



Effective Date: 09/14/2021

## Policy: Local Dislocated Worker Eligibility – Unlikely to Return Definition

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### Summary

“WIOA regulations provide that state and local boards have authority to establish policies and procedures for use in determining an individual’s eligibility as a dislocated worker, as long as they are consistent with the statutory definition of a Dislocated Worker (20 CFR 663.115(b)).”

“Furthermore, the phrase specifically uses the term ‘unlikely’ to return; thus, the standard for determining the likelihood of return is not absolute, but rather a matter of judgement based on relevant circumstances.”

- Employment and Training Administration Training & Employment Guidance Letter (TEGL) 22-03

### Relevant Laws, Rules, or Policies

Workforce Innovation and Opportunity Act (WIOA), §3(15)(A)(iii)

20 CFR 680 Subpart G §680.130

TEGL 22-04

Department of Employment & Economic Development (DEED)’s Dislocated Worker Eligibility Policy & Definitions

Reference: WI Department of Workforce Development WIOA Title I-A & I-B Policy & Procedural Manual

### Purpose

Per DEED’s Dislocated Worker Eligibility Policy & Definitions, local areas must define “unlikely to return to a previous industry or occupation” in local policy or adopt DEED’s definition. This policy serves as a local definition for Dislocated Worker service providers of the Hennepin-Carver Workforce Development Area and should be used as a guide in establishing eligibility for Dislocated Worker services.

### Policy – Hennepin-Carver Workforce Development Board local definition

Factors to be considered by service providers when deciding if a Dislocated Worker is unlikely to return to a previous industry or occupation:

- The individual is likely to enter a new job that is different structurally or organizationally than their previous job.
- The individual is likely to enter a new job with lower seniority compared to their previous job.
- The individual has a gap in employment that decreases their chances of returning to the same level of occupation or type of job.
- There are limited employment opportunities in the occupation or industry within the local area.
- There is an excess number of workers with similar skill sets and experience in the local area.
- The individual has out-of-date or inadequate skills.
- The individual has adequate skills but lacks a credential required by most employers.
- The individual has a barrier to employment\* that could prevent a return to employment in the same industry or occupation.
- An unsuccessful job search suggests the individual is unlikely to regain employment in their previous occupation or industry.

\*Please reference DEED’s Dislocated Worker Eligibility Policy and Definitions for the definition of barriers to employment

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Last Reviewed: 09/14/2021