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**Adult, Dislocated Worker & Youth Eligibility**

**Reference**

Workforce Innovation and Opportunity Act (WIOA) 134, 194(12), 194(1), 189(h); 20 CFR §§ 680.120-683.285; TEGL 19-16, TEGL 23-14, TEGL 21-16; Nebraska Department of Labor (NDOL) Program Eligibility for Youth, Adults, and Dislocated Workers Policy.

**Policy**

The purpose of this policy is to provide guidelines regarding the eligibility criteria for WIOA Title 1 Adult, Dislocated Worker (DLW) and Youth programs.

Eligibility is determined based on information collected during registration and these criteria follow the participant through the entire course of WIOA programs and services attached to that application. If the participant’s circumstances change during the WIOA registration cycle (such as a change in economic status, employment status, etc.), the participant remains eligible.

Eligibility for services should not be construed as a guarantee of services. The WIOA program is not an entitlement program.

Employment and training opportunities must be provided to Adults, DLWs, and Youth who can benefit from, and are most in need of, such opportunities.

**Section 1. General Eligibility Requirements**

All Adults, DLWs, and Youth must meet the following general eligibility criteria:

* Citizens or nationals of the United States; or
* Lawfully admitted permanent resident non-citizen, refugees, asylees, parolees, or other immigrants authorized to work in the United States by the Secretary of Homeland Security, or the Secretary’s designee.

All individuals who are male and age 18 or older have complied with the requirements of the Military Selective Service Act.

**Section 2. Adult Program Eligibility**

To be eligible for career services through the Adult program, an individual must be age 18 or older and meet the general eligibility criteria in section one.

The priority of service policy must be followed.

**Section 3. Dislocated Worker Program Eligibility**

To be eligible for career and training services through the DLW program, an individual must meet the criteria outlined in one of the following five categories and the general eligibility criteria in section one.

**Category 1- Ordinary Layoff**

This eligibility category covers an individual who has been terminated or laid off, or who has

received a notice of termination or layoff from employment, but not because of a permanent

closure or mass layoff, and is either:

* eligible for or has exhausted entitlement to unemployment compensation; or
* has been employed long enough to demonstrate an attachment to the workforce even if not eligible for unemployment compensation due to:
	+ insufficient earnings; or
	+ having performed services for an employer that is not covered under state unemployment compensation laws.

The individual must also be unlikely to return to a previous industry or occupation.

**Category 2- Permanent Closure of Mass Layoff**

This eligibility category covers an individual who has been dislocated because of a permanent

closure or mass layoff, meaning an individual who:

* has been terminated or laid off, or has received a notice of termination or layoff, from employment because of any permanent closure of or any substantial layoff at a plant, facility, or enterprise; or
* is employed at a facility at which the employer has made a general announcement that the facility will close within 180 calendar days; or
* for purposes of eligibility to receive services other than training services, career services, or supportive services, is employed at a facility at which the employer has made a general announcement that the facility will close.

**Category 3- Conditions Affecting Self-employment**

This eligibility category covers a self-employed individual, including family members and farm

workers or ranch hands, who are unemployed as a result of general economic conditions in the

community in which the individual resides or a natural disaster.

**Category 4- Displaced Homemaker**

This eligibility category covers an individual who is dislocated as a displaced homemaker,

meaning the individual has been providing unpaid services to family members in the home and:

* has been dependent on the income of another family member but is no longer supported by that income; or
* is the dependent spouse of a member of the US Armed Forces on active duty and whose family income is significantly reduced because of a:
	+ deployment;
	+ call or order to active duty; or
	+ permanent change of duty station or the service-connected death or disability of the service member.

The individual must also be unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

**Category 5- Service Member or Military Spouse**

**Service Member**

This eligibility category covers a service member who has separated or is separating from the US Armed Forces with a discharge that is anything other than dishonorable and:

* has received a notice of separation, a Form DD-214 from the Department of Defense, or other documentation showing a separation or imminent separation from the US Armed Forces;
* is eligible for or has exhausted unemployment compensation; and
* is unlikely to return to a previous industry or occupation.

**Military Spouse**

An individual who is the spouse of a member of the US Armed Forces on active duty is a dislocated worker if that individual:

* has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the duty station of the service member; or
* is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

**Section 4. Youth Program Eligibility**

**Transition of WIA Youth Participants to WIOA Youth Program**

WIA youth program participants enrolled in the WIA youth program as of July 1, 2015 are

automatically enrolled in the WIOA youth program, even if the participant would not be otherwise eligible. WIOA youth program operators are not required to redetermine eligibility if the participant was determined eligible and enrolled under WIA. WIA youth program participants must be allowed to complete the program services specified in their individual service strategy.

**In-school Youth Eligibility**

To qualify for the In-school Youth (ISY) program, an individual must meet the criteria outlined below and the general eligibility criteria in section one.

An individual must meet all of the following criteria:

* The individual must provide equal opportunity data on race, ethnicity, age, sex, and disability;
* The individual must be between the ages of 14-21;
* The individual must be attending school, including secondary school or postsecondary school; and
* The individual is a low-income individual.

In addition, the individual must meet at least one of the following criteria:

* The individual is basic skills deficient;
* The individual is an English language learner;
* The individual is an offender;
* The individual is a homeless individual who:
	1. Lacks a fixed, regular, and adequate nighttime residence and is:
		1. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
		2. Lives in a motel, hotel, trailer park, or campground due to the lack of an adequate alternative;
		3. Lives in an emergency or transitional shelter; or
		4. Is awaiting foster care placement;
	2. Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
	3. Is a migratory youth who is living under circumstances described in rows a and b of this list;
	4. Lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, similar settings; or
	5. Is a runaway;
* The individual:
	1. Is in foster care;
	2. Has aged out of the foster care system;
	3. Has attained age 16 and left foster care for kinship guardianship or adoption;
	4. Is eligible for assistance under the John H. Chafee Foster Care Independence Program; or
	5. Is in an out-of-home placement;
* The individual is pregnant or parenting;
* The individual is an individual with a disability; or
* The individual requires additional assistance to complete an educational program or to secure or hold employment.

**School Status**

School status is determined at the time of eligibility and remains the same throughout the individual’s participation in the ISY program. Once enrolled, an ISY may continue to receive services beyond the age 21.

High school equivalency programs and dropout re-engagement programs are not considered

schools for purposes of determining school status, with one exception. Individuals attending high

school equivalency programs, including programs considered to be dropout re-engagement

programs, are ISY when the programs:

* are funded by the public K–12 school system; and
* classify the individuals as still enrolled in school.

An individual enrolled in an alternative school, class, or education program established in

accordance with Neb. Rev. Stat. § 79-266 is considered an ISY when the program classifies the

individual as still enrolled in school.

**Additional Assistance Limitation**

Not more than five percent of individuals may be eligible as ISY based solely on a need for additional assistance to complete an educational program or to secure or hold employment. Administrative approval is required to enroll an individual who qualifies solely on a need for addition assistance to complete an educational program or to secure or hold employment.

**Out of School Youth Program Eligibility**

To qualify for the Out-of-school Youth (OSY) program, an individual must meet the criteria outlined below and the general eligibility criteria in section one.

An individual must meet all of the following criteria:

* The individual must provide equal opportunity data on race, ethnicity, age, sex, and disability;
* The individual must be between the ages of 16-24; and
* The individual is not attending school, including secondary school or postsecondary school.

In addition, the individual must meet at least one of the below criteria:

* The individual is a school dropout;
* The individual is within the age of compulsory school attendance under state law but has not attended for at least the most recent complete school-year quarter or calendar-year quarter;
* The individual is a recipient of a secondary school diploma or its recognized equivalent, a low-income individual, and either basic skills deficient or an English language learner;
* The individual is an offender;
* The individual is a homeless individual who:
	1. Lacks a fixed, regular, and adequate nighttime residence and is:
		1. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
		2. Living in a motel, hotel, trailer park, or campground due to the lack of adequate alternative;
		3. Living in an emergency or transitional shelter;
		4. Is abandoned in a hospital; or
		5. Is awaiting foster care placement;
	2. Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
	3. Is a migratory youth who is living under circumstances described in rows a and b of this list;
	4. Lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, or similar settings; or
	5. Is a runaway;
* The individual:
	1. Is in foster care;
	2. Has aged out of the foster care system;
	3. Has attained age 16 and left foster care for kinship guardianship or adoption;
	4. Is eligible for assistance under the John H. Chafee Foster Care Independence Program; or
	5. Is in an out-of-home placement.
* The individual is pregnant or parenting;
* The individual is an individual with a disability; or
* The individual requires additional assistance to enter or complete an educational program or secure or hold employment and is a low-income individual.

**School Status**

School status is determined at the time of eligibility determination and remains the same throughout the individual’s participation in the youth program. Once enrolled, OSY may continue to receive services beyond age 24.

**Low-income Requirements**

An individual must be low-income if the individual is the recipient of a secondary school diploma or a recognized equivalent and eligibility as an OSY is based on:

* Basic skills deficiency;
* Being an English language learner; or
* A need for additional assistance to enter or complete an educational program or to secure or hold employment.

**Low-income Exception**

Up to five percent of all youth (in-school and out-of0school) program participants, who ordinarily would be required to be low-income for eligibility purposes, are not required to meet the low-income requirement for eligibility, provided they meet all other eligibility requirements. Administrative approval is required to enroll an individual who does not meet the low-income guidelines.

**Documentation**

All eligibility criteria must be documented in the participant file prior to the provision of WIOA services.

**Disclaimer**

This policy is based on Greater Nebraska’s reading of the applicable statutes, regulations, rules and guidance released by the U.S. Government and the State of Nebraska. This policy is subject to change as revised or additional statutes, regulations, rules and guidance are issued.

**Definitions**

Definitions in this appendix are provided as supplemental information that supports

the provisions of the policy. The terms and phrases defined in this appendix should be read and

understood in the context in which they are used in the policy and not as stand-alone information

independent of that context.

1. **active duty**

The term active duty means full-time duty in the active military service of the United States. The

term includes full-time training duty, annual training duty, and attendance, while in the active

military service, at a school designated as a service school by law or by the Secretary of the

military department concerned.

The term does not include full-time National Guard duty.

1. **age of compulsory school attendance**

An individual who is within the age of compulsory school attendance is an individual who is subject to compulsory school attendance according to state law. In Nebraska, individuals ages six

through 17 are required to attend school, with three exceptions:

* the individual has obtained a high school diploma;
* the individual has completed a program of instruction offered by an unaccredited school that is approved by the Nebraska State Board of Education; or
* has reached 16 years of age and has been legally withdrawn from school.
1. **attachment to the workforce**

The phrase attachment to the workforce means having been employed at least 20 or more hours

per week for at least six of the most recent 36 months in a single occupation. The six months

need not be consecutive. An employee of a temporary employment agency, in order to demonstrate attachment to the workforce, must have worked on the same assignment for the

same number of weekly hours and duration noted above.

1. **attending postsecondary school**

Attending postsecondary school means enrollment in credit-bearing postsecondary education

classes, including credit-bearing:

* community college classes; and
* continuing education classes.

If an individual is enrolled in non-credit-bearing postsecondary classes only, then the individual is not considered to be attending postsecondary school.

If an individual is enrolled in the youth program between high school graduation and

postsecondary education, the individual is considered an ISY if they are registered for

postsecondary education, even if they have not yet begun classes at the time of Youth program

enrollment.

1. **attending school (secondary school)**

The phrase attending school is defined by state law. Nebraska State Law defines attending

school as enrollment in and regular attendance at a school approved by the Nebraska State Board

of Education, including:

* accredited public and private schools;
* accredited denominational and parochial schools;
* schools that elect not to meet accreditation requirements, including home schools; and
* high school equivalency programs, including an alternative school, class, or education program established in accordance with Neb. Rev. Stat. § 79-266 for the benefit of expelled students.

If an individual is enrolled in the Youth program during the summer and is in between secondary

school years, the individual is considered an ISY if they are enrolled to continue school in the fall.

1. **basic skills deficient**

An individual who is basic skills deficient is:

* a youth who has English reading or writing skills or computing skills at or below the 8th grade level based on a generally accepted standardized test; or
* a youth or adult who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual’s family, or in society.

Criteria used to determine whether a youth or adult is basic skills deficient includes the following:

* English, reading, writing, or computing skills below the 8th grade level based on a generally accepted standardized test; or
* Determined to have limited English skills based off staff documented observations or a generally accepted ESL test.

Reasonable accommodations in the assessment process will be provided to individuals with disabilities, if necessary.

**Note:** Basic skills testing instruments utilized to measure skills level and educational gains under WIOA must be deemed suitable by the National Reporting System for Adult Education (NRS).

Approved English reading or writing skills or computing skills tests include:

* Comprehensive Adult Student Assessment System (CASAS) reading GOALS Series. Forms 901, 902, 903, 904, 905, 906, 907, and 908 are approved for use on paper and through a computer-based format. (Approved for ABE through 2/5/2025)
* Tests of Adult Basic Education (TABE 11/12). Forms 11 and 12 are approved for use on paper and through a computer-based format. (Approved for ABE through 9/7/2024)

Approved ESL tests (Approved through 2/2/2021) include:

* Basic English Skills Test (BEST) Literacy. Forms B, C, and D are approved for use on paper.
* Basic English Skills Test (BEST) Plus 2.0. Forms D, E, and F are approved for use on paper and through the computer-adaptive delivery format.
* Comprehensive Adult Student Assessment Systems (CASAS) Life and Work Listening Assessments (LW Listening). Forms 981L, 982L, 983L, 984L, 985L, and 986L are approved for use on paper and through the computer-based delivery format.
* Comprehensive Adult Student Assessment Systems (CASAS) Reading Assessments (Life and Work, Life Skills, Reading for Citizenship, Reading for Language Arts—Secondary Level). Forms 27, 28, 81, 82, 81X, 82X, 83, 84, 85, 86, 185, 186, 187, 188, 310, 311, 513, 514, 951, 952, 951X, and 952X of this test are approved for use on paper and through the computer-based delivery format.
* Tests of Adult Basic Education Complete Language Assessment System-English (TABE/CLAS-E). Forms A and B are approved for use on paper.
1. **call or order to active duty**

The phrase call or order to active duty refers to the call or order or retention on active duty for

members of the uniformed services under 10 USC §§ 688, 12301(a), 12302, 12304, 12304a,

12305, or 12406 or 10 USC Subtitle A Part I Chapter 15, or any other provision of law during a

war or during a national emergency declared by the United States President or Congress.

1. **deployment**

A member of the US Armed Forces is considered to be deployed on any day on which, pursuant

to orders, the member is performing service in a training exercise or operation at a location or

under circumstances that make it impossible or infeasible for the member to spend off-duty time

in the housing in which the member resides when on duty at the member's permanent duty station or homeport. If the individual is member of a reserve component of the US Armed Forces and is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to above is any housing (including the member's residence) that the member usually occupies for use during off-duty time when on duty at the member's permanent duty station or homeport. The Secretary of Defense may prescribe an alternative definition of

deployment other than that described above.

A member of the US Armed Forces is not deployed when the member is:

* performing service as a student or trainee at a school (including Government school); performing administrative, guard, or detail duties in garrison at the member's permanent duty station; or
* unavailable solely because of a hospitalization of the member at the member's permanent duty station or homeport or in the immediate vicinity of the member's permanent residence; or
* unavailable solely because of a disciplinary action taken against the member.
1. **dropout**

A school dropout is an individual who:

* is no longer attending any school; and
* has not received a secondary school diploma or a recognized equivalent.

Dropout refers only to an individual who is currently a secondary school dropout, which does not

include a youth who previously dropped out of secondary school but subsequently returned. For

example, a youth who dropped out of high school in 2015 and returned to high school in 2016

prior to enrollment in the youth program is not a dropout. An individual who has dropped out of

postsecondary education is not a dropout for purposes of youth program eligibility.

1. **English language learner**

English language learner means an individual who has limited ability in reading, writing, speaking, or comprehending the English language and:

* whose native language is a language other than English; or
* who lives in a family or community environment where a language other than English is the dominant language.
1. **family**

Two or more person related by blood, marriage, or decree of court, who are living in a single residence and are included in one or more of the following categories:

* A married couple and dependent children;
* A parent or guardian and dependent children; or
* A married couple.
1. **general announcement**

The term general announcement means an announcement to the public by the employer or

employer’s representative. The general announcement does not need to be in written form, but

it must be made to the public, not just the employees of the employer.

1. **general economic conditions**

The term general economic conditions is defined as one or more of the following:

* A business lost due to the closure or substantial layoff of a primary supplier or primary customer affecting the self-employed individual’s products or services;
* A business lost because the product/occupation has little demand within the community or has been declining;
* A business lost because of increased non-labor production costs which are out of the control of management (i.e., energy costs); or
* A business lost because of natural disasters as defined by State or Federal declaration.
1. **high-poverty area**

A high-poverty area, as it relates to youth eligibility is a Census tract, a set of contiguous Census

tracts, a county, an American Indian Reservation, Oklahoma Tribal Statistical Area (as defined by the US Census Bureau), Alaska Native Village Statistical Area or Alaska Native Regional

Corporation Area, Native Hawaiian Homeland Area, or other tribal land as defined by the

Secretary of Labor in guidance, that has a poverty rate of at least 25 percent as set every five

years using American Community Survey 5-year data.

1. **individual with a disability**

The phrase individual with a disability means an individual with a disability as defined in Section 3 of the Americans with Disabilities Act of 1990.

1. **laid off or layoff**

For determining eligibility as a dislocated worker, the term laid off or layoff means an individual’s employment relationship is or will be suspended by the employer, without cause, for more than 180 calendar days.

1. **low-income individual**

A low-income individual is an individual who meets one or more of the criteria listed below.

**Low-income Eligibility Criteria**

1. The individual currently receives or is a member of a family currently receiving assistance through:
	1. Supplemental Nutrition Assistance Program (SNAP);
	2. Temporary Assistance for Needy Families Program (TANF);
	3. Supplemental Security Income through the Social Security Administration (SSI); or
	4. state or local income-based public assistance.
2. In the past six (6) months, the individual has received or is a member of a family that has received assistance through SNAP, the TANF program, SSI, or state or local income-based public assistance.
3. The individual is in a family whose total family income does not exceed the higher of:
	1. the current Federally-established poverty line; or
	2. 70 percent of the Federally-established lower living standard income level (LLSIL).
4. The individual is a homeless individual who:
	1. lacks a fixed, regular, and adequate nighttime residence and is:
		1. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
		2. living in a motel, hotel, trailer park, or campground due to the lack of adequate alternative;
		3. living in an emergency or transitional shelter;
		4. is abandoned in a hospital; or
		5. is awaiting foster care placement;
	2. has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
	3. is a migratory youth who is living under circumstances described in rows 4a and 4b of this Table;
	4. lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, or similar settings; or
	5. is a runaway.
5. The individual receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act, unless the individual is a recipient of a secondary school diploma or its recognized equivalent.
6. The individual is a foster child on behalf of whom state or local government payments are made.
7. The individual is an individual with a disability whose income meets either of the criteria listed in row 3 of this Table.

A youth who lives in a high-poverty area is automatically considered a low-income individual.

The following types of payments made or in-kind aid to individuals are not considered income when determining low-income eligibility for WIOA Title I programs:

* TANF payments;
* reduced price lunches under the Richard B. Russell National School Lunch Act;
* payments made on behalf of a foster child by state or local government payments; and
* payments made to individuals participating programs authorized under WIOA Title I.

In addition, when determining low-income eligibility for WIOA Title I programs for Veterans and eligible spouses of Veterans, payments made or in-kind aid to individuals from the following sources are not considered income:

* any amounts received as military pay or allowances by any person who served on active duty;
* any amounts received by a Veteran or eligible spouses of Veterans under the following chapters of Title 38 of the US Code:
	+ Chapter 13 for service-connected deaths;
	+ Chapter 30 for educational assistance;
	+ Chapter 30 for peacetime disability or death compensation;
	+ Chapter 30 for wartime disability or death compensation;
	+ Chapter 31 for training and rehabilitation for Veterans with service-connected disabilities;
	+ Chapter 32 for Post-Vietnam Era Veterans’ education assistance; and
	+ Chapter 35 for survivors’ and dependents’ educational assistance;
* any amounts received by a Veteran or eligible spouse of a Veteran under 10 USC Chapter 106 for educational assistance for members of the selected reserve; and
* any amounts received by transitioning service members.

When determining low-income status of an individual with a disability, the income of the individual’s family must not be considered.

There are no other income exclusions. For the avoidance of doubt, all other types of payments made to individuals are considered income when determining low-income eligibility for WIOA Title I programs, including:

* unemployment insurance benefits;
* child support payments; and
* payments made by state-administered plans for old-age assistance.
1. **notice of termination or layoff from employment**

A *notice of termination or layoff from employment* means a written notification from the employer, naming one or more individuals and indicating that employment will cease or has ceased for the individual(s) on a specific date.

1. **offender**

*Offender* means an adult or juvenile who:

* is or has been subject to any stage of the criminal justice process and for whom services under Youth, Adult, or Dislocated Worker programs may be beneficial; or
* requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
1. **pregnant or parenting**

A *pregnant* individual is the expectant mother only.

An individual who is *parenting* is a mother or father, custodial or non-custodial.

1. **requires additional assistance**

The phrase *requires additional assistance*, is defined by the local board as meeting one or more of the following criteria:

* youth who have not completed high school or other educational programs necessary to secure and maintain entry-level employment;
* youth who are deficient in basic skills and/or pre-employment/work maturity skills, including those needing English as a second language instruction and remedial training for GED;
* youth who have been identified as a dropout risk, unlikely to graduate doe to a lack of credits, and other risk factors cited by school, law enforcement, or community officials such as eligibility to receive free or reduced lunch benefits;
* youth who are defined as “neediest” – youth in foster care (especially those aging out of foster care), youth in the juvenile justice system, children of incarcerated parents, migrant youth, Native American youth, Indian youth, and youth with disabilities including learning disabilities;
* youth who reside in a defined Area of Substantial Unemployment; or
* youth who have been unable to obtain or secure employment during the last six months.
1. **school**

The term *school* is defined by state law. Nebraska State Law defines *school* as a school approved by the Nebraska State Board of Education, including:

* accredited public and private secondary schools;
* accredited denominational and parochial secondary schools;
* schools that elect not to meet accreditation requirements, including home schools; and
* alternative schools, classes, or education programs established in accordance with Neb. Rev. Stat. § 79-266 for the benefit of expelled students.

Nebraska State Law does not include postsecondary institutions in its definition of school. For purposes of this policy, the following providers or programs are considered schools:

* all postsecondary institutions that are accredited according to the requirements of the U.S. Department of Education;
* all private postsecondary career schools that are licensed or authorized to operate by the Nebraska Department of Education; and
* all private postsecondary career schools that are licensed or authorized to operate in other states according to the requirements of the states in which they operate.

Providers of WIOA Title IC (Job Corps), Title ID (YouthBuild), and Title II (Adult Education and Family Literacy Act) programs are not considered schools for the purposes of determining school status.

1. **service-connected**

The term *service-connected* means, with respect to disability or death, that a disability was incurred or aggravated, or that death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

1. **temporary recall**

The term *temporary recall* refers to a request from an employer for a former worker, who has either received a notice of termination or been terminated from employment, to return to work for 180 calendar days or less. In a *temporary recall*, the employer still intends to terminate the worker.

1. **terminated**

For determining eligibility as a dislocated worker, *terminated* employment is a permanent situation in which the employer lays off, without cause, and does not plan to rehire an individual. Any documented non-seasonal layoff projected to last one-hundred eighty (180) or more calendar days is a termination of employment.

The intent of this definition is to include only those terminated workers who intend to return to permanent, full-time work.

The following circumstances are not considered a termination of employment:

* seasonal unemployment;
* an end to an assignment through a temporary employment agency;
* a notice of termination that includes a certain or tentative recall date within one-hundred eighty (180) calendar days of the initial layoff date; or
* retirement or other voluntary separation from the workforce.
1. **unemployed as a result of a natural disaster**

The phrase *unemployed as a result of a natural disaster* means unemployment caused by a major adverse event(s) resulting from natural processes of the Earth or forces other than the acts of human beings, including environmental conditions, such as:

* floods;
* tornadoes;
* earthquakes; and
* other natural events beyond an individual’s control.

The list provided above is not all inclusive of major adverse events that may be considered natural disasters.

1. **unlikely to return to a previous occupation or industry**

For determining eligibility as a dislocated worker, an individual is *unlikely to return to a previous occupation or industry* if job opportunities in the occupation or industry are significantly diminished for an individual based on one or more of the following criteria:

* official assessments of market demand for products or services in the occupation or industry;
* local labor market conditions for the industry or occupation;
* evolution of skill requirements in the occupation or industry and whether an individual’s skills have kept pace over time based on a current skills assessment;
* impact of technology or trade on the industry or occupation.

A separating service member meets the standard of *unlikely to return to a previous industry or occupation*.