Purpose

WIOA defines a Category A Dislocated Worker, in part, as 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 attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; and is unlikely to return to a previous industry or occupation.

This policy establishes local guidance on determining whether a job seeker is "unlikely to return" to their previous industry or occupation in order to determine them eligible for services under WIOA.

Background

The WIOA program is designed to provide employment and training opportunities to those who can benefit from, and who are in need of such opportunities. Meeting the eligibility criteria for a WIOA-funded program does not entitle an adult or dislocated worker to receive certain employment and training services. Local decisions on whether to provide specific services must be based upon additional state and local policy considerations, including, but not necessarily limited to, the appropriateness for services.

"Unlikely to return" to previous industry or occupation is a designation used as a component of determining whether a job seeker is eligible for WIOA services as a Category A Dislocated Worker. In local Workforce Area 3, "unlikely to return" may be determined if the job seeker fits the State or local definition as provided in this policy.

Definitions

State definition of Unlikely to Return

Unlikely to return to previous industry or occupation: An individual who is laid off without a recall date (or the recall date has passed) and falls into one of the following categories:

1.   The number of jobs in the applicant's previous industry/occupation is declining based on Labor Market Information (LMI) data;

2.   The projected annual increase in employment growth within the local area based on LMI or O*NET 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;

3.   The applicant is dislocated from a job not found on the most recent local or state list of demand occupations (if applicable).

The following list identifies some additional factors local WDBs may consider when deciding if an individual is unlikely to return to a previous industry or occupation:

1. The applicant has conducted a dedicated but unsuccessful job search in the previous industry/occupation, as evidenced by employer rejection letters or employer contact logs;

2. Evidence, preferably from several sources including OhioMeansJobs.com, professional journals, etc., of few openings in the previous industry or occupation; OR

3. The applicant is unable to perform the duties of the previous job due to age, ability, or disability.

4. The applicant has been either permanently or temporarily dislocated from a job as a result of a COVID-19 related shutdown or layoff.

<u>Additional Local Definition of Unlikely to Return</u>

Local Workforce Area 3 may use the State's four (4) considerations (listed above) in addition to these additional Local definitions to determine an individual's "unlikely to return" to previous industry/occupation status:

1. An individual who has received a layoff notice that indicates the layoff is permanent, indefinite, or there will be "no recall", **and** the Greater Cleveland Works' team has received less than four (4) job orders for the individual's previous occupation, or closely related occupations, in the previous three (3) months;

2. The applicant has conducted a dedicated but unsuccessful job search in the previous industry/occupation, as evidenced by employer rejection letters or employer contact logs;

3. An individual who is laid-off from a demand occupation, but is interested in career progression, within their industry and the training is likely to result in increased wages and higher skilled demand opportunities. (A few examples of this would be a STNA seeking LPN training or an LPN seeking RN training, or a machinist by trade or experience, seeking to obtain formal training/certification.);

4. The applicant is unable to perform the duties of the previous job due to age, inability to obtain certification/educational attainment, background, or disability.

Proper Source Documentation

Acceptable Source Documentation for the additions to the eligibility criteria are as follows:

Local Definition 1

Record of Greater Cleveland Works' job orders for last 3 months **and** Determination of unemployment claim benefits or copy of layoff notice

Local Definition 2

Employer rejection letters or employer contact logs for at least a 1-month period

Local Definition 3

JFS 13186 Self-attestation; **and** printout of screen shots from state or local LMI data; printout of O*Net screen shot; or printout of state in-demand list