



Mike DeWine, Governor

Kimberly Hall, Director

To: WDB Directors, Fiscal Agents and OhioMeansJobs Center Operators

From: John B. Weber, Deputy Director
Office of Workforce Development

Date: April 10, 2020

Subject: Interim Adult and Dislocated Worker Eligibility Update

This memo will serve as an interim policy update to [WIOAPL 15-02 \(Adult and Dislocated Worker Eligibility\)](#). The following provides clarification and changes to the current policy that are effective on the date of this memo.

Per 20 CFR 680.130, Ohio and local WDBs may establish policies that define the following:

(2) What constitutes “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters” for determining the eligibility of self-employed individuals, including family members and farm workers or ranch hands, under WIOA sec. 3(15)(C); and

(3) What constitutes “unlikely to return to a previous industry or occupation” under WIOA sec. 3(15)(A)(iii), consistent with § 680.660.

Ohio has made the following updates to these definitions regarding the eligibility criteria for dislocated workers to increase support for those job seekers and businesses affected by the COVID-19 pandemic as well as those served under other dislocated worker grants.

Category A: Terminated or Laid Off, or Received a Notice of Termination or Layoff from Employment

- Has been terminated or laid off or has received a notice of termination or layoff from employment; AND
- Is eligible for or has exhausted entitlement to unemployment compensation; OR
- 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.**

Unlikely to return to previous industry or occupation: An individual who is laid off and falls into one of the following categories or another category identified by the local WDB.

1. The number of jobs in the applicant's previous industry/occupation is declining based on Labor Market Information (LMI) data;

2. The projected annual increase in employment growth within the local 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 local or state list of demand occupations (if applicable).

The following list identifies **some** additional factors local WDBs 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
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.

Local WDBs must develop a local policy to define unlikely to return should the WDB identify additional criteria to the definition. The WDB may also identify other appropriate source documentation based on that additional criteria.

Category C: Self-Employed Individual

- 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.

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 remains acceptable source documentation for both additions to the eligibility criteria. Please see [WIOAPL 15-07.2](#) for other acceptable source documentation.

Please contact Jay Mendoza, Policy Manager at 614-387-3625 or OWDPolicy@jfs.ohio.gov if you have any questions regarding the policy guidance in this memo.