



**Buffalo and Erie County
Workforce Investment Board, Inc.**

LOCAL POLICY BULLETIN

BECWIB Bulletin # 3-17

Date: April 20, 2017

TO: Lavon Stephens, Administrative Director, WDC

FROM: Heather Gresham, Executive Director, WIB

SUBJECT: Terms used but not defined in the WIOA definitions for Dislocated Worker and Displaced Homemaker.

REFERENCES: Section 3(15)(A) and (B), and Section 3(16) of the Workforce Innovation and Opportunity Act, Public Law No. 113-328, 128 Stat, 1425, codified as amended at 29 U.S.C. 3101 et seq. (WIOA or the Act); Vol. 20 of the Code of Federal Regulations Section 680.130(3); and New York State Department of Labor Technical Advisory #07-8.3

Effective Date: IMMEDIATELY

Effective immediately, and in accordance with the Workforce Innovation and Opportunity Act, our Local Workforce Development Area (LWDA) adopts the following policy concerning certain terms used in the WIOA definitions of Dislocated Worker and Displaced Homemaker that have not defined by the Act or its regulations.

This Local Policy Bulletin 3-17 revises and replaces Local Policy Bulletin 6-10, dated July 1, 2010.

POLICY STATEMENT

The purpose of this Local Policy Bulletin is to define certain terms used in the WIOA definitions of Dislocated Worker and Displaced Homemaker that have not been defined by the Act or its regulations. Unless New York State Department of Labor (NYSDOL) provides guidance to the contrary, the following definitions apply to the terms italicized in Section I and II below.

I. *Dislocated Worker*

The term *Dislocated Worker* is defined in Section 3(15)(A) and (B) of WIOA. The following terms are used in that definition, but are not defined by the Act or its regulations. Unless or until the New York State Department of Labor provides guidelines to the contrary, the following

definitions shall apply in the Buffalo and Erie County Workforce Development Area to determine Dislocated Worker eligibility.

Employed for a duration sufficient to demonstrate attachment to the workforce, means as an individual who, at the time of application has been employed 15 out of the last 26 weeks.

Unlikely to return to previous industry or occupation, means as an individual who has been Worker Profiled by the New York State Department of Labor, or unemployed for 13 weeks or more and been assessed by the One-Stop staff as unlikely to return to a previous industry or occupation.

Substantial Layoff will have the meaning set forth in NYSDOL T.A. #07-8.3, until otherwise revised by NYSDOL. For reference, that definition is as follows:

Substantial layoff means 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 thirty-day period for:

- (a) (i) at least thirty-three percent (33%) of the full-time employees; and (ii) at least twenty-five (25) full-time employees;
- or
- (b) at least two hundred fifty (250) full-time employees

Full time employees are those that regularly work 20 or more hours per week.

II. Displaced Homemaker

The Term Displaced Homemaker is defined in Section 3(16) of WIOA. The following term is used in that definition, but is not defined by the Act or its regulations. Unless or until the New York State Department of Labor provides guidelines to the contrary, the following definition of underemployed shall apply in the Buffalo and Erie County Workforce Development Area to determine Displaced Homemaker eligibility.

Underemployed means as an individual who:

- a) Is employed but working part-time and desires full-time employment; or
- b) Is working in employment not commensurate with the individuals demonstrated level of educational attainment and/or skill achievement.

Please share this information with appropriate staff.

c:

:FN/bhs

c: Terry Chatfield, Demone Smith, Denise Raymond, Lavon Stephens, Mary Zerpa and WIB staff