



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 October 1, 2020.

16 **Policy:**

17 **Dislocated Worker General Eligibility:**

- 18 • To receive Title I 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.

- 92 • The assessment is a holistic, ongoing process and should not be viewed as a one-time event. It includes
93 a full array of options from which program staff and client make informed decisions and select the
94 appropriate services that enable the client to seek and retain long-term, self-sufficient employment.
- 95 • Providers will use the assessments and other tools that are most appropriate to determine the needs of
96 the individual client.

97 Individual Employment Plan (IEP) Description:

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

112 Dislocated Worker Services and Activities:

- 113 • Career Services for Dislocated Workers consist of 3 types: Basic, Individualized and Follow-up. Training
114 and supportive services can be critical to the employment success of many clients enrolled in the
115 Dislocated Worker program.
- 116 • **Basic Career Services** are universally available to everyone entering the facility. Other partner sites need
117 only provide the career services appropriate to their clients and funding source. Basic Career Services
118 include:
 - 119 ○ All self-help services and basic career services requiring minimal staff assistance including:
 - 120 ▪ Determination of eligibility to receive assistance from the Dislocated Worker program;
121 and
 - 122 ▪ Outreach, intake, and orientation to the information and other services available through
123 the one-stop delivery system;
 - 124 ○ Orientation – all individuals entering, or re-entering services are to be oriented to the program.
125 Orientation topics include:
 - 126 ▪ An introduction to the program – purpose and goals;
 - 127 ▪ Rules and regulations of the program;
 - 128 ▪ Provider responsibilities;
 - 129 ▪ Client responsibilities;
 - 130 ▪ Program resources and supportive services available;
 - 131 ▪ Job-related injury procedures; and
 - 132 ▪ Wage and pay information;
 - 133 Orientation must include:
 - 134 ▪ Information and documented acknowledgement of procedures for complaints,
135 grievances, and discriminatory practices.
 - 136 ▪ Assessment of skill levels, aptitudes, abilities and supportive service needs;
 - 137 ▪ Provision of performance information and program cost information on eligible providers
138 of education, training and workforce services by program and type of providers;
 - 139 ▪ Provision of information relating to the availability of supportive services in the area and
140 referral to other services, as appropriate;
 - 141 ▪ Provision of information regarding filing claims for unemployment compensation;
 - 142 ▪ Assistance in establishing eligibility for programs of financial aid assistance for training
143 and education programs that are not funded under WIOA and are available in the local
144 area;

- 145 ▪ Rapid Response – may only be used by designated staff or agency that receives Rapid
- 146 Response funds; and
- 147 ▪ One-stop resource room and workshop services;
- 148 ▪ Labor Market Information related to their employment goal.
- 149 • **Individualized Career Services** are available to Dislocated Worker clients who are enrolled in the
- 150 program and will be provided in order for an individual to obtain or retain employment.
- 151 • **Follow-up Services** must be provided to Dislocated Worker clients who exit to self- employment or
- 152 agricultural, railroad, or federal government employment for a minimum of 4 quarters.
- 153 ○ Clients placed in follow-up services must be contacted by the case manager at least once per
- 154 quarter to obtain wage data.
- 155 ○ Follow-up services include, but are not limited to:
- 156 ▪ Additional career planning and counseling;
- 157 ▪ Contact with the client’s employer, including assistance with work-related problems that
- 158 may arise;
- 159 ▪ Peer support groups;
- 160 ▪ Information about additional educational opportunities, and referral to supportive
- 161 services available in the community; and
- 162 ▪ Case management administrative follow-up.
- 163 ▪ Financial assistance is not an allowable follow-up service.
- 164 • **Supportive Services** are available to enable an enrolled Dislocated Worker to participate in WIOA
- 165 activities when a client is unable to obtain the services through other programs. Please refer to MDLI’s
- 166 Supportive Services Policy for details.
- 167 • **Training Services** may be provided to enrolled Dislocated Workers, following the guidelines below:
- 168 ○ Clients who are unable to obtain other grant assistance for such services, including Federal Pell
- 169 Grants; or
- 170 ○ Require assistance beyond that made available under other grant assistance programs,
- 171 including Federal Pell Grants.
- 172 ○ To help determine what financial assistance is needed, the service provider must assist the
- 173 client in applying for financial aid and make the necessary referrals.
- 174 ○ Clients who are able to obtain a Federal Pell Grant must utilized the full Pell Grant toward
- 175 training costs and WIOA funds may assist with any need after the Pell is applied.
- 176 ○ Service providers may utilize WIOA funding to assist a client whose training costs must be paid
- 177 in order to begin training while the application for a Federal Grant is pending.
- 178 ○ If the individual is subsequently awarded a Federal Pell Grant, the training provider must
- 179 reimburse the service provider for the WIOA funds used to pay the training costs.
- 180 ○ Training services will be provided through providers listed on the Montana Eligible Training
- 181 Provider List (ETPL) unless noted otherwise in the following list of training services. Further
- 182 information regarding the ETPL may be accessed in the EPTL Policy.
- 183 ○ May be WIOA- or non WIOA-funded.
- 184 ▪ Non WIOA-funded training does not require ETP.
- 185 ○ Training services may include:
- 186 ▪ Occupational skills training, including training for nontraditional employment and for
- 187 training programs operated by the private sector; (requires ETP)
- 188 ▪ Training programs operated by the private sector; (requires ETP)
- 189 ▪ Skill upgrading and retraining; (requires ETP)
- 190 ▪ Entrepreneurial training; (requires ETP)
- 191 ▪ Adult education and literacy activities provided in combination with services described in
- 192 any clauses (i) through (vii) of WIOA Section 134 (d)(4); (does not require ETP)
- 193 ▪ Customized training conducted with a commitment by a business or group of business to
- 194 employ an individual upon successful completion of the training; (does not require ETP)
- 195 ▪ On-the-Job training; (does not require ETP)
- 196 ▪ Registered Apprenticeship or other programs that combine workplace training with
- 197 related instruction.
- 198 ○ WIOA funding may be used for training that lead to a goal of self-employment.

- 199 ○ The service provider must verify and pay tuition and other training costs in accordance with the
200 training provider’s documented payment policy or terms. WIOA funding may be used for any
201 expenses considered to be part of the Cost of Attendance that cannot be funded by the Pell or
202 other grant assistance. In situations of co-enrollment with other WIOA or non-WIOA programs
203 (e.g. TAA, etc.), the case manager will coordinate with the training provider and other programs
204 to ensure the client’s training needs are met and there is no duplication of services. WIOA
205 funding will always be a supplement to other grant assistance.

206 **Case Management and Career Planning**

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

229 **Administrative Requirements:**

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

231 **Monitoring and Evaluation:**

- 232 • A formal monitoring will be conducted by the entity designated by SWIB.
- 233

234 **References:**

- 235 • [Violence Against Women Act of 1994](#)
- 236 • [20 CFR 678.430 Career Services](#)
- 237 • [20 CFR 680 Adult and Dislocated Worker Activities](#)
- 238 • [TEGL 19-16 Adult and Dislocated Workers Services](#)