



Area 7 Workforce Investment Board

Policy number	P7-701
Subject	Glossary of Terms
This policy obsoletes	None
May apply for waiver	Yes
Board approved	02/04/2009
Effective date	02/04/2009
Revisions approved	12/02/2009; IN PROGRESS

Purpose

The purpose of this policy is to define terms used in the operation of adult, dislocated worker, and youth Workforce Investment Act programs in Area 7's member counties.

Background

Terms defined by this policy can be found in WIA Sections 101(9), 101(10), 134(d)(3-4); 20 CFR Part 664.205 and 664.210; as well as Preamble, Subpart A—One-Stop System, p. 49316 or are terms required or recommended by the state.

Action

The following terms are defined as:

Attachment to the workforce

Sufficient attachment to the workforce means that an individual who, at the time of application, worked at the same company or in the same occupation:

- ◆ 15 out of the last 26 weeks, or
- ◆ if a seasonal worker, 30 out of the last 52 weeks

Demand occupation

An occupation may be determined “in-demand”, thus eligible for training funds, if:

- ◆ the occupation is identified by the Bureau of Labor Statistics or other credible source, as determined by the sub-grantee, as having a surplus or future increase of job openings within commuting distance (or within reasonable commuting distance of participant’s area of relocation)
- ◆ the applicant has a written guarantee of a job upon completion of training
- ◆ multiple job openings posted in local publications

Early/forced retirement

When determining WIA eligibility, any worker who accepts a retirement option or other buyout options can be considered “terminated from employment”. Employers of workers forced into early retirement may consider the worker to have quit; however, this does not affect their WIA eligibility. Once it has been determined “early or forced retirement”, the worker must still meet the other requirements of the dislocated worker program (i.e. eligible for Unemployment Compensation and unlikely to return to his/her previous occupation or industry). [“WIA Eligibility of Workers Who Accept a Buyout Offer to Receive WIA Dislocated Worker Services.” Memo from John B. Weber, ODJFS. 29 June 2006.]

General announcement of facility closure

A media article or public notice documenting an employer’s intent to close may serve as a general announcement, making the affected employees eligible dislocated workers.

General economic conditions

“Unemployed as a result of general economic conditions” shall be defined as business lost due to one of the following reasons:

- ◆ the closure or substantial layoff of a primary supplier or customer affecting the self-employed applicant’s products or services
- ◆ the occupation or product has lessened demand within the community
- ◆ declined profits significant enough to lead to closure, documented by most recent tax return or other company documents showing negative gains/losses statement
- ◆ natural disaster, as defined by State or federal declaration

Interim/stop-gap employment

A dislocated worker remains eligible if, either prior to or during participation in a training program, he or she accepts temporary employment for the purpose of income maintenance and with the intention of ending the temporary employment to enter into permanent employment at the completion of training. Interim/stop-gap employment should be considered the job of dislocation only if it constitutes a new primary occupation for the dislocated worker.

Job of dislocation

Under the dislocated worker categories for “plant closing/substantial layoff” and “layoff/UC/unlikely to return”, the job of dislocation is the job from which the applicant has been laid off. The job of dislocation is the loss of a job within five (5) years of the application date, provided that any jobs worked since then are considered “stop-gap” or “interim” employment. An examination of the applicant’s five-year job history should help identify the job of dislocation. Often, a variance in wages or hours, or whether the job requires far lesser skill, distinguishes the job of dislocation from stop-gap/interim employment.

Layoff aversion

Layoff aversion is retention strategy, effort, or services designed with the intent to prevent or minimize the reduction of staff or closure of a company.

Previous occupation/industry

The previous occupation or industry relates to the job of dislocation, not necessarily the most recent job, if the most recent job is considered interim or stop-gap employment.

Public official

A public official is any person, paid or unpaid, who is elected or appointed to a full-time or part-time public position; or who is employed by a public agency in a full-time or part-time public job. For the purposes of [Area 7 policy P7-103: Conflict of Interest], this includes Area 7 Board members, sub-committee members, fiscal staff, administrative staff, sub-grantees, and sub-grantee staff.

Substantial layoff

A substantial layoff is the reduction in force which results in an employment loss at a single site of employment during any 60-day period of one or more of the following:

- ◆ at least 20% of the full-time employees
- ◆ at least 50 full-time employees
- ◆ a combination of more than 25 full-time and 50 part-time employees
- ◆ an entire shift/line

Temporary employment

An applicant cannot be automatically disqualified for the dislocated worker program because the job of dislocation was not considered permanent employment. An applicant dislocated from a job in which they were placed by a temporary agency may be made eligible under the same category as employees of the company. However, temporary employees who are unemployed because the project/job for which they were hired has been completed are considered dislocated only after the temporary agent tries and fails to find other suitable work for the individual. Employees working within a set contract are only considered dislocated if the job ends prior to the date set forth in the contract and the applicant was not at fault for the separation.

Unlikely to return to previous occupation or industry

An applicant may be considered unlikely to return to their previous occupation or industry if the individual falls into one of the following categories:

- ◆ The individual is able to work but is no longer able to meet the minimum requirement of the job or perform the essential functions or duties of the occupation.
- ◆ The individual was employed in an occupation no longer considered in-demand.
- ◆ The individual is a seasonal worker, but there is a documentable reason to believe the job will not be available to the worker next year
- ◆ The only jobs available in that occupation or industry are temporary or are substantially below the applicant's skill level or wage.