

Approved by Broome-Tioga WDB: 9/8/2017

Broome-Tioga Workforce Dislocated Worker Criteria Policy

PURPOSE: To clarify and provide guidance in making Dislocated Worker determination. To clarify the criteria and to provide instruction on OSOS comment entry.

Most common category of DW

_____ **DW Cat 1:** (must meet all 3 criteria)

1. Terminated or laid off, or has received notice or termination or layoff
2. Eligible for, or exhausted UI
- 3. Unlikely to return to previous industry or occupation**

#2 Eligible for or exhausted UI: this is defined as a customer that has filed and been approved for UI benefits (in receipt of UI determination letter), currently in receipt of UI benefits, or has exhausted their claim. WIOA regs refer to 'entitlement' to UI compensation, which can only be determined by DOL UI.

3 is the one that causes the most confusion: It does not matter if a customer has an occupation that appears on the demand occupation list, the following nullifies that.

Unlikely to return to previous industry or occupation can be based upon REOS, Labor Market and/or Other Criteria:

REOS:

- **Profiled:** if customer has been profiled by NYS as likely to exhaust, the customer is DW Cat1
- **Exhausted:** if customer has exhausted UI benefits, the customer is DW Cat1
- **Nearing UI Exhaustion/ Long Term Unemployed:** if the customer is 20 or more weeks into the UI claim and has not obtained employment, the customer can be determined to be a DW Cat 1: Likely to exhaust due to long term unemployment, with no offers of hire.

LABOR MARKET:

- TA states 'no job openings within 1 hour drive time'- for B-T Workforce purposes a 50 mile radius will be utilized;
- Local supply of persons with the specific skills of the applicant exceeds the current demand for those skills;
- Only Stop-Gap available: jobs available to applicant would be temporary or substantially below the applicant's accustomed skill, hour, or wage level;
- No job offers received: applicant has been looking for work for a number of weeks and has not received a job offer. "Number of weeks" can range from 4-12 depending upon the occupation, economy, and/or applicant's verified job search efforts;
- Laid off from a no growth occupation;
- Laid off from a declining industry;
- Laid off from an occupation with fewer than 50 annual job openings on a statewide basis;
- If REOS indicates that the occupation is not a regional demand occupation;

OTHER CRITERIA:

- Lacks required education for a specific industry or occupation (this includes lack of hs/ged if required, lack of level of education for occupation ex: tests too low for job requirements)
- Lack of job skills/ certificates or obsolete skills necessary to obtain employment in previous field. (ex: welder for 20 years, no certificate- job listings require certificate; secretary for 15 years but is not familiar with MS word, outlook, etc)
- Transportation issues- **LACK OF DRIVER'S LICENSE- is NOT good cause if PUBLIC transportation is readily available.** Ex: Tioga Co is rural with no public transportation system- lack of driver's license or vehicle would be a major barrier. Customer living in Binghamton, wanting to work in Binghamton, does have access to transportation system and therefore, lack of driver's license isn't a major barrier **Transportation definition** is defaulted to UI definition: 1hr by private vehicle, 1.5 hrs by public transportation. Access to suitable jobs outside that perimeter would be considered barrier.
- Language barriers
- Disability: medical, physical, emotional, alcohol/drug, learning
- Poor work history/ job retention (can't keep a job)
- Offender status: (ex: have restrictions on work locations, distance can travel, etc—how their status relates needs to documented in OSOS)
- Daycare/ family issues

- Loss of certification/ license for occupation
- Any type of restrictions imposed by court, family, health care providers
- Higher education: example: a PhD gets laid off from Cornell, was Archeologist. Not a lot of jobs in this field in this area! Same with Biochemical Engineer etc
- Government jobs (local, state, federal): (ex: those jobs tied to civil service, or non-profit government agencies- unlikely to obtain another local gov't job in area simply because they aren't available)
- Military (recently separated vets) and spouses of military personnel

OSOS REQUIREMENTS:

DOL requires that OSOS comments must be made regarding how the customer meets the DW criteria:

DW CAT 1:

If the customer is collecting UI or exhausted UI AND is profiled: OSOS comment of Profiled by NYS on (date) as likely to exhaust is sufficient

If the customer is collecting UI or Exhaustee AND NOT PROFILE: you must record in OSOS how they meet the **criteria under # 3**

Examples:

- DW Cat1: has been unemployed for 20 weeks, adequate job search, no offers of hire
- DW Cat1: job search in area showing no available positions
- DW Cat1: is within 6 weeks of exhausting UI, adequate job search, has had interviews but no offers of hire
- DW Cat1: lack of skills. Current job postings require certification/license that customer lacks. Customer looking for welding jobs but local area jobs require a vocational degree
- DW Cat1: lack of education. Manufacturing jobs in local area are requiring high school or equivalent degree. Customer lacks degree.
- DW Cat1: barrier: offender. Customer's restrictions on employment – types of jobs, radius of employment, or location of employment. Customer is restricted to employment within a

DW Cat1 con't

25 mile radius, can't leave the county, and can't work near education or day care facilities

- DW Cat1: barrier: medical. Customer has medical issues that will prevent them from performing previous job.

DW Cat2: (Must meet ONE of the criteria)

1. Terminated or laid off, received notice of termination/layoff, as a result of a permanent closure, or any substantial layoff from plant, facility, enterprise;
2. Employed at a facility at which the employer has made a general announcement that the facility will close within 180 days;

OSOS comments must include the source document: WARN notice, termination notice, employer verification, public announcement, statement from employer or union

Example:

- DW Cat2: WARN notice filed by employer: Sanmina, Owego NY will be laying off 100 employees in 3 rounds of layoffs
- DW Cat2: Contract lost. Laid off due to loss of contract for cleaning at Acme Corp, Ithaca NY

DW Cat3: Self Employed- unemployed due to general economy or natural disaster

OSOS comments must include source documentation: bankruptcy documents, business license, copy of completed federal income tax for most recent tax year, copy of printed media material, copy of articles of incorporation for business listing customer as principal.

Must also include background about the individual: occupation, nature of work, dates of self-employment

Example:

- DW Cat3: customer was self-employed- provided business card with business, title, and location. Is unemployed due to flood of 2011 which destroyed business. Customer is unable to rebuild.

DW Cat4: Displaced Homemaker

Individual who has been providing unpaid services to FAMILY members in the home who 1) have been dependent on the income of a family member and no longer have that income; and 2) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

OSOS comments must include source documentation: self-attestation, public assistance records, divorce papers, court records, bank records, spouse layoff notice, spouse death record.

Must include background on the individual (how they provided services to the family, etc)

EXAMPLE:

- DW Cat 4: displaced homemaker. Customer was providing care to elderly Aunt in her customer's home, was paid as a caregiver by family. Aunt has since passed away. Verified by obituary notice in local paper.
- DW Cat4: displaced homemaker. Customer was a stay at home mom for over 20 years, relying on husband's income. Divorced this year, verified by divorce decree, and customer does not have the current computer skills necessary to go back to previous occupation as administrative assistant.

DW: Foreign Trade

Eligible for Trade Act- provides an eligibility determination notice from NYS or other state, is on the TA tracker system as eligible, or NYS TAA program can identify them as 'threatened worker status'.

OSOS comment must include how their eligibility was determined and Petition number, and Employer.

EXAMPLE:

- DW TAA: Customer provided 722, petition # 87690 from ASteel Flash as verification of TAA status. Company closed doors as of 12/1/13
- DW TAA: Verified TAA eligibility from TA tracker system. ASteel Flash, petition #87690
- DW TAA: Contacted NYS TAA- verified by email that customer is eligible under TAA under 'threatened worker status' with ASteel Flash, Petition # 87690