

 <b>MARICOPA COUNTY</b> MARICOPA COUNTY Workforce Development Board	SECTION/REFERENCE SECTION/REFERENCE WIOA Final Rule 168.130 WIOA PL 113-128 Sec. 3 (15) DES Adult & Dislocated Worker Policy Manual Section 100	POLICY NUMBER 25-02
	ORIGINAL ISSUE DATE August 2025	REVISION DATE August 2025
	AUTHORIZED BY: Workforce Development Board	
SUBJECT: Dislocated Worker Program Eligibility		ADDENDA:

**Purpose:** To outline the eligibility requirements for the WIOA Title 1B Dislocated Worker Program.

**Responsibility of:** Career Advisor, Program Supervisor, Quality Improvement Team, and WIOA Applicant

**Definition:**

Dislocated Worker- An individual with an attachment to the labor force who is permanently laid off or terminated through no fault of their own. They must fall into one of the five categories below to be determined eligible as a Dislocated Worker and provide documentation. If the individual is not eligible as a Dislocated Worker they may be served under the Adult program. Eligibility is determined at the time of application and remains intact for the period of program participation regardless of change in employment status.

Eligible to work in the United States- A citizen or national of the United States, or a lawfully admitted permanent resident alien, refugee, asylee, parolee; or other immigrant authorized by the United States Attorney General to work in the United States

**Description:** Determining eligibility is the first step in the WIOA Registration process for individuals applying for WIOA Dislocated Worker Individualized or Training services. Eligibility determination is not required for Dislocated Workers (DWs) seeking WIOA-funded informational services, self-help services or basic career services.

At a minimum, DW applicants must meet the following general eligibility requirements:

- Be eligible to work in the United States
- Be registered with Selective Service if applicable
- Be a resident of Arizona
- Be one of the following:

**Category 1: General Layoff or U.S. Veteran or Military Spouse**

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- A. An individual (non-retiree) who has been terminated or has been laid off or has received notice of termination/layoff, including recently separated U.S. veterans within 48 months after discharge or release from active duty; AND
1. Is eligible for or has exhausted entitlement to unemployment compensation; OR
  2. Has been employed for a duration sufficient to demonstrate attachment to the workforce (determined on a case-by-case basis), but is not eligible for unemployment compensation due to insufficient earnings or employment not covered by UI laws AND
  3. Is unlikely to return to a previous industry or occupation due to one or more of the following:
    - a. Labor market information for the occupation shows a zero or negative growth rate;
    - b. The local Chamber of Commerce, Economic Development agency, or other credible sources of regional economic information confirm the occupation or industry has shown a significant decline in the local labor market area;
    - c. Employment Service confirms that, in the previous sixty days, there was a lack of job orders for that occupation to qualified job seekers, as determined by the LWDA;
    - d. A plant closure or substantial layoff within the labor market area in the same industry or occupation has occurred in the last six months from the date of plant closure or substantial layoff.
    - e. The individuals have been actively seeking but are unable to find employment in their previous industry or occupation for a period of 90 days or more from employment separation; or
    - f. A person is laid off from a job due to lack of certification.
    - g. The separating service member is separating from the Armed Forces with a discharge other than dishonorable who qualifies for dislocated worker activities when he or she:
      - i. Has received a notice of separation, a DD-214 from the Department of Defense, or other documentation showing a separation or imminent separation from the Armed Forces to satisfy the termination or layoff part of the dislocated worker eligibility criteria in WIOA sec. 3(15)(A)(i);
      - ii. Qualifies for the dislocated worker eligibility criteria on eligibility for or exhaustion of unemployment compensation in WIOA sec. 3(15)(A)(ii)(I) or (II); and
      - iii. Meets the dislocated worker eligibility criteria that the individual is unlikely to return to a previous industry or occupation in WIOA Section 3(15)(A)(iii)

**Note:**

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- Veterans do not automatically qualify as DWs under this category. Only recently separated service members who have been released within the past 48 months from active military, naval, or air duty and service members who have an imminent separation date. Veterans who are voluntarily retiring from the military are not eligible as DWs, however, veterans who are “forced to retire” by the military within the past 48 months or have imminent separation date are considered to be terminated at no fault of their own and must meet the other requirements for Category 1 Dislocated Worker to be eligible.
- Terminated does not include workers who were discharged for cause, left voluntarily, or voluntarily retired. However, individuals who accept early “forced retirement” as part of a reduction in workforce are considered DWs. Employees issued a layoff notice with a possibility of recall in the future are not considered DWs as a termination is a permanent situation, where the employer does not plan on rehiring the individual. However, a layoff notice for a period of twenty-six or more weeks is considered terminated for the purposes of determining eligibility.
- Reemployment Services and Eligibility Assessment (RESEA) eligibility is not an automatic qualifier for the DW program. Individuals do not have to be **receiving** UI benefits at the time of application to qualify as a DW.

## Category 2: Facility Closure / Substantial Layoff

1. Individual that has been terminated or laid off, or has received notice of termination or layoff, from employment as a result of any *permanent* closure or any substantial layoff at a plant, facility, or enterprise; A Substantial layoff is defined as extended mass layoffs that either involve 500 or more workers or in which the number of separations is at least one-third of the employment prior to the separation (excluding employees working less than 20 hours per week). For purposes of WIOA Title I-B eligibility, all business closed due to an emergency are considered *permanent*; **or**
2. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; **or**
3. For purposes of eligibility to receive services other than training services, individualized career services, or supportive services, is employed at a facility where the employer has made a general announcement that the facility will close.

## Category 3: Self-Employed

Individual who was self-employed (including but not limited to employment as a farmer, rancher, gig worker or fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

Gig workers are self-employed individuals providing labor services and completing single projects or tasks on demand for pay. Gig work may be obtained or performed either offline or online. Gig workers may be independent contractors, online platform workers, contract firm workers, on-call workers, or temporary workers and may enter into formal agreements with on-demand companies.

#### **Category 4: Displaced Homemaker**

A displaced homemaker is an individual who:

1. Has been providing unpaid services to family members in the home;
2. Is unemployed or underemployed and experiencing difficulty finding or upgrading employment; and
3. Meets one of the following:
  - a. Has been dependent on the income of another family member but is no longer supported by that income due to the spouse's medical condition, divorce, or death of the spouse. In addition, the loss of support income may be the result of a former wage earner's job loss and that the former wage earner may still be living in the home; or
  - b. Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of deployment, a call to active duty, a permanent change of station, or the service-connected death or disability of the member.

#### **Category 5: Dislocated/Spouse of an Active-Duty Member of the Armed Forces**

1. Who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such members. Active duty is defined in section 101(d)(1) of title 10, United States Code (U.S.C)); or
2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. A person is considered underemployed if they are employed either full or part-time, whose current annualized wage does not exceed the highest of either:
  - a. 80% of their wages at the date dislocation; or

- b. The individual's earned wages are at or below the self-sufficiency threshold established by the LWDB

### **Dislocated Worker Employment Status**

Employed individuals may be served by the DW Program. Individuals who are eligible for the DW program and are employed at the time of eligibility determination may receive services if they are underemployed or if employed temporarily in a "Stop-Gap Employment."

### **Stop-Gap Employment**

Individuals may obtain "Stop-Gap Employment" and remain eligible to receive services under the DW program.

1. Stop-Gap Employment is temporary work an individual accepts for the purposes of income maintenance.
2. If the stop-gap employment provides a self-sufficiency wage, (e.g., gig worker, contract employment or employment obtained through a temporary employment service agency known as interim employment), such employment would not change the individual's DW status and eligibility for DW services.
3. If this definition of stop-gap employment is met, there is no requirement to document income to determine self-sufficiency.

If at the time of WIOA application, the individual has been in a job for at least a year that is comparable in hours, skill, and pay to the job of dislocation, it should be considered a new primary occupation, instead of stop-gap employment. The individual may not qualify as a dislocated worker but *may* receive services through the Adult program if they meet income requirements on a Priority of Service basis.

### **Underemployed**

A person is considered underemployed and may receive dislocated worker services if they are employed either full or part-time, and their current annualized wage does not exceed the highest of either:

1. The individual or the individual's family income is at or below the self-sufficiency threshold established by the LWDB, using the income levels of the LLSIL Matrix;
- or
2. 80% of their wages at the date of dislocation.

If LLSIL self-sufficiency levels are not used to determine underemployment, an underemployed individual is defined as an individual who:

- a. Is employed less than full-time and is seeking full-time employment;

- b. Is employed in a position that is inadequate with respect to their skills and training;
- c. Meets the definition in WIOA sec. 3(36) - is considered low income; and
- d. Is employed, but whose current job's earnings are not sufficient compared to their earnings from their job of dislocation.

Verification of income must be obtained to validate the individual is underemployed (either less than 80% of wages at dislocation or below the 450% LLSIL).

### **Documenting Dislocated Worker Status**

Documentation to validate the individual's status as a DW must be in the file. If the applicant is unable to obtain or provide documentation the WIOA Title 1B Applicant Statement may be used. Refer to the Eligibility and Verification Checklist for acceptable documentation. [100A.1 WIOA Title I-B Dislocated Worker Program Eligibility Checklist](#)

Income calculation is not required for unemployed dislocated workers. Income calculation is only required to determine eligibility for the DW program if the applicant is employed at the time of eligibility determination and the employment does not meet the definition of stop-gap employment and their current wages are at least 80% of their wages at the date of dislocation. Service providers may use "Self-Sufficiency for DW" Column, 450% LLSIL, to compare the family's total income to the income level for the individual's family size to determine if the individual is considered self-sufficient in the local area, and not underemployed.