

**WORKFORCE INNOVATION AND OPPORTUNITY ACT
DISLOCATED WORKER ELIGIBILITY CRITERIA, GLOSSARY, DOCUMENTATION CHECKLIST, AND Q&A FROM TAN 04-02**

October 2015 Revisions in Yellow
ALL JUNE 2016 REVISIONS ARE HIGHLIGHTED IN GREEN

Documentation verifying the eligibility of participants of the Workforce Innovation and Opportunity Act (WIOA) is mandatory. Eligibility determination shall be made prior to enrollment in WIOA and receipt of any framework or program element services. Each program shall provide employment and training opportunities to those who may benefit from these career services and to those who are most in need of such opportunities. This determination is required as WIOA is not an entitlement program.

Veterans and eligible spouses covered by Public Law 107-288 (Jobs for Veterans Act), 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 WIOA 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.

DISLOCATED WORKER (DW) DISCRETIONARY GRANTS:

WIOA eligibility applies to all DW 25% and other discretionary grants, including citizenship/immigration status, selective service, age, and veterans' priority of service (see [Attachment 1](#)). In addition, those served must meet one of the seven (7) categories of Dislocated Worker eligibility as identified in [Attachment 2](#), OR must be incumbent workers in need of training to avoid a layoff.

Note: Other eligibility requirements may be established as part of a discretionary grant application.

The following eligibility elements must be documented for each applicant. For additional guidance, refer to the comprehensive checklist of allowable forms of eligibility documentation contained in this attachment. All photocopies of documentation kept on file 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. **Exception:** Per TEGL 09-12 (see [Attachment 9](#)), operators may not deny WIOA-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 in conjunction with a driver's license**, or if the participant is being entered into a paid work experience activity, the original signed card needs to be presented along with a picture ID. Both documents should be copied so that signatures and Social Security numbers are legible. If the Social Security number is simply being used as the unique identifier in Connecting Colorado, 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 Connecting Colorado. A picture ID is not required as long as other appropriate documents are available to document eligibility. WIOA can pay for a picture ID as a supportive service if the client is enrolled in the program. (Additional types of documentation that can be used to demonstrate citizenship are listed in the Documentation Checklist.)
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; **AND**
4. **Lawful Presence** - Applicants shall also prove lawful presence in the United States in accordance with the Colorado Revised Statutes 24-76.5. They shall possess one of the acceptable forms of **identification (ID) listed in the Documentation Checklist below, and complete the Affidavit of**

Immigration Status form, for all applicants 18 years and older. If the applicant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied.

Note: Deferred Action for Childhood Arrivals (DACA) participants may not possess a lawful presence document, and also may have been issued a driver's license or ID not valid for public benefits. USDOL TEGL 02-14 requires that we serve these individuals even though they will not be able to demonstrate lawful presence. As a result, an Affidavit of Immigration is not required for eligibility.

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 WIOA 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](#)).

5. In addition to the basic WIOA 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) (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 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; **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;
 - (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; **or**,
 - (F) (i) is 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**
 - (ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in part B of the Displaced Homemaker definition below; **or**,
 - (G) 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,

(H) 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.

NOTE: Employed workers may be enrolled in the Dislocated Worker Program for career or supportive services (not training services) up to 180 days prior to the date of layoff if the worker can provide a copy (or the workforce region is able to obtain a copy) of the notice of layoff or the announcement of plant closure made by the employer that contains the date of the layoff or closure.

GLOSSARY

APPLICANT: An individual who applies to a WIOA Grant recipient or sub-recipient for employment, training and/or services provided under WIOA.

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).

DISPLACED HOMEMAKER - 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 unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Note: Alimony is not considered replacement for lost income

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 lay off as appropriate. Military service members, who are within 24 months of retirement, expect to be discharged with other than a dishonorable discharge, and are unlikely to return to their previous occupation, are considered dislocated workers regardless of whether their retirement is voluntary or early/forced.

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 as a farmer, or works for a farm or ranch employer 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:

- i. Failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or services; or
- ii. Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products or services; or
- iii. 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
- iv. 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 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 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. If the date of dislocation is longer than five years from the date of the WIOA application, the intake worker must specifically document in case notes that the interim jobs are considered to be Stop-gap and do not constitute a new primary occupation.

For a self-employed individual, evidence that the business has been lost verifies a job of dislocation.

NATURAL DISASTERS (applies to self-employed category): 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 the participant receives his/her first participation service as defined in **PGL 12-06-WIA: Data Integrity and the Customer Participation Cycle**. Customers receiving self-service or informational activities are not considered to be participants in the WIOA 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 WIOA 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 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). (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 WIOA 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.

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:

- i. The requirement for the person to so register has terminated or become inapplicable to the person; **and,**
- ii. 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.

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."

For complete guidance regarding the Selective Service requirements for participation in WIOA programs and grants, review [Attachment 8](#): TEGL 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Programs.

In addition to guidance provided in the above TEGL 11-11, Change 2, the following documentation may be used for persons eligible to register but who neglected to register and are now over 26 years old:

- i. **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.
- ii. **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).
- iii. **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.
- iv. **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.

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 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.

1. 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.

2. 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:
 - a. 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)?
 - b. Individuals who are **Underemployed** can be considered as having stop-gap employment. The definition of underemployed is an individual who is:
 - i. Employed less than full-time but is seeking full-time employment; **or**
 - ii. Employed in a position that is inadequate with respect to their skills and training; **or**
 - iii. Employed and meets the definition of low income; **or**
 - iv. Employed, but whose current job's earnings are not sufficient compared to their earnings from their job of dislocation.
3. Third, the employment should not constitute a new primary occupation for the dislocated worker. Some guidelines that may be helpful in determining this are:
 - a. 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)?;
 - b. Has the individual made verifiable efforts to seek more permanent and appropriate employment?;
 - c. 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**,
 - d. 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:

- i. Supporting documentation to identify that the person worked for the company at the time of the layoff announcement (i.e., pay stub or layoff letter with the name of the individual); **AND**
- ii. Documentation that the layoff met the substantial layoff definition above (i.e., 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 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). 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 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.

UNLIKELY TO RETURN TO PREVIOUS INDUSTRY OR OCCUPATION:

- I. **Skill Oversupply:** state or local supply of persons with the specific skills of the applicant exceeds current demand for those skills (see Connecting Colorado Supply and Demand Report); or
- II. **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
- III. **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
- IV. **Local Layoff Impact:** A local plant or business closing or layoff has had a significant negative
 - a. impact on the availability of jobs in the applicant's primary occupation and accustomed
 - b. wage/hour/skill level; or
- V. **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
- VI. **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 WIOA dislocated worker program eligibility, but shall have a doctor's release to work; or
- VII. **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 WIOA 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 a member of the WIOA Leadership Team if the data element in question is not addressed by the PGL.

An acceptable self-attestation statement should be a signed document (such as a signed WIOA application), attesting to the truthfulness and accuracy of all answers, that includes information clearly addressing the eligibility criteria you are trying to capture. A copy of this document should be retained in the customer's case file (hard copy or electronic file.)

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 Workforce Specialist should verify and document that the individual has UI wages from the stated employer.

To view/access ADW!'s Applicant Statement Attestation Form, please see next page



APPLICANT STATEMENT ATTESTATION

I hereby certify, under penalty of perjury that I, _____, attest to the fact that:

The information stated above is true and accurate, and I understand that the above information, if represented, or incomplete, may be grounds for immediate termination and/or penalties as specified by law.

Applicant's Name (please print)

Corroborating Witness (please print)

Applicant's Signature

Corroborating Witness Signature

Date

Date

Applicant's Address

Witness' Relationship to Applicant

Office Use Only

The above applicant statement is being utilized for documentation of the following eligibility criteria:

_____ Arapahoe/Douglas Works! Representative	_____ Date	_____ Program
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WIOA ELIGIBILITY DOCUMENTATION CHECKLIST – DISLOCATED WORKER PROGRAM

Eligibility	Required Documentation	Comment
<p>Citizenship/Alien Status/Eligible to Work (at least 1 or more documents are required)</p> <p>(See Attachment 12 for sample Star licenses and IDs)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> REAL-ID Compliant Driver’s License or State ID with a Star in upper right corner (no Social Security Card required) (See Attach 12: Samples of New Drivers Licenses) <input type="checkbox"/> Soc. Security Card AND non-Star DL/ID Card <input type="checkbox"/> U.S. Passport <input type="checkbox"/> Birth Certificate <input type="checkbox"/> Baptismal Certificate (if place of birth is shown) <input type="checkbox"/> Consular Report of Birth Abroad issued by the U.S. Dept. of State (Form DS-1350, or FS-545) <input type="checkbox"/> DD-214, Report of Transfer or Discharge (if place of birth is shown) <input type="checkbox"/> Foreign Passport stamped “Eligible to Work” (not expired) or accompanied by I-94, stamped, with class code indicating authorization to work <input type="checkbox"/> Hospital Record of Birth <input type="checkbox"/> Alien Registration Card (I-551) (not expired) <input type="checkbox"/> INS Form I-94 or I-94A, stamped, with class code indicating authorization to work (not expired) <input type="checkbox"/> INS Form I-179, I-197, or I-766 (not expired) <input type="checkbox"/> T-visa issued to victims of human trafficking (See Attachment 9: TEGL 09-12) <input type="checkbox"/> Naturalization Certification <input type="checkbox"/> Native American Tribal Document <input type="checkbox"/> Certificate of Degree of Indian Blood <input type="checkbox"/> SAVE Verification Printout AND non-Star Driver’s License or State ID. No SSN card required. <input type="checkbox"/> Self-Attestation as a last resort if DACA eligible (See Attachment 10: TEGL 02-14) 	<p>CO license or ID card must <u>not</u> say: “not valid for federal identification, voting, or public benefits purposes.”</p>
<p>Selective Service (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 – create pseudo SSN instead) • Signed SSN not required • SSN may be required for participation in paid work experiences, internships, or wage subsidy programs</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 <input type="checkbox"/> Social Security Benefits <input type="checkbox"/> Social Security Card <input type="checkbox"/> W-2 Form 	

<p>Affidavit of Immigration Status (Signed affidavit required in conjunction with one of the listed forms of ID for age 18 & older)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Colorado Driver's License or ID Card (except if the license or ID clearly states "not valid for federal ID, voting, or public benefit purposes"), not expired <input type="checkbox"/> U.S. Military Card <input type="checkbox"/> Military Dependent ID Card <input type="checkbox"/> U.S. Coast Guard Merchant Mariner Card <input type="checkbox"/> Native American Tribal Document <input type="checkbox"/> U.S. Passport <input type="checkbox"/> Copy of birth certificate filed with a state office of vital statistics or equivalent agency in applicant's state of birth <input type="checkbox"/> Consular Report of Birth Abroad issued by the U.S. Dept. of State (Form DS-1350, or FS-545) <input type="checkbox"/> Certificate of Naturalization issued by DHS (Form N-550 or N-570) <input type="checkbox"/> Certificate of Citizenship issued by DHS (Form N-560 or N-561) <input type="checkbox"/> Valid immigration document demonstrating lawful presence and verified through the SAVE system. <input type="checkbox"/> Other valid State's driver's license/State ID card, from a "lawful presence" state <p>Note: All states are considered to be "lawful presence" states including the District of Columbia with the exception of Hawaii, Illinois, Maryland, Nebraska, New Mexico, Utah, and Washington. If the face of the license of ID card states that it is an Enhanced Driver's License of ID Card, then it can be accepted as a lawful presence document.</p> <p>Note: <i>Deferred Action for Childhood Arrivals (DACA) participants may not have a lawful presence document listed above and also may have been issued a driver's license or ID not valid for public benefits. Federal policy requires that we serve these individuals even though they will not be able to demonstrate lawful presence. As a result, an Affidavit of Immigration is not required for eligibility.</i></p>	<p>CO license or ID card must <u>not</u> say: "not valid for federal identification, voting, or public benefits purposes."</p>
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Element	Required Documentation	Comments
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"/> Other _____ <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) <input type="checkbox"/> Case note, if date is more than 5 years prior to application, verifying that interim jobs are not a new primary occupation <input type="checkbox"/> Other	
DW Category (Required to select 1 qualifying category (A-F) ***see Q&A below***		
<input type="checkbox"/> 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) ***see Q&A below***	Layoff: <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 03, 04, or 20 screen <input type="checkbox"/> Other UI Monetary Eligibility: <input type="checkbox"/> UI monetary eligibility letter <input type="checkbox"/> UI Notice of Decision <input type="checkbox"/> CUBS W5 or W6 screen Unlikely to Return: <input type="checkbox"/> Connecting Colorado Supply and Demand Report <input type="checkbox"/> Labor Market Info <input type="checkbox"/> Job Search Logs <input type="checkbox"/> Documentation of Disability <input type="checkbox"/> Other	
<input type="checkbox"/> B. Plant Closure, Substantial Layoff (Note: Two circumstances must be documented – the fact that the business closed or a substantial layoff occurred)	Applicant was Employed: <input type="checkbox"/> Letter from Employer <input type="checkbox"/> Pay Stubs <input type="checkbox"/> UI wage data screen	

<p>and that the applicant worked there.) ***see Q&A below***</p>	<p>Business Closed</p> <ul style="list-style-type: none"> <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"> <input type="checkbox"/> Business License/Permit <input type="checkbox"/> Tax records <input type="checkbox"/> UI wage data screen <input type="checkbox"/> Other <hr/> <p>Business Closed:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Business closure notice <input type="checkbox"/> Tax records <input type="checkbox"/> Bankruptcy documentation <input type="checkbox"/> Lending Institution documentation <input type="checkbox"/> Financial statements from accountant <input type="checkbox"/> Other 	
<p>____ D. Displaced Homemaker ***see Q&A below***</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Public assistance records <input type="checkbox"/> Court records <input type="checkbox"/> Divorce papers <input type="checkbox"/> Bank records <input type="checkbox"/> Spouse’s layoff notice <input type="checkbox"/> Spouse’s death record <input type="checkbox"/> Military ID <input type="checkbox"/> Change of duty station orders <input type="checkbox"/> Other 	
<p>____ E. U.I. Profiled ***see Q&A below***</p>	<ul style="list-style-type: none"> <input type="checkbox"/> UI Profile letter <input type="checkbox"/> Case note <input type="checkbox"/> Other _____ 	
<p>____ F. Permanent Dislocation / Natural Disaster</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Public notice <input type="checkbox"/> USDOL Advisory <input type="checkbox"/> Other 	
<p>____ G. Military Spouse (PGL Attachment 15- examples provided)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Military Dependent ID <input type="checkbox"/> Change of duty station orders <input type="checkbox"/> Other 	
<p>____ H. Transitioning Military Members</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Separation Orders or letter (covers layoff and UI eligible ; and <input type="checkbox"/> Unlikely to return documentation (see Item A. above) <input type="checkbox"/> Other 	

I. Recently Separated Veterans	<input type="checkbox"/> DD214 (covers layoff and UI eligible) <input type="checkbox"/> Unlikely to Return Documentation (see Item A. above) <input type="checkbox"/> Other	
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NOTE: Please see - TAN 12-1: Use of UI Notifications and Screens for complete guidance on the use of UI documents for Dislocated Worker eligibility

Q & A: DW ELIGIBILITY DOCUMENTATION

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 WIOA application. This work history should contain at least the following information **back to the date of dislocation**:

- i. Names of the employers
- ii. Dates of employment
- iii. Job titles
- iv. 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.

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:

- i. Layoff letter from the employer
- ii. Public notice of a layoff
- iii. 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/her job through no fault of his/her 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.**

In addition, the **CUBS 03, 04 and 20** screens can be used, when appropriate (see attachment 11: TAN 12-1, for detailed instructions regarding the use of these screens).

NOTE: Please keep the number of CUBS screens printed to a minimum. For example, print no more than one CUBS screen for each of the DW eligibility elements; however, additional allowable screens may be printed for extenuating circumstances.

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:

- i. UI letter - **Monetary Determination** with wages \$2500 or more in the base period
- ii. UI letter – **Notice of Decision**
- iii. **CUBS W5 or W6 screen**
- iv. (see attachment 11: TAN 12-1, for detailed instructions regarding the use of these screens).

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.

NOTE: Please keep the number of CUBS screens printed to a minimum. For example, print no more than one CUBS screen for each of the DW eligibility elements; however, additional allowable screens may be printed for extenuating circumstances.

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:

- i. Labor market information showing that the applicant skills are not currently in demand (such as the Job Vacancy Survey)
- ii. 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.)
- iii. 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.)
- iv. Job search logs put together by the client that demonstrate no job offers received for a period of weeks prior to WIOA enrollment, or
- v. Documentation of acquired physical limitations or injuries that make an individual unable to perform the same work as the job of dislocation

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

Answer: An applicant selected through the **UI Profiling (Links to Reemployment)** system is considered automatically eligible for the Dislocated Worker program. A copy of the UI Profiling letter should be kept in the client case file.

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.

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**.