

State Dislocated Worker (DW) Eligibility Frequently Asked Questions

Note: Italicized terms mean definitions can be found in DEED's "[Dislocated Worker and Federal Adult Programs \(DWFAP\) Terms and Definitions](#)."

State DW Frequently Asked Questions

Q: Is job loss required for Category Nine eligibility?

A: Yes. There must have had some loss of employment to qualify for Category Nine. However, there is no look back period for Category Nine. # The 2024 amendments to State Statute 116L.17 did not remove the requirement that an individual experience a loss of employment as a prerequisite for eligibility.

Q: Is a State DW Administrative Costs Waiver needed for the updated de minimums of 15%?

A: Yes. A grantee must apply for a waiver to spend outside of a 10% administrative threshold for State Dislocated Worker (DW) program at the beginning of the grant period, during the planning stage. Approved percentage will be locked in for the entire grant period. See DEED's current [WIOA Adult and Dislocated Worker Programs Administrative Costs Policy](#) for more information.

Q: What is the Minnesota Family Resiliency Partnership?

A: The [Minnesota Family Resiliency Partnership \(MFRP\)](#) is federally known as the Displaced Homemaker Program (DHP). It is for *Displaced Homemakers*.

Q: What verifications would be needed for Part Two of the *Displaced Homemakers* [Derived the substantial share of support from public assistance on account of dependents in the home and no longer receives such support] to substantiate eligibility? What documentation is needed?

A: DEED does not define "substantial" but instead gives local policy and programs the discretion to determine the exact amount. Documentation may include written notice of termination of *Public Assistance* benefits.

Q: Is employed in a job verified to be below the skill level and earning capacity of the veteran. How is this to be determined?

A: This depends on the local area's definition of "*Underemployed*" DEED does not provide a hard definition for "*Underemployed*" but instead gives local policy the discretion to define it. [U.S. Department of Labor \(DOL\) Technical Employment and Guidance Letter \(TEGL\) 19-16](#) states that "*Underemployed*" can be defined by local policy. TEGL 19-16 (Page 12) also provides general guidance on the definition of "*Underemployed*." Another example of *Underemployed* may include having an income that is below your local self-sufficiency threshold that is established by local policy.

Q: Is employed in a job verified to be below the skill level and earning capacity of the veteran. What verifications would be used for determination of skill level or earning capacity?

A: This depends on the local area's definition of "*Underemployed*" DEED does not provide a hard definition for "*Underemployed*" but instead gives local policy the discretion to define it. See [TEGL 19-16](#) (Page 12) for DOL guidance on "*Underemployment*." Labor Market Information (LMI) can be used to help determine if someone's skill level or earning capacity in their current job constitutes "*Underemployment*." Being grossly underpaid or possessing a Graduate degree for a job that only request a high school diploma may be an indication. Using LMI to determine current local pay levels and using income documentation to determine underpayment.

Q: How does this differ from WIOA Adult eligibility? Same eligibility for WIOA Adult?

A: State DW eligibility is more generous in terms of income requirements (i.e. 200% of the Federal Poverty Guidelines vs. 100% of the Guidelines for WIOA Adult). Selective Service Registration is recommended, but not required, for State DW. The definitions for recipients of *Public Assistance* and *Basic Skills Deficient* are the same in both State DW and WIOA Adult.

Q: Is there a minimum age requirement for eligibility across all categories, or does the 18+ requirement apply solely to Category Nine (*Low-Income Adults, Public Assistance, Basic Skills Deficient*)?

A: No. Per DEED Office of General Counsel guidance the adult (Age 18+) requirement applies <u>solely</u> to <i>Low-Income</i> adults. Minors (Under age 18) who are recipients of <i>Public Assistance</i> and/or <i>Basic Skills Deficient</i> are eligible. Minors are also eligible under the other categories if they otherwise meet requirements. It is <u>strongly recommended</u> , however, that eligible minors be referred to other programs (i.e. WIOA Youth) first.
Q: Currently, eligibility is limited to spouses of active-duty members of the <i>U.S. Armed Forces</i> . Are spouses of non-active-duty members, such as National Guard, Reserve, and recently separated personnel eligible for assistance under the State DW Program?
A: No. State law eligibility language is limited to a "spouse of a member of the <i>U.S. Armed Forces</i> who is on <u>active duty</u> " (See 2024 Minnesota Statutes, 116L.17, subdivision 1(8)). Spouses of members on non-active duty are not eligible solely by being their spouse. They may be eligible through other categories, however.
Q: The criterion that applicants must be "unlikely to return to their previous industry or occupation" may limit support for those pursuing Upskilling (Career advancement) or Reskilling. Would career progression within the same industry or a similar occupation be considered within the scope of this eligibility requirement?
A: Yes. Being "unlikely to return to their previous industry or occupation" does not prohibit a dislocated worker from seeking <i>Upskilling</i> or <i>Reskilling</i> opportunities within the same industry or a similar occupation.
Q: For Category Two (Permanent Closure or Mass Layoff), workers that receive closure notices that take place in more than 180 days or with no specific date may only receive basic career services that do not trigger participation until the scheduled closure occurs within 180 days. What basic career services can be provided that do not trigger participation?
A: DEED recommends providers consult TEGL 10-16, Change 3 and its Attachment VII for guidance on which basic career services trigger participation.
Q: Does the job loss requirement for Category Nine does not have a look-back period?
A: No. This allows flexibility for providers to enroll individuals under Category Nine that may have <i>Stop-Gap Employment</i> but are still <i>Low-Income</i> or on <i>Public Assistance</i> after their initial job loss.
Q: Can the job loss we use for eligibility have occurred prior to the person having turned 18?
A: Yes. However, those eligible for WIOA Youth or other youth/young adult programs are encouraged to be referred to those programs as appropriate.
Q: Can you self-attest to job loss Category Nine eligibility?
A: Yes. You can self-attest to job loss for all applicable State DW categories. However, documentation of job loss is best practice for documenting eligibility. ¹
Q: For Category Nine, would a signed State DW program application that lists the job with start and end dates be considered adequate documentation of job loss?
A: Yes.
Q: Is contract work that is full time and longer than 6 months considered <i>Stop-Gap Employment</i> ? Do we need to exit to employment?
A: This is determined on a case-by-case basis. Participants and providers should be cautious of full-time <i>Stop Gap Employment</i> if it interferes with training or State DW participation. In general however, contact, seasonal, or temporary work, that is not with the original employer and not at stop-gap wage limits, should be considered <i>Stop-Gap Employment</i> .
Q: For <i>Basic Skills Deficient</i> , for example, if they score below an 8th grade level in math, but not in reading, they will still qualify under this category?
A: This is determined on a case-by-case basis. If someone is at or below an 8th grade level in math, but not in reading (or vice versa) that could be considered <i>Basic Skills Deficient</i> .

¹ See "Dislocated Worker Status/Date of Actual Qualifying Dislocation" within the [DW Acceptable Documentation for Program Eligibility](#) document (Page Three)

Q: Do *Basic Skills Deficient* enrollees also need to meet *Low-Income* eligibility for State DW to be eligible?

A: No. Being eligible for any one of Category Nine's sub populations is sufficient to be eligible for State DW under Category Nine.

Q: If a person is eligible under multiple State DW criteria/categories, which do you prefer we enroll the person under?

A: That should be determined at the provider level after ensuring Priority of Service requirements are met.

Q: For Category Nine eligibility, does job loss definition include independent contractor work?

A: Generally, no. Independent contractor work is considered self-employment. If an independent worker's contract ended as stated in their contract agreement, that person would not have a 'job loss' that would meet the requirement for Category Nine.

However, if an independent worker's contract ended prematurely, then that worker could have a 'job loss' needed to be eligible for Category Nine.

Note: Self-employed workers may still be eligible for State DW services under Category Three (Self-Employed).