



OWD Issuance
20-2019
Release Number—Program Year

Release Date:
 April 13, 2020
 Effective Date:
 April 13, 2020
 Expiration Date:
 June 30, 2020

SUBJECT:

Statewide Temporary Disaster Related Dislocated Worker Eligibility Policy

ATTACHMENTS: None

This Issuance is Official Policy of the Missouri Office of Workforce Development

ISSUING AUTHORITY:

Mardy Leathers, Director
 Missouri Office of
 Workforce Development
 (OWD)

THIS ISSUANCE MAY REQUIRE CREATION OR ALTERATION OF A CORRESPONDING LOCAL POLICY

KEYWORDS:

COVID-19, Disaster, Dislocated, Eligibility, Unlikely to Return, WIOA

THIS ISSUANCE AFFECTS:

Missouri One-Stop Delivery System (MJC/AJCs)
 WIOA Title I Local Areas/Local Boards/Local Plans
 WIOA Title I In-State Funding
 WIOA Title I One-Stop Delivery/Service Providers
 WIOA Dislocated Worker Employment/Training
 WIOA Fiscal/Administrative Procedures
 State of Missouri Workforce System Procedures

FOR THE ATTENTION OF:

OWD State Professional Staff
 One-Stop frontline staff
 Chief Elected Officials
 Local Fiscal Agents
 One-Stop Operators
 One-Stop Functional Leaders
 Service Providers
 Local Quality Assurance Monitors

RESCISSIONS:

None.

REFERENCES:

U.S. Department of Labor, Employment and Training Administration, Training and Employment Guidance Letter ([TEGL No. 19-16](#)), “Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules,” March 1, 2017

[OWD Issuance 08-2018](#), “Workforce Innovation and Opportunity Act Adult and Dislocated Worker Programs Eligibility and Documentation Technical Assistance Guidance Policy,” March 19, 2019. Updated February 07, 2020.

SUMMARY:

The purpose of this temporary policy is to establish the Office of Workforce Development (OWD)’s guidelines on qualifying individuals displaced by the COVID-19 global pandemic for the WIOA Dislocated Worker program. Missouri is experiencing a significant negative economic impact due to this pandemic. This temporary policy will allow the State to assist Missourians that might not have qualified for the State’s traditional WIOA Dislocated Worker program.

BACKGROUND:

WIOA Final Rules allow the State to create a policy¹ for individuals who become “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters”. The State may define what constitutes “unlikely to return to a previous industry or occupation”² as long the definition includes the requirements for separating military service members³.

SUBSTANCE:

To qualify for the WIOA Dislocated Worker program the individual must meet the following conditions, with the lay-off related to COVID 19:

- has been terminated or laid off, or who has received a notice of termination or layoff, from employment, including separation notice from active military service (under other than dishonorable conditions); and
- is eligible for or has exhausted entitlement to unemployment compensation (CATEGORY 1); or
- 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(CATEGORY 2);
- and is unlikely to return to a previous industry or occupation.

The Local Workforce Boards (WDB) should take into account the negative economic conditions and the sudden economic impact to industries that the State is currently experiencing when determining “unlikely to return to a previous industry or occupation”. Sudden and significant economic shifts result in a large volume of temporary layoffs. The “Dislocated Worker” definition states “unlikely” and it does not state “will not” return to a previous industry or occupation. Furthermore, when determining unlikely to return to a previous industry or occupation, regulations⁴ do not have set timeframe.

Staff must continue to follow the documentation requirements outlined in [OWD Issuance 08-2018](#). Additionally, staff must follow the guidance outlined in OWD Issuance 08-2018 to serve those individuals whose job separations are not related to COVID-19 such as separating military service members.

ROLES, RESPONSIBILITIES, and REQUIRED ACTIONS:

Each WDB must adhere to the guidance in this policy when determining WIOA Dislocated Worker eligibility to those individuals impacted by the COVID-19 disaster.

TIMELINE:

All Missouri Workforce System Staff – Implementation of these rules.....**Immediate and Continuous**

INQUIRIES:

Please direct all questions or comments regarding this Issuance document to dwdpolicy@dhewd.mo.gov. All active Issuances are available at jobs.mo.gov/dwdissuances. Expired/rescinded Issuances are available on request.

For information about [Missouri Office of Workforce Development](#) services, contact a [Missouri Job Center](#) near you. Locations and additional information are available at jobs.mo.gov or 1-(888)-728-JOBS (5627). Missouri Department of Higher Education and Workforce Development is an [equal opportunity](#) employer/program.

¹ [20 CFR 680.130\(b\)](#)

² [20 CFR 680.130](#)

³ [20 CFR 680.660](#)

⁴ [TEGL 19-2016](#)

*Auxiliary aids and services are available upon request to individuals with disabilities.
Missouri Relay Services at 711.*