

**Monterey County Workforce Development Board (WDB)**  
LOCAL POLICY #2017-04

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Effective Date: October 18, 2017

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Supersedes WDB Policy: 2003-09

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**TO:** Monterey County Workforce Innovation and Opportunity Act (WIOA) Title I Service Providers

**SUBJECT:** Unlikely to Return

**PURPOSE:** To establish the definition of “Unlikely to Return” to a previous industry or occupation to be used when determining the eligibility of WIOA Title I Dislocated Workers.

**REFERENCES:** WIOA Final Rule, 20 Code of Federal Regulations (CFR), Part 680—Adult and Dislocated Worker Activities under Title I of the Workforce Innovation and Opportunity Act, Subpart A, Sections 680.100– 680.195; and Training and Employment Guidance Letter (TEGL) 19-16, (March 1, 2017).

**POLICY:** The following information outlines the definition and eligibility requirements to be used when determining an individual’s unlikeliness to return to their previous industry or occupation.

Reference the policy attachment for a list of qualifiers for “unlikely to return” for Dislocated Worker Program eligibility.

**Definition:** “*Unlikely to Return*” to a previous industry or occupation may be defined in terms of family, personal, or financial circumstances that may affect the likelihood of the individual’s returning to his or her previous industry or occupation for employment. The definition does not need to be based solely on economic conditions and job availability.

**General Eligibility Requirements:**

- A. Individual worked in a declining industry or occupation, as documented on State or locally developed labor market statistic lists of such industries or occupations. State labor market data lists are available from the Employment Development Department’s (EDD) Labor Market Information Division. Local lists must be developed by an appropriate entity, such as the local Workforce Development Board, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information.
- B. Individual worked in an industry or occupation for which there are limited job orders in the CalJOBS system ([www.caljobs.ca.gov](http://www.caljobs.ca.gov)) at the time of eligibility determination, as certified by the local EDD Workforce Services staff or by the America’s Job Center of California (AJCC) staff with access to CalJOBS.
- C. Individual is insufficiently educated and/or does not have the necessary skills for reentry into the former industry or occupation, as documented through an intake orientation process or assessment of the client’s educational achievement levels, testing, or other suitable means.
- D. Individual has had a lack of three (3) job offers as documented by the local EDD Workforce Services, AJCC or Unemployment Insurance (UI) staff, rejection letters from employers in

the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry or occupation.

- E. Individual cannot return to their previous industry or occupation because they have physical or other limitations, which would prevent reentry into the former industry or occupation, as documented by a physician or other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.). In circumstances where support documentation is not available, an applicant self-attestation may be utilized to demonstrate unlikely to return.
- F. Individuals that may have worked seasonally can be considered unlikely to work in a previous industry or occupation as a temporary or seasonal worker, for a variety of reasons such as:
  - a. Change in family situation that requires higher income. Includes claim of financial hardship supported by documentation. (e.g. pay stubs, bank statements, family or business financial records, tax documents, public benefits award letters)
  - b. Disability that precludes returning to the same industry or occupation;
  - c. Natural disaster that results in lost wages;
  - d. Loss of agricultural land;
  - e. Mechanization (replaced manual labor with machinery); or
  - f. Any significant variance to normal seasonal employment patterns resulting in uncertain return-to-work dates.
- G. Individuals laid off on a temporary basis, with a specific return date do not meet the criteria of unlikely to return work in a previous industry or occupation.

**ATTACHMENT:** Unlikely to Return – Affidavit

**INQUIRIES:** For questions or assistance related to this policy, please contact the Monterey County Workforce Development Board staff at (831) 796-6434. This policy is posted on the WDB website located at: [www.montereycountywdb.org/policies/](http://www.montereycountywdb.org/policies/)