

CITY OF LOS ANGELES

CALIFORNIA



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DATE: March 25, 2020

TO: LA's Workforce Development System

FROM: Gerardo Ruvalcaba, Director
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Workforce Development System

**SUBJECT: WDS DIRECTIVE No. 20-22
PROGRAM ELIGIBILITY GUIDANCE FOR ENROLLING DISLOCATED
WORKERS AFFECTED BY THE COVID-19 PANDEMIC**

EFFECTIVE DATE

This directive is effective upon the date of issuance.

PURPOSE

This directive provides guidance regarding the eligibility requirements and procedure for serving dislocated workers who have been impacted by the coronavirus pandemic (COVID-19) in Los Angeles.

BACKGROUND

As Americans make sacrifices to combat the spread of coronavirus, the City's priority is to protect and sustain Los Angeles workers and their families. The availability of Dislocated Worker Program funds will help the City and communities strengthen their economy as we fight to slow the spread of the virus and regain our economic momentum.

POLICY

Individuals served with Governor's Discretionary and National Dislocated Worker Grants (NDWG) must meet the eligibility for Dislocated Worker programs. WorkSource Centers must ensure participants are eligible for the program prior to enrollment and maintain eligibility documentation in each participant file for subsequent City, State and DOL reviews.

Eligibility Requirements

DISLOCATED WORKER (WIOA sec. 3(15)) – 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 notice from active military service (under other than dishonorable conditions);

(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 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;

(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;

(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;

(D) is a displaced homemaker; or

(E) (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 4 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 paragraph (16)(B).

Due to the uncertainty of when individuals affected by the COVID-19 crisis may be called back and entire job sectors have laid off employees, they can be considered "unlikely to return."

In order to qualify, individuals need to demonstrate how the coronavirus quarantine caused them to be furloughed, lose their job or reduce their work hours during the quarantine. They must also meet the following Category A Dislocated Worker program eligibility requirements:

- Has been terminated or laid off, or who has received a notice or layoff from employment, including separation notice from active military service (under other than dishonorable conditions);
- 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 WorkSource Center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earning or having performed services for an employer that were not covered under a State unemployment compensation law; and
- Is unlikely to return to a previous industry or occupation.

Please note: *Furlough is defined as placing an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons [Title 5 United States Code (USC) 7511(a)(5)]. As such, it is a temporary termination of employment or layoff. Individuals that are furloughed are considered laid off and meet the dislocated worker category [A.i)]. These individuals must still meet the remaining conditions of category [A]. Individuals furloughed from industries laying off due to COVID-19 would be considered unlikely to return due to an excess number of workers with similar skill sets and experience seeking limited employment opportunities in the region.*

Acceptable Documentation

Documentary Evidence

- Worker Adjustment and Retraining Notification Act (WARN) notice (stand-alone documentation);
- Copy of company's bankruptcy documents;
- Employer's notice (or phone verification from HR personnel or Director) specifying the number of affected employees (for telephone verification, document full name, title, and phone number of employer representative);
- Copy of a printed media article/announcement specifying the number of affected employees; and
- Original documentation verifying the receipt of Rapid Response services, including referral card, completed survey form, or Trade Adjustment Act (TAA) referral survey form.

In addition, except when stand-alone documentation is used, there must be documentation verifying that the individual was an employee at the facility and was affected by the layoff. Payroll records, letters or phone verifications from the employer would verify this. For Plant closure, there must be documentation verifying that the individual was an employee at the facility and was affected by the plant closure. Payroll records, letters or phone verifications from the employer would verify this.

Telephone Document Inspection Verification

For cases where documentation cannot or may not be copied or is not readily obtainable, documents may be inspected, or information verified by telephone. When documentation of WIOA eligibility certification is accomplished by telephone or document inspection, the staff person verifying the information must use the Telephone Document Inspection form to establish uniformity for monitoring and auditing purposes.

Self-Attestation

Self-Attestation is allowed to document items which, in some cases, are not verifiable, or may cause undue hardship for individual applicants to obtain.

The self-attestation should include statements that:

- Individual was laid off due to the coronavirus pandemic;
- Individual was employed at a facility at which the employer made general announcement that the facility will close;
- Individual's hours are reduced due to the coronavirus quarantine;
- Work separation from employer was during the quarantine, include date unemployed;
- Individual was subject to a quarantine required by a medical professional or state or local health officer;
- Individual is a parent who have to stay home for care for a child due to a school closure;
- Individual is totally or partially unemployed;
- Individual was furloughed or unemployed through no fault of their own;
- Individual is physically able to work;
- Individual is available for work;
- Individual is ready and willing to accept work immediately;
- Individual is actively looking for work; and
- Provide the individual's employment history (including the last day worked, the reason for being unemployed and gross earnings).

Please note: An individual may be considered available for work if on temporary layoff and is available to work only for the employer that temporarily laid off the individual. Work search requirements can be met if such individuals take reasonable steps to preserve their ability to come back to that job.

Attached is a Coronavirus Self-Attestation form to facilitate the program eligibility verification and documentation process.

REQUIRED ACTION

Effective immediately all WorkSource Centers must implement procedures and adhere to the participant eligibility, documentation and participant file maintenance requirements.

WDS CONTACT

If you have any questions regarding this directive, please contact your assigned Program Analyst.

GR:DB:EM:SM:cg

Attachment: Coronavirus Self-Attestation Form