



ANNE ARUNDEL  
WORKFORCE DEVELOPMENT  
CORPORATION

Policy and Procedure Memorandum 2017-AJC-04

**WIOA Dislocated Worker "Unlikely to Return" – Effective December 1, 2016**

**TO:** Anne Arundel Workforce Development Corporation (AAWDC) staff

**FROM:** Kirkland Murray  
President and CEO  
Anne Arundel Workforce Development Corporation

**SUBJECT:** Local Area Definition of "Unlikely to Return"

**PURPOSE:** To provide guidance to AAWDC staff on the Anne Arundel County Local Workforce Development Board's understanding of the term "unlikely to return" as it is used in relation to WIOA Title I Dislocated Workers.

**ACTIONS:** Directors will ensure that all employees are educated on and have received copies of this policy. All AAWDC PPMs shall be posted on the Shared drive.

**EXPIRATION:** N/A

**QUESTIONS:** Susan Ross  
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**CANCELLATIONS**

This policy supersedes and replaces any local conventions in effect by any AAWDC program or administrative entity.

AAWDC Approvals

JWP Office of Research, Performance and Compliance  
N/A Fiscal Office  
JK Program Director  
KJM President and CEO  
N/A Workforce Development Board

### ***General Information***

The Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) defines a Dislocated Worker as several ways. The most common definition used for eligibility purposes consists of a three-part test. First, the individual must have been terminated or laid off through no fault of their own. Second, the individual must be eligible for Unemployment Insurance (UI) compensation or be able to demonstrate an attachment to the workforce (for those not eligible for UI). Finally, the individual must demonstrate that they are unlikely to return to their previous industry or occupation.

Maryland Policy Issuance 2016-10 state that each Local Area is to define what "unlikely to return" means in the context of the area's Dislocated Worker Program.

### ***Unlikely to Return to Previous Occupation or Industry***

The Anne Arundel County Workforce Development Board has defined "unlikely to return" in the WIOA Local Plan for 2016-2020. Within the Plan, the Board defined the term in the broadest possible terms: family, personal, lack of necessary skills, or financial circumstances that may affect the likelihood of the participant to return to a previous industry or occupation.

To qualify as a Dislocated Worker, a participant must be laid off without a recall date or must have a recall date that is in the past. In other words, if you are enrolling a participant on June 30, 2016 and the participant presents a lay-off notice indicating that he can be recalled to work by August 1, 2016, then the participant is NOT a Dislocated Worker under the local definition. Case managers would still be able to enroll the individual as an Adult Worker and could reassess his eligibility for Dislocated Worker status after August 1 if the case manager chose to do so.

In addition to the above condition, a Dislocated Worker must meet one of the following conditions:

- The number of jobs in the participant's previous industry or occupation is declining based on Labor Market Information (LMI);
- The projected annual increase in employment growth within the local area based on employment data is fewer than 100 jobs in the previous industry (including replacements);
- The projected annual increase in growth openings is fewer than 30 jobs in the previous occupation;
- The participant is dislocated from a job not in the local area's new and emerging industries and occupations sector priority approved list;
- The participant has conducted a dedicated but unsuccessful job search in the previous industry and occupation, as evidence by employer rejection letters or employer contact logs; or
- The participant is unable to perform the duties of the previous job due to age, ability, or disability.

### ***Performance Accountability***

The Office of Research, Performance and Compliance has established the following case management guidelines:

1. The use of the AAWDC Unlikely to Return Form will provide all information necessary to determine eligibility for the WIOA Title I Dislocated Worker Program.
2. The maintenance of adequate documentation to ensure accuracy of eligibility determination shall (at a minimum) include the above-mentioned forms, plus copies of documentation used to make said determination.
3. Signature and dates of signatures for the applicant must be signed in ink.
4. All data related to eligibility must be entered into the Maryland Workforce Exchange (MWE) within fourteen (14) days of eligibility verification. A master file must be sent to the WIOA Adult Program Assistant at the same time.

### ***Reporting and Monitoring***

The Office of Research, Performance, and Compliance (RPC Office) will utilize the reporting capabilities of the MWE to monitor WIOA Dislocated Worker eligibility determinations. Additionally, the RPC Office may review eligibility determination during regularly scheduled and desk audits by compliance staff. The RPC Office shall analyze these audit for compliance with the procedures enumerated here and may require corrective action if found deficient.

Each Program Year, the RPC Office will conduct a risk management assessment of the WIOA Adult program to determine what level of monitoring is necessary beyond the reporting noted above.