

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Program: WIOA Title I-B Dislocated Worker

Policy: Definition of Dislocated Worker

Effective Date: March 11, 2020

Revision: 1

I. Policy Statement

In response to a federal and state declaration of emergency and in accordance with U.S. Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) [19-16](#), this policy institutes an update definition of “Dislocated Worker” to expand WIOA Title I-B Dislocated Worker eligibility to include many individuals affected by the COVID-19 emergency.

II. Applicability

This policy applies to the definition of the Dislocated Worker in the [WIOA Title I-B Adult and Dislocated Worker Program Policy](#), Chapter 2, Section 103.02 and 103.03. The provisions of this policy apply retroactively to March 11, 2020 and remains in effect until further notice.

III. Authority

[WIOA sec. 3\(15\)\(B\)\(ii\) or \(iii\)](#)

TEGL [19-16](#), WIOA Operating Guidance, [Attachment III](#).

[20 CFR 680.130](#) - What are the Eligibility Criteria for Career Services for Dislocated Workers in the Adult and Dislocated Worker Programs?

IV. Definitions

COVID-19: Novel coronavirus SARS-CoV-2.

Displaced Homemaker: An individual who has been providing unpaid services to family members in the home but is no longer supported by that income.

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

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V. Standards

- A.** All sections of [WIOA Title I-B Adult and Dislocated Worker Program Policy](#), Chapter 2, Section 100 remain the same with the exception of Section 103.02 and 103.03.
- B.** [WIOA Title I-B Adult and Dislocated Worker Program Policy](#), Chapter 2, Section 103.02 WIOA Dislocated Worker Eligibility is amended as follows:

 - 1. Eligibility of a dislocated worker is determined at the time of enrollment. This determination remains intact for the period of Participation in the Dislocated Worker (DW) program.
 - 2. A dislocated worker is an eligible adult (see Section 103.01), except for the requirement that the individual must be 18 years of age or older, who meets one of the following four categories.
- C.** [WIOA Title I-B Adult and Dislocated Worker Program Policy](#), Chapter 2, Section 103.02.A WIOA Dislocated Worker Eligibility, Category I remains the same.
- D.** [WIOA Title I-B Adult and Dislocated Worker Program Policy](#), Chapter 2, Section 103.02.B WIOA Dislocated Worker Eligibility, Category II is revised as follows:

 - 1. Includes an individual who has been terminated through no fault of their own or laid off, or has received a notice of termination or layoff from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise. A substantial layoff is defined as an 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 those employees that work less than 20 hours a week (U.S. Bureau of Labor Statistics). For purposes of WIOA Title I-B eligibility, all business closures due to the COVID-19 emergency are considered permanent; or

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2. Includes an individual who is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days. This includes an announcement of a temporarily business closure due to COVID-19 emergency; or
3. For purposes of eligibility to receive services other than training services, career services, or supportive services, includes an individual employed at a facility at which the employer has made a general announcement that such facility will close.

E. [WIOA Title I-B Adult and Dislocated Worker Program Policy](#), Chapter 2 Section 103.02.C, WIOA Dislocated Worker Eligibility, Category III, is revised as follows:

1. Includes an individual who was self-employed, including employment as an independent contractor, small business owner, gig worker, farmer, rancher, or fisherman, and
2. Is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

F. [WIOA Title I-B Adult and Dislocated Worker Program Policy](#), Chapter 2, Section 103.02.D, WIOA Dislocated Worker Eligibility, Category IV, is revised as follows:

1. Is a displaced homemaker. This includes an individual who is no longer supported by their spouse due to their spouse being diagnosed with COVID-19;
2. Is the spouse of a member of the Armed Forces on active duty, as defined in U.S.C. Title 10 Section 101 (d) (1), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member;
or

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3. Is the spouse of a member of the Armed Forces on active duty, or who has been discharged from the military, and 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 Local Workforce Development Board.

G. [WIOA Title I-B Adult and Dislocated Worker Program Policy](#), Chapter 2, Section 103.03, WIOA Dislocated Worker Verification of Layoff or Termination, is amended as follows:

1. Methods to verify layoff include verification from the employer, a WARN notice, a public announcement with a follow-up cross-match with the UI system, or a Rapid Response list showing names of affected employees.
2. When gathering verification documentation becomes a hardship, the LWDA may accept the *WIOA Title IB Applicant Statement* (WIA-1027A). A list of acceptable documentation that satisfies verification requirements for veterans and spouses of veterans can be found in the *WIOA Title IB Eligibility Checklist* (WIA-1027B).
3. The term "terminated" includes furlough workers or workers whose hours have been reduced but does not include workers who were terminated for cause, left voluntarily, or voluntarily retired.
4. The status of an individual must be determined prior to providing services.

H. [WIOA Title I-B Adult and Dislocated Worker Program Policy](#), Chapter 2, Section 103.03.B, WIOA Dislocated Worker Verification of Layoff or Termination, remains the same.

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- I. [WIOA Title I-B Adult and Dislocated Worker Program Policy](#), Chapter 2, Section 103.03.C, WIOA Dislocated Worker Verification of Layoff or Termination, has been removed.
- J. [WIOA Title I-B Adult and Dislocated Worker Program Policy](#), Chapter 2, Section 103.03.D, WIOA Dislocated Worker Verification of Layoff or Termination, has been removed.

VI. Procedure

Service Provider staff must enter a case note in the Arizona Job Connection (AJC) system to reflect that dislocated worker eligibility was determined based on one of the four categories, and specifically note if eligibility was based on COVID-19.