**Section 2625.55 Eligibility Requirements**

a) To be eligible under Section 301(a)(1)(A) of the Act, applicants shall:

1) have been terminated or laid off from employment within the two (2) years preceding application, or have received a notice of termination or layoff and have not yet been terminated or laid off; and

2) be eligible for or have exhausted their entitlement to unemployment compensation as determined by the Illinois Department of Employment Security (for purposes of this Part, "eligible for unemployment compensation" includes any individual whose wages from employment would be considered in determining eligibility for unemployment compensation under Federal or State unemployment compensation laws); and

3) have been employed in an occupation or a series of occupations with the same employer for at least one (1) year, or employed in a single industry for at least one (1) year, and have either been terminated or laid off from that occupation or industry within the two (2) years preceding application or have received notice of impending layoff or termination; and either

A) laid off from a declining industry (A declining industry is any three digit standard industrial classification (SIC) code with less than a zero rate of growth as shown in the "Occupational Projections State of Illinois 1986-2000" prepared by the Illinois Department of Employment Security, 401 South State Street, Chicago, Illinois 60605 and published August 1990.); or

B) laid off from a low growth occupation as shown in the "Growth Rate by SOC Code For: State of Illinois State Employment Change 1986-2000" prepared by the Illinois Occupational Information Coordination Committee, 217 East Monroe, Suite 203, Springfield, Illinois 62701, issued 1990; or

C) laid off from an occupation with less than fifty (50) annual job openings on a statewide basis; or

D) been unemployed for at least twenty-six (26) weeks and have completed one month of documented job search through the Job Service.

b) To be eligible under Section 301(a)(1)(B) of the Act, applicants shall have been terminated as a result of any permanent closure of, or any substantial layoff (as defined in 56 Ill. Adm. Code 2600.20) at, a plant, facility or enterprise within the two (2) years preceding application, or have received a notice of termination for such reason(s) and have not yet been terminated.

c) To be eligible under Section 301(a)(1)(C) of the Act, applicants shall:

1) have been unemployed for fifteen (15) or more of the twenty (20) weeks prior to application; and

2) have been employed in an occupation or a series of occupations with the same employer for at least one (1) year, or employed in a single industry for at least one (1) year, and have either been terminated or laid off from the occupation or industry within the two (2) years preceding application or have received notice of impending layoff or termination; and either

A) laid off from a declining industry; or

B) laid off from a low growth occupation; or

C) laid off from an occupation with less than fifty (50) annual job openings on a statewide basis; or

D) been unemployed for at least twenty-six (26) weeks and have completed one month of documented job search through the Job Service.

d) Eligibility under Section 301(a)(1)(D) of the Act is limited to applicants who:

1) were self-employed (including farmers, ranchers, professionals, independent tradespeople and other business persons) and presently are unemployed as a result of one of the following:

A) natural disasters such as hurricane, tornado, storm, flood, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snow storm, drought, fire, explosion, or other catastrophe; or

B) general economic conditions in the community in which they reside as evidenced by one or more of the following:

i) failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or business;

ii) failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products or services;

iii) substantial layoff(s) from, or permanent closure(s) of, one or more plants or facilities that support a significant portion of the state or local economy;

iv) depressed price(s) or market(s) for the article(s) produced by the self-employed individual; or

v) levels of unemployment in the local areas that meet or exceed national percentages; or

2) are self-employed (including farmers, ranchers, professionals, independent tradespeople, and other business persons) who are in the process of going out of business as evidenced by one or more of the following:

A) the issuance of a notice of foreclosure or intent to foreclose;

B) the failure of the farm, ranch or business to return a profit during the preceding twelve (12) months;

C) the entry of the self-employed individual into bankruptcy proceedings;

D) the inability to make payments on loans insured by tangible business assets;

E) the inability to obtain capital necessary to continue operations; or

F) a debt to asset ratio sufficiently high to be indicative of the likely insolvency of the farm, ranch or business; or

3) are family members, farmhands, or ranchhands of individuals identified in subsections (d)(1) and (2) above, to the extent that their contribution to the farm, ranch, or business constitutes a minimum of one year full-time work in the farm, ranch or business.

e) Occupational and Industrial Information Data

1) The occupations that an applicant has held shall be assigned a title and code in accordance with the SOC coding system provided in the 1980 "Standard Occupational Classification Manual" (issued by the U.S. Department of Commerce, Office of Federal Statistical Policy and Standards and published by the U.S. Government Printing Office, Washington D.C. 20402). The descriptions of job duties provided by the applicant shall be used to determine the applicable title and code. Likewise, the industry in which the applicant was employed at the time of termination or layoff shall be assigned a title and code in accordance with the Standard Industrial Classification (SIC) coding system.

2) The "Growth Rate by SOC Code For: State of Illinois State Employment Change 1986-2000", issued 1990, shall be used for purposes of eligibility determination. This SOC code growth rate information, sorted by region (SDA) and statewide, shall be transmitted to grantees to be used as a basis for determining the growth rate of an applicant's occupation(s). Substate grantees may use information from either sort, however when information is used from the regional sort (SDA), that information (low growth SOC codes) must be added to the substate grantee's title plan on the JTPA-II system. Requests for adding low growth SOC codes to a title plan shall be submitted in writing to the substate grantee's program manager. To meet the growth rate test the applicant's occupation shall have an annual employment growth rate of less than 0.5 percent.

3) The growth rate of each occupation in the applicant's series of occupations shall be included in the participant record.

f) Veterans who have voluntarily separated from the military may be considered for eligibility determination under the provisions of Section 301(a)(1)(A) of the Act. SDAs shall use a SOC code for these veterans which relates as closely as possible to the veteran's responsibilities in the military.

g) Up to five percent (5%) of the Title III participants may be enrolled for program services on an annual basis as displaced homemakers (as defined in 56 Ill. Adm. Code 2600.20) if the substate grantee has provided for such in its job training plan. If a substate grantee is having difficulty meeting appropriate expenditure levels, it may petition the Department for permission to expand the service window to serve up to ten percent (10%) eligible displaced homemakers by contacting their program manager.

h) A substate grantee may issue to any eligible dislocated worker who has applied for the retraining/services under Economic Dislocation and Worker Adjustment Assistance (EDWAA) a certificate of continuing eligibility.

1) Such a certificate of continuing eligibility:

A) shall be effective for periods not to exceed one hundred four (104) weeks;

B) shall not include any reference to any specific amount of funds;

C) shall state that it is subject to the availability of funds at the time any such training services are to be provided; and

D) shall be non-transferable (between individuals or states).

2) The following information shall be included on the face of the certificate:

A) client name;

B) social security number;

C) application date;

D) certificate expiration date; and

E) substate grantee's identification number.

3) Certificates may be used by an eligible dislocated worker to seek out and arrange his or her own training with service providers approved by the substate grantee. Substate grantees shall ensure that records are maintained showing to whom such certificates have been issued, the dates of issuance and the ultimate disposition of such certificates.

4) When grantees issue a certificate to an eligible dislocated worker, the applicant file shall contain documentation for the eligibility determination, including an application and a copy of the certificate. The applicant record shall be entered on the JTPA-II MIS and appropriately recorded as certificate holder.

5) When grantees or service providers redeem certificates, copies of original documentation from the applicant file shall be retrieved from the issuing agency, reviewed, and included in the participant file for persons who are redeeming certificates. If, at the time a person presents a certificate for redemption, more than forty-five (45) days have elapsed since the certificate was issued, or if the certificate is being redeemed by a different substate grantee, applicant characteristics will have to be updated on a new application and certificate redemption will be checked as eligibility reason on the application.

(Source: Amended at 16 Ill. Reg. 20098, effective December 14, 1992)