for periods of each year and may or may not expect to be rehired by the same employer. Industries employing seasonal workers include agriculture, construction, and landscaping.

Self-Employed

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

Deleted: Persons who work for profit or fees in their own business, profession, trade, or farm.

Unemployed as a result of general economic conditions or natural disaster: Business lost due to one of the following reasons:

1. The closure or substantial lay-off of a primary supplier or customer affecting the self-employed applicant's products or services;
2. Less demand for the occupation or product within the community;
3. A decline in profits significant enough to lead to closure, documented by most recent tax return or other company documents showing negative gains/losses statement;
4. Natural disaster, as defined by State or Federal declaration; or
5. Self-employed individuals, including contractors and those working in the gig economy, who are unable to work due to the COVID-19 pandemic.

The JFS 13186, Self-Attestation form is the acceptable source documentation. Please see WIOAPL 15-07.2 for other acceptable source documentation.

Substantial Layoff

Any reduction in force which is not the result of a plant closing and results in an employment loss at a single site of employment during any sixty days(60) day period for:

1. At least 25% of employees, or
2. At least 50 employees.

Termination of employment

Separation from employment due to reasons other than discharge for cause, voluntary departure or retirement; OR individuals who accept early or forced retirement as part of a reduction in workforce; OR an individual who has been dismissed but is still eligible for unemployment compensation.

Underemployment

An individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement. Also includes individuals who fall below the dislocated worker self-sufficiency threshold, as defined by the local WIB.

Unemployed Individual

An individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job is made in accordance with the criteria used by the Bureau of Labor Statistics in defining individuals as unemployed.

Unemployed as a result of general economic conditions or natural disaster is defined as business lost due to one of the following reasons:

- The closure or substantial lay-off of a primary supplier or customer affecting the self-employed applicant's products or services; or
- Less demand for the occupation or product within the community; or
- A decline in profits significant enough to lead to closure, documented by most recent tax return or other company documents showing negative gains/losses statement; or
- Natural disaster, as defined by State or Federal declaration.

Unlikely to return

Laid off without a recall date, or if the recall date has passed, and falls into one of the following categories:

1. The number of jobs in the applicant's previous industry/occupation are declining based on Labor Market Information (LMI) data;
2. The projected annual increase in employment growth within the BCW/Workforce area, based on LMI or O*Net, is fewer than 100 jobs in the previous industry (including replacements) or the projected annual increase in growth openings is fewer than 30 jobs in the previous occupation;
3. The applicant is dislocated from a job not found on the most recent BCW/Workforce area or state-approved list of demand occupations (if applicable);

Then following list identifies some additional factors that the BCW/Workforce may consider when deciding if an individual is unlikely to return to a previous industry or occupation.

1. The applicant has conducted a dedicated but unsuccessful job search in the previous industry/occupation, as evidenced by employer rejection letters or employer contact logs;
2. Evidence, preferably from several sources including OhioMeansJobs.com, professional journals, etc., of few openings in the previous industry or occupation; or

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<#>The applicant is eligible for referral to ; or¶

Deleted: Internet job sites

Deleted: journals, etc.

3. The applicant is unable to perform the duties of the previous job due to age, ability, or disability (as defined in this section).

4. The applicant has been either permanently or temporarily dislocated from a job as a result of a COVID-19 related shutdown or layoff.

The WIBBCW may add other definitions of “unlikely to return”, with relevant and appropriate source documentation.