PY 2021 LOWCOUNTRY WORKFORCE INSTRUCTION NUMBER 16

TO: Lowcountry Workforce Innovation and Opportunity Act Contractors/Service Providers/Sub-recipients/One- Stops

FROM: MICHAEL V. BUTLER
Lowcountry Workforce Development Director

ISSUE DATE: January 26, 2022

EFFECTIVE DATE: January 1, 2022

SUBJECT: DEFINITION OF SUFFICIENT DURATION - PARTICIPANT ELIGIBILITY FOR WIOA TITLE I PROGRAMS, CATEGORY 2 DISLOCATED WORKER

EXPIRATION DATE: Indefinite

PURPOSE: To define "SUFFICIENT DURATION" in regards to WIOA title 1 Dislocated Worker Category 2.

REFERENCES:
- Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 § 3(15)(A)(ii)(II)

(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;

(ii) (I) is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in 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;

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BACKGROUND: WIOA is designed to help job seekers secure the employment, education, training, and support services necessary to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. Determining customer eligibility ensures that individuals access needed and allowed services under WIOA. Furthermore, collecting and maintaining applicable source documentation ensures program accountability and alignment with the goals of WIOA.

There is no state policy that defines "sufficient duration" in relation to Dislocated Worker eligibility. The state has provided suggestions to increase Dislocated Worker numbers which include the implementation of a local policy that defines "the duration sufficient to demonstrate attachment to the workforce."

POLICY:

The Lowcountry Workforce Area hereby defines “the duration sufficient to demonstrate attachment to the workforce” as being fifteen (15) days.

PROCEDURE:

The following is only applicable when an individual is being determined eligible as a Dislocated Worker CATEGORY 2 and is limited to how to document “sufficient duration” only, additional eligibility criteria applies.

The duration calculation shall be demonstrated (required verification documentation on SCWOS Application) by completing the Individual Employment History section of the SCWOS Application. The Individual Employment History must contain at least the two (2) most recent jobs or more if needed to cover the past two (2) years, this includes detailed and accurate Job Titles and O*NET Codes.

The most recent employment start date and employment end date shall be used to calculation the duration of employment. The most recent employment start date, the most recent employment end date, and the duration of most recent employment will be included on Self-Attestation form and signed by the applicant.

Exceptions to all policies may be approved by the Lowcountry Workforce Development Director