

## 5120POL Dislocated Worker Eligibility

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WIOA Dislocated Worker is a worker who is “unlikely to return to a previous industry or occupation.” Eligibility is based on *5100POL Program Eligibility 4(a-c)* and one of the six dislocated worker status categories:

### 1. General Dislocation

- a. An individual who was terminated, laid off, or received a notice of termination or layoff, **AND**
- b. Is determined unlikely to return to previous industry or occupation, **AND**
  - i. Is eligible for or has exhausted entitlement to unemployment compensation; **OR**
  - ii. Is not eligible for unemployment compensation but can show attachment to the workforce of sufficient duration.

### 2. Dislocation from Facility Closure/Substantial Layoff

- a. An individual who was terminated, laid off, or received a notice of layoff from employment at a plant, facility, or enterprise as a result of: Permanent closure; or substantial layoff; **OR**
- b. An individual employed at a facility at which the employer has made a general announcement that the facility will close within 180 days.

### 3. Self-employed Dislocated

- a. Was self-employed (including employment as a farmer, rancher, or a fisher), but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disaster.

### 4. Displaced Homemaker

- a. An individual who was dependent on the income of another legal family member and is no longer supported by the income of that family member; **OR**  
Is the depended spouse of a member of the armed forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, or a service-connected death or disability of the member;
- b. **AND**  
Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- c. Individuals cannot cite long-term partners to whom they were not married as family members. Individuals can cite adult children upon whom they were financially dependent as family members as long as it is appropriately documented.

### 5. Dislocated/Separated Military Service Members

- a. A non-retiree military service member who was discharged or released from service under other reasons than dishonorable discharge or has received notice of military separation. *Per 20 CFR 680.660*, separating military service members automatically

qualify as unlikely to return to a previous industry or occupation and as eligible for exhausted entitlement to Unemployment Insurance.

- b. Priority of Service (POS) (as described in *WorkSource System Policy 1009, Rev2.*) is applicable for dislocated military service members, veterans and other covered persons eligible for Priority of Service (POS)

## 6. Spouses of Military Service Members

- a. The spouse of a member of the armed forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member, **OR**
- b. The spouse of a member of the armed forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- c. A military spouse may also qualify as a displaced homemaker (Category 4).

### Establishing DW eligibility also includes the following:

1. **Eligible veterans and other covered persons are given priority of service** as defined in *5120POL Adult Eligibility*.
2. **Self-attestation is allowable for participants out of work through no fault of their own, where no physical documentation is attainable.** ([5122ATT Self-Attestation](#)).
3. **Someone ‘unlikely to return’ to a previous industry or occupation** are individuals that have a specific recall date from the employer of the qualifying dislocation that is within 12 weeks of termination of layoff. Staff uses labor market and economic conditions to determine “unlikely to return,” but should also be based on relevant circumstances of the individual. Examples include but are not limited to:
  - The industry and/or occupation is in decline based on local labor market information or the job has become obsolete.
  - The individual’s wage from their job of dislocation is significantly higher than local labor market information indicates.
  - The individual is considered long-term unemployed, defined as 27 or more consecutive weeks of being unemployed.
  - The individual has adequate skills (learned on-the-job) but lacks the credential or certificate required by most employers.
  - Physical limitation or injury which limits the individual’s ability to perform the essential job tasks required of the position or is no longer able to work in an industry environment.
  - Has exhausted UI Benefits and has been unable to find a job in their previous industry or occupation.
  - Has a gap in employment that decreases their chances of returning to the same level of occupation or type of job.
4. **Spouses of Military Service Members unlikely to return to previous industry or occupation if:**

- The spouse of the military service member voluntarily quits because they relocate with the service member to a new duty location.
  - The spouse of a military service member is no longer eligible to work on the base as a result of military service member's discharge.
  - **The military member has a 100% service-connected disability.**
  - **Military spouse lacks certification to be employed in their customary area of employment due to a lack of needed Washington state certification.**
5. **Designated time frame (prior to planned separation) during which service members can receive Dislocated Worker services** is within 90 days of planned separation (career basic services only). Additionally, the transitioning military members are not considered veterans for the purposes of Dept. of Labor reporting. Any military member at any time can receive any services provided at the WorkSource at the Wagner-Peyser level.
6. **The category and how the participant met eligibility requires documentation within MIS and participant file.** See *5200POL Data Validations* and *5210POL Case Note Policy*.

#### References

Data Element Validation, [WorkSource System Policy 1003 \(Rev6\)](#)

Data Integrity and Performance Policy and Handbook, [WorkSource System Policy 1020 \(Rev2\)](#)

Definition of Disability, United States Code [42 USC §12102 Ch.126](#);

Department of Labor Employment and Training Administration (DOL ETA) 20 CFR Parts 603, 651, 652, 653, 654,658, 675, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, and 688 Workforce Innovation and Opportunity Act; Final Rule.

Eligibility Policy and Handbook, [WorkSource System Policy 1019 \(Rev9\)](#)

OWDC 1600POL Records and Documentation Policy, 1601POL Protected Personal Identifying Information Policy, 5200POL Data Validation Policy, 5200POL Data Validation, 5400POL Income Verification Policy, 5730PRO Case Notes Policy

When must adults and dislocated workers be registered and considered a participant? Code of Federal Regulations Title 20, Chapter V, Part 680, Subpart A, [20 CFR §680.110](#)