



Montana Department of LABOR & INDUSTRY

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2 **Division: Workforce Services Division**
3 **Category: WIOA**
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6 **Policy No.: 12-18**

Title I Dislocated Worker Program Policy

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8 **Background:** The Workforce Innovation and Opportunity Act (WIOA) provides for a customer-centered
9 workforce development system that offers all job seekers access to a continuum of career and job-driven
10 training services. A collaborative effort with local One-Stop delivery system or Job Service Montana offices
11 integrates service delivery across programs to increase, particularly for individuals with barriers to employment,
12 access to an appropriate mix of services needed to obtain, retain, and enhance skills and employment.

13 **Scope:** This policy applies to all service providers operating WIOA Title I Dislocated Worker programs, WIOA
14 Title I Dislocated Worker program manager(s), WIOA fiscal officers, and the WIOA monitoring team. This policy is
15 effective July 1, 2019.

16 **Policy:**

17 **Dislocated Worker General Eligibility:**

- 18 • To receive Title IB Dislocated Worker individualized career and training services, an individual must:
- 19 ○ Be a U.S. Citizen or Registered Alien; and
 - 20 ○ Meet Selective Service Registration requirements, if applicable.

21 **Dislocated Worker Eligibility Requirements:**

- 22 • A dislocated worker is an individual who:
- 23 ○ Has been terminated or laid off from their job, or who received a notice of termination or layoff,
24 from their employer;
 - 25 ○ Is eligible for or has exhausted entitlement to unemployment compensation; or
 - 26 ○ Has been employed for a duration sufficient to demonstrate attachment to the workforce, but is
27 not eligible for unemployment compensation due to insufficient earnings or having worked for
28 an employer that is not covered under State unemployment compensation law; and
 - 29 ○ Is unlikely to return to a previous industry or occupation.
 - 30 ○ Has been terminated or laid off, or has received a notice of termination or layoff, from
31 employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility,
32 military installation, or enterprise;
- 33 • Is employed at a facility at which the employer made a general announcement that the facility will close
34 within 180 days; or
 - 35 • For purposes of eligibility to receive services other than training services, career services, or supportive
36 services, is employed at a facility at which the employer made a general announcement that the facility
37 or military installation will close;
 - 38 • Was self-employed (including employment as a farmer, rancher, or fisherman) but is unemployed as a
39 result of general economic conditions in the community in which the individual resides or due to a
40 natural disaster;

- 41 • Is a displaced homemaker; defined as an individual who provides unpaid services to family members in
42 the home and who:
- 43 ○ Depends on the income of another family members but is no longer supported by that income;
44 or
 - 45 ○ Is the dependent spouse of a member of the Armed Forces on active duty (as defined in section
46 101 (d) (1) of Title 10, United States Code) and whose family income is significantly reduced
47 because of deployment (as defined in section 991 (b) of Title 10, United States Code, or
48 pursuant to paragraph (4) fo such section); a call or order to active duty pursuant to a provision
49 of law referred to in section 101 (a) (13) (B) of Title 10, United States Code); a permanent
50 change of station or the service-connected (as defined in section 101 (16) of Title 38, United
51 States Code) death or disability of the member; and
 - 52 ○ Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading
53 employment.
- 54 • Is the spouse of a member of the Armed Forces (as defined in section 101 (d) (1) of Title 10, United
55 States Code) and who has experienced a loss of employment as a direct result of relocation to
56 accommodate a permanent change in duty station of such member; or
 - 57 • Is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in
58 WIOA section 3 (16) (B):

59 Priority of Service for Covered Persons:

- 60 • Also known as Veterans' Priority of Service is required for Dislocated Workers. Refer to the Veteran
61 Program Policy to determine priority for Veterans and Covered Persons.

62 Dislocated Worker Eligibility Verification:

- 63 • Verification of eligibility is used to ensure the reliability of the client information in the Management
64 Information System (MIS), to guarantee services are provided to persons most in need, and to avoid
65 potential disallowed costs. Please refer to the Dislocated Worker Verification Worksheet for a complete
66 list of acceptable documentation. No individualized career services may be provided until the client has
67 furnished proof of eligibility to the enrolling service provider.
 - 68 ○ Copies of all documentary evidence must be maintained in the client's file. For those ex-service
69 members without a DD-214, service providers should work with local or state veterans' staff to
70 obtain a copy. The lack of a DD-214 cannot be used to deny services; it is the responsibility of
71 the provider, in concert with the individual, to obtain a DD-214 in the absence of other allowable
72 documentation.
- 73 • If an applicant is unable to produce the necessary documents to prove eligibility, service providers have
74 two options to determine eligibility:
 - 75 ○ Verify information given via telephone contact using the Telephone Verification Form (WIOA.15)
76 with a business or by document inspection using Verification of Documentation Form (WIOA.53);
77 or
 - 78 ○ An Applicant Statement Form (WIOA.18) may be used. However, the case manager must ensure
79 applicant statements and staff verifications are allowable from the perspective of the federal
80 data validation requirements.

81 Dislocated Worker Initial Assessment:

- 82 • All clients must have a complete assessment to evaluate basic skills, experience, the appropriateness
83 for service, and ability to benefit from WIOA. The initial assessment is part of the overall intake process
84 and includes the initial determination of each client's employability, aptitudes, abilities, interests, and
85 need for supportive services through interview and testing. When the assessment indicates the
86 Individualized Career Services are appropriate, an Individual Employment Plan (IEP) is completed for
87 dislocated workers.

88 Comprehensive Assessment Guidelines:

- 89 • A complete assessment is an independent, comprehensive evaluation of an individual, designed to
90 identify information vital to the development of a service strategy and to set goals and objectives, which
91 culminate in gainful employment.

- The assessment is a holistic, ongoing process and should not be viewed as a one-time event. It includes a full array of options from which program staff and client make informed decisions and select the appropriate services that enable the client to seek and retain long-term, self-sufficient employment.
- WIOA service providers must use the assessment tools provided through the Montana Career Information System (MCIS) when working with their clients in the comprehensive assessment process. Through the use of this tool, the client will create a customized electronic portfolio, if one hasn't already been established, which will guide their career planning and be accessible to partner program operators such as Adult Basic Education and Vocational Rehabilitation in the event the client needs to be referred to these partners for services. Providers will use the LMI and MCIS tools that are most appropriate to assess the needs of the individual client. If a portfolio has previously been established, the service provider must review the tools and assessments available with the client to determine if additional activities are needed.

Individual Employment Plan (IEP) Description:

- An IEP is required for Dislocated Worker clients in the WIOA Individualized Career and Training services. The IEP is developed in partnership with the client. The IEP identifies where the client is, where the client wants to be, and the appropriate mix and sequence of services and support to reach a realistic employment goal. The development of the IEP and updates or revisions will be based upon the results of the comprehensive assessment process.
- Service providers must use the IEP Form provided on the Montana Department of Labor and Industry (MDLI) WIOA website.
- A signed copy (signed by program staff and client) must be maintained in the client's file. This signed IEP is the acknowledgement that the client has read and agrees to the responsibilities; and knows where to file a grievance or complaint.
- Once the IEP form is complete and the client is enrolled in the WIOA Dislocated Worker program, case managers must open a MWorks Employment Plan for the client. The goals, objectives, and potential services, based on the information on the IEP Form, will be recorded in the MWorks Employment Plan. In addition, case managers will record on-going, IEP-related services provided in the MWorks Employment Plan.

Dislocated Worker Services and Activities:

- Career Services for Dislocated Workers consist of 3 types: Basic, Individualized and Follow-up. Training and supportive services can be critical to the employment success of many participants enrolled in the Dislocated Worker program.
- **Basic Career Services** are universally available to everyone entering the facility. Other partner sites need only provide the career services appropriate to their clients and funding source. Basic Career Services include:
 - All self-help services and basic career services requiring minimal staff assistance including:
 - Determination of eligibility to receive assistance from the Dislocated Worker program; and
 - Outreach, intake, and orientation to the information and other services available through the one-stop delivery system;
 - Orientation – all individuals entering, or re-entering services are to be oriented to the program. Orientation topics include:
 - An introduction to the program – purpose and goals;
 - Rules and regulations of the program;
 - Provider responsibilities;
 - Client responsibilities;
 - Program resources and supportive services available;
 - Job-related injury procedures; and
 - Wage and pay information;
 Orientation must include:
 - Information and documented acknowledgement of procedures for complaints, grievances, and discriminatory practices.
 - Assessment of skill levels, aptitudes, abilities and supportive service needs;

- 145 ▪ Provision of performance information and program cost information on eligible providers
- 146 of education, training and workforce services by program and type of providers;
- 147 ▪ Provision of information relating to the availability of supportive services in the area and
- 148 referral to other services, as appropriate;
- 149 ▪ Provision of information regarding filing claims for unemployment compensation;
- 150 ▪ Assistance in establishing eligibility for programs of financial aid assistance for training
- 151 and education programs that are not funded under WIOA and are available in the local
- 152 area;
- 153 ▪ Rapid Response – may only be used by designated staff or agency that receives Rapid
- 154 Response funds; and
- 155 ▪ One-stop resource room and workshop services.
- 156 • **Individualized Career Services** are available to Dislocated Worker participants who are enrolled in the
- 157 program and will be provided in order for an individual to obtain or retain employment.
- 158 • **Follow-up Services** must be provided to Dislocated Worker participants who exit to self-employment or
- 159 agricultural, railroad, or federal government employment for a minimum of twelve months.
- 160 ○ Clients placed in follow-up services must be contacted by the case manager at least once per
- 161 quarter to obtain wage data.
- 162 ○ Follow-up services include, but are not limited to:
- 163 ▪ Additional career planning and counseling;
- 164 ▪ Contact with the client’s employer, including assistance with work-related problems that
- 165 may arise;
- 166 ▪ Peer support groups;
- 167 ▪ Information about additional educational opportunities, and referral to supportive
- 168 services available in the community; and
- 169 ▪ Case management administrative follow-up.
- 170 ▪ Financial assistance is not an allowable follow-up service.
- 171 • **Supportive Services** are available to enable an enrolled Dislocated Worker to participate in WIOA
- 172 activities when a client is unable to obtain the services through other programs. Please refer to MDLI’s
- 173 Supportive Services Policy for details.
- 174 • **Training Services** may be provided to enrolled Dislocated Workers:
- 175 ○ Who are unable to obtain other grant assistance for such services, including Federal Pell Grants;
- 176 or
- 177 ○ Require assistance beyond that made available under other grant assistance programs,
- 178 including Federal Pell Grants.
- 179 ○ Who otherwise meet the requirements while an application for a Federal Pell Grant is pending,
- 180 except that if such individual is subsequently awarded a Federal Pell Grant, the training provider
- 181 must reimburse the service provider the WIOA funds used to pay the tuition portion of the
- 182 training costs from the Pell Grant. Tuition is the sum charged for instruction. Fees, books,
- 183 supplies and other training related expenses are not considered tuition.
- 184 ○ Training services will be provided through providers listed on the Montana Eligible Training
- 185 Provider List (ETPL) unless noted otherwise in the following list of training services. Further
- 186 information regarding the ETPL may be accessed in the EPTL Policy.
- 187 ○ May be WIOA- or non WIOA-funded.
- 188 ▪ Non WIOA-funded training does not require ETP.
- 189 ○ Training services may include:
- 190 ▪ Occupational skills training, including training for nontraditional employment and for
- 191 training programs operated by the private sector; (requires ETP)
- 192 ▪ Training programs operated by the private sector; (requires ETP)
- 193 ▪ Skill upgrading and retraining; (requires ETP)
- 194 ▪ Entrepreneurial training; (requires ETP)
- 195 ▪ Adult education and literacy activities provided in combination with services described in
- 196 any clauses (i) through (vii) of WIOA Section 134 (d)(4); (does not require ETP)
- 197 ▪ Customized training conducted with a commitment by a business or group of business to
- 198 employ an individual upon successful completion of the training; (does not require ETP)
- 199 ▪ Incumbent Worker Training (IWT); (does not require ETP)

- 200 ▪ On-the-Job training; (does not require ETP)
- 201 ▪ Registered Apprenticeship or other programs that combine workplace training with
- 202 related instruction.
- 203 ○ WIOA funding may be used for training that lead to a goal of self-employment.
- 204 ○ The service provider must verify and pay tuition and other training costs in accordance with the
- 205 training provider's documented payment policy or terms. WIOA funding may be used for any
- 206 expenses considered to be part of the Cost of Attendance that cannot be funded by the Pell or
- 207 other grant assistance. In situations of co-enrollment with other WIOA or non-WIOA programs
- 208 (e.g. TAA, etc.), the case manager will coordinate with the training provider and other programs
- 209 to ensure the client's training needs are met and there is no duplication of services. WIOA
- 210 funding will always be a supplement to other grant assistance.

211 Case Management and Career Planning

- 212 • Career planning is the provision of a client-centered approach in the delivery of services designed to:
 - 213 ○ Prepare and coordinate comprehensive IEP's, such as service strategies, for clients to ensure
 - 214 access to necessary workforce investment activities and services, using where feasible,
 - 215 computer-based technologies; and
 - 216 ○ Provide job, education, and career counseling during program participation and after job
 - 217 placement.
- 218 • Case Management responsibilities include:
 - 219 ○ Providing testing of basic skills, comprehensive assessment and testing;
 - 220 ○ Co-enrolling in all applicable programs as appropriate;
 - 221 ○ Monthly contact with clients; and, if unable to make contact after six (6) repeated attempts in a
 - 222 90-day period, closing all services and enrollments effective the date the services were last
 - 223 provide
 - 224 ○ Developing and continually updating of an IEP;
 - 225 ○ Determining if client requests for training services and supportive or other services are
 - 226 allowable, appropriate and able to be funded;
 - 227 ○ Coordinating joint training plans and employment services as appropriate;
 - 228 ○ Monitoring the progress of clients in their approved plan;
 - 229 ○ Recording all program services and case notes in MWorks within the required timelines and as
 - 230 service/contact occurs, reflecting any significant issues or changes;
 - 231 ○ Maintaining the client file;
 - 232 ○ Ending the client's services and program enrollment when services are no longer being
 - 233 provided; and
 - 234 ○ Ensuring that clients are aware of their responsibilities.

235 Administrative Requirements:

- 236 • The WIOA Dislocated Worker program manager will provide technical assistance to case managers.

237 Monitoring and Evaluation:

- 238 • A formal monitoring will be conducted by the entity designated by SWIB.

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240 References:

- 241 • [Violence Against Women Act of 1994](#)
- 242 • [20 CFR 678.430 Career Services](#)
- 243 • [20 CFR 680 Adult and Dislocated Worker Activities](#)
- 244 • [TEGL 19-16 Adult and Dislocated Workers Services](#)