

COUNTY OF ULSTER

Workforce Development Board

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DISLOCATED WORKER POLICY

DISLOCATED WORKER —The term “dislocated worker” means an individual who is unemployed and has lost a job through no fault of their own, and meets the requirements of one of the categories listed below —

Category 1A

- (i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment; **AND**
- (ii) is eligible for or has exhausted entitlement to unemployment compensation; **AND**
- (iii) is unlikely to return to a previous industry or occupation;

Category 1B

- (i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment; **AND**
- (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;

Category 2

- (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, or enterprise; **OR**
- (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 will close;

Category 3

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;

Category 4

Is a displaced homemaker (defined below)

Category 5

(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 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 is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

DISPLACED HOMEMAKER.— means an individual who has been providing unpaid services to family members in the home **and** who—

(A)(i) has been dependent on the income of another family member but is no longer supported by that income; **AND**

(ii) is unemployed **or** underemployed and is experiencing difficulty in obtaining or upgrading employment.

OR

(B)(i) is the dependent 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 whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; **AND**

(ii) is unemployed **or** underemployed and is experiencing difficulty in obtaining or upgrading employment.

In keeping with TEGL 19-16 section 11, if a customer is currently employed but underemployed, and prior to said underemployment the customer met the definition of a dislocated worker or displaced homemaker, this customer may still receive services as a dislocated worker.

DEFINITIONS

Attachment to the workforce: Employment with the same employer for at least six consecutive months, and with recent unemployment of a period of no longer than five years.

Plant Closing

Plant closing means the permanent or temporary shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment, if the shutdown results in an employment loss at a single site of employment during any 30 day period of 25 or more employees excluding any part-time employees. In addition, should the shutdown directly cause an employment loss at any additional site, all such employees at the additional site or sites shall be counted toward the 25 required to meet this definition.

Substantial layoff:

Any reduction in force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30 day period for:

- (a) At least 33% of the employees (excluding employees regularly working less than 20 hrs per week) and at least 50 employees (excluding employees regularly working less than 20 hrs. per week) **OR**
- (b) Is at least 500 employees (excluding employees regularly working less than 20 hrs per week)

Unlikely to return to a previous industry or occupation:

Shall include but is not limited to the following

- (A) Individuals identified as Profiled Dislocated Workers by the New York State Department of Labor Profiling System meet the definition of “unlikely to return to a previous industry or occupation”
- (B) In need of training to obtain or retain employment
- (C) Lack of sufficient job openings in the individual’s previous occupation within a commutable distance
- (D) Individuals who are physically unable to continue working in previous occupation
- (E) Individual has been actively seeking, but unable to secure employment in previous industry or occupation for at least 13 weeks.

Underemployed

An individual who is working part-time but desires full-time employment, or who is working in employment not commensurate with the individual’s demonstrated level of educational and/or skill achievement shall meet the definition of underemployed.

Examples of underemployed individuals shall include:

- Individuals employed less than full-time who are seeking full-time employment;
- Individuals who are employed in a position that is inadequate with respect to their skills and training;
- Individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36);
- Individuals who are employed, but whose current job’s earnings are not sufficient compared to their previous job’s earnings from their previous employment.; and
- Individuals who are in subsidized and/or short term employment, including work experiences through the WIOA Youth Employment Program.

See TEGL 19-16 section 11, and WIOA regulations 684.130

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