

## ***Unlikely to Return Policy***

By WIA definition, a Category One Dislocated Worker is as follows:

***An individual who has been terminated/laid off, or who has received a notice of termination or layoff, from employment; is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one stop center, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and is unlikely to return to a previous industry or occupation.***

The intent of this memo is to provide clarification regarding acceptable documentation for the unlikely to return component of the Category One Dislocated Worker definition. In order to prove and document that an individual is unlikely to return to a previous industry or occupation, the Workforce Investment Board is asking that Program Operators use the following documentation.

- Documentation from separating employer indicating that the individual is unlikely to return for a period of at least six months or longer.

and

- The most current Labor Market Information (LMI) from the Virginia Workforce Connection for LWIAII indicating a decline in the occupation. If no LMI is available for LWIA II or if LMI for LWIA II does not indicate a decline in the occupation, LMI for the Commonwealth of Virginia can be used. For purposes of documenting Unlikely to Return to previous industry or occupation, Program Operators should consider the long term (ten years) employment projections for that occupation. LMI that reflects a projected employment outlook that is less than the most recent estimated employment for the occupation will be considered a declining occupation. This data can be obtained from the occupational profile in the labor market services of the Virginia Workforce Connection.

Program Operators should make every attempt possible to obtain documentation from the separating employer indicating that the individual is unlikely to return for a period of at least six months or longer; however, if the Program Operator is unlikely to obtain this verification, a separation notice including the individual's name along with applicable LMI will be accepted.