

**Sullivan County Center for Workforce Development
Workforce Innovation and Opportunities Act (WIOA)
Adult and Dislocated Worker Program Policies/Procedures**

As the Administrative Entity designated to administer the WIOA Title IB Adult programs in Sullivan County, the Sullivan County Center for Workforce Development (SCCWD) has, with the approval of the Workforce Development Board of Sullivan Inc., developed the following policies and procedures for the WIOA Adult and Dislocated Worker programs.

Eligibility and Certification – All job seeking customers who access services through the Career Center in Sullivan County will be registered into the One Stop Operating System (OSOS) and enrolled in the Title I Adult or Dislocated Worker programs and the Wagner-Peyser program. All applicants must submit the required documentation to verify eligibility information and follow federal data validation requirements.

WIOA Section 680.120: To be eligible to receive career services as an adult in the adult and dislocated worker programs, an individual must be 18 years of age or older.

To be eligible for any dislocated worker programs, an eligible adult must meet definition in

WIOA Section 3(15) Dislocated Worker:

The term “dislocated worker” 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 from active military service (unless dishonorably discharged)
- (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 Career Center referred to in WIOA 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; NYSDOL interpretation: an individual can be considered as unlikely to return to a previous industry or occupation if they have been unemployed since their termination/layoff or is underemployed; individuals who are active UI claimants profiled as “likely to exhaust benefits or are UI Exhaustees. A detailed self-attestation from a participant is sufficient to determine if the individual 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; NYSDOL interprets a ‘substantial layoff’ as

the layoff of five (5) people or 10% of that employer's workforce, whichever is less.

(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; a nationwide public health emergency, or other unforeseen events. NYSDOL interprets "the community in which the individual resides" as the geographic area in which the individual resides or as the industry, sector, or occupational community not bound by physical location which maybe affected by general economic conditions. An individual's economic community may extend beyond the geographical location of that person and/or their business or source of income. Conditions that affect general economic conditions may include the logistical supply chain or location of product/service delivery.

WIOA Section 3(16) Displaced Homemaker: the term "displaced homemaker" means 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 section), a call or order to active duty pursuant to 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(16) of title 38 United States Code) death or disability of the member; and

(B) is either (a) unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. NYSDOL interprets "experiencing difficulty" as being unsuccessful in finding employment or upgrading employment, as determined by self-attestation.

In addition to WIOA DW categories, NYSDOL also recognizes the following individuals as DWs:

A. Individuals dislocated due to Foreign Trade, including participants in the Trade Adjustment Assistance (TAA) Program who are part of a worker group covered under a certified trade petition, which demonstrates an increase in imports, a shift or acquisition in production, or a loss of sales and/or production which contributed importantly to the worker(s)'s separation or threat of separation (additional information on the TAA program is located in Workforce Development System Technical Advisory (WDS TA) #21-03);

B. Long-term unemployed (LTU) individuals: Individuals who receive Unemployment Compensation benefits for at least 27 weeks and are still unemployed; and

Note: LTU may include those individuals originally designated DWs as part of a National Dislocated Worker Grant (NDWG) and who remain unemployed once they are no longer funded with the NDWG.

C. Underemployed individuals: Individuals who have been determined to be DWs may remain DWs, even after they have obtained employment, if they are (1) individuals employed less than full-time who are seeking full-time employment; (2) individuals who are employed in a position that is inadequate with respect to their skills and training; (3) individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); (4) individuals who are employed, but whose current job's earnings are less than the self-sufficiency wage rate set by the LWDB, or are not sufficient based on their training and experience or compared to their earnings from their previous employment; and (5) individuals who are employed in stopgap employment.

Self Sufficiency

The self-sufficient wage is based on an individuals' wage. The self-sufficient wage for the Sullivan Local Workforce Development Area is \$21.01/hour. An individual who earns \$21.01 or less is considered not self-sufficient and would be eligible for consideration for training services.

Please Note: For individuals whose incomes include tips and/or commissions the self-sufficient wage is determined to be one of the following: \$16/hour; \$120/day or \$600/week.

Career Services

WIOA requires that career services be made available to adults and dislocated workers. There are three types of career services: basic career services, individualized career services and follow up services.

- ✓ Career services are provided based on the mutually identified employment needs and goals of the individual.

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- ✓ The levels of career services are not intended to be provided sequentially.
- ✓ All career services that are provided will be tracked in OSOS.

1. Basic Career Services

These services can be provided by staff of the WIOA Adult and Dislocated Worker programs and Employment Services.

These are universally accessible services available to all individuals looking for employment and training services through the comprehensive Sullivan County Career Center. The services involve minimal staff involvement and include eligibility determination, initial skills assessment, labor exchange services, provision of information on programs and services and program referrals.

2. Individualized Career Services

These services must be provided after Career Center staff determines that the services are required to assist the individual retain or obtain employment. These services typically require intensive staff time and services are customized to meet the needs and goals of the individual. These services include specialized assessments, development of an individual employment plan, counseling, work experience including transitional jobs, etc. The specialized assessment used is the Test of Adult Basic Education (TABE).

3. Follow-up Services

All adults and dislocated workers who enter unsubsidized employment will receive up to 12 months of follow up services after the first day of employment.

Work Experience / Internships

A work experience or internship is a planned, structured learning experience that takes place in a workplace for a limited time period. The activity can be paid or unpaid. It must comply with all appropriate laws. It can take place within the private for-profit sector, the not for profit sector or the public sector. An experience may not last longer than 4 months. It must directly support the employment goals outlined in a customer's employment plan.

Transitional Jobs

Transitional jobs will not be provided at this time.