

# The Workforce Innovation and Opportunity Act

## WIOA Desk Reference Dislocated Worker Programs

The Dislocated Worker program is designed to help workers get back to work as quickly as possible and overcome such difficult barriers to employment as: difficulty transferring specialized skills to other occupations or industries; or a decline in the market demand for certain skills. It also helps separating service members to enter or reenter the civilian labor force.

Millions of individuals become dislocated workers each year as a result of loss of their jobs because of layoffs, global trade dynamics, or other economic transitions. While some dislocated workers are called back to their jobs or are able to independently find new employment, many others may need assistance in finding or preparing for new jobs. The world of work and the art of work-search have changed. WIOA programs provide significant resources to states to implement workforce education, training, and employment programs and help displaced workers through a national network of American Job Centers (AJCs).

### WHO IS A DISLOCATED WORKER?

DISLOCATED WORKER (WIOA sec. 3(15)) – means an individual who—

- ◆ (A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment, including separation notice from active military service (under other than dishonorable conditions); (ii) (I) is eligible for or has exhausted entitlement to unemployment compensation; or (II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), 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 (iii) is unlikely to return to a previous industry or occupation;
- ◆ (B)(i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, military installation or enterprise; (ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or (iii) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility or military installation will close;
- ◆ (C) was self-employed (including employment as a farmer, a 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; and
- ◆ (D) is a displaced homemaker.

Dislocated worker definitions also include separating service members where an individual is unlikely to return to his or her previous industry or occupation in the military, and military spouses that meet certain criteria related to loss of employment. For more information, see WIOA secs. 3(15)(E) and 3(16)(A) and (B)) and 20 CFR 680.630 of the DOL-only Final Regulations and TEGL 19-16.



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Under WIOA, Governors and Local WDBs may create policies to define terms and further clarify the definition of a dislocated worker. Governors and Local WDBs may also develop policies for determining the eligibility of self-employed individuals, including family members and farm workers or ranch hands under WIOA sec. 3(15)(C).

## WHAT ARE THE DISLOCATED WORKER PROGRAM SERVICES?

### CAREER SERVICES

The Dislocated Worker program funds career and training services for eligible dislocated workers through the American Job Center network. There are three types of career services: basic career services, individualized career services, and follow-up services.

- ◆ Basic career services may include: eligibility determinations, initial skill assessments, labor exchange services, information on programs and services, and program referrals.
- ◆ Individualized career services are available and customized to each individual's needs. Individualized career services may include: specialized assessments, individual employment plan development, counseling, and work experiences (including transitional jobs), etc. and
- ◆ Follow-up services, for dislocated workers who achieve unsubsidized employment, for up to 12 months after the first day of employment.

### TRAINING SERVICES

Under WIOA, training services may be provided if the American Job Center staff, including partner programs' staff, determines after conducting an interview, an evaluation, or assessment, and career planning, that training is necessary to assist a participant according to locally determined criteria.

Training is available through Eligible Training Providers (ETPs)—entities determined eligible to receive funds through WIOA title I, subtitle B, according to the Governor's eligibility criteria and procedures—that are on the State list of Eligible Training Providers and Programs (ETP list). The ETP list ensures the accountability, quality and labor-market relevance of programs, and ensures informed customer choice for individuals eligible for training. Training must be provided by an ETP list provider, except for On-the-Job Training (OJT), Incumbent Worker Training (IWT), Customized Training, and some unique situations described in greater detail in TEGL 19-16.

Types of training that may be provided include:

- ◆ Occupational skills training, including training for nontraditional employment;
- ◆ Incumbent worker training;
- ◆ Programs that combine workplace training with related instruction, which may include cooperative education programs;
- ◆ Training programs operated by the private sector;
- ◆ Skill upgrading and retraining;
- ◆ Entrepreneurial training;
- ◆ Job readiness training provided in combination with the training services previously described or transitional jobs;



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- ◆ Adult education and literacy activities, including activities of English Language acquisition and integrated education and training programs, provided concurrently or in combination with other services previously described; and
- ◆ Work based training, as described in the following section.

## WORK-BASED TRAINING

WIOA also provides enhanced access and flexibility for work-based training, such as Registered Apprenticeship (RA), OJT, and customized training.

- ◆ OJT continues to be a key method of delivering training services to adults and dislocated workers. WIOA provides for State and Local WDB to provide up to 50 percent of the participant's wage rate to employers for the costs of training while the participant is in the program (more in certain circumstances).
- ◆ RA Programs have automatic eligibility to be on the ETP list. American Job Centers work with the RA offices in their State to implement registered apprenticeships. For more information, please review the Registered Apprenticeship Desk Reference.
- ◆ Customized training is designed to meet the specific requirements of an employer or group of employers with the commitment that the employer(s) hire an individual upon successful completion of the training. The employer must pay for a significant portion of the cost of the training.

## Other Programs Serving Dislocated Workers

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### NATIONAL DISLOCATED WORKER GRANTS

At times when there is higher-than average demand for assistance exceeding state and local resources, National Dislocated Worker Grants (DWGs) are available to temporarily serve more dislocated workers. These funds can also be used to meet increased demand for employment and training services for laid off workers.

Major economic dislocations or other events that qualify for a DWG include:

- ◆ Plant closures or mass layoffs affecting 50 or more workers;
- ◆ Closures and realignments of military installations;
- ◆ Situations where a higher-than-average demand for employment and training activities for dislocated members of the Armed Forces exceeds state and local resources for providing such activities;
- ◆ Emergencies or major disasters which have been declared eligible for public assistance by the Federal Emergency Management Agency (FEMA);
- ◆ An emergency or disaster situation of national significance declared or otherwise recognized by a Federal Agency; and
- ◆ Other events as determined by the Secretary of Labor.



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## UNEMPLOYMENT INSURANCE

Unemployment Insurance (UI) programs play a vital role in the comprehensive, integrated workforce system by providing temporary income support to eligible individuals. These benefits allow unemployed workers to survive economically while engaging in work search activities for suitable work. UI claimants are important AJC customers who have recent attachment to the workforce and are often eligible for the Dislocated Worker Program.

Beyond providing income support, the UI program(s) serves as one of the “gateways” to the AJCs and is frequently one of the first workforce programs accessed by individuals who need training or career services. UI programs include several targeted initiatives that directly refer claimants to WIOA programs or partner with other programs to provide career and supportive services. The Reemployment Services and Eligibility Assessment (RESEA) program is UI’s primary reemployment initiative and combines a UI continued eligibility assessment with reemployment services and appropriate referrals to other programs, including the Dislocated Worker Program. All workforce program partners, including the UI and Dislocated Worker programs, have a shared responsibility to facilitate the reemployment of UI claimants, which is best met when these programs are integrated.

## WAGNER-PEYSER ACT EMPLOYMENT SERVICE

The Wagner-Peyser Act of 1933 established a nationwide system of public employment offices known as the Employment Service (ES). The ES is a core program under WIOA and is co-located as part of the AJC network.

The ES program provides universal access to an integrated array of labor exchange services so that workers, job seekers and businesses can find the services they need. The ES program often serves as the “front door” in which many jobseekers, including dislocated workers receive services through an AJC. ES focuses on providing a variety of employment related labor exchange services including but not limited to job search assistance, job referral, and placement assistance for job seekers, re-employment services to unemployment insurance claimants, and recruitment services to employers with job openings. In addition to the above universal access offerings, individuals receiving services under ES are referred to other appropriate programs, including the Dislocated Worker program.

## TRADE ADJUSTMENT ASSISTANCE

The Trade Adjustment Assistance (TAA) program provides aid to workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports. TAA offers a variety of benefits and reemployment services to help unemployed workers prepare for and obtain suitable employment. Workers may be eligible for training, job search and relocation allowances, income support, and other reemployment services.

The Dislocated Worker program is a critical partner with the TAA program in identifying and serving trade-impacted workers. Co-enrollment of workers covered under certified petitions (TAA-certified workers), in partnership with the WIOA Dislocated Worker or Adult program, allows for the timely provision of individualized career services and improves the overall effectiveness of the TAA program. In addition to the Rapid Response services, American Job Centers can also provide supportive services relating to childcare, transportation, dependent care, housing assistance, and needs-related payments. The TAA program generally provides case management and employment services, training, income support, job search allowances, relocation allowances, wage supplements for older workers, and a health coverage tax credit for TAA-certified workers.



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## Additional Resources for Dislocated Workers

### ◆ Dislocated Worker Program Resources

- ◇ TEGL 19-16, *Guidance on Services provided through the Adult and Dislocated Worker Programs under WIOA and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules*
  - [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=3851](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3851)
- ◇ DOL's Innovation and Opportunity Network – Services to Adult Job Seekers and Workers Focus Area
  - <https://ion.workforcegps.org/FocusAreas>
- ◇ Supportive Services Desk Reference
  - [https://ion.workforcegps.org/resources/2017/07/14/09/22/Supportive\\_Services\\_Desk\\_Reference](https://ion.workforcegps.org/resources/2017/07/14/09/22/Supportive_Services_Desk_Reference)
- ◇ Veterans Fact Sheet
  - [https://ion.workforcegps.org/sitecore/content/sites/WIOA/resources/2017/03/19/19/34/Veterans\\_and\\_Spouses\\_-\\_WIOA\\_Desk\\_Reference](https://ion.workforcegps.org/sitecore/content/sites/WIOA/resources/2017/03/19/19/34/Veterans_and_Spouses_-_WIOA_Desk_Reference)
- ◇ Military Spouse Desk Reference
  - [https://ion.workforcegps.org/sitecore/content/sites/WIOA/resources/2017/03/19/19/41/Military\\_Spouses\\_-\\_WIOA\\_Desk\\_Reference](https://ion.workforcegps.org/sitecore/content/sites/WIOA/resources/2017/03/19/19/41/Military_Spouses_-_WIOA_Desk_Reference)
- ◇ Rapid Response Fact Sheet
  - <https://ion.workforcegps.org/resources/2018/04/13/18/47/Rapid-Response-Fact-Sheet>

### ◆ Dislocated Worker Grants Resources

- ◇ Employment and Training Administration – DWG information page
  - <https://www.doleta.gov/DWGs/>
- ◇ TEGL 02-15, *Operational Guidance for National Dislocated Worker Grants, pursuant to WIOA*
  - [https://wdr.doleta.gov/directives/corr\\_doc.cfm?docn=4439](https://wdr.doleta.gov/directives/corr_doc.cfm?docn=4439)
- ◇ DWG Fact Sheet
  - [https://ion.workforcegps.org/sitecore/content/sites/WIOA/resources/2017/03/19/18/48/National\\_Dislocated\\_Worker\\_Grants\\_-\\_WIOA\\_Desk\\_Reference](https://ion.workforcegps.org/sitecore/content/sites/WIOA/resources/2017/03/19/18/48/National_Dislocated_Worker_Grants_-_WIOA_Desk_Reference)

### ◆ Unemployment Insurance Resources

- ◇ UIPL 20-15, *Unemployment Insurance and the Workforce Innovation and Opportunity Act of 2014*
  - [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=4996](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4996)

### ◆ Wagner-Peyser Act Resources

- ◇ TEGL 19-16, see above

### ◆ Trade Adjustment Assistance Resources

- ◇ Employment and Training Administration – TAA information page
  - <https://www.doleta.gov/tradeact/about-us/>

