South Central Iowa Workforce Area Local Workforce Development Board

Unlikely to Return Eligibility Policy

Memo No: 22-1
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References
Workforce Innovation and Opportunity Act (WIOA) Final Rules WIOA Sec 3(15)(A)(iii), 20 CFR § 680.130, § 680.660, Workforce Services Policy Chapter 8 WIOA Title 1B Programs

Purpose
This policy outlines the South Central Iowa Workforce Board definitions and establishes the criteria for Unlikely to Return to a previous industry or occupation for determining eligibility for the Title I Dislocated Worker Program.

Background
WIOA Section 3(15)(A)(iii) defines the term dislocated worker and identifies the dislocated worker categories individuals may qualify for WIOA services. Unlikely to return to a previous industry or occupation is an eligibility requirement for Dislocated Worker Category 1 and Category 2. § 680.130 allows Local Workforce Development Boards to establish policies to use in determining an individual's eligibility as a Dislocated Worker, including unlikely to return.

Substance
Definition: "Unlikely to Return"- May be defined in terms of economic conditions, job availability, family, personal or financial circumstances that may affect the likelihood of an individual returning to his or her previous industry or occupation for employment.

Criteria for "Unlikely to Return"
South Central Workforce Board has determined a Dislocated Worker is unlikely to return to a previous industry or occupation if one of the following criteria is met:

1. Separating service members.
2. Previous occupation was in a declining industry or occupation based on Labor Market Information documentation.
3. Has a physical limitation or an injury which limits the individual's ability to perform the job from which they were dislocated or other problems which would preclude reentry into the former industry or occupation, as documented by a physician or other professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.).
4. Has exhausted Unemployment Insurance Benefits and has been unable to find a job in their previous industry or occupation.
5. Individuals that may have worked seasonally can be considered unlikely to work in a previous industry or occupation as a temporary or seasonal worker, for a variety of reasons such as:
   · Change in family situation that requires higher income
   · Disability that precludes returning to the same industry or occupation
   · Natural disaster that results in lost wages

· Loss of agricultural land
· Mechanization
· Any significant variance to normal seasonal employment patterns resulting in uncertain return-to-work dates

6. Individuals laid off on a temporary basis without a specific recall date. An individual is considered as likely to return to a previous industry or occupation if they have a specific recall date from the employer of the qualifying dislocation that is within 12 weeks of termination or layoff. Note: Individuals who have been temporarily laid off due to COVID-19 are eligible under this condition granted they do not have a recall date within 12 weeks of the layoff.
7. Recent criminal charges that make the individual ineligible to work in their current industry or occupation.
8. Has a gap in employment that decreases the chances of returning to the same level of occupation or type of position.
9. Unable to obtain credential required by the employer to remain employed.

Allowable Source Documentation

- DD-214
- Labor Market Information Printout
- Documentation from a Medical Provider
- Unemployment Insurance Records
- Financial Records
- Employment Records/Statement
- Layoff Letter from Employer
- Court Records

Action

All staff will follow the policies outlined.

Contact

If there are any questions related to the information in this issuance, contact Krista Tedrow at sciaworkforceboard@gmail.com.

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Natalie McGee

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South Central Iowa LWDB Chair

Equal Opportunity Programs/Employer – Auxiliary aids and services available upon request for individuals with disabilities