



Unlikely to Return Eligibility

Effective Date

4/22/2021, Revision 10/11/2023

Purpose

This policy outlines the Northeast Iowa Workforce Development Board's (NEIWDB) 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.

Policy

Definition

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"

NEIWDB has determined a Dislocated Worker is unlikely to return to a previous industry or occupation if one of the following criteria is met:

- Separating service members.
- Individuals who have worked in a declining industry or occupation, as documented on state or locally developed labor market statistic lists of such industries or occupations.
- Individuals who cannot return to their previous industry or occupation because they have physical or other limitations, which would prevent reentry into the former industry or occupation.
- 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 a 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.



Local Policies – Title IB Programs

- Any significant variance to normal seasonal employment patterns resulting in uncertain return-to-work dates.
- 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.

Allowable Source Documentation

- DD-214 with other than dishonorable discharge
- Labor Market Information showing occupation in decline
- Documentation of physical or other limitations restricting return to previous occupation
- Documentation of seasonal work and change in family situation, disability, natural disaster that resulted in lost wages, loss of agricultural land, or mechanization
- Documentation of layoff from seasonal work with no recall dates

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

Please refer to the IWD SharePoint Training Hub for additional information and allowable documentation.