



**Policy Memorandum 2022-#**

**Title I Dislocated Worker “Unlikely to Return” – Effective [Date]**

**INTENDED AUDIENCE:**

All partner staff who work with Title I Dislocated Worker-funded participants

**SUBJECT:**

Local Area Definition of “Unlikely to Return” as the term applies to Title I Dislocated Worker eligibility

**PURPOSE:**

The Workforce Innovation and Opportunity Act (WIOA) defines a Dislocated Worker in several ways. The most common definition used for eligibility purposes consists of a three-part test.

1. The individual must have been terminated or laid off through no fault of their own;
2. The individual must be eligible for Unemployment Insurance compensation or be able to demonstrate an attachment to the workforce; and
3. The individual must demonstrate that they are unlikely to return to their previous industry or occupation.

Maryland’s Policy Issuance 2018-06 states each local area will define “unlikely to return” in their local plan.

**POLICY CONTACT:**

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***Revision History***

<u>Policy Number</u>	<u>Date of Revision</u>	<u>Significant Change</u>
2017-04	12/1/2016	Incorporated local area definition under 2016 Local Plan

Approvals

Local Board Chair \_\_\_\_\_

Local Area Director \_\_\_\_\_

## ***Policy Statement***

According to the Anne Arundel 2021 Local Plan, the Board defines “unlikely to return” in the broadest 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.

Specifically, the definition states that a dislocated who is unlikely to return is:

An individual who is laid off without a recall date, or the recall date has passed, and falls into one of the following categories:

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

## ***Related Policies and Other Resources***

### Law

- *Workforce Innovation and Opportunity Act of 2014*, 29 U.S.C. §§ 3101 et seq.

### Regulatory Guidance

- *Code of Federal Regulations, 20 CFR § 680.130* – What are the eligibility criteria for career services for dislocated workers in the adult and dislocate worker programs?

### U.S. Department of Labor Guidance

- Training and Employment Guidance Letter (TEGL) 19-16, “Guidance on Services provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act and Wagner Peyser, as amended by WIOA Title III, Under the WIOA Final Rule,” dated March 1, 2017.

### Maryland Department of Labor Guidance

- Policy Issuance 2018-06, “Workforce Innovation and Opportunity Act (WIOA) Title I Program Eligibility,” dated August 21, 2018

### Local Area Resources

- Anne Arundel County Local Workforce Development Board 2021 Local Plan