

**Attachment #2 - WIA DISLOCATED WORKER ELIGIBILITY CRITERIA,
GLOSSARY, DOCUMENTATION, and Q&A from TAN 04-02**

Revised October 2008

Following is the eligibility criteria for the Dislocated Worker Program and a Glossary of relevant terms. Documentation verifying the eligibility of participants in WIA is mandatory. Eligibility determination shall be made prior to enrollment in WIA and receipt of any Intensive, Training or Supportive services. Each program shall provide employment and training opportunities to those who may benefit from and who are most in need of such opportunities. This is required because WIA is not an entitlement program.

Veterans and eligible spouses covered by Public Law 107-288, who otherwise meet the eligibility requirements for enrollment, are to be given priority over non-veterans for the receipt of employment, training, and placement services provided under the WIA program. Additionally, citizenship or legal immigration status must be determined prior to provision of program services to individuals 18 years of age or older per Colorado HB1023.

ELIGIBILITY CRITERIA

Each of the following eligibility elements (#1-4 below) must be documented for each applicant. Please refer to the comprehensive checklist of allowable forms of eligibility documentation contained in this attachment. Other forms of documentation not listed must be reviewed by a State Workforce Liaison on a case-by-case basis. Photocopies of documentation kept on file or scanned documents stored in electronic document management systems, must be legible.

1. Citizenship/Eligible to Work – Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. Applicants shall also prove legal US citizenship in accordance with the Colorado Revised Statutes 24-76.5. They shall possess **one** of the acceptable forms of identification (ID), and Complete the Affidavit of Immigration Status form for all participants 18 years and older. If the participant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied. (**Exception:** Per TEGL 19-01, change 1, operators may not deny WIA-funded services to victims of severe forms of human trafficking based on their immigration status.)

Note: If a Social Security number is being used to document citizenship, or if the participant is being entered into a paid work experience activity, the original card needs to be presented along with a picture ID. Both documents should be copied so that signatures and Social Security numbers are legible. (Additional types of documentation that can be used to demonstrate citizenship are listed in this attachment). If the Social Security number is simply being used as the unique identifier in JobLink, the number does not need to be verified. If the client prefers not to provide a Social Security number, a pseudo number can be created for use in JobLink. Per TEGL 5-08, local grantees should request a Social Security number from all applicants to aid in performance reporting, but services cannot be denied to anyone for refusing to furnish a Social Security number when their citizenship/alien status can be documented via other means.

2. Selective Service/Military Status – All participants shall be in compliance with the Selective Service Act requirements. All males who are at least 18 years old and born after December 31, 1959 and who are not in the armed services on active duty shall be registered.

3. Age at enrollment must be 18 or older.

Note 1: Before utilizing the categories below, attempt to identify a job of dislocation (See definition in the GLOSSARY below.) If a job of dislocation cannot be identified, the applicant cannot be considered a Dislocated Worker under categories (A), (B), or (C).

Note 2: TEGL 22-04 and TEGL 22-04, change 1: Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant (March 22, 2005), explain in detail the conditions under which a military service member or a military spouse should be considered an eligible Dislocated Worker. (See Attachments #5 and #6).

4. In addition to the basic WIA eligibility criteria, staff making eligibility determinations must verify that the applicant qualifies under one of the following categories:

- (A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment (including early or forced retirements); **and**
 - (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 workforce center referred to in section 134 (c), 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;
- (Note: An applicant may receive Dislocated Worker services if conditions of category (A) have been met up to **6 months prior to the date of layoff.**)**

OR

- (B)(i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any substantial layoff at, a plant, facility, or enterprise; **or**
 - (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(d)(4), intensive services described in section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
- (Note: An applicant may receive Dislocated Worker services if conditions of category (B) have been met up to **6 months prior to the date of layoff.**)**

OR

(C) was self-employed (including employment as a farmer, a rancher, or 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; **OR**

(E) is UI profiled

(continued next page)

GLOSSARY

Local program staff making eligibility determinations for the Dislocated Worker program should make use of the following definitions:

APPLICANT (AN INDIVIDUAL) – An individual who applies to a WIA Grant recipient or sub-recipient for employment, training and/or services provided under WIA.

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 WIA. (Form 12A – Immigration Affidavit shall be included in every application for applicants 18 years or older effective 8/1/2006).

DISPLACED HOMEMAKER - An individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income (alimony is not considered replacement for lost income); and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

EARLY/FORCED RETIREMENT - Individuals who accept early or forced retirement as part of a reduction in a work force may be considered to have been terminated or laid off, or received notice of termination or layoff as appropriate.

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, 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 were not covered under a State unemployment compensation law (mainly use for employees of the agricultural industry).

NOTE: Individual does not need to be receiving or eligible to receive unemployment insurance to be considered "UI eligible". For the purpose of determining Dislocated Worker eligibility, "UI eligible" means that the employer was paying unemployment taxes on the wages of the applicant.

EXHAUSTED ENTITLEMENT TO UI COMPENSATION - has received all of the unemployment compensation benefits for which an individual has been determined eligible, after having actually received monetary benefits following dislocation.

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 with annual sales of \$1,000 or more, and who receives at least 50% of their family or individual income from agricultural production.

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.

JOB OF DISLOCATION - The economic dislocation of an individual as described in the WIA 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 the loss of the job within five (5) years of the application date for the Dislocated Worker program provided the interim jobs are considered to be Stop-gap. 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 within the five year work history 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 stop-gap 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.

NATURAL DISASTERS - Natural disasters that cause the unemployment of a self-employed individual include: hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, drought, fire, explosion, snow storm or other catastrophe.

PARTICIPANT – An individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services) under a program authorized by this Act. Participation shall be deemed to commence on the day following eligibility determination, on which the participant began receiving subsidized employment, training, or other services provided under this Act in either a physical location (One Stop Center or affiliate site) or remotely through electronic technologies. Customers receiving only self-service or informational activities are not considered to be participants in the WIA programs.

PLANT CLOSING - The permanent shutdown of a plant, business or facility. TAA documents cannot be used to verify a **plant closure** unless they specifically state that a plant closure occurred.

PREVIOUS OCCUPATION/INDUSTRY - For the purposes of WIA dislocated worker program eligibility, previous occupation or industry relates directly to the job of dislocation, not the most recent job if it is considered stopgap employment.

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

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

SELECTIVE SERVICE – Only those males who are subject to, and have complied with, the registration requirements of Military Selective Service Act (MSSA) are eligible for participation in WIA funded programs and services. Every male citizen and every other male residing in the United States shall register with the Selective Service System (SSS) between their 18th and 26th birth dates. The Director of the SSS and the Secretary of Labor are required to cooperate in carrying out these provisions. In 1986 the MSSA was amended to require the registration status to be examined and confirmed as follows:

A person may not be denied a right, privilege or benefit under Federal law by reason of failure to present himself for and submit to registration under section 3 [50 U.S.C/ App. 453] if:

- The requirement for the person to so register has terminated or become inapplicable to the person; **AND**
- the person shows by a preponderance of the evidence that the failure of the person to register was **not** a knowing and willful failure to register.

The following is the documentation required for persons eligible to register but who neglected to register and are now over 26 years old:

- **Incarcerated, hospitalized, or institutionalized** – A copy of a statement from the Department of Corrections, or other institution, indicating the duration of the stay can be used to demonstrate that the individual was not available to register with Selective Service during his period of Selective Service eligibility.
- **Veteran** – A copy of a DD214 showing other than a dishonorable discharge can be used in lieu of a Selective Service registration. In addition, the veteran can provide a Selective Service waiver document (obtainable by the Selective Service System).
- **Homeless** – A letter from a homeless shelter or a statement signed by the applicant can be utilized to attest to the applicant’s inability to register for Selective Service while he was still eligible.
- **Non-citizen** – An alien registration card or other immigration document showing the date of entry into the United States, and demonstrating that this date was beyond the date of his 26th birthday.

The Conference Report to the amendment clarified “that a non-registrant is not to be denied any Federal benefit if he can demonstrate that his failure to register was not knowing or willful.” This provision was added “in order not to penalize an individual with an obvious disqualifying handicap, such as total paralysis of the limbs, or an individual who has been honorably discharged from the armed services.”

SELF-EMPLOYED - Any professional, independent trades person, 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 to be a self-employed individual. Self-employed may also include employment as a farmer, rancher or fisherman.

STOP – GAP EMPLOYED - The WIA 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 should not be considered the job of dislocation for 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 WIA 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 WIA dislocated worker retraining: does it pay less than 80% of the earnings 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)?

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 defined by State of Colorado as 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).

Acceptable documentation:

- Supporting documentation to identify that the person worked for the company at the time of the layoff announcement (EG. pay stub or layoff letter with the name of the individual); **AND**

- Documentation that the layoff met the substantial layoff definition above (EG.. Newspaper article, letter from employer, or copy of the State Rapid Response Report that shows the number of people employed and the number impacted by the layoff).

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 WIA 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). If the dislocation was not caused by a closing or substantial layoff, the applicant shall 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 considered dislocated only after the employee has contacted the temporary agency, and the agency has failed to find suitable work for them. Temporary employees directly under contract with the company are considered eligible as are regular employees if their dislocation was caused by a layoff or closing. **Contracted Employees** - Employees working within a set contract (not through a temporary agency) that ends on schedule, are not eligible for the WIA 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.

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., clerical worker without word processing skills, etc.); or
- **Only Stop-Gap Available** - Jobs available to applicant would be temporary or substantially below applicant's accustomed skill, hour, or wage level (see stop-gap); 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
- **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
- **Physical Limitations or Disabilities** - Newly acquired physical limitations or injuries occurring which 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 WIA dislocated worker program eligibility, but shall have a doctor's release to work; or
- **Other Factors** - Factors that can be recorded in the client's file from written or verbal sources, including staff judgment, indicating "unlikely of returning to the previous industry or occupation."

DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION

Documenting eligibility with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. However, the basic WIA eligibility data elements of **age and immigration status cannot be self-attested**. Please review the most current or relevant Data Validation PGL to assist in determining when it is appropriate to use self-attestation; or consult with your local MIS coordinator if the data element in question is not addressed by the PGL. An acceptable self-attestation statement should be a signed document that includes information clearly addressing the eligibility criteria you are trying to capture, and should adhere to local self-attestation policy guidelines.

Dislocated Worker example:

When documenting a layoff for a Dislocated Worker through self attestation, the statement should include information that attests to why he/she should be eligible for the Dislocated Worker program. This might include information about the layoff or closure, the date of dislocation, reason for termination, and job of dislocation. In addition, the case manager should verify and document that the individual has UI wages from the stated employer.

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WIA ELIGIBILITY DOCUMENTATION CHECKLIST – DISLOCATED WORKER PROGRAM

Eligibility	Required Documentation
<p>Citizenship/Alien Status (1 is required)</p>	<ul style="list-style-type: none"> - Social Security Card <u>AND</u> Driver's License or other government issued picture ID containing a photograph or information such as name, date of birth, gender, height, eye color and address. (If under 18 years old and does not have a Driver's License; may use school record or hospital record with signed Social Security Card. Identification cards issued by Department of Corrections shall not be accepted.) - U.S. Passport (unexpired or expired) - Permanent Resident Card or Alien Registration Receipt Card (Form I-551) - An unexpired foreign passport with a temporary I-551 stamp - An unexpired Employment Authorization Document that contains a Photograph (Form I-766, I-688, I-688A, I-688B) - An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer - Original or certified copy of a Birth Certificate issued by a state, county, municipal authority or outlying possession of the US bearing an official seal - Certification of Birth Abroad issued by the Department of State - DD-214, Report of Transfer or Discharge (If Place of Birth is Shown) - US Citizen ID card (Form I-197) - Native American Tribal Document/CDBI (Certificate of Degree of Indian Blood)
<p>Selective Service Registration (1 is required for those required to register)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> On-line verification at www.sss.gov <input type="checkbox"/> Acknowledgement Letter from Selective Service <input type="checkbox"/> Selective Service Verification Form <input type="checkbox"/> Selective Service Registration Card <input type="checkbox"/> Selective Service Advisory Opinion Letter <input type="checkbox"/> Selective Service Registration Record (Form 3A) <input type="checkbox"/> Selective Service Waiver Document (for veterans) <input type="checkbox"/> Stamped Post Office Receipt of Registration <input type="checkbox"/> DD-214 <input type="checkbox"/> Cross match with Veterans data
<p>Social Security Number (Not required for eligibility)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> DD-214, Report of Transfer or Discharge <input type="checkbox"/> IRS Form Letter 1722 <input type="checkbox"/> Letter from Social Security Agency <input type="checkbox"/> Pay Stub with Social Security number <input type="checkbox"/> Social Security Benefits <input type="checkbox"/> Social Security Card <input type="checkbox"/> W-2 Form <input type="checkbox"/> Declined; pseudo-SSN created
<p>Affidavit of Immigration Status (Required in conjunction with one of the listed forms of ID)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Colorado Driver's License <input type="checkbox"/> Colorado Identification Card <input type="checkbox"/> U.S. Military Card <input type="checkbox"/> Military Dependent Identification Card <input type="checkbox"/> U.S. Coast Guard Merchant Mariner Card <input type="checkbox"/> Native American Tribal Document <input type="checkbox"/> Other State Driver's License <input type="checkbox"/> Other State Identification Card

Element	Required Documentation
Job of Dislocation ***see Q&A below***	<input type="checkbox"/> Letter from employer verifying dislocation <input type="checkbox"/> Case note reflecting contact with employer verifying dislocation <input type="checkbox"/> Lay-off notice (<i>from whom /where?</i>) <i>WARN</i> <input type="checkbox"/> Rapid Response list <input type="checkbox"/> Work history (per TAN 04-02)
Date of Dislocation	<input type="checkbox"/> Verification from employer <input type="checkbox"/> Rapid Response List <input type="checkbox"/> Layoff Notice <input type="checkbox"/> Public Notice with UI data cross-match (WARN)
<p>_____ A. Layoff/UI/ Unlikely to Return (Note: Honorable military discharge can count as a layoff, but the customer must also meet the other two criteria.) (Note: All three circumstances must be documented)</p> <p>***see Q&A below***</p>	<p>Layoff:</p> <input type="checkbox"/> Letter from Employer <input type="checkbox"/> UI Notice of Decision <input type="checkbox"/> Public layoff notice with UI data cross-match <input type="checkbox"/> DD-214 <input type="checkbox"/> CUBS 04 screen
	<p>UI Monetary Eligibility:</p> <input type="checkbox"/> UI monetary eligibility letter <input type="checkbox"/> UI Notice of Decision <input type="checkbox"/> UI wage data screen <input type="checkbox"/> UI wage claim screen
	<p>Unlikely to Return:</p> <input type="checkbox"/> Labor Market Info <input type="checkbox"/> Job Search Logs <input type="checkbox"/> Documentation of Disability
<p>_____ B. Plant Closure, Substantial Layoff (Note: Two circumstances must be documented – the fact that the business closed or a substantial layoff occurred and that the applicant worked there.) ***see Q&A below***</p>	<p>Applicant was Employed:</p> <input type="checkbox"/> Letter from Employer <input type="checkbox"/> Pay Stubs <input type="checkbox"/> UI wage data screen
	<p>Business Closed</p> <input type="checkbox"/> Public notice of plant closure or substantial layoff <input type="checkbox"/> Copy of WARN notice <input type="checkbox"/> Newspaper <input type="checkbox"/> Notice from DoD

<p>_____ C. Self-Employed – Business Closed (Note: Both circumstances must be documented)</p>	<p>Self-Employed:</p> <ul style="list-style-type: none"> ___ Business License/Permit ___ Tax records ___ UI wage data screen <p>Business Closed:</p> <ul style="list-style-type: none"> ___ Business closure notice ___ Tax records ___ Bankruptcy documentation ___ Lending Institution documentation ___ Financial statements from accountant
<p>_____ D. Displaced Homemaker (Note: Two circumstances must be documented – The fact that the applicant was dependent on the income of a spouse and is no longer being supported by that income, and the fact that the applicant is unemployed or underemployed.) ***see Q&A below***</p>	<ul style="list-style-type: none"> ___ Public assistance records ___ Court records ___ Divorce papers ___ Bank records ___ Spouse’s layoff notice ___ Spouse’s death record ___ UI wage data indicating no wages
<p>_____ E. U.I. Profiled ***see Q&A below***</p>	<ul style="list-style-type: none"> ___ UI Profile letter ___ Case note
<p>_____ F. Permanent Dislocation / Natural Disaster</p>	<ul style="list-style-type: none"> ___ Public notice ___ USDOL Advisory

Q & A ON DW ELIGIBILITY DOCUMENTATION FROM TAN 04-02

1. Question: What types of documentation can be used to document the **job of dislocation** for a Dislocated Worker?

Answer: The **job of dislocation** can be documented by using the work history obtained from the applicant as part of the signed WIA application. This work history should contain at least the following information for the last five years:

- Names of the employers
- Dates of employment
- Job titles
- Wages and number of hours worked per week

The intake worker or case manager must then identify which of the jobs listed is the job of dislocation rather than a stop gap job. This will likely be determined in conjunction with documentation obtained to show proof of layoff or UI eligibility.

2. Question: What forms of documentation can be used to verify a **layoff** for Dislocated Worker eligibility? Can the UI Notice of Decision be used to document a layoff, as well as UI eligibility, for the Dislocated Worker program?

Answer: One of the categories for Dislocated Worker eligibility is laid off, eligible for Unemployment Insurance, and unlikely to return to the previous occupation. Each of these conditions must be documented. The most common and acceptable forms of documentation for a **layoff** are:

- Layoff letter from the employer
- Public notice of a layoff
- Self-attestation of layoff together with a printout of UI wage data for the claimant showing wages from the employer in question

Some workforce regions have utilized the **UI Notice of Decision**, which grants UI benefits to a claimant, as proof of a layoff as well as proof of UI eligibility. In many cases these notices indicate that the claimant was fired for cause or quit a job, but is nonetheless being granted a UI benefit award. Other Notices of Decision clearly state that the claimant lost his job through no fault of his own, or lost his job because of a layoff. **Unless the UI Notice of Decision specifically states that the claimant has been laid off or lost his job through no fault of his own, or the Decision contains the Legal Citation: Colorado Employment Security Act 8-73-108(4) to justify the benefit award, the notice cannot be used to document a layoff; it can only be used to document eligibility for Unemployment Insurance.**

Proof of layoff can also be documented by using a screen print of the CUBS 04 screen, provided that the columns entitled CLMNT SEP and EMPL SEP both contain an 09 code, which stands for lack of work.

3. Question: What forms of documentation can be used to demonstrate **eligible for UI** for Dislocated Worker eligibility?

Answer: One of the categories for Dislocated Worker eligibility is laid off, eligible for Unemployment Insurance, and unlikely to return to the previous occupation. Each of these conditions must be documented. The most common and acceptable forms of documentation for **UI eligibility** are:

- UI letter - Monetary Determination with wages \$2500 or more in the base period
- UI letter – Notice of Decision
- Print of UI wage data screen
- Print of UI wage claim screen showing award of benefits

Regions should be aware that not all UI claimants receive a Notice of Decision letter. Only those claimants with a claim issue to be resolved receive a Notice of Decision.

4. Question: What forms of documentation can be used to demonstrate “**unlikely to return**” as part of Dislocated Worker eligibility?

Answer: One of the categories for Dislocated Worker eligibility is laid off, eligible for Unemployment Insurance, and unlikely to return to the previous occupation. Each of these conditions must be documented. As indicated in

the chart above, **unlikely to return** can be documented by using one or more of the following:

- Labor market information showing that the applicant skills are not currently in demand (such as the Job Vacancy Survey)
- Labor market information showing that the applicant cannot meet the skills requirements for jobs currently available in their chosen occupation (such as want ads, Choices, COCIS, etc.)
- Labor market information showing no jobs or only stop gap jobs are available that match the applicant's skills (such as a JobLink search, want ads, Job Vacancy Survey, etc.)
- Job search logs put together by the client that demonstrate no job offers received for a period of weeks prior to WIA enrollment, or
- Documentation of acquired physical limitations or injuries that make an individual unable to perform the same work as the job of dislocation

5. Question: Does documentation of **UI Profiling** make an applicant eligible for the Dislocated Worker program?

Answer: As stated in PGL 01-03-WIA1, an applicant selected through the **UI Profiling** system is considered automatically eligible for the Dislocated Worker program. A copy of the UI Profiling document should be kept in the client case file.

6. Question: Can a Trade Adjustment Assistance (TAA) certification or eligibility document be used to document a **plant closure** for Dislocated Worker program eligibility?

Answer: TAA certifications generally do not contain information regarding whether a plant closure has occurred. In addition, many TAA certifications are issued when only a portion of employees are being laid off. As a result, TAA documents cannot be used to verify a **plant closure** unless they specifically state that a plant closure occurred.

7. Question: For purposes of determining **Displaced Homemaker** eligibility for the Dislocated Worker program, is alimony considered to be a replacement for the income lost as a result of a divorce? If so, would this make the applicant ineligible for the Dislocated Worker program?

Answer: Alimony should not be considered as a replacement for lost income because in most cases alimony payments are much lower than the spousal income that was lost. As a result, a person receiving alimony should still be considered eligible for the Dislocated Worker program if they meet the remaining criteria for the definition of **Displaced Homemaker**.