NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL

POLICY 2-13-09 (0)

ELIGIBILITY FOR DISLOCATED WORKER SERVICES

PURPOSE:

The Workforce Investment Act (WIA) Section 101(9) Defines the term "Dislocated Worker" as an individual who –
(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;
(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 ……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, 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, .intensive services,….. or supportive services, is employed at a facility at which the employer has made a general announcement that such facility 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; or
(D) is a displaced homemaker.

The Local Workforce Board have authority to develop policies and procedures which are consistent with CFR 663.115(b) and which meets the criteria in WIA Section 101(9), to accept profiled and referred Unemployment Insurance (UI) claimants as eligible dislocated workers requiring no further documentation to establish the "unlikely to return" criterion to be eligible for Core, Intensive, Training and Support Services as a Dislocated Worker.

These policies and procedures may address such conditions as:

(1) What constitutes a ''general announcement'' of plant closing under WIA section 101(9) (B) (ii) or (iii); and
(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 or ranch hands, under WIA section 101(9)(C).

POLICY:

The placement of a profiled claimant in the selection pool by the One-Stop Center meets the eligibility for dislocated worker services.

The conditions "general announcement" of a plant closing has been met under any of the following conditions.

(A) A formal notice of the plant closing has been provided to the Governor or to the States Dislocated Worker Office.
(B) The facility management has provided a notice, either written of verbally, to their workforce of a pending plant closing.
(C) The facility or its management has made general public statements to the press, radio, or TV, that the plant was planning to close.
(D) No formal announced plant closing notice has been issues by the facility or the management, but it is general confirmed knowledge among policy makers, community leaders, and the general public that a plant closing is pending.

Self-employed individuals, including family members and farm and ranch hands meet the eligibility under the WIA Dislocated Worker program as a result of general economic conditions or because of natural disasters under the following conditions:

(A) The declaration of a natural disaster by the Governor of North Dakota covering their area of residence.
(B) The Unemployment Rate for the area they reside in exceeds 150% of the monthly published State Average Unemployment Rate.
(C) The self-employed individual has been forced to discontinue their self-employment due to bankruptcy or potential bankruptcy.

REFERENCE:

(0) NDWDC Electronic Vote Completed January 27, 2009
NDWDC minutes dated June 11, 2009

SUNSET: June 11, 2012