

POLICY

TITLE:	Unlikely to Return Policy	PROGRAM:	DLW
EFFECTIVE DATE:	August 11, 2011	REVISIONS:	November 1, 2017

By WIOA definition, a Category One Dislocated Worker is as follows:

“An individual who has been terminated/laid off, or who has received a notice of termination or layoff, from employment; is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one stop center, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and is unlikely to return to a previous industry or occupation.”

The intent of this policy is to provide clarification regarding acceptable documentation for the unlikely to return component of the Category One Dislocated Worker definition. In order to document that an individual is unlikely to return to a previous industry or occupation, the Workforce Development Board is requiring that Program Operators use the following documentation.

An individual unlikely to return to previous industry or occupation must meet at least one (1) category in item A below **AND** must meet the requirement contained in item B (1) below.

Item A:

1. The most current Labor Market Information (LMI) from the Virginia Workforce Connection for LWDA II indicating a decline in the occupation. If no LMI is available for LWDA II or if LMI for LWDA II does not indicate a decline in the occupation, LMI for the Commonwealth of Virginia can be used. For purposes of documenting Unlikely to Return to previous industry or occupation, Program Operators should consider the long term (ten years) employment projections for that occupation. LMI that reflects a projected employment outlook that is less than the most recent estimated employment for the occupation will be considered a declining occupation. This data can be obtained from the occupational profile in the labor market services of the Virginia Workforce Connection.

or

2. If the most current Labor Market Information (LMI) does not show a decline, the Program Operator(s) can document one or more of the follow and provide a detailed explanation in the participant’s case notes:
 - a) Qualifications for occupation/industry changed and jobseeker is no longer qualified.
 - b) Obsolete individual skills in demand occupation which makes the individual non-competitive.
 - c) Finding employment in current occupation will require skills upgrading.
 - d) Jobseeker became disabled and cannot perform in previous occupation or industry.
 - e) Industry was represented by only one employer in area and is now out of business.
 - f) Excess number of workers with similar skill sets and experience seeking limited employment opportunities in the region.
 - g) Other – (Please Specify).

or

3. Receipt of UI benefits showing duration of receipt of UI for at least 12 of the previous 26 weeks

Note:

For Item A, Case Managers must complete the Unlikely to Return to Previous Industry/Occupation Analysis form (attached) which must be signed, dated, and included in the client's paper file in the eligibility section of the folder.

Item B:

1. Documentation from separating employer indicating that the individual is unlikely to return for a period of at least six months or longer. If the Program Operator is unable to obtain this documentation from the separating employer, permission to serve must be granted in writing by the WDB Executive Director.

Unlikely to Return to Previous Industry/Occupation Analysis

(Please attach LMI for previous industry/occupation or UI as applicable)

Participant Name		Date
Previous Occupation:		Previous Industry:
Employer:		
SECTION A		
Unlikely to Return Justification <i>(please check)</i> <input type="checkbox"/> LMI Data <i>(complete SECTION B below)</i> <input type="checkbox"/> Declining LMI <input type="checkbox"/> NOT Declining LMI OR <input type="checkbox"/> Receipt of UI benefits showing duration of receipt of UI for at least 12 of the previous 26 weeks		
SECTION B		
If LMI does not show declining industry or occupation, list reason for Jobseeker to be unlikely to return to previous industry or occupation. <i>(please check all that apply and provide detailed explanation in the participant's case notes).</i>		
<input type="checkbox"/> Qualifications for industry/occupation changed and jobseeker is no longer qualified. <input type="checkbox"/> Obsolete individual skills in demand occupation which makes the individual non-competitive. <input type="checkbox"/> Finding employment in current occupation will require skills upgrading. <input type="checkbox"/> Jobseeker became disabled and cannot perform in previous occupation or industry. <input type="checkbox"/> Industry was represented by only one employer within a _____ mile radius and is now out of business. <input type="checkbox"/> Excess number of workers with similar skill sets and experience seeking limited employment opportunities in the region within a _____ mile radius. <input type="checkbox"/> Other: (please specify)		
Indicate proposed Career or Training Services to be provided:		
Justification for provision of Career or Training Services (indicate benefits):		
Ability of participant to benefit from planned training:		
SECTION C		
I have evaluated the status of the above job seeker and have determined that based on the interview, findings, documentation and industry information, this jobseeker is unlikely to return to previous industry or occupation.		
Prepared and evaluated by:		Date: