

DIVISION DISLOCATED WORKER SCENARIOS

1. A worker receives official notification in compliance to the Worker Adjustment and Retraining Notification (WARN) Act due to a permanent layoff. The worker receives a *bona fide* job offer with another company. The worker accepts the job offer and leaves employment earlier than his or her established date of separation indicated in the WARN letter. The worker arrives to start his or her new job. He or she is informed by personnel that the department was not able to secure funding for the new position and that the job offer has been rescinded. Can this customer participate in the WIOA Title 1 Dislocated Worker Program?

Yes, under Section 3B(i) and regardless of whether the previous employer contests the claim for UI benefits. The customer has the official WARN letter and demonstrated due diligence by securing new employment prior to his or her established date of separation even though the new job did not materialize.

2. A worker physically injures himself or herself and is no longer able to perform his or her manual labor job. The company cannot reasonably accommodate the worker in another job, and the worker either voluntarily quits due to medical reasons or is discharged by the employer. Can this worker be served under the WIOA Dislocated Worker Program?

Yes, under Section 3(A)(i)(ii)(iii) and 3(B)(i) if the Local Area Case Manager determines there is a reasonable likelihood the customer will not return to a previous occupation. He or she probably cannot return to previous occupation due to his or her injury. Any termination due to medical reasons is a non-contested, non-charging claim for UI.

Alternatives: Vocational Rehabilitation Training may be a viable partner/resource for this customer. This customer can always be served under the WIOA Adult Program if the Local Area Case Manager cannot make that determination at the time of enrollment.

3. A prisoner was awarded work-release due to good behavior. Several months later, he or she met the term of his or her offense and has been released from prison. Can this customer be considered for WIOA services through the Dislocated Worker Program?

No.

Alternatives: This customer may be a good candidate for the WIOA Adult Program and/or qualify for other special offerings for ex-offenders.

4. If a customer was separated from employment due to “inability” to perform the job, can he or she participate in the WIOA Dislocated Worker Program?

Yes, under Section 3(A)(i)(ii)(iii) or 3(B)(i), if it is determined that the customer is unlikely to return to a previous occupation. Also, the inability to perform the job is a non-contested, non-charging UI claim.

5. Are college degreed professionals eligible to receive Training if laid off from his or her job?

Yes.

6. Is there an income threshold that determines whether a customer receives WIOA Dislocated Worker Training such as someone who made over \$100,000.00 per year in his or her last job?

No, the amount of pay does not preclude someone from participating in WIOA Dislocated Worker training. The Local Area Case Manager must determine appropriate eligibility factors and that enrollment and training would lead to reemployment.

7. A worker was laid off from his or her job in the Apparel Industry as a Sock Maker. There is another company in the Apparel Industry that is hiring for T-shirt Pressers. Can this person be served in the WIOA Dislocated Worker Training Program?

Yes, in this scenario, the customer has been dislocated from the Apparel Industry and has another opportunity for reemployment with a different company within the same Industry. This customer can be served in the Dislocated Worker Training Program under Section 3(A)(iii) if the Case Manager determines that he or she is unlikely to return to a previous occupation as a Sock Maker. In fact, it would be a great opportunity for on-the-job training for the customer to learn new skills as a T-shirt Presser.

8. A worker was laid off from his or her job in the Tobacco Industry as a Maintenance Mechanic. There are no similar industries within the local labor market. There is, however, a company hiring two Maintenance Mechanics in the Telecommunications Industry. Can this customer be considered for the Dislocated Worker Training Program?

Yes, since there is a reasonable unlikelihood for this customer to return to a previous Industry, he or she may participate in the Dislocated Worker Training Program under Section 3(A)(iii).

In fact, it may be an ideal opportunity for on-the-job training with the Telecommunications Industry that plans to hire two Maintenance Mechanics. The training contract may not be as lengthy since the customer has skills as a Maintenance Mechanic, but there is a learning curve since the industries are completely different; Tobacco Industry compared to Telecommunications Industry.

9. A company has recently announced a plan to permanently close in six months. We know that we can serve workers up to and including training within 180 days from their established date of separation. The concern is that the company employs a number of leased workers from various staffing agencies including Adecco, Kelly Services, and Aerotek. Can workers from these staffing agencies qualify for the Dislocated Worker Training Program?

Yes.

10. A very proactive company in our area plans to close a year from now. The company's attorney has filed official notification to all workers in compliance to the Worker Adjustment and Retraining Notification (WARN) Act. Do we still have to wait until 180 days prior to his or her separation date before we can enroll anyone in Dislocated Worker Training Services?

No, the 180-day limit is only for those companies that make a verbal, general announcement as it pertains to a mass layoff or closure. WARN requires a minimum written, 60-day notification. Since the attorney has filed written notices to each worker providing a year's notice, these customers may begin to receive WIOA services up to and including training. This includes both part-time and full-time workers as well as leased workers through a staffing agency, which can be served under Section 3(B)(i).

11. Are Independent Contractors considered self-employed regardless of whether the Contractor paid into his or her UI account?

Yes.

12. A large poultry plant plans to close in one of our rural counties by the end of the year. We have already begun providing on-site rapid response services to help transition its workforce. A couple of local farmers have contacted the Workforce Center to inquire about services. He or she indicated that he or she is having to dissolve his or her chicken hatchery business due to an increase in chicken feed prices and the closure of the poultry plant. Can these farmers be served in the Dislocated Worker Training Program?

Yes. Due to the high cost of chicken feed and closure of the poultry plant, these farmers are no longer able to sustain their business and may be served under Section 3(C).

13. A customer that has over 10 years' experience in the Entertainment Industry was recently laid off due to a Network's decision to cancel a Television series. He or she has worked as a Gripper but primarily performs electrical work for production sets. He or she is a member of the SAG-AFTRA Union, and his or her average pay is \$75.00 per hour. The average pay for Journeyman Electrician in this area is \$21.75. The customer does not have a Journeyman license. Should I suggest more training?

No. There is a reasonable likelihood that this customer will return to his previous industry.