

AREA 2 | SUMMIT & MEDINA
WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
POLICY LETTER A-09 | LOCAL DEFINITION OF
UNLIKELY TO RETURN

- I. **SUBJECT:** Local Definition of Unlikely to Return
 - II. **PURPOSE:** 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.
 - III. **EFFECTIVE DATE:** July 15, 2020
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IV. BACKGROUND

“Unlikely to return” to previous industry or occupation is a designation used a component of determining whether a job seeker is eligible for WIOA services as a Dislocated Worker. In Area 2, “unlikely to return” may be determined if the job seeker fits the State or local definition as provided in this policy.

V. STATE DEFINITION

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);
4. 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;
5. Evidence, preferably from several sources including OhioMeansJobs.com, professional journals, etc., of few openings in the previous industry or occupation; **OR**
6. The applicant is unable to perform the duties of the previous job due to age, ability, or disability.

VI. ADDITIONAL LOCAL DEFINITIONS

Local Definitions

Area 2 may also use these additional 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 OhioMeansJobs Summit County or Medina County Business Services 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. An individual who has been laid off and can demonstrate their attempt to conducted a dedicated but unsuccessful job search in their previous industry/occupation, and has been unsuccessful in obtaining such employment, as evidenced by items including but not limited to employer contact logs, staff verified proper enrollment in OhioMeansJobs.com, and has been unable to find similar job matches within the OMJ system;
3. The applicant has been either permanently or temporarily dislocated from a job as a result of a COVID-19 related shutdown or layoff; **OR**
4. O*NET's average hourly wage (50th percentile) for the individual's previous occupation is less than \$13.00 per hour in the individual's home zip code.

Source Documentation

Source documentation may include UC Benefits Rights letter, WARN notices for the employer of dislocation, newspaper articles, O*NET, or Self-Attestation (JFS 13186).

VII. REFERENCES

1. ODJFS WIOA Policy Letter 15-02 Adult and Dislocated Worker Eligibility
2. ODJFS Office of Workforce Development Memo Re: Interim Adult and Dislocated Worker Eligibility Update, April 10, 2020
3. WIOA Public Law 113-128