

# Greater Nebraska Dislocated Worker Program: Eligibility Overview

A local area program of the Workforce Innovation and Opportunity Act

## General Requirements

Program participants must be either a(n):

1. Citizen or national of the United States; **or**
2. Immigrant authorized to work in the United States

## Category 1 - Ordinary Layoff

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:

1. Eligible for or has exhausted entitlement to unemployment compensation; or
2. 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 or Mass Layoff

Individual dislocated because of a permanent closure or mass layoff, meaning an individual who:

1. 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
2. Is employed at a facility at which the employer has made a general announcement that the facility will close within one-hundred eighty (180) calendar days; or
3. 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

Self-employed individual (including self-employment in farming, ranching, or fishing industries) who is unemployed as a result of:

1. General economic conditions in the community in which the individual resides; or
2. 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:

1. Has been dependent on the income of another family member but is no longer supported by that income; or
2. 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.
3. The individual must also be unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

## Category 5 - Service Member or Military Spouse to Service Member

Service member who has separated or is separating from the US Armed Forces with a discharge that is anything other than dishonorable and:

1. 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;
2. Is eligible for or has exhausted unemployment compensation; and
3. 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:

1. 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
2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

This desk aid is provided by the Greater Nebraska Workforce Development Board and is only intended to be used as a resource for making referrals to the program. Actual eligibility can only be determined by Dislocated Worker Program staff at an American Job Center or Nebraska Department of Labor Job Center. To learn more about the program or find the nearest service location, visit [dol.nebraska.gov](http://dol.nebraska.gov).

# Glossary of Terms

## 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.

## Attachment to the Workforce

The phrase attachment to the workforce means having been employed at least twenty (20) or more hours per week for at least six (6) of the most recent thirty-six (36) month in a single occupation. The six (6) 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.

## 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.

## 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.

## 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.

## 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 one-hundred eighty (180) calendar days

## Notice of Termination or Layoff from Employment

A notice of termination or layoff from employment means a written notification from the employer, naming one (1) or more individuals and indicating that employment will cease or has ceased for the individual(s) on a specific date.

## 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.

## 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 one-hundred eighty (180) calendar days or less. In a temporary recall, the employer still intends to terminate the worker.

## 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.

## Terminated (continued)

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.

## 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, 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.

## 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 (1) 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.

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