



Serving as the workforce development board for the Lower Shore of Maryland

POLICY: DISLOCATED WORKERS

A dislocated worker is defined in WIOA Section 3(15), subparts (A) through (F). Subpart A describes the following category of dislocated worker:

- A. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment;
- B. **And**, either
 - a. is eligible for or has exhausted entitlement to unemployment compensation; **or**
 - b. has been employed for a duration sufficient to demonstrate 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**
- C. is unlikely to return to a previous industry or occupation.

Workforce Development Boards may further clarify these characteristics in order to best serve individuals in their local area. It is the policy of this board that:

1. In determining that an individual “has been terminated or laid off, or who has received a notice of termination or layoff, from employment”, the separation from employment should have 1) occurred within the last 18 months and 2) is from the most recent employer.
2. For an individual “who has exhausted entitlement to unemployment compensation”, the time period between exhaustion of benefits and application for training services should not exceed 12 months.
3. To determine “a duration sufficient to demonstrate attachment to the workforce”, the state policy has defined this period as “labor performance in any occupation where the employee has worked for two full pay periods or one month, whichever is less”.
4. To establish that an individual is “unlikely to return to a previous industry or occupation”, one or more of the following must be true:
 - low industry/occupation demand: Labor market data indicates that the industry/occupation is not in-demand in the local area or that the industry/occupation is experiencing a negative growth rate in the local area;
 - the individual is no longer able to perform in that occupation or industry due to age, ability, illness/injury, disability, or other barriers;
 - the individual has conducted a dedicated but unsuccessful job search in the previous industry/occupation for over three months as evidenced by employer rejection letters or employer contact logs;
 - the individual no longer wishes to work in that industry or occupation;

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- the industry/occupation requires additional training for the job seeker to have the skills the current labor market demands to obtain employment;
- the individual lacks appropriate industry and/or national certification or accreditation for re-hire or re-employment in industry/occupation of lay-off.

Policy Approval Date: 9/13/2017

Policy Status: Active

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