

TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC. WORKFORCE INVESTMENT ACT TITLE I ACTIVITIES	DATE: September 18, 2001
	SUBJECT: Definitions: Dislocated Worker Programs.

WIB DIRECTIVE

WIBD-00-13

TO: Service Providers and WID Staff

SUBJECT: Definitions of General Announcement of Plant Closing
Definition of Unemployed as a Result of General Economic Conditions/Natural Disasters

EXECUTIVE SUMMARY

Purpose:

The requirements of the Workforce Investment Act of 1998 require that the local board provide a definition of the following terms: “general announcement of plant closing” and what constitutes “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.”

Scope:

This Directive requires that all Service Providers expending WIA funds shall comply with federal, state, *and local* regulations and policies.

Effective Date:

This Directive is effective on date of issue.

REFERENCES:

- WIA Sections 101(9)(B)(i) and (ii), 101 (9)(C)
- Title 20 Code of Federal Regulations (CFR), Final Rule, Sections 663.115(b)

TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC., (WIB) – IMPOSED REQUIREMENTS: This directive contains no WIB-imposed requirements.

FILING INSTRUCTIONS:

Retain this Directive until further notice.

BACKGROUND:

The Workforce Investment Act of 1998 requires that a local definition of the terms “general announcement of plant closing” and a local definition for what constitutes “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters”.

POLICY:

The Tulare County Workforce Investment Board, Inc., has defined the following terms in accordance with the guidelines contained in WIA Sections 101(9)(B)(i) and (ii), 101 (9)(C); and Title 20 Code of Federal Regulations (CFR), Final Rule, Sections 663.115(b).

- General Announcement of Plant Closing – The following constitute issuance of a general announcement of plant closing:
 - Employer Notice
 - Worker Adjustment and Retraining Notice (WARN)
 - Newspaper Articles specifying number/ratio of layoffs and time period of layoff.

Notice may be issued by a plant, facility or enterprise and may be a distinct unit of a business or industry, such as closure of a division of a corporation, the entire facility at a specific site or location or the closure of a functional unit, i.e., a warehouse facility.

- “Unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters”: – The following constitute the definition unemployed as a result of general economic conditions or natural disaster in the community:
 - Failure of a business to return a profit during the preceding 12 months as documented by balance sheet/other financial records of loss;
 - Self-employed individuals entry into bankruptcy court;
 - Inability to obtain financing/capital to continue operations as supported by loan rejection by a lending institution;
 - Insolvency of a business supported by balance sheet/other financial records;
 - Evidence that closure or substantial layoffs at a plant or facility that a self-employed individual either obtained or supplied product/services has caused dislocation from employment. Examples of documentation include: WARN notices, articles regarding layoff/closure and records of business transactions with the affected entity(ies) substantiating that at least 20 percent of products/services were supplied or obtained from the affected entity.
 - Natural disasters affecting the self-employed (including farmers and ranchers), as announced by the Tulare County Board of Supervisors, Governor of the State of California, and/or the President of the United States of America.

ACTION:

Bring this directive to the attention of all affected staff and all subrecipients.

INQUIRIES:

Please direct inquiries about this Directive to the Tulare County Workforce Investment Department, at (559) 713-5200, or 1-800-367-8742.

Joseph H. Daniel
Administrator