



**POLICY MANUAL**

**No. WDB 3**

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**POLICY: UNLIKELY TO RETURN CRITERIA**

**APPROVED**

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**INTRODUCTION**

The Workforce Innovation and Opportunity Act (WIOA) allows local workforce development boards to establish policies and procedures for determining when a dislocated worker, as defined under WIOA, is unlikely to return to his or her previous industry or occupation.

**BACKGROUND**

WIOA defines eight (8) categories for dislocated worker criteria. Categories one (1) and two (2) require the individual to be considered unlikely to return to a previous industry or occupation.

- Category 1 – Individual was terminated or laid off, or has received notice of termination or layoff, and is eligible for or has exhausted entitlements to Unemployment Insurance (UI) benefits, and is unlikely to return to previous industry or occupation.
- Category 2 – Individual was terminated or laid off, or has received notice of termination or layoff, and has been employed for sufficient duration to demonstrate workforce attachment, but is not eligible for UI benefits due to insufficient earnings, or the employer is not covered under the state UI benefits law, and is unlikely to return to previous industry or occupation.

**REFERENCES**

- Title 20 Code of Federal Regulations Part 680.100 and 680.130
- WIOA Section 3(15)
- San Bernardino County Workforce Development Department Program Guide

**POLICY**

In determining when an individual is unlikely to return to a previous industry or occupation, the America’s Job Center of California and Workforce Development Department staff will consider the following:

- Wages – Industry wage compared to the self-sufficient wage in San Bernardino County.
- Education, Training & Skills – Level of education or necessary skills for advancement or re-entry into his/her former or previous industry.
- Work History – Reduced capacity or ability to re-enter former industry.
- Impairment – Physical or other issues preventing re-entry to former industry or occupation.
- Career Path – How work history reflects income maintenance verses career opportunities.
- Declining Industry – Industry or occupation decline as documented by Labor Market Information.