

ATTACHMENT A – GLOSSARY

ACTIVE DUTY- means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance while in the active military service, at a school designated as a service school by law or by the Secretary of the Military Department concerned. Such a term does not include full-time National Guard duty.

ADULT - Except as otherwise specified in WIOA section 132, the term “adult” means an individual who is age 18 or older.

ATTACHMENT TO THE WORKFORCE-Can be demonstrated by the period of the first four quarters of the most recent five calendar quarters immediately preceding the WIOA application. Verification of workforce attachment is only necessary when an applicant worked for an employer who was not covered under Unemployment Insurance or the applicant was not eligible for UI due to insufficient earnings.

APPLICANT - An individual who applies for training and/or services provided under WIOA through a WIOA grant recipient or sub-recipient.

BASIC SKILLS DEFICIENT - An individual who is unable to compute or solve problems or read, write, or speak English at a level necessary to function on the job, in the individual’s family, or in society. This may also include a lack of computer “literacy”.

a) 20 CFR §681.290

(1) Have English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

(2) Are unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.

(b) The State or Local WDB must establish its policy on paragraph (a)(2) of this section in its respective State or local plan.

(c) In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.

Document basic skills deficient with one of the following:

- Basic skills assessment questions or test results
 - School records
 - Referral or records from a Title II Adult Basic Education program
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- Referral or records from an English Language Learner program

A youth 18 or older, who was determined to be basic skills deficient for the WIOA Youth Program, may be co-enrolled in the Adult Program without an eligibility redetermination, and be counted as an individual who meets Adult priority of service, if the original determination was made no more than six months before the date of co-enrollment.

Local policy may further define the criteria used to identify and document individuals with basic skills deficiencies.

Note on Standardized Tests: When using formal assessment tests to determine basic skills deficiencies, local programs must use assessment instruments that are valid and appropriate for the target population. They must also provide reasonable accommodations in the assessment process, if necessary, for individuals with disabilities. Additionally, if a standardized test is used to assess basic skills, it should include reading, writing, or computational skills. Lacking soft skills or specific skills needed for a particular job may not be used to assess otherwise high-functioning individuals as being deficient in basic skills. As a result, tests such as Prove-It are generally not suitable for determining basic skills deficiency or computer literacy, as they focus on occupational skills rather than basic skills.

CASE NOTES - Electronic statements by the case manager that identify, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the case manager who received the information.

CITIZENSHIP – Designation of an applicant as a citizen of the United States or a lawfully admitted permanent resident alien, lawfully admitted refugee or parolee, and other individuals authorized by the Attorney General to work in the United States. If the applicant indicates that he/she is not a citizen or an “eligible non-citizen,” the applicant is ineligible for WIOA. (Per state statute, an Affidavit of Immigration Status shall be completed as part of the enrollment process for applicants 18 years or older, effective August 1, 2006).

DEPENDENT CHILD – A child, related by blood, marriage, or decree of court, living in a single residence with his/her parent(s) or guardian. When determining the age at which an out-of-school youth can be considered a dependent child of a parent or guardian, use the IRS definition of dependent. (See IRS Publication 501 – Exemption for Dependent)

Note: If a college student is not claimed as a dependent on anyone else's tax return, they are NOT a dependent child

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DISLOCATED WORKER- ELIGIBLE SPOUSE/VETERAN

A. The spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), 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. is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in the Displaced Homemaker Eligible Spouse definition below; OR

C. Dislocated members of the Armed Forces (service members who are transitioning to the civilian workforce, are within 12 months of separating or 24 months of retirement, expect to be discharged with other than a dishonorable discharge, and are unlikely to return to a previous industry or occupation) as defined in TEGl 22-04: Serving Military Service Members. For this category the DD214 or separation orders may document both the layoff and UI eligible; OR

D. Recently separated veterans who are within 48 months of discharge (other than dishonorable) or release from active military, naval, or air service. For this category, the DD214 may document both the layoff and UI eligible.

DISPLACED HOMEMAKER AND DISPLACED HOMEMAKER- ELIGIBLE SPOUSE – an individual who has been providing unpaid services to family members in the home and who—

A. (i)has been dependent on the income of another family member but is no longer supported by that income; or

(ii)is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101 (d)(1) of title 10 , United States Code) and whose family income is significantly reduced because of a deployment(as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such sections), a call order to active duty pursuant ot a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station or the service-connected (as defined in section 101(160 of title 38, United States Code)death of disability of the member; and

B. is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Note: alimony is not considered replacement for lost income

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EARLY/FORCED RETIREMENT - Individuals who accept early or forced retirement as part of a reduction in force may be considered to have been terminated or laid off, or received notice of termination or layoff as appropriate. These individuals would be eligible for the WIOA Dislocated Worker program if they retire as a result of a permanent closure of, or any substantial layoff at a plant, facility or enterprise.

ELIGIBLE FOR UNEMPLOYMENT INSURANCE (UI) COMPENSATION - Any individual who:

- (A) Is eligible for or has exhausted entitlement to unemployment compensation; or
- (B) Has been employed for a duration sufficient to demonstrate attachment to the workforce (has a history of working), 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.

ELIGIBLE MIGRANT FARMWORKER—the term “eligible migrant farmworker” means—

- (A) an eligible seasonal farmworker described below whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and
- (B) a dependent of the migrant farmworker described in (A).

ELIGIBLE SEASONAL FARMWORKER—the term “eligible seasonal farmworker” means—

- (A) a low-income individual who—
 - (i) for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and
 - (ii) faces multiple barriers to economic self-sufficiency; and
- (B) a dependent of the person described in (A).

ENGLISH LANGUAGE LEARNER— WIOA §203(7) / CFR §688.120: The term “English language learner” means an individual who has limited ability in reading, writing, speaking, or comprehending the English language, and—

- A. Whose native language is a language other than English; or
 - B. Who lives in a family or community environment where a language other than English is the dominant language.
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Note: Individuals who are English language learners meet the criteria for basic skills deficient.

EXHAUSTED UI COMPENSATION - Has received all of the unemployment compensation benefits for which an individual has been determined eligible.

EX-OFFENDER – Any adult or juvenile who has been subject to any stage of the criminal justice process, for whom services may be beneficial; or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction. An Out-of-School Youth may have been subject to either the juvenile or adult justice system.

FAMILY – Two or more persons related by blood, marriage (common law or ceremonial), civil union, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A. A married couple and dependent children.
- B. A parent or guardian and dependent children.
- C. A married couple, meaning:
 - A husband and wife; or
 - Two individuals of the same sex, who are legally married, or in a civil union;

FAMILY INCOME – Family income includes total 6 months cash receipts before taxes (i.e. Gross wages) from all sources as defined in “Family” above, except:

- A. If the applicant reports little or no includable income, s/he shall indicate other resources relied upon for life support during the last six months on the Applicant Statement. Such resources may include such things as unpaid debts, gifts, loans, unemployment compensation, etc.
- B. In addition, when a Federal statute specifically provides that income or payments received under such statute shall be excluded in determining eligibility for and the level of benefits received under any other federal statute, such income or payments shall be excluded in WIOA eligibility determinations.

INCOME (Includable):

- Money wages and salaries (gross wages) before any deductions;
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- Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expense);
- Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);
- Regular payments from Social Security, including SSDI (Social Security Disability Insurance), railroad retirement, strike benefits from union funds, worker's compensation, training stipend, and death benefits
- Alimony;
- Military family allotments (including Hazardous Duty Incentive Pay) or other regular support from an absent family member or someone not living in the household;
- Pensions (retirements) whether private, government employee (including military retirement pay);
- Regular insurance or annuity payments;
- College or university grants, fellowships and assistantships;
- Dividends, interest, net rental income or royalties, periodic receipts from estates or trusts;
- Net gambling or lottery winnings.
- Unemployment compensation;
- Child support payments, including foster care child payments;
- Old-age survivors' insurance benefits

INCOME (Excludable):

- Welfare payments (including Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Refugee Cash Assistance (RCA). (Note: General Assistance (GA) became obsolete with welfare reform, and is not an eligible category);
 - Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants, Federal Supplemental Education Opportunity Grants and Federal Work Study. PLUS, Stafford and Perkins loans like any other kind of loan are debt and not income;
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- Needs-based scholarship assistance; state & private grant aid;
- Military pay or allowances while the veteran or transitioning military member was on active military duty; and certain other veteran's benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance;
- Capital gains;
- Any assets drawn down as withdrawals from a bank, sale of property, a house or a car;
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
- Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, USDA Food Stamps, school meals, and housing assistance;
- ALL WIOA payments, excluding OJT wages.

FARM/RANCH WORKER (applies to self-employed category) - A person who is self-employed or employed by another, on a farm or ranch which produces agricultural products and who receives at least 50% of their family or individual income from agricultural production.

FOSTER CARE YOUTH – A youth 14-18 years of age on whose behalf state or local government payments (excluding OASI) are made. This may include youth who have been made a ward of the state by a court, including those in the following categories:

- Youth in State institutions
- Youth in Community Group Homes
- Youth in Foster Homes

WIOA also defines a foster care youth as an individual in foster care, or who has aged out of the foster care system, or who has attained 16 years of age and left foster care for kinship, guardianship or adoption; a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677); or in an out-of-home placement. This definition encompasses youth who were formerly in foster care, but may have returned to their families before turning 18.

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For Adults: an individual who was previously in foster care or aged out of foster care.

GENERAL ECONOMIC CONDITIONS - Conditions that cause an individual to lose a business include, but are not limited to:

- Failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or services; or
- Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products or services; or
- Substantial layoffs, or permanent closure(s) of one or more plants or facilities that support a significant portion of the State or local economy; or
- Depressed price(s) or market(s) for the article(s) produced by the self-employed individual.

HOMELESS PERSON – An individual who meets any of the following criteria:

(A) lacks a fixed, regular, and adequate nighttime residence; this includes a participant who:

- Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- Is living in a motel, hotel, trailer park, or campground due to a lack of alternative adequate accommodations;
- Is living in an emergency or transitional shelter;
- Is abandoned in a hospital; or
- Is awaiting foster care placement;

(B) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, park, abandoned building, bus or train station, airport, or camping ground;

(C) Is a migratory child who in the preceding 36 months was required to move from one school district to another due to changes in the parent's or parent's spouse's seasonal employment in agriculture, dairy or fishing work; or

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(D) is under 18 years of age and absents himself or herself from home or place of legal residence without the permission of his or her family (i.e runaway youth)

EXCLUSION – The term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

A homeless individual who meets the above criteria is presumed to be low-income for purposes of eligibility under the WIOA unless demonstrated otherwise. Refer to the Steward B. McKinney Assistance Act (PL100-77).

INDIVIDUAL – (Family of one) – A person not meeting the definition of family is considered to be an individual. Youth aged 18 years and older living with parents or other family member(s) shall document individual status by completing the Applicant Statement form verifying that status.

INDIVIDUAL WITH A BARRIER TO EMPLOYMENT - An individual who is a member of 1 or more of the following populations:

- Displaced homemakers; Low-income, Indians, Alaska Natives, and Native Hawaiians (as defined in section 166); Individuals with disabilities, including youth who are individuals with disabilities;
 - Older individuals, Ex- offenders, Homeless (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e- 2(6))), or homeless children and youths (as defined in section 725(2) of the McKinley-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
 - Youth who are in or have aged out of the foster care system;
 - Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
 - Eligible migrant and seasonal farmworkers (as defined in section 167 (i));
 - Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq);
 - Long-term unemployed individuals; and other groups the Governor involved determines to have barriers to employment.
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INDIVIDUAL WITH A DISABILITY – the term “individual with a disability” means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), as follows:

A. Disability: The term “disability” means, with respect to an individual—

1. a physical or mental impairment that substantially limits one or more major life activities of such individual;
2. a record of such an impairment; or
3. being regarded as having such an impairment (as described in paragraph (3)).

B. Major life activities

1. In general: For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
2. Major bodily functions: For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

C. Regarded as having such an impairment: For purposes of paragraph (1)(C):

1. An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
2. Paragraph (1)(C) shall not apply to impairments that are transitory & minor. A transitory impairment has an actual or expected duration of 6 months or less.

Note: An Individual with a Disability may be eligible based on the family of one income guideline. NMJobs data entry shall still include the accurate dollar amounts for individual 6-month and (estimated) family 6 months as well as the accurate number of family members. Do **not** leave the family 6-month income field blank, and do not enter 01 for the number in the family unless the Individual with a Disability meets the criteria of an

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“Individual,” as shown above. NMJobs will use the fields necessary to figure out the individual income for the Individual with a Disability.

JOB OF DISLOCATION - The economic dislocation of an individual as described in the WIOA Dislocated Worker program implies the existence of a job of dislocation. The job of dislocation is the job that qualifies the individual under one of the eligibility categories.

- Under the categories for Plant Closing/Substantial Layoff and Layoff/UI/Unlikely to Return, the job of dislocation is the job from which the applicant has been laid off. The general guideline for classifying the job of dislocation is interim jobs are considered to be temporary.
- For a self-employed individual, evidence that the business has been lost verifies a job of dislocation. The general guideline is to identify the job or pattern of jobs that defines the true job of dislocation. The job of dislocation should include the job title and the name of the business (or industry). Often, the variance in wages can help to distinguish the job of dislocation from other temporary employment. For a self-employed individual, evidence that the business has closed (or is in the process of closing) or business financial records show a major decline in profits can help verify the job of dislocation.

LIMITED ENGLISH PROFICIENCY (LEP) – means individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. (20 CFR §641.140)

LIVING IN A SINGLE RESIDENCE

- A. Temporary, voluntary residence elsewhere – an individual is included in a single residence if they are temporarily and voluntarily living outside of the residence. This may include individuals attending school or college, or visiting relatives. It does not include involuntary temporary residence elsewhere (i.e. incarceration or placement as a result of a court order).
- B. Temporary, involuntary residence elsewhere – an individual is NOT included in a single residence if they are temporarily and involuntarily living outside of the residence. This may include individuals who are incarcerated or placed as a result of a court order.

Note: A person not meeting the definition of family is considered to be an individual (family of one). Individuals ordinarily included in the definition of family, but no longer claiming to

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be dependent shall complete an applicant statement attesting to individual status. Such statements should be corroborated by the head of household in which the individual resides. (S)He shall also show source of his/her support. The individual shall provide over 50% of his/her support to be considered a family of one. Income tax records are also a good source of documentation to support that the youth is not claimed by the parents. Youth aged 18 years and more, see “Individual” definition.

LOW-INCOME INDIVIDUAL — The term “low-income individual” means an individual who—

1. (a)Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP – food stamps) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or other federal, state or local income-based public assistance; or

(b)Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received Refugee Cash Assistance, LIHEAP, Section 8 Housing, or CCAP (Child Care Assistance Program) payments;
 2. Is in a family with a total family income that does not exceed the higher of—
 - a. the poverty line; or
 - b. 70 percent of the lower living standard income level; or
 3. Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2))); or
 4. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
 5. For Adults: Was previously a foster child (or aged out of the foster care system) on behalf of whom State or local government payments were made; or
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6. Is an individual with a disability whose own income meets the income requirement of #2, but who is a member of a family whose income does not meet this requirement; or For the Adult Program, this can be an individual 18-21 years old and still attending secondary school or the parent of an in-school youth who is eligible for the lunch program.(The Community/School/School District Eligibility Provision of the Act may **not** be utilized; only the individual eligibility provision may be used.)

NOTE: Use of item 7 for Adult Priority of Service is now approved. Per the USDOL ETA Only Final PIRL (Participant Individual Record Layout)

PIRL 802 – Low Income (WIOA)

The Department has determined that the parents of youth who are eligible to receive free and reduced-price lunches are eligible to be served under the low-income priority provisions in the Adult program. However, the Department has determined that the parents of a youth living in a high-poverty area are NOT eligible to be served under the Adult low-income priority.

8. Underemployed individuals who are employed full- or part-time may also be eligible for the Adult priority if they also meet the definition of a low-income individual.

A youth 18 or older, who was determined low-income for the WIOA Title I Youth Program, may be co-enrolled in the Title I Adult Program without an eligibility redetermination, and be counted as an individual who meets Adult priority of service if the original determination was made no more than 6 months prior to the date of co-enrollment.

LOWER LIVING STANDARD INCOME LEVEL —The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary of Labor in the Federal Register. (DWS issues annual memo)

NATURAL DISASTERS - Natural disasters that cause unemployment for a self-employed individual include hurricanes, tornadoes, storms, floods, high water, wind-driven water, tidal waves, tsunamis, earthquakes, volcanic eruptions, landslides, mudslides, avalanches, droughts, fires, explosions, snowstorms, or other catastrophes.

OLDER INDIVIDUAL — The term “older individual” means an individual age 55 or older.

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PARTICIPANT - (20 CFR 677.150)- is a reportable individual who has received services other than the services described in paragraph (a)(3) of this section, after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination.

PLANT CLOSING - The permanent shutdown of a plant, business or facility.

POVERTY LINE-The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

PREVIOUS OCCUPATION/INDUSTRY - For the purposes of WIOA Dislocated Worker program eligibility, previous occupation or industry relates directly to the job of dislocation.

PRIMARY OCCUPATION- Occupation in which an individual has had the most experience, and/or most training, and/or which the individual prefers, and/or one in which the individual has remained for an extended period without seeking more appropriate employment (new primary occupation).

PUBLIC ANNOUNCEMENT- The process by which a plant, facility, or enterprise makes the general public aware of its permanent closure. The announcement must include a projected closure date and be verifiable.

PUBLIC ASSISTANCE-The term “public assistance” means federal, state, or local government cash payments for which a needs or income test determines eligibility. (i.e. TANF, Refugee Cash Assistance, Supplemental Security Income, LEAP, Title 8 Housing, or CCAP – Child Care Assistance Program). Note: Supplemental Security Disability Income (SSDI) is not considered cash welfare and does not make a person automatically eligible for WIOA.

SELF-EMPLOYED- Any professional, independent tradesperson, or other business person who works for him/herself. Such a person may or may not be incorporated or in a limited partnership. A family member who provides professional services in the affected business of at least 15 hours per week and receives a salary or wage from the self-employed individual may also be considered self-employed. Self-employed may also include employment as a farmer, rancher, or fisherman.

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SELF-ATTESTATION-Self-attestation occurs when a participant states his or her status for a particular data element and signs and dates a form acknowledging this status. The key elements for self-attestation are:

- (a) the participant identifying his or her status for permitted elements; and
- (b) signing and dating a form attesting to this self-identification.

The form and signature can be on paper or in the state management information system, with an online signature, and may only be used as a last resort.

SERVICE CONNECTED DISABILITY- means, with respect to disability or death, that such disability was incurred or aggravated or that the death resulted from a disability incurred or aggravated in the line of duty in the active military, naval, or air service.

SINGLE PARENT – a single, separated, divorced, or widowed individual who has responsibility for one or more dependent children under age 18, or a single pregnant woman.

STOP – GAP EMPLOYED - The WIOA dislocated worker program regulations specify that an eligible dislocated worker remains eligible if, either prior to or during participation in a training program he/she accepts temporary employment for the purpose of income maintenance and with the intention of ending the temporary employment and entering permanent employment at the completion of training. The concept of "stop-gap" employment is intended to help define and clarify this type of temporary employment, and to help prevent arbitrary decisions of eligibility/ineligibility.

First, stop-gap employment may be applied to all dislocated workers, whatever their category of eligibility, whether plant closure/ substantial layoff, individual layoff, or other.

Second, it is clear that dislocated workers may accept stop-gap employment for a variety of reasons other than the maintenance of income during training; for example, many do not know at that point that training is available. However, when learning that training is available, the applicant for WIOA dislocated worker retraining may then consider his/her employment.

temporary. In such cases, it is best to use the "rules of thumb" to determine if employment can be considered "stop-gap" when such an individual applies for the WIOA dislocated worker retraining: for example does it pay less than 80% of the earnings

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at dislocation, and/or does it require a far lesser skill level than the job of dislocation or is it out of the "primary" occupation, and/or does it offer less than 80% of the weekly hours of the job of dislocation (e.g. less than 32 hours compared to a previous 40 hours per week)?

Individuals who are **Underemployed** can be considered as having stop-gap employment.

Third, the employment should not constitute a new primary occupation for the dislocated worker. Some guidelines that may be helpful in determining this are:

- 1) Is there a demand in the area for the individual's previous occupation (making it likely that he/she would have returned to it if not interested in starting a new primary occupation);
- 2) Has the individual made verifiable efforts to seek more permanent and appropriate employment;
- 3) Does the individual need retraining in order to gain appropriate employment that is comparable to the job of dislocation in terms of skill level and earnings; and,
- 4) How long has the individual held the stop-gap employment (suggesting that a year or more in an occupation that is comparable in hours, skill, and pay to the job of dislocation is probably a new primary occupation, particularly if the individual has conducted no serious job search)? (See definition of Primary Occupation)

SUBSTANTIAL LAYOFF: A substantial layoff is any reduction-in-force which is not the result of a plant closing and which results in an employment loss at a single site of employment for at least 25 percent of the employees (excluding employees regularly working less than 20 hours per week).

NOTE: Permission to use a copy of the State Rapid Response report should be obtained from the local Rapid Response coordinator and/or a local supervisor to ensure the confidentiality of this document.

TEMPORARY EMPLOYEES: An applicant cannot be automatically disqualified for WIOA Dislocated Worker program enrollment because the job of dislocation was not considered a permanent position. An employee under a temporary contract, or placed by a temporary employment agency with an employer may be made eligible under the same category as regular employees of the company (substantial layoff, plant closing). Temporary employees

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directly under contract with the company are considered eligible as are regular employees if a layoff or closing caused their dislocation. If a closing or substantial layoff did not cause the dislocation, the applicant must be shown to be unlikely to return (UI or the temporary agency can confirm). However, temporary employees who are unemployed because the project or undertaking for which they were hired has been completed are not considered Dislocated Workers.

CONTRACTED EMPLOYEES - Employees working within a set contract (not through a temporary agency) that ends on schedule are not eligible for the WIOA Dislocated Worker program. If the job ends prior to the set contract end date and the applicant is not at fault for the separation, they are considered to have a job of dislocation.

UC ELIGIBLE STATUS-

1. A person who:

- (a) filed a claim and has been determined monetarily eligible for benefit payments under one or more State or Federal Unemployment Compensation (UC) programs and whose benefit year or compensation, by reason of an extended duration period, has not ended and who has not exhausted his/her benefit rights, and
- b) was referred based on participation in the Reemployment Services and Eligibility Assessment (RESEA) program.

2. A person who:

- (a) filed a claim and has been determined eligible for benefit payments under one or more State or Federal Unemployment Compensation (UC) programs and whose benefit year or compensation, by reason of an extended duration period, has not ended and who has not exhausted his/her benefit rights, and
- (b) was referred to service through the state's Worker Profiling and Reemployment Services (WPRS) system.

3. A person who meets condition 2 (a) described above, but was not referred to service through the state's WPRS system or the RESEA program.

4. The person meets condition 2(a), but has exhausted all UC benefit rights for which he/she has been determined eligible, including extended supplemental benefit rights.

ATTACHMENT A – GLOSSARY

5. The person is a claimant who is exempt from normal work search requirements according to state law and does not have to perform work search activities.

6. Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center, attachment to the workforce (has a history of working), but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law (mainly used for employees of the agricultural industry). Such individuals may document wages paid by submitting pay stubs or bank statements or providing letters from their employers or other proof of their work history. The period of time documented may match the UI monetarily eligible period of the first four of the last five calendar quarters.

UI MONETARY ELIGIBILITY – Individuals earned at least \$2,500 during the first four out of the last five calendar quarters (UI base period)

UNLIKELY TO RETURN TO PREVIOUS INDUSTRY OR OCCUPATION -

- **Skill Oversupply** - State or local supply of persons with the specific skills of the applicant exceeds current demand for those skills; or
 - **Obsolete Skills** - Applicants can no longer meet the minimum requirements of jobs available in their occupation (e.g., a clerical worker without word processing skills, etc.). Limited number of employers in the state in a certain occupation; or
 - **Only Stop-Gap Available** - Jobs available to the applicant would be temporary or substantially below the applicant's accustomed skill, hour, or wage level (see stop-gap); or
 - **No Job Offers Received** - Applicant has been available and looking for work for a number of weeks and has not received an offer for work; "number of weeks" might range from 6 to 12 weeks, depending upon the occupation, economy, and/or applicant's verified job search efforts.; or
 - **Local Layoff Impact** - A local plant or business closing or layoff has had a significant negative impact on the availability of jobs in the applicant's primary occupation and accustomed wage/hour/skill level; or
-

ATTACHMENT A – GLOSSARY

- **Declining Occupation**- Unemployed and their most recent job is on a declining occupation list as defined by the SAWDB; or (The Board defines Declining Occupation as a job that was in decline for the last five years or the occupation has been growing at a rate of less than **7%** over the last five years.

- **Physical Limitations or Disabilities** - Newly acquired physical limitations or injuries that limit the individual's ability to perform the job from which they were dislocated may make an individual unlikely to return to the previous occupation. Such individuals are eligible if they fit one of the categories of the WIOA Dislocated Worker program eligibility, but must have a doctor's release to work;

Doctors note stating that the individual can no longer perform the previous occupation for medical reasons or medical records showing the individual's present or past disability or a self-attestation form in which the individual states the nature of the disability.

UNDEREMPLOYED - is an individual who is:

- Employed less than full-time but is seeking full-time employment; or
- Employed in a position that is inadequate with respect to their skills and training; or
- Employed and meets the definition of low-income; or
- Employed, but whose current job's earnings are not sufficient compared to their earnings from their job of dislocation.