



LOCAL BOARD OF SOUTHEAST LABOR DEVELOPMENT

PUBLIC POLICY TO DETERMINE WHAT CONSTITUTES IN THE DISLOCATED WORKER PROGRAM THE CONDITION: *IMPROBABLE RETURN TO THEIR PREVIOUS INDUSTRY OR OCCUPATION*

I. INTRODUCTION

A dislocated worker is defined taking into consideration five (5) categories. The first category refers to the workers that have been laid off, fired, or have received a laid off or termination notification; are eligible, or have depleted their right to receive unemployment insurance compensation; and **it is NOT probable that they return to their previous industry or occupation**. In regard with the latter, the Governor and the Local Boards must establish public policy to define the condition ***It is not probable that they return to their previous industry or occupation***. This public policy is issued in order to comply with this responsibility.

II. LEGAL BASE

- Workforce Innovation and Opportunity Act (WIOA, for its English acronym), Section 3 (15)
- Interpretive Regulation of the Local Board 20 CFR Subpart A 680.130 (3)
- Training and Employment Guidance Letter (TEGL) WIOA 19-16 of March 1, 2017, issued by the Training and Employment Program ascribed to the Federal Labor Department

III. PUBLIC POLICY

The following aspects will be considered to define what constitutes the condition: ***It is not probable that they return to their previous industry or occupation***, as part of the eligibility criteria of the Dislocated Worker Program:

- 1) That the occupation from which the applicant was dislocated is not in-demand. Based on the information of the market labor, it has been determined that the number of persons qualified for the occupation exceeds the number of available opportunities in the Local Area.

Documentation

- (a) List of in-demand occupations and case management indicating the improbability that the participant is placed again in the same occupation taking into consideration the low demand for the same in the labor market.
- 2) The applicant has taken steps to find a job for the same position or a similar one in the industry but has not receive a job offer.

Documentation

- a) Case Management with copies of the job applications (they can be electronic, via internet)
- 3) The applicant does not meet the new requirements of the occupation, since their skills are obsolete, inadequate or lacks the credentials that the new position requires.

Documentation

- a) Copies of job offers vs. participant's skills, experience, academic preparation, and case management
- 4) The applicant has depleted 80% of their unemployment benefits and has not obtained a job in the same occupation or a similar one to that occupied before.

Documentation

- a) Record of unemployment insurance and case management indicating the steps the participant has taken to find a job
- 5) That in their workplace a local business closed permanently or conducted substantial layoffs that negatively impacted the jobs availability in the primary occupation of the dislocated worker.

Documentation

- a) Identify the type of industry that is compatible with their occupation
- b) Case Management indicating the adverse effect of the closure or substantial layoffs in the previous occupation of the participant, and the improbability of obtaining an employment in the same occupation or industry.
- 6) That the dislocated worker has some physical or emotional disability or legal issues that at present do not allow them to return to the previous industry or occupation.

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Documentation

- a) Case Management indicating the participant's situation or
 - b) Evidence or certification from a qualified professional.
- 7) The dislocated worker is 55 years old or older, which adversely affects their possibilities of obtaining a job in their previous industry or occupation.

Documentation

- a) Case Management stating the participant's age barrier and its adverse effect to obtain a job in their previous industry or occupation.

- 8) The available positions have less benefits than what the participant had previous to be dislocated, since they are entry level positions and seniority is not recognized.

Documentation

- a) Case Management and copies of job applications with its related analysis, or information on the market labor and related analysis

- 9) The available job offers on the Local Area are not related to the participant's previous industry or occupation.

Documentation

- a) Case Management related to available local job offers indicating the situation

- 10) Participants that have been in a job position in which they did not receive the adequate training and supervision to develop skills, and it is documented that they did not have job experience and skills for the occupation. This impacts the application for a position in the same industry or occupation since the applicant does not have the necessary skills and experience.

Documentation

- a) Case Management stating the situation
- b) Employer certification

- 11) The list of circumstances is not limited to the herein enumerated; the Career Planners can identify circumstances of a similar nature and document them by means of case management.

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IV. APPROVAL AND VALIDITY

This public policy was approved by ALDLSoutheast Local Board in a regular meeting held on March 4, 2020. It will take effect immediately after its approval. This policy nullifies any other policy related to the eligibility criteria of the dislocated workers specifically with the condition: ***It not likely that the participant returns to their previous industry or occupation***, completely or partly, that is not compatible with the herein stated. The Local Board's Executive Director will be responsible of informing its personnel within the five (5) days following its approval.

For the record, I hereby sign the present in Humacao, Puerto Rico, on the 4 days of the month of March of the year 2020.

[Signed]

Jesús Delgado Morales
Local Board President
Southeast Labor Development

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