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## Procedural Guidance

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WIOA Program Staff shall ensure that all individuals to be considered for enrollment in a WIOA funded Dislocated Worker program are eligible through the guidelines provided and specifically within one of the six (6) qualifying dislocated worker categories.

There are three types of career services: basic, individualized, and follow-up. There is no sequence requirement for basic and individualized which can be provided in any order to provide flexibility in targeting services to the needs of the customer. Follow-up, however, can only be provided after exit.

Individuals must be registered, determined eligible and enrolled to receive WIOA Title I funded, staff-assisted career services beyond self-service or informational activities.

Individuals, who are registered, meet the eligibility criteria and enrolled in the WIOA Dislocated Worker program, are eligible to receive career services.

**Note:** Self-service and informational activities are services made available and accessible to the general public that are designed to inform and educate individuals about the labor market and the range of services appropriate to their situation, and that do not require significant staff involvement with the individual in terms of resources or time.

Both can be provided before registration and neither constitutes enrollment as neither is formally recognized as a staff-assisted WIOA service. Significant staff involvement includes staff's assessment of a participant's skills, education or career objectives to assist the participant in making a decision or accessing information as opposed to staff providing a participant with readily- available information that does not require an assessment.

Typically, enrollment occurs on-going on a "first come, first served" basis giving priority to veterans and eligible spouses.

**Note:** Washington's Marriage Equality Act (RCW 26.60) expands the definition of a "married couple" beyond that of a male and female couple. The US Department of Justice will no longer defend the federal "Defense of Marriage Act" as a number of courts have held it is unconstitutional, including the 1st and 2nd Circuit Court of Appeals. Accordingly, in relation to this policy, the state is expanding its definition of a married couple beyond that of a male and a female.

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## Procedures

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WIOA Program Operators must complete a 100% verification of eligibility. Participants must be eligible on the first day of enrollment into a WIOA funded program.

To enroll an individual into a WIOA funded program, Program Operators shall follow these steps to ensure that a correct determination has been made:

### **Section 1: Data Entry, Registration, Enrollment**

#### **Step 1**

WIT System Data Entry Requirements (WorkSource Integrated Technology System)

For all applicable and required WIOA and or Wagner-Peyser applicant or participant Career, Training or Follow-Up Service data entry requirements, to include but not be limited to the following:

- Applicant or Participant Registrations,
- Program Enrollments,
- Eligibility Determinations(as detailed in policy # 5000)
- IEPs,
- ITA's and Training Program Enrollments/Service Delivery,
- Training paid by others,
- Training/Program Completions
- Support Services,
- Exits,
- Follow-Up Services, and
- Case Note Entries

Additionally, all other data requirements as necessary per Policy 1020 - Data Integrity and Performance Reporting Requirements and Handbook as applicable for entry within the WIT System.

Please follow all current and future Workforce Integrated Technology (WIT), System guidance, training, instructional materials and direct departmental or program supervisor instruction and policies developed.

If applicant or participant information is already entered in the WIT System, staff must verify that the information is current and/or makeup dates.

If required by program, print out the applicable or necessary document, obtain signatures and place in the hard copy file. Please note all system data updates or changes in case note.

To deliver Career or Training Services, the program staff person is required to enter participant and program specific data which will create an Individual Employment Plan/Service Plan.

#### **Data Validation Note:** (Not required for Displaced Homemakers)

The date of dislocation entered, must be documented in the file:

- Verification from employer
- Rapid Response list
- Notice of Layoff
- Public announcement with UI cross-match
- Self-attestation for transitioning military by the Army Career Alumni Program (ACAP)
- Self-certification from military applicant

Applicants who identify them self as a veteran must have a copy of their DD214 in their participant file and or as applicable within the data management system. The dislocation date must have the month, day and year.

## **Step 2**

Complete an Eligibility Verification Form, check eligibility status and sign. Copies of supporting documentation must be filed in the participant's ETO Account.

## **Step 3**

A staff person (other than the staff who completed the Eligibility Verification Form and determined eligibility) must review the supporting documentation and the Eligibility Verification Form to determine if a correct determination has been made.

If the second review shows that the applicant is not eligible, the file must be given to the WIOA program supervisor for a final determination.

## **Documentation in Order of Preference:**

First - Documents as listed on page 9.

Second – A Self-attestation: the statement should include the reason why no other documentation is available.

## **Section 2: All Applicant Eligibility**

To be eligible for enrollment into a WIOA funded dislocated worker program, all participants must meet the following eligibility criteria (Attachment 1).

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified as per guidance available on Selective Service registration); and
- One of the Dislocated Worker categories

Dislocated workers who are unemployed or employed may be enrolled to receive services.

### ***See the full definitions for the following in Section 4 of this policy:***

Employed individuals are eligible for career services if they are eligible for training services if they are determined to be in need of such services to obtain or retain self-sufficient employment (WIOA Section 134(c)(3)(I)).

PacMtn like Washington State will use the term “stop-gap employment” when referring to employment that will not lead to self-sufficiency.

*Employed Dislocated Workers* who are not earning a self-sufficient wage/income (as defined by PacMtn as being less than 80% of the wage/income at the time of dislocation).

## UI Good Cause Voluntary Quits

Individuals can qualify under Category 1 (General Dislocation) *if they file and are approved* for Unemployment Insurance (UI) benefits after having been determined by the Employment Security Department (ESD) as having voluntarily left employment due to no fault of their own for one of the following good cause reasons (RCW 50.20.050; WAC 192-150, et al):

- Illness or disability of the claimant or death, illness, or disability of an immediate family member.
- Relocate to follow spouse's or registered domestic partner's employment.
- Need to protect the claimant or immediate family member from domestic violence or stalking.
- Usual hours, compensation, or benefits are reduced by 25 percent or more.
- Involuntary change in work site or location (no minimum distance or mile threshold).
- Work site safety has deteriorated
- Illegal activities at work site
- Usual work changed to work that violates religious or moral beliefs.
- Left part-time work to accept full-time job that was eliminated without prior knowledge.

*Under these circumstances*, claimants have satisfied criteria 1.1. ***because ESD recognizes them as terminated*** even though they, rather than their employers, are the moving party. Such individuals must also be determined unlikely to be return to the industry or occupation they left for a UI good cause voluntarily quit reason (criteria 1.2). Finally, they must satisfy criteria 1.3.1 (*1.3.2 is not an option*) by documenting their status as having been determined eligible for or exhausted UI benefits as *good cause voluntary quits are inseparably tied to UI and documented through separation determination letters provided by the Employment Security Department or, if that is not available, other documentation in the form of UI correspondence from the Employment Security Department.*

### Use of Unemployment Insurance Self-Service (eServices) Web Site

WorkSource Information Notice (WIN) 0027, Change 4 provides information on the use of data accessible to Unemployment Insurance (UI) claimants through the Unemployment Insurance Self-Service web site to secure information that can assist in determining Dislocated Worker program eligibility. Staff can use printouts of UI.

## Stop Gap Employment

Is employment that is temporary work an individual accepts only because they have been laid off from the customary work for which their training, experience or work history qualifies them. Stop-gap employment must be temporary in nature with the intent to end employment upon completion of training, obtaining self-sufficient employment or as specified Individual Employment Plan ( IEP).

Typically, stop-gap employment will pay less than the individual's wage of self-sufficiency; however, there may be specific circumstances where stop-gap employment does provide a sufficient wage temporarily but is not considered permanent employment that leads to self-sufficiency. This stop-gap employment would not change the individual's dislocated worker status.

An otherwise eligible dislocated worker remains eligible if either prior to, or during Dislocated Worker Program participation, stop-gap employment is obtained for the purpose of income maintenance. If dislocation from a stop-gap position occurs, the job of dislocation remains the original job that established the self-sufficient income. If, at any time, an individual obtains employment that meets the PacMtn definition of self-sufficiency, including a scenario where the employment period exceeds established criteria for temporary employment, then that position would be considered the self-sufficient job of dislocation in the event of a future dislocation.

## **Management of Applicant/Participant Medical, Disability Related and other Confidential Information:**

Medical and disability-related documents used in determining eligibility must be secured and maintained in a file separate from the participant working file. This includes documents from medical or other professionals, assessments, case notes and any form that would identify the individual as having a medical or disability related condition.

Sensitive or confidential information may not be filed with the medical and disability related documents/notes. It would be preferable to write case notes that indicate the effect of the sensitive/confidential information on a participant in the program without identifying the sensitive/confidential information.

Personal records of WIOA registrants will be private & confidential & will not be disclosed to the public. Personal information may be made available to WorkSource partners or service providers with the registrant's signed "Release of Information" form. In addition, this information may only be made available to persons or entities having responsibilities under WIOA including: DOL, the Governor; ESD, PacMtn; those in WIOA administration to extent needed for proper administration.

### **Section 3: Documentation of Dislocated Worker Eligibility**

**Refer to Attachment 1 for acceptable documentation for each Dislocated Worker Category. In addition please refer to [ESD Policy Handbook 1019, Revision 6](#) .**

An applicant may be determined eligible for a WIOA Title I formula dislocated worker program when they also meet the criteria for one of the six (6) dislocated worker categories;

- General Dislocated Worker
- Dislocation from Facility Closure/Substantial Layoff
- Self-Employed Dislocation
- Displaced Homemaker
- Dislocated Separating Military Service Members
- Spouses of Military Service Members

## Section 4: Definitions

### Employed or Not Employed at the Date of Participation:

- Employed – An individual employed at the date of participation is one who:
  - Did any work at all as a paid employee on the date participation occurs;
  - Working in a Stop Gap job;
  - Did any work at all in his/her own business, profession, or farm;
  - Worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family; or
  - Was not working, but has a job or business for which they were temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, regardless of whether paid by the employer for time off, and regardless of whether seeking another job.
- Not Employed – An individual is considered not employed at the date of participation when that individual:
  - Did no work at all as a paid employee on the date participation occurs,
  - Has received a notice of termination of employment or the employer has issued a WARN or other notice that the facility or enterprise will close, refer to section three above,
  - Is a transitioning service member;

### 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 (including same-sex marriages), and dependent children
- A parent or guardian and dependent children; or
- A married couple (including same-sex marriages).

### General Announcement

An announcement of an upcoming plant or division closure as demonstrated by one or more of the following:

- Status as confirmed by written notice from employer of layoff or termination,
- WARN notice,
- Newspaper article,
- Documentation that disaster necessitated business closure or layoff,
- Business or facility foreclosure notice,
- Self-certification in absence of other documents (self-certification must include reason why other documentation is unavailable)

### Incumbent Worker

An individual who is employed, meets the Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with the employer for 6 months or more.

Incumbent workers need not meet the WIOA Title I eligibility requirements for adults or dislocated workers to

receive career and training services unless they are also co-enrolled as participants in the WIOA Title I Adult or Dislocated Worker programs.

### **Is ineligible for UI but has been employed for a duration**

When an applicant is not eligible for or has exhausted an entitlement to unemployment compensation, for eligibility purposes, they can meet the that eligibility criteria if they had been employed for a duration sufficient to demonstrate to the appropriate entity at a WorkSource center, an attachment to the workforce, but are not eligible due to insufficient earnings or having performed services for an employer that was not covered under a state unemployment compensation law. To document that the applicant meets the eligibility criteria under this condition, a work history shall be used to document their attachment to the workforce.

### **Qualified Job Training Program Priority of Service for Veterans**

Means any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by the Department of Labor. (20 CFR 1010.110)

**Note:** When customers are waiting in line for service, veterans & eligible spouses can't be moved ahead of non-covered persons. Priority of service does not mean disrupting the customer flow in the WorkSource. However, a veteran or eligible spouse has bumping rights for services such as workshops.

### **Self-Employed Dislocation**

Unemployed individuals, including from self-employment resulting from economic conditions in the community in which the individual resides or within the local WDA as a result of a natural disaster.

Qualifying economic conditions may include but not limited to, the failure, closure or substantial layoffs in one or more businesses in the community, surrounding area or within the local WDA, which had a direct effect on the individual's employment.

### **Self-Sufficiency for Dislocated Workers**

The Pacific Mountain Workforce Development Council has defined self-sufficiency as a wage/income that is no less than 80% of the dislocated worker's wage/income at the time of dislocation. Military wage/income includes cash benefits and all allowance such as those for housing and hazard pay, etc.

### **Substantial Layoff**

A substantial layoff is a notice of termination or layoff of 25% or fifty (50) of individuals in a company's workforce which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30-day period.

### **Termination Criteria for Military Service Members**

TEGL 22-04 Change 1 and Section (3)(15)(A)(i), state that a basic requirement to qualify as a dislocated worker is that the worker be terminated or laid-off, or received a notice of termination or layoff. The term "terminated" is not defined in the law or regulations. It is a Department of Labor policy that being discharged (under honorable –WA state specifies "other than dishonorable" circumstances) either voluntarily or involuntarily terminates an employment relationship between an individual and the military and thus falls within the scope of the termination component of the WIOA definition of dislocated worker. An applicant must also satisfy the other criteria for the dislocated worker program.

### **Transitioning Military Members**

A military service member who has a planned date of separation from the military is considered to be "transitioning" out of the military. They may be enrolled up to 12 months prior to their planned discharge date. They are not considered veterans until they actually separate from military service. This is typically documented by the DD214.

## **Underemployed**

Employed at a job that does not fully use one's skills or abilities; or, employed only part-time when one is available for full-time work (displaced homemaker).

## **Unlikely to Return to a Previous Industry or Occupation**

Status of an applicant who has limited opportunities for employment in their occupation of dislocation. This could include personal and/or confidential information that needs to be determined on a case-by-case basis.

Examples include but are not limited to:

- The industry and/or occupation shows it is in "Decline" on the State Demand/Decline List.

If an occupation is considered to be in "Demand" or is "Balanced" on this list, a WIOA program staff may submit a waiver request to the PacMtn Director of Workforce Services with documentation of the applicant having conducted an active job search and provided relevant information to verify a lack of job openings applicable to the program service area.

- The individual is not able to re-locate to an area that has jobs in demand for which s/he is qualified.
- The individual is not able to work in another capacity in the occupational area from which s/he was dislocated because of physical or mental limitations. An individual may have started out in an industry performing physically or mentally demanding jobs but is no longer capable of performing the essential requirements of the job.
- A review of the individual's skills that shows their skills are obsolete compared to the skills that are now required.
- When the individual learned their occupation, a college degree was not required and the learned on the job. However, in the current labor market, employers recruit for individuals who have a specific degree in addition to experience.

## **Veteran**

An individual who served at least one day in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable, which may include National Guard or Reserve personnel.

## **VETERANS & ELIGIBLE SPOUSE PRIORITY FOR SERVICE**

The Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) No. 10-09 provides information regarding the implementation of Priority of Service for Veterans (effective 11/7/02) and Eligible Spouses in all Qualified Job Training Programs funded in whole or in part by the U.S. DOL at: [http://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=2816](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816)

Typically, in the PacMtn dislocated worker program, enrollment is on-going and occurs on a "first come, first served" basis without any need to maintain a waiting list. However, if a waiting list does occur, priority of service for Veterans and Eligible Spouses must be given before serving non-covered persons.

Priority of Service is not intended to allow a Veteran or Eligible Spouse who is identified subsequently to "bump" the non-covered person who is enrolled and is already approved for or in a training program. If there is a waiting list of applicants to be enrolled, Veteran Priority applies. If enrolled participants are on a



waiting list for the formation of a training class, Priority of Service for Veterans and Eligible Spouses applies.

*Any discrepancies arising between PacMtn policy and or procedures with federal and state provisions due to current or future revisions will default to the current minimum federal and state regulations and guidance available. PacMtn policy and or procedures may set forth stricter requirements than provided by federal and state guidance, but in no case will PacMtn policy and or procedures not meet minimum federal and state policy.*

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## References

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Workforce Innovation and Opportunity Act of 2014

WIOA Final Rule; 20 CFR Parts 676,677, and 678; Federal Register, Vol. 81, No. 161, August 19, 2019

WIOA Final Rule; 20 CFR Parts 603, 651, 652, et al; Federal Register, Vol. 81, No. 161, August 19, 2019

WIOA Section 134(c)(3)(E)

Training and Employment Guidance Letter (TEGL) 10-09, 11-11, 03-15, 22-04 Change 1

Training and Employment Notice (TEN) 15-10 – Protocol for Implementing Priority of Service for Veterans and Eligible Spouses Jobs for Veterans Act, Public Law 107-288

WorkSource Information Notice (WIN) 0027 Change 4

WorkSource System Policy 1019 Revision 6- Attachment A, Eligibility Policy Handbook – All Sections

WorkSource System Policy 1009 Revision 3 – Priority of Service

WorkSource System Policy 1003 Revision 2 – Data Element Validation

PacMtn Policy # 5000 - Adult and Dislocated Worker Eligibility

Compliance with the state's eligibility policy will be based on the version of the handbook in effect at the time of the action or activity that may be at issue.

## Attachments

1. DW Eligibility Criteria and Documentation Requirements
2. Transitioning Military and Military Retirees in the Dislocated Worker Program
3. Priority of Service for Veterans and Eligible Spouses
4. Self-Attestation for Military Spouses Requesting Priority of Service
5. DW Applicant Self-Attestation

**DATE APPROVED: June 4, 2016, 6/13/2019, 2/8/2021**

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PacMtn is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. WA Relay 711

**ELIGIBILITY CRITERIA:**

CITIZEN / LEGALLY ENTITLED TO WORK IN THE U.S.

*Must be legally entitled to work within the United States.***ACCEPTABLE DOCUMENTATION:**

- Accepted [I-9 Documentation](#), such as: driver's license / ID card along with Social Security card.
- Self-attestation

Note: For more information on employment eligibility guidance and alignment with I-9 documentation, refer to the Policy 1019 R4 - Eligibility Handbook (pg. 25), for links to M-274 - Instructions for Completing Form I-9

**ELIGIBILITY CRITERIA:****SELECTIVE SERVICE REGISTRATION**

Male's age 18 to 25 that are required to register but have not, should be referred to: [www.sss.gov](http://www.sss.gov) to register.

Male's (26 +) that were required to register but didn't, cannot receive WIOA services unless PacMtn approves a waiver (includes male aliens who entered US before their 26th birthday but are applying for services after age 26.) (TEGL 8-98)

Active duty military are not required to be registered; however, upon discharge males under 26 must register (regardless of the type of discharge received). **Contact PacMtn for further details if needed**

**ACCEPTABLE DOCUMENTATION:**

Selective Service acknowledgement letter **OR** Form DD-214 "Report of Separation" **OR** Screen printout of the Selective Service Verification site; [www.sss.gov](http://www.sss.gov) **OR** Selective Service Registration Card; Selective Service Verification (Form 3A) **OR** Stamped Post Office Receipt of Registration.

**SELF-ATTESTATION IS NOT ACCEPTABLE**

**ELIGIBILITY CRITERIA:**

Calculating wage/income for the enrollment of "EMPLOYED" Dislocated Workers

\*Must also meet criteria for 1 of the 6 dislocated worker categories

Employed applicants may be enrolled if they are earning less than 80% of the wage/income they were earning at their job of dislocation.

Stop Gap employment is a job that a dislocated worker takes for the purpose of income maintenance. They typically do not provide a self-sufficient wage/income.

**ACCEPTABLE DOCUMENTATION:****INCOME TO COUNT**Non-Military:

Pay stubs from job of dislocation **OR** Employer letter or print out showing gross pay **OR** UI document (WA009 Report) **OR** Current wage/income documentation

Military:

Documents from the military showing wages paid plus any benefits such as for housing **OR** Pay stubs from job of dislocation **OR** Employer letter or print out showing gross pay **OR** other current verifiable wage/income documentation.

STOP GAP: Applicant Statement Required

**Eligibility Documentation Requirements**

The information above provides eligibility criteria and documentation requirements. The requirements outline eligibility criteria and utilize Data Element Validation (DEV) requirements for alignment purposes.

There are, however, additional DEV requirements beyond the eligibility documentation requirements described here including different DEV requirements for career services.

**Refer to applicable WorkSource System Policies, State and or Federal guidance identified within the reference section of this document.**

**CATEGORY # 1 General Dislocation**

**ELIGIBILITY CRITERIA:**

1.1 - An individual who was terminated, laid off, or received a notice of termination or layoff.

**AND**

1.2 - Is determined unlikely to return to previous industry or occupation

**AND**

1.3.1 - Is eligible for or has exhausted entitlement to unemployment compensation;

**OR**

1.3.2 - Is not eligible for unemployment compensation but can show attachment to the workforce of sufficient duration.

**ACCEPTABLE DOCUMENTATION:**

Refer to State Policy 1019 R4 – Eligibility Handbook – Documentation Requirements

EDRVS 47 - Date of Actual Qualifying Dislocation:

Self-attestation (to include signed WIOA eligibility application) - Verification from employer - Rapid Response list - Notice of layoff - Public announcement with cross-match with UI

Additionally, see DW Procedure 5000P, Section 3 - Documentation of Dislocated Worker Eligibility  
General Dislocated Worker

**CATEGORY # 2 Dislocation from Facility Closure /Substantial Layoff**

**ELIGIBILITY CRITERIA:**

2.1- 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**

2.2 - An individual employed at a facility at which the employer has made a general announcement that the facility will close within 180 days

**ACCEPTABLE DOCUMENTATION:**

Refer to State Policy 1019 R4 – Eligibility Handbook – Documentation Requirements

EDRVS 47 (refer to list above)

Additionally, see DW Procedure 5000P, Section 3 - Documentation of Dislocated Worker Eligibility  
Dislocation from Facility Closure/Substantial Layoff

**CATEGORY # 3 Self-employed Dislocation**

**ELIGIBILITY CRITERIA:**

Per WIOA Sec.3(15)(C)

Was self-employed (including employment as a farmer, 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.

**ACCEPTABLE DOCUMENTATION:**

Refer to State Policy 1019 R4 – Eligibility Handbook – Documentation Requirements

EDRVS 47 (refer to list above)

Self-attestation (to include signed WIOA eligibility application) - Verification from employer - Rapid Response list - Notice of layoff - Public announcement with cross-match with UI

**CATEGORY # 4 Displaced Homemaker \***

\* Per TEGL 26-13, 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 so long as it is appropriately documented.

**ELIGIBILITY CRITERIA:**

4.1 - An individual who was dependent on the income of another family member and is no longer supported by the income of that family member; **OR**

Is the dependent 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

4.2 - Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

**ACCEPTABLE DOCUMENTATION:**

DRVS 46 – Displaced Homemaker:

Self-attestation, Public assistance records, Court records, Divorce Papers, Bank records; Spouse’s layoff notice **OR** Spouse’s death record

**CATEGORY # 5 Dislocated/ Separating Military Service Members**

**ELIGIBILITY CRITERIA:**

5.1 - A non-retiree military service member who was discharged or released from service under other than dishonorable, or has received a notice of military separation (defined by LWDB (see Section 4.2.1). Per proposed 20 CFR 680.660, separating military service members automatically qualify as unlikely to return to a previous industry or occupation and as eligible for or exhausted entitlement to Unemployment Insurance.

**Note:** Dislocated military service members, veterans and other covered persons are eligible for Priority of Service (POS) as described in POS Policy 1009, Revision 1.

**ACCEPTABLE DOCUMENTATION:**

DRVS <sup>4</sup>/<sub>47</sub> - Date of Actual Qualifying Dislocation:

Self-attestation, Verification from employer, Rapid Response list, Notice of layoff;

**OR** Public announcement with cross-match with UI Report

**OR** a DD-214

4 - Transitioning service members may qualify under the Dislocated Worker program even if a DD-214 has not yet been obtained. While these individuals may be eligible to receive WIOA Dislocated Worker services and funds, they would not be considered ‘veterans’ for the purposes of DOL reporting.

**CATEGORY # 6 Spouses of Military Service Members**

**ELIGIBILITY CRITERIA:**

6.1 - 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**

6.2 - 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.

Note: a military spouse may also qualify as a displaced homemaker (Category4).

**ACCEPTABLE DOCUMENTATION:**

DRVS 47 - Date of Actual Qualifying Dislocation:

Self-attestation, Verification from employer, Rapid Response list, Notice of layoff;

**OR** Public announcement with cross-match with UI Report

**Acceptable Documentation**

One document is required for each relevant eligibility criteria/category. Each criteria is connected to one or more potential DRVS lists, but only one document (from the relevant list) is necessary. In addition to the required documentation, LWDBs can supplement this requirement by implementing supplemental documentation requirements (WorkSource System Policy 1019 Revision 6- Section 3.d - Local Responsibilities).

The corresponding eligibility documentation requirements align with DEV documentation requirements for each eligibility criteria/category. The DRVS number (if the criteria is included under DEV), or other source (if not included under DEV) is listed at the top of the list of documentation. Note: DRVS numbers reflected are subject to change based on issuance of DOL/ETA guidelines for DEV applicable to WIOA.

**Self-attestation**

Where self-attestation is acceptable, use the self-attestation forms provided by PacMtn (example included in this procedure document). WIOA Program Staff must document the reason for using self-attestation in case notes.

Improperly documented self-attestation or self-attestation on eligibility elements not permitted under federal law or guidance or this policy may result in disallowed costs. Properly documented self-attestation serves as documentary evidence of eligibility determination and does not, by itself, warrant disallowed cost findings. At the same time, properly documented self-attestation does not, by itself, preclude disallowed cost findings if it is determined during monitoring, reviews, or audits that the attestation was false.

## ATTACHMENT 2 – Transitioning Military Members in the Dislocated Worker Program

- Transitioning Military members (retirees are not eligible).
- A DD-214 or ACAP application if transitioning will document their discharge from service (A DD214 is required for Data Validation).
- Note Military Service Members meeting the WIOA criterion for Termination:

*TEGL 22-04 Change 1 [#1. Military Service Members, Policy on page 3] states that a discharge from the military under honorable circumstance meets the “termination” criterion for the WIOA dislocated worker program (general dislocated worker).*

- Note on using the Substantial Layoff Criterion for Military Members separating from service at JBLM:

*Military members who separated from military service at JBLM on or after May 30, 2013 may be considered to be included in a “Substantial Layoff” which eliminates the requirement to document UI or “Unlikely to Return”. File a copy of the PacMtn verification of substantial layoff at JBLM dated 5/30/13 in the participant file along with the Eligibility Verification Form.*

- Note on separation from the National Guard:

- To meet the “termination” eligibility criterion, the applicant would need to have been discharged from active duty under *honorable circumstances* (but not necessarily from other service commitments such as training)

*Active duty includes full-time Federal service in the National Guard or a Reserve component. This definition of “active service” does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters).*

- Note on Transitioning Military Service Members (includes full-time federal service in the National Guard or a Reserve component):

*WA State has determined that still-active, transitioning military service members may also qualify for dislocated worker services. TEGL 22-04 Change 1 states a discharge from the military under honorable circumstances meets the “termination” criterion. For the purposes of serving still-active transitioning service members under the “notice of termination or substantial layoff” eligibility criterion, documentation must align with Data Validation requirement for “Date of Actual Qualifying Dislocation”. PacMtn has determined that qualified individuals may be enrolled and receive dislocated worker services up to 12 month prior to their planned discharge from the service & no later than 6 months after discharge. Acceptable documentation that will meet the “notice of termination or layoff” eligibility criterion includes the ACAP (Army Career Alumni Program) application. You may use either the General Dislocated Worker category and document that they are receiving or exhausted UI and that they are “unlikely to return” to their previous occupation; if separated from JBLM on or after 5/31/13, you may use the Substantial Layoff Criterion (doesn’t require UI or to be “Unlikely to Return”). We usually use the Demand/Decline list to show that an individual is unlikely to return to an occupation because it is in decline. However, occupations in the military will not be included on this list. The military occupation will be the occupation of dislocation and the length of time in the military would be relevant as it may make any experience previous to the military obsolete. Use of the Military Crosswalk tool may be useful in determining how their military skills will transfer into the civilian workplace.*

## ATTACHMENT 3 Cont. – Transitioning Military Members in the DW Program

- **NOTE:** Military Service Members (non-retirees) that were discharged (under honorable circumstance) either voluntarily or involuntarily terminate an employment relationship between the individual and the military and thus fall within the scope of the termination component of the WIOA definition of dislocated worker. The separating military personnel must also satisfy the other criteria for dislocated worker eligibility, including “unlikely to return to a previous industry or occupation” and “eligible for UI”. File their DD-214 to document the date of termination and veteran status for Data Validation.
- **NOTE:** Military Members who are within 12 months of their planned discharge date from the service may also be enrolled as a dislocated worker. They are not a veteran until they are discharge, so there will not be a DD214 yet. PacMtn has determined that the Effective Termination of Service (ETS) or the Army Career Alumni Program (ACAP) applicant date may be used as the date of termination for enrollment while still active in the military.
- National Guard How the rules apply:
  - l. To meet the “termination” eligibility criterion, s/he would need:
    - a) To have been discharged from active duty under honorable circumstances (but not necessarily from other service commitments such as training).
      - i. Active duty includes full-time Federal service in the National Guard or a Reserve component. This definition of “active service” does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters).
    - ii. Transitioning Military Members:
      - a. They may also be enrolled up to 12 months prior to their planned discharge date from active service.

## ATTACHMENT 4 - Priority of Services for Veterans and Eligible Spouses

- a. A **veteran** means a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable. Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of “active service” does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters).
- b. An eligible spouse (who meets the category criteria for a dislocated worker) means the spouse of any of the following (for the provision of Priority of Service for Veterans and Eligible Spouses)
  - I. A veteran who died of a service-connected disability\*; or
  - II. A 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:
    - 1) Missing in action;
    - 2) Captured in the line of duty by a hostile force; or
    - 3) Forcibly detained or interned in the line of duty by a foreign government or power; or
  - III. A veteran who has a total (100%) service-connected disability\* as evaluated by the Department of Veterans Affairs; or
  - IV. A veteran who died while a total (100%) service-connected disability\* was in existence - whether or not that disability was the cause of death.

\*Service-connected disability is rated by the Department of Veterans Affairs.

Acceptable Documentation – Do not ask for documentation unless you are determining eligibility for enrollment into a qualified program, (TEGL 10-09). An eligible spouse can complete a self-certification to document the criteria that applies to them. However, s/he will need to obtain the appropriate documentation as listed below before starting a training program or receiving support services. This documentation must be kept in the participant file:

1. DD-214
2. The spouse must provide their Military ID Card, proof of marriage to the service member and the following as appropriate:
  - a. DD2064 Certificate of Death;
  - b. An official notice issued by the Department of Veterans Affairs that establishes entitlement to a disability rating for the military servicemember;
  - c. An official notice issued by the Department of Defense that documents the eligibility of an individual, based on the missing or detained status of that individual’s active duty spouse; or
  - d. An official notice issued by a State veterans’ service agency that documents veteran status or spousal rights, provided that the State veterans’ service agency requires Federal documentation of that information.

### NOTE:

- A spouse (if a displaced homemaker) whose eligibility is derived from a living veteran or service member would lose his/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 (100%) 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 servicemember.
- However, the priority of service statute does not address the re-marriage of a widow who is classified as an eligible spouse. They would continue to be an eligible spouse.

## ATTACHMENT 5 – Self –Attestation for Military Spouses Requesting Priority of Service

Applicant's Name: \_\_\_\_\_ County \_\_\_\_\_

(TEGL 10-09) Verification only needs to occur at the point at which a decision is made to commit outside resources to one individual over another. A veteran or eligible spouse should be enrolled and provided immediate priority and then be permitted to follow-up subsequently with any required verification of his or her status. The only time this form would be needed is if there is a waiting list of applicants to be enrolled in the program or for priority for any other WIOA Adult service.

**I'm a Veteran:** YES \_\_\_\_\_ NO \_\_\_\_\_ **OR** **I'm an Eligible Spouse** YES \_\_\_\_\_ NO \_\_\_\_\_  
(The spouse of one of the following) - *check one*:

- A veteran who died of a service-connected disability\*; or
- A 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; or
- A veteran who has a total (100%) service-connected disability\*; or
- A veteran who died while a total (100%) service-connected disability\* was in existence - whether or not that disability was the cause of death.

\*Service-connected disability is rated by the Department of Veterans Affairs.

### **Acceptable Documentation:**

1. Veteran: DD-214
2. Eligible Spouse:
  - a. Military ID Card
  - b. Proof of marriage to the service member –*PLUS*- the following as appropriate:
    - i. DD2064 Certificate of Death;
    - ii. An official notice issued by the Department of Veterans Affairs that establishes entitlement to a disability rating for the military servicemember;
    - iii. An official notice issued by the Department of Defense that documents the eligibility of an individual, based on the missing or detained status of that individual's active duty spouse; or
    - iv. An official notice issued by a State veterans' service agency that documents veteran status or spousal rights, provided that the State veterans' service agency requires Federal documentation of that information.

**By signing below, I acknowledge and agree that I must provide acceptable documentation and that failure to do so will result in my losing of the right to Priority of Service for Veterans/Eligible Spouses**

**Applicant Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



ATTACHMENT 6 – Self-Attestation for Dislocated Workers Applicants

**WIOA Title I DW Self-Attestation Form**

**Applicant Information:**

<b>Last Name:</b>	<b>First Name:</b>	<b>Middle Initial:</b>	
<b>Address:</b>	<b>City:</b>	<b>State:</b>	<b>Zip:</b>

**Individuals entering WIOA services may self-attest to the information below:**

Explanation:

<b>1.</b> Are you legally entitled to employment within the U.S. and territories? (Adult and DW)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>2.</b> Have you been terminated, laid off, or received a notice of termination or layoff? (DW Categories 1	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>3.</b> Are you a military service member who was discharged or released from service (under conditions other than dishonorable) or has received a notice of military separation? (DW Category 5)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>4.</b> Were you unable to continue employment due to your spouse’s permanent change of military station, or did you lose employment as a result of your spouse’s discharge from the military? (DW Category 6)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>5.</b> Were you self-employed, but are unemployed as a result of general economic conditions in the community in which you reside? (DW Category 3)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>6.</b> <b>Note:</b> A displaced homemaker is an individual who was dependent on the income of another family member and is no longer supported by the income of another family member.	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

	<b>Dislocation Information</b>	<b>Current Employment Information</b>
<b>Date</b>	Separation Date (if known):	Start Date:
<b>Job Title</b>		
<b>Business Name</b>		
<b>Address</b>		
<b>City, State, Zip</b>		

**Self-Attestation Statement:**

*I certify that the information provided on this document is true and accurate to the best of my knowledge and belief. I understand that such information is subject to verification and further understand that the above information, if misrepresented or incomplete, may be grounds for immediate termination from any WIOA program and/or penalties as specified by law.*

**SIGNATURE OF PARTICIPANT**

**DATE**

**Staff Verification Statement:**

*I certify that the individual whose signature appears above provided the information recorded on this form.*

**SIGNATURE OF STAFF**

**DATE**