

**State of Alaska**  
**Department of Labor and Workforce Development**

<b>Divisions:</b>	Alaska Workforce Investment Board (AWIB), Employment and Training Services (DETS)	<b>Policy:</b> 07-524.2
<b>Subject:</b>	Workforce Innovation and Opportunity Act (WIOA) Title IB Dislocated Worker Eligibility	<b>Pages:</b> 10
<b>Reference:</b>	<a href="#">WIOA Public Law 113-128 Sections 3, 133, 134, 168, and 170</a> ; <a href="#">Armed Forces U.S. Code: Title 10</a> ; <a href="#">Adult and Dislocated Worker Activities Under Title I of WIOA</a> <a href="#">20 CFR Part 680</a> ; <a href="#">National Dislocated Worker Grants</a> <a href="#">20 CFR Part 687</a> ; <a href="#">Guidance on Services provided through the Adult and Dislocated Worker Programs</a> <a href="#">TEGL19-16</a> ; <a href="#">Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs</a> <a href="#">TEGL 23-19, Change 3</a> ; and <a href="#">Updated National Dislocated Worker Grant Program Guidance and Application Information TEGL 09-24</a>	<b>Effective:</b> 2/3/2016 <b>Revised:</b> 6/19/2020 <b>Revised:</b> 1/8/2026
<b>Approved:</b>	 Dirk Craft AWIB Executive Director	<u>1-8-2026</u> Date
<b>Approved:</b>	 Paloma Harbour DETS Director	<u>1/8/2026</u> Date

### 1. Applicability/Parties Affected

This policy applies to AWIB staff, DETS staff, National Dislocated Worker Grant (NDWG) subaward recipients, and individuals applying for services under the following programs:

- a) Dislocated Worker Program;
- b) National Dislocated Worker Grants; and
- c) Rapid Response Program additional assistance.

## 2. Background

Individuals applying for services under the Dislocated Worker Program, a National Dislocated Worker Grant, or Rapid Response Program additional assistance must meet specific dislocated worker eligibility criteria as set forth in WIOA.

As noted in TEGL 19-16, in order to further clarify the definition of a dislocated worker, the WIOA Final Rule at 20 CFR 680.130(b) allows for Governors and Local Workforce Development Boards (WDBs) to create policies to define terms such as a "general announcement" of a plant closing consistent with WIOA sec. 3(15)(B)(ii) or (iii), "unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters," and "unlikely to return to a previous industry or occupation" under WIOA sec. 3(15)(A)(iii) consistent with 20 CFR 680.660. Governors and Local WDBs may also develop policies for determining the eligibility of self-employed individuals, including family members and farm workers or ranch hands under WIOA sec. 3(15)(C). Additionally, States and Local WDBs should note that the definition of dislocated workers must include separating service members.

As noted in TEGL 09-24, NDWG grant recipients must develop and follow written policies and procedures for determining NDWG participant eligibility; these policies should include how the grant recipient applies terms such as "laid off as a consequence of the emergency or disaster," "long-term unemployed," and "significantly underemployed."

## 3. Policy

Division staff and subrecipients administering these programs shall determine dislocated worker eligibility for applicants based on the following criteria:

- a) be authorized to work in the United States;
- b) be in compliance with Selective Service registration requirements; **AND**
- c) meet at least one of the WIOA dislocated worker categories (A - E) or the NDWG subcategories (F or G).

### Dislocated Worker Categories

#### A. Terminated or Laid Off from Employment and Unlikely to Return

This includes individuals who

1. have been terminated or laid off, or who have received a notice of termination or layoff, from employment – including separation notice from active military service (under other than dishonorable conditions); **AND**
2. are eligible for or have exhausted entitlement to unemployment compensation or have been employed for a duration sufficient to demonstrate an attachment to the workforce but are not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under the state unemployment compensation law; **AND**

3. are unlikely to return to a previous industry or occupation because
  - they lack the necessary skills due to technological or other changes in the occupation (individuals in Registered Apprenticeship programs who are laid off in order to participate in related training instruction or who are working as an apprentice, but must complete related technical instruction as part of their job fall into this category); or
  - they no longer meet the minimum requirements of the job (individuals who are employed and have received a notice they must obtain a specific credential or training in order to remain employed fall into this category); or
  - labor market conditions do not allow for the individual to return to their previous industry or occupation as the supply of persons with the specific skills exceeds current demand; or
  - they have physical or mental disabilities that prevent them from returning to their previous occupation; or
  - they are unemployed or under employed and experiencing difficulty in obtaining or upgrading employment underemployed; or
  - they have exhausted their UI benefits and have been unable to find a job in their previous industry or occupation; or
  - they have barriers to employment that staff determine will impact the individual's likelihood of returning to their previous industry or occupation, such as
    - Justice impacted
    - High school dropout
    - Homeless
    - Cultural or language barrier
    - Older worker (55+)
    - Basic skills deficient

## **B. Plant, Facility, or Enterprise Closure or Substantial Layoff**

This includes individuals who

1. have been terminated or laid off, or have received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff (at least 25 or more than 33 percent of workers at a single location) at, a plant, facility, or enterprise; **OR**
2. are employed at a facility where 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 described in WIOA section 134(c)(3), career services described in WIOA section 134(c)(2)(A)(xii), or supportive services, are employed at a facility where the employer has made a general announcement that the facility will close.

### **C. Self-Employed**

This includes individuals who were legally self-employed (including employment as a farmer, a rancher, or a fisherman) but, as a result of general economic conditions or natural disasters, are now unemployed or underemployed, i.e., engaging in stopgap or temporary employment.

### **D. Displaced Homemaker**

WIOA section 3(15) defines a displaced homemaker as a dislocated worker and WIOA section 3(16) defines a displaced homemaker as an individual who

1. has been providing unpaid services to family members in the home; **AND**
2. has been dependent on the income of another family member but is no longer supported by that income; **OR**
3. is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment; a call or order to active duty pursuant to a provision of law referred to in Title 10, United States Code, section 101(a)(13)(B); a permanent change of duty station; or the service-connected death or disability of the member; **AND**
4. is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

### **E. Eligible Military Spouse**

20 CFR 680.630 expands the definition of dislocated workers to include the spouse of an active duty member of the Armed Forces who

1. has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the spouse; **OR**
2. are unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment; **OR**
3. meets the displaced homemaker criteria, described in section D.

## National Dislocated Worker Grant Categories

### **F. Disaster Recovery Dislocated Worker Grant Eligibility Subcategories**

This category includes individuals who have relocated or evacuated from an area as a result of a disaster that has been declared or otherwise recognized and meet one of the following criteria.

#### **1. Eligible Under WIOA Dislocated Worker Categories (A-E above)**

Individuals eligible through WIOA Dislocated Worker Categories (A – E above) are considered to meet Disaster Recovery NDWG eligibility criteria.

#### **2. Temporarily or Permanently Laid Off Due to the Emergency or Disaster**

Individuals who have been temporarily or permanently laid off due to the emergency or disaster.

- For purposes of this participant eligibility category, “laid off” may be read as “lost a job.”

- Loss of a job due to the emergency or disaster can vary significantly based on the emergency or disaster. For example, “laid off as a consequence of the disaster” might apply to an individual who is fired from employment for use of opioids and therefore not likely an eligible “dislocated worker” under the definition at WIOA Section 3(15). They might be eligible to participate in a Disaster Recovery DWG when the disaster is the HHS public health emergency declaration related to the opioid crisis; the term “laid off” here may be interpreted to mean that such an individual lost their employment, but because the loss of employment is as a result of the declared disaster or emergency situation, this may make that individual eligible to participate in a Disaster Recovery NDWG addressing the opioid crisis.
- There is no specific time requirement for the temporary loss and if the individual has since returned to work, they may retain their eligibility if they need training for higher-wage employment opportunities that will help them meet self-sufficiency in accordance with DETS [Self-Sufficiency Policy 07-514](#).
  - Per TEGL 09-24, a worker who was employed in a job with low wages cannot work for a time due to the disaster that then returns to work after repairs are made may be eligible to receive services under a Disaster Recovery NDWG and enroll in training for higher-wage employment opportunities applying the eligibility category of “temporarily or permanently laid off”.

### 3. Long-Term Unemployed

This includes individuals who:

- have a sparse work history; **OR**
- are soon to be released incarcerated individuals; **OR**
- are Homeless Veterans Reintegration Program grant participants; **OR**
- have been unemployed for 27 or more consecutive weeks; **OR**
- have been unemployed for 27 or more total weeks during the last 12 months.

#### i. Self-Employment Impacted by the Emergency or Disaster

This includes individuals who were self-employed but, due to the emergency or disaster, are now unemployed or significantly underemployed.

## G. Employment Recovery NDWGs Eligibility

### 1. Eligible Under WIOA Dislocated Worker Categories (A-E above)

Individuals eligible through WIOA Dislocated Worker Categories (A – E above) are considered to meet Employment Recovery NDWG eligibility criteria.

### 2. Department of Defense Contractors

This includes A person who is either:

- A civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed or will undergo realignment within 24 months after the date of determination of eligibility; or
- An individual employed in a non-managerial position with a Department of Defense contractor determined by the Secretary of Defense to be at risk of termination from employment as a result of reductions in defense expenditures **AND** whose employer is converting from defense to non-defense applications in order to prevent worker layoffs.

### 3. Members of the Armed Forces

A member of the Armed Forces who:

- Was on active duty or full-time National Guard duty;
- Is involuntarily separated from active duty or full-time National Guard duty (as defined in 10 U.S.C. 1141), or is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under 10 U.S.C. 1174a, or the voluntary separation incentive program under 10 U.S.C. 1175;
- Is not entitled to retired or retained pay incident to the separation; **AND**
- Applies for employment and training assistance under this part before the end of the 180-day period beginning on the date of the separation.

### 4. Other Members of the Armed Forces

For situations where higher-than-average demand for employment and training activities for dislocated members of the Armed Forces, dislocated spouses of members of the Armed Forces on active duty (as defined in [10 U.S.C. 101\(d\)\(1\)](#)), or members of the Armed Forces described in [§ 687.170\(a\)\(1\)\(iii\)](#), exceeds State and local resources for providing such activities, a person who is:

- A dislocated member of the Armed Forces; or
- A member of the Armed Forces as described in the above subcategory 3; or
- The dislocated spouse of a member of the Armed Forces on active duty (as defined in 10 U.S.C. 101(d)(1)).

### 5. Additional Eligibility Due to Passage of a Formal Base Realignment and Closure (BRAC) Law

In the event of a formal BRAC law being passed, the U.S. Department of Labor Employment and Training Administration will issue special program guidance and indicate additional Employment Recovery DWG eligibility.

## 4. Definitions

**Active Duty** (38 USC 101(21)) means full-time duty in the active military service of the United States. This includes full-time training duty, annual training duty, and attendance – while in active military service – at a school designated as a service school by law or by the Secretary of the military department concerned. This does not include full-time National Guard duty.

Equal Opportunity Employer/Program  
Auxiliary aids and services available upon request to individuals with disabilities.

**Deployment** (10 USC 991(b)) refers to:

- A) Any day when, pursuant to orders, the member is performing service in a training exercise or operation at a location (or under circumstances) that make spending off-duty time in the housing where the member resides when on garrison duty at their permanent duty station or homeport.
  - a. In the case of a member of a reserve component who is performing active service pursuant to orders that do not establish a permanent change of station, the housing is any housing – including the member’s residence – that the member usually occupies for use during off-duty time when on garrison duty at the member’s permanent duty station or homeport.
- B) A member is not deployed or in a deployment when the member is:
  - i. performing service as a student or trainee at a school (including any government school); or
  - ii. performing administrative, guard, or detail duties in garrison at the member’s permanent duty station; or
  - iii. unavailable solely due to
    - a. a hospitalization of the member at the member’s permanent duty station, homeport, or in the immediate vicinity of the member’s permanent residence; or
    - b. a disciplinary action taken against the member.

**Eligible Spouse** (TEGL 19-16, Attachment III) is an individual whose military active duty or veteran spouse was:

- C) any veteran who died of a service-connected disability;
  - i. any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
    - b. missing in action;
    - c. captured in the line of duty by a hostile force;
    - d. forcibly detained or interned in the line of duty by a foreign government or power.
  - ii. any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
  - iii. any veteran who died while a disability was in existence.

Note: A spouse whose eligibility is derived from a living veteran or service member would lose their eligibility if the veteran or service member no longer has the status that provided the basis for eligibility. Similarly, divorce from the veteran or service member will also result in a loss of eligibility.

**Family** means two or more persons related by blood, marriage, or decree of court (meaning guardianship or adoption), who are living in a single residence (defined as the principal dwelling place or home where the individual resides), and meet one or more of the following categories:

- i. A couple that is lawfully married, and dependent children; or
- ii. A parent or guardian and dependent children; or
- iii. A couple that is lawfully married

**Involuntary Separation** (10 USC 1141) – a member of the armed forces is considered to be involuntarily separated if they were on active duty or full-time National Guard duty on 09/30/1990 or after 11/29/1993 or on active duty in the Coast Guard after 09/30/1994 and one of the following is met.

- i. In the case of a regular officer (other than a retired officer), the officer is involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned.
- ii. In the case of a reserve officer who is on the active-duty list or, if not on the active-duty list, is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the officer is involuntarily discharged or released from active duty or full-time National Guard (other than a release from active duty or full-time National Guard duty incident to a transfer to retired status) under other than adverse conditions, as characterized by the Secretary concerned.
- iii. In the case of a regular enlisted member serving on active duty, the member is denied reenlistment or involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned.
- iv. In the case of a reserve enlisted member who is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the member is denied reenlistment, involuntarily discharged, or released from active duty (or full-time National Guard) under other than adverse conditions, as characterized by the Secretary concerned.
- v. In the case of an officer of the Space Force (other than a retired officer), the officer is involuntarily discharged or released from active duty under other than adverse conditions, as characterized by the Secretary of the Air Force.
- vi. In the case of an enlisted member of the Space Force, the member is denied reenlistment, involuntarily discharged, or released from active duty under other than adverse conditions, as characterized by the Secretary of the Air Force.

**Layoff** is the involuntary loss of a job for a period of 45 days or longer. If the applicant is on layoff and has a recall date of less than 45 days, they are not eligible, but if no recall date 45 or more days out, then they are eligible.

**Lack of necessary skills to become reemployed due to the current requirements of the industry or occupation** – to be identified by an assessment of the individual's current skills and abilities and compared to current labor market demands, or rejection letters from employers for lack of necessary skills.

**Military Spouse** is an individual who is married to an active duty service member including National Guard or Reserve personnel on active duty. The surviving spouse of an active duty service member who lost his/her life while on active duty service is considered a military spouse.

**Self-employed** is an individual who has established a business, has a business license, carries on the activities of the business on a regular basis in a businesslike manner, maintains books and records, including a record of business receipts and expenditures and files quarterly and annual reports as required by the State of Alaska and the Internal Revenue Service. This includes individuals working as a farmer, a rancher, fisherman, or as an independent contractor or consultant but not technically an employee of a firm.

**Service Connected** (38 USC 101(16)) – indicates, when discussing death and disability, that the disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty during active military, naval, or air service.

**Significantly Reduced** means,

- i. if the family income was above 250% of the Federal Poverty Level, then a decrease in income to 250% of the Federal Poverty Level or below; or
- ii. if the family income was at or below 250% of the Federal Poverty Level, then any decrease in income is considered significant.

**Significantly Underemployed** means,

- iii. if the self-employment income was above 250% of the Federal Poverty Level, then a decrease in income to 250% of the Federal Poverty Level or below; or
- iv. if the self-employment income was at or below 250% of the Federal Poverty Level, then any decrease in income is considered significant.

**Stopgap or Temporary Employment** (07-514.3) means employment accepted for the purpose of income maintenance that pays less than self-sufficiency or is temporary with a definite end date. This temporary employment must be with an employer other than the employer of dislocation.

**Termination** is the involuntary permanent loss of a job. Individuals who accept early retirement or forced retirement or otherwise lose their employment as a part of a reduction in a workforce are considered to have been terminated or received notice of termination.

**Transitional job** (20 CFR 680.190) – refers to a time limited work experience that is wage-paid, subsidized, and is in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history. These are designed to enable an individual to establish a work history, demonstrate work success in an employer-employee relationship, and develop the skills necessary for unsubsidized employment.

**Unemployed** means an individual who is not engaged in gainful employment but is available for work and is actively seeking gainful employment.

**Underemployed** means the individual is not working at full capacity based on their training, skills, and abilities. Employment has been limited to one or more part-time (20 hours per week or less) or short-term (four months or less) jobs within the prior year, which were for

the purpose of income maintenance rather than a career path. Employment has been in stop gap, temporary or “dead end” jobs, which would not prepare the individual for permanent reemployment in the previous industry or occupation. Employment is providing less than 80% of pre-dislocation earnings.

**Voluntary Separation Incentive Program** (10 USC 1175) – refers to a program allowing the Secretary concerned to provide voluntary separation pay and benefits to eligible members of the armed forces who are voluntarily separated from active duty in the armed forces.