

Definition: Unlikely to Return to Previous Industry or Occupation

Reference State Policy:	WIOAPL 15.02.1
Board Approved:	October 17, 2023
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Policy Obsoletes:	NA

The BCW/Workforce (Butler • Clermont • Warren Workforce Development Board) recognizes one category of Dislocated Worker as an individual who meets the criteria stated in the WIOA law (Section 3: Definitions (15), pg. 7) which defines a dislocated worker as an individual who is 1) laid off or terminated from employment and 2) is eligible for unemployment compensation or has exhausted their unemployment compensation and 3) is unlikely to return to previous industry or occupation.

The term “is unlikely to return to previous industry or occupation” has not been defined by the Ohio Department of Job and Family Services as of this time. At such time that a definition is given by ODJFS, it will be seen to supersede the definition approved by Area 12, unless circumstances dictate use of a local definition or provide option for a choice.

In Area 12, a person who is unlikely to return to previous industry or occupation shall be defined as one whom:

Has been laid off without a recall date and:

The Individual is not in a BCW/Workforce Development Board approved in demand sector. (see addendum)

- The individual has documented proof of having made a good-faith effort to search for employment; OR
- The individual was in an industry sector that had suffered significant layoffs; OR
- The individual has certifications in a technical area that are 3 years old or considered to be outdated; OR
- The number of jobs in the applicant’s previous industry/occupation are declining based on labor market information data based on local office preference of OCIS, O*Net Online, Bureau of Labor Statistics, or other creditable labor market information source; OR
- Within a fifty (50) mile radius or unless occupant can relocate,
 - The projected annual increase in employment growth is fewer than 100 jobs in the previous industry (includes replacements) or

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- The projected annual increase growth openings is fewer than 30 in the previous occupation ; OR
- 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; OR
- There is evidence, preferably from several sources, including internet sites, newspaper/media, professional journals, Ohio Means Jobs search, etc., of few openings in the previous industry or occupation; OR
- Staff has received documentation from a local Economic Development professional stating that the identified skill set/experience is no longer marketable in the local economy; OR
- The applicant is unable to perform the duties of the previous job due to age, ability or disability, as verified by self-attestation or supportive documentation, i.e. case notes; OR
- The existing Degree or certification was attained outside the State of Ohio and does not transfer all credits and/or occupational credentials (proof required); OR
- The degree/certificate is no longer desirable in any marketable occupation. The applicant must provide supporting documentation to this fact; OR
- Other criteria as identified by Ohio Department of Job and Family Services

In unusual situations such as “lockouts” where the usual circumstances do not apply, additional criteria may need to be considered. They would include individuals who may fall under the following circumstances:

- Has been separated from previous employment for a period of 90 days or more and has been unable to obtain employment with compensation that is equal to or greater than 90% of previous wages or to return to previous employment;
- Has received written notification from the company from which the worker is separated that indicates a condition of permanency, with no opportunity for reemployment with the company or a subsidiary within a 50-mile range of the individual’s home or that such opportunity is not expected for a period of 90 days or more;
- Has received a written notification from a labor organization (where authorized to give informed notification) representing the worker in their previous employment that indicates a condition of permanency, with no opportunity for reemployment with the company or a subsidiary within a 50-mile range of the individual’s home or that such opportunity is not expected for a period of 90 days or more.