

## Dislocated Worker Program Definitions (WIOA and State)

**Active Duty:** Means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

**Attachment to the Labor Force or Workforce (formerly Long Attachment):** DEED considers one day of employment with the employer of dislocation sufficient to demonstrate attachment to the workforce.

**Displaced Homemaker:** A displaced homemaker has slightly different definitions, depending on whether the service provider plans on using federal or state funding.

**Federal:** A displaced homemaker is an individual who has been providing unpaid services to family members in the home and who:

- Has been dependent on the income of another family member but is no longer supported by that income; AND
- Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment OR
- Is the dependent spouse of a member of the U.S Armed Forces on active duty whose family income has been significantly reduced because of a deployment, a call or order to active duty, permanent change of station, service- connected death or disability of the service member AND
- Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment

**State DW:** A displaced homemaker is an individual who has spent a substantial amount of years in the home providing homemaker services AND:

- Has been dependent upon the financial support of another; and now due to divorce, separation, death, or disability of that person, must find employment to self-support; OR
- Derived the substantial share of support from public assistance on account of dependents in the home and no longer receives such support.

**Eligible for Unemployment Insurance:** An individual who has applied for unemployment insurance and has received confirmation that they will receive benefits under state or federal unemployment insurance laws.

- An individual does not need to actually draw down benefits to be considered eligible.
- Individuals who have exhausted unemployment insurance have already proven eligibility for unemployment insurance and are included in this definition.
- To document UI eligibility in a participant's file, a case manager should provide a document showing specific benefit amounts with a reference to the participant's name or other identifying information. For example, a "determination of eligibility letter" and/or a payment history printout establish UI eligibility.
- The intent of including unemployment insurance terminology in DW eligibility policy is to ensure service to those who have truly lost their job through no fault of their own, rather than those voluntarily leaving employment or those discharged from employment for cause.

- An exception may be made to allow DW eligibility even if the individual is not eligible for unemployment insurance, if the worker meets all other criteria in this definition and is not eligible for unemployment insurance due to either (a) insufficient earnings in the relevant time period or (b) having worked for an employer not covered by unemployment compensation law.

Eligibility Determination: The process of collecting information from individuals during registration to determine approval or denial of eligibility in accordance with the eligibility criteria set forth in statute.

Family: Means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A married couple and dependent children;
- A parent or guardian and dependent children; or
- A married couple.

Furlough Employee: The placing of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons [Title 5 United States Code (USC) 7511(a) (5)]. As such, it is a temporary termination of employment or layoff. Workers on “furlough” without pay or on a mandatory leave without pay, are considered to be on temporary-to permanent layoff and therefore may be eligible for National Dislocated Worker Grant (NDWG) program services.

General Announcement: Local providers must define the term "general announcement" of a plant closing in local policy.

DEED defines a general announcement as any official announcement made by an employer or a representative of the employer, specifying intent to close down an employment site (including virtual site). Examples of official announcement may include but not limited to WARN notice, press release, notices sent to workers or labor unions, etc.

General Economic Conditions: The WIOA Final Rule allows the State or Local Workforce Development Boards to define what constitutes “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.”

Below are some factors that may be considered:

- Decline or failure of one or more businesses integral to the individual's business (e.g., customers or suppliers);
- Mass layoffs or closure(s) at businesses that support a significant portion of the state or local economy;
- Lack of demand for the individual's products or services as demonstrated by labor market information;
- A substantial change in the marketplace that eliminates the need for the individual's product or service (e.g., internalization of a process previously done by an external contractor; automation of a process that eliminates the need for contract labor; change in legislation or policy which eliminates a required service or product);
- Depressed price(s) or market(s) for the individual's products or services;
- Generally high levels of unemployment in the local area.

Individual with Barrier to Employment: A member of one or more of the following populations:

- Displaced homemakers;
- Low-income individuals;
- Indians, Alaska Natives, and Native Hawaiians;
- Individuals with disabilities;
- Older individuals;
- Ex-offenders;
- Homeless individuals or homeless youth;
- Youth who are in or have aged out of the foster care system;
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
- Eligible migrant and season farm workers;
- Individuals within 2 years of exhausting lifetime TANF eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);
- Single parents (including pregnant women);
- Long-term unemployed individuals;
- Such other groups as the Governor involved determines to have barriers to employment.

Interim/Stop-Gap Employment: A job that provides essential, transitory income and is accepted by the individual prior to and/or during participation in individualized career services or training services with the intention of ending such employment at the completion of the career or training services in favor of permanent, unsubsidized employment.

Interim/stop-gap employment must not be with the employer that originally dislocated the worker, or with that employer via third party contract or any other basis, except for temporary recalls.

Interim/stop-gap employment does not have to be part-time; but service providers must be cautious in allowing participants to engage in employment that may preclude effective program participation, particularly if training is involved.

These individuals are:

- *Otherwise* eligible for the Dislocated Worker program, but meets the definition of "underemployed" outlined in a local provider's policy. For instance, an individual who is dislocated from a full-time job who has found part-time employment may still be considered a dislocated worker.

Interim/stop-gap employment may not exceed the higher of either:

- 80% of their wages at the date of the dislocation; or
- The self-sufficiency threshold established by the service provider

Long-Term Unemployed:

**State DW Definition:** An individual who is unemployed for at least fifteen of the last fifty-two weeks, with limited opportunity in the individual's local labor market for reemployment in a similar occupation. The fifteen weeks can be consecutive or nonconsecutive.

**Federal Definition:** A person who has been unemployed for 27 or more consecutive weeks.

Mass Layoff: Layoffs affecting 50 or more workers; or when a Worker Adjustment and Retraining Notification (WARN) Act notice has been filed, regardless of the number of workers affected by the layoff announced.

Military Spouse/Eligible Spouse: Means an individual whose military active duty or veteran spouse was:

- a. Any veteran who died of a service-connected disability;
- b. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
  - i. Missing in action;
  - ii. Captured in the line of duty by a hostile force; or
  - iii. Forcibly detained or interned in the line of duty by a foreign government or power.
- c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- d. Any veteran who died while a disability was in existence.

A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g., if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

Notice of Termination from Employment: A written notification from the employer, naming one or more individuals and indicating that employment will cease for the individual(s) at a specific future date.

Primary Occupation: The occupation the applicant has worked for at least six of the last thirty-six months (in a single occupation). If the applicant has held more than one occupation in that time period, they must choose which occupation the program will establish in its records.

Public Announcement: An official communication by an employer stating intent to close a business at a planned future date. This may be a written or verbal acknowledgement of the fact that the business will close. The closure may include a single site of employment, or one or more facilities or operating units within a single site of employment.

For such announcements, program providers must document the impending dislocation event and support a determination that the facility plans to close. State Rapid Response information resources are available for this purpose.

Reportable Individual: Is an individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including:

- Individuals who provide identifying information;
- Individuals who only use the self-service system; or
- Individuals who only receive information-only services or activities.

Self-Employed Individual: An individual who may not report to an authority that can lay him or her off, but whose business circumstances put the individual in a position similar to a termination of employment. Such circumstances may include, but are not limited to:

- Failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or services; and/or
- Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products or services; and/or
- Substantial layoff(s) from, or permanent closure(s) of, one or more plants or facilities that support a significant portion of the relevant state or local economy; and/or
- Failure of the self-employed individual's farm or business due to general, relevant economic conditions.

Self-employed individuals may include both those leaving the enterprise permanently, and those who are in a transition period as a result of a prolonged effort to save the farm or business. A self-employed individual need not be physically removed from the enterprise, nor must he or she necessarily be in bankruptcy or foreclosure proceedings, in order to be considered under this definition. Family members (spouse or adult children) and farm or ranch hands who were active participants and derived their primary income from the enterprise may also fall under this definition.

Significantly Reduced Income:

- A household income that was above 250 percent of the Federal Poverty Line, but experiences a decrease in income to 250 percent of the Federal Poverty Line or less  
OR
- A household income currently at or below 250 percent of the Federal Poverty Line, that experiences any decrease in household income.

Small Group Layoff: A reduction in force which first, is not the result of a plant closing, and second, results in an employment loss at the single site affecting less than 50 individuals.

Temporary Recalls: Requests from an employer for their former workers, who have either received a notice of termination or been terminated from employment, to return to work for 180 days or less. In a temporary recall, the employer still clearly intends to terminate the worker.

Termination of Employment: A permanent situation in which the employer lays off and does not plan to rehire the individual. For purposes of this policy, the following are not considered terminations of employment:

- Seasonal unemployment where the individual reasonably anticipates returning to the same job;

- A planned or pre-determined end to an assignment through a temporary employment agency, unless it is paired with an unemployment insurance eligibility notification; or
- A notice of termination that includes a certain or tentative recall date within 180 days of the initial layoff date. Any non-seasonal layoff projected to last 180 or more days is a termination of employment.

A retirement or other voluntary separation from the labor force does not constitute a termination of employment, for purposes of this policy. The intent of this definition is to include only those terminated workers who wish to return to permanent work.

Underemployed: The Final Rule allows the State or Local Workforce Development Boards to define the term underemployed. The following may be considered underemployed:

- An individual who is working part-time but desires full-time employment; or
- Is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement; or
- Is considered a low-income individual; or
- Is employed but is receiving earnings that are less than 80 percent of earnings from previous employment.

Unlikely to Return to a Prior Occupation or Industry: The Final Rule allows the State or Local Workforce Development Boards to define the term "unlikely to return to a previous industry or occupation." Local Areas also have the option of adopting DEED's definition below.

An individual is unlikely to return to a prior occupation or industry if job opportunities in that occupation or industry are diminished for that individual.

Below are *some* factors service providers may consider:

- Official assessments of market demand for the products or services in that occupation or industry;
- Local labor market conditions for that industry or occupation;
- The evolution of skill requirements in that occupation or industry, and whether the individual's skills have kept pace over time;
- The impact of technology or trade on the industry or occupation;
- Barrier to employment such as a medical condition or disability that limit the individual's ability to make it unlikely that they can return to that occupation;
- Unsuccessful job search;
- Excess number of individuals with similar skill sets and experience in the area.

U.S. Armed Forces: Individuals in the Army, Air Force, Navy, Marine Corps, and Coast Guard and their reserves.

Veteran: The word "veteran" as used in Minnesota Statutes, except in sections 136F.28, 196.21, and 243.251, means a citizen of the United States or a resident alien who has been separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or by reason of disability incurred while serving on active duty, or who has met the minimum active duty requirement as defined by Code of Federal Regulations, title 38,

section 3.12a, or who has active military service certified under section 401, Public Law 95-202. The active military service must be certified by the United States secretary of defense as active military service and a discharge under honorable conditions must be issued by the secretary.