



Bay Consortium Workforce Development Board

Policy Number: 18-01

Effective Date: August 3, 2018

Revised Date: November 4, 2020

Title: Unlikely to Return to Previous Occupation or Industry Policy

PURPOSE

To establish criteria for the Unlikely to Return aspect of eligibility for the WIOA Dislocated Worker program.

REFERENCE

Workforce Innovations and Opportunity Act of 2014 Sec. 3(15)(A)(iii)

POLICY

Evaluation and documentation of the status known as “Unlikely to Return to Previous Occupation or Industry” is required by the Local Workforce Development Area. The evaluation must be based on a review of a number of criteria below:

To determine “unlikely to return” to previous industry or occupation, the applicant must fall into one of following:

- The applicant worked in a declining industry or occupation as documented on a list developed by the state or local area.
- There are limited job orders in the area at the time of application.
- The applicant does not have the necessary skills for re-entry into his/her former occupation.
- The applicant has applied for positions, consistent with unemployment insurance qualification requirements, in their previous industry/occupation within the six months prior to application and has not been offered suitable employment.
- The applicant is unable to return to previous industry/occupation because of an injury, disability or other physical limitation as documented by a medical professional.

- The applicant is unlikely to return to the previous industry or occupation due to a change in family circumstances that require higher income.
- Automation of previous job.
- Significant variance to normal seasonal employment patterns, including loss of wages due to a natural disaster.
- An applicant who is an “Unemployment Insurance Claimant” and who has been profiled as “likely to exhaust benefits” is to be considered as “unlikely to return”, such as an individual who has been required to attend a Reemployment Services and Eligibility Assessments (RESEA) meeting.
- Veterans transitioning from the military with a discharge that is anything other than dishonorable, are automatically considered “unlikely to return.”
- An applicant who has been furloughed or temporarily laid off for a minimum of 12 weeks with no return to date provided by the employer.

Documentation is required to determine that the job seeker is unlikely to return to the previous occupation. Documentation should include the Unlikely to Return Analysis form developed by Bay Consortium Workforce Development Board, but can also include an employer letter, disability confirmation, local area demand occupation determination, skills assessment documentation and any other that substantiates the status of unlikely to return to occupation.