



FORMAL COMMUNICATION

TO: Regional Operators
Indianapolis Private Industry Council
Regional Coordinators

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Military Service Members/Spouses as WIA Dislocated Workers

As a reminder, military service members (non-retirees) and military spouses may be served as Workforce Investment Act dislocated workers. Training and Employment Guidance Letter 22-04 issued March 22, 2005, provides complete information. Information is provided:

Definitions

Veteran – an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable, which may include National Guard or Reserve personnel;

Military Spouse – an individual who is married to an active duty service member including National Guard or Reserve personnel on active duty. The surviving spouse of an active duty service member who lost his/her life while on active duty service in Afghanistan, Iraq or other combat-related areas is considered to be a military spouse.

Adult – an individual who is 18 or older.

Dislocated Worker – The term “dislocated worker” is statutorily-defined for receiving services under WIA. The specific requirements for eligibility are at WIA Section 101(9) as well as WIA Sections 173(c)(2)(A) and 173(d)(2) for certain National Emergency Grants (NEGs). Generally, a dislocated worker is an individual who has been or is scheduled to be laid off or terminated and requires assistance (including retraining or upgrading of skills) to find or qualify for new employment in a 21st Century workplace. This includes a single worker or small groups of workers, as well as workers affected by

mass layoffs, plant closures, defense downsizing and realignments, certain self-employed individuals as well as displaced homemakers as defined at WIA Section 101(10).

Displaced Homemaker – an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income, and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Military Service Members

A basic requirement to qualify as a dislocated worker is that the worker be terminated or laid-off. The term “terminated” is not defined in law or regulations. It is a Department of Labor policy (and adopted by the Department of Workforce Development) that being discharged (under honorable circumstances) either voluntarily or involuntarily terminates an employment relationship between an individual and the military and thus falls within the scope of the termination component of the WIA definition of dislocated worker. The separating military personnel must also satisfy the other criteria for dislocated worker eligibility, including the requirement that the individual is “unlikely to return to a previous industry or occupation.” (This has been defined by each workforce investment board or regional workforce board.) If a military service member does not meet the requirements, he/she may be served under the WIA Adult program. In either program, under the priority of service provisions of the Jobs for Veterans Act, separating service members who, upon discharge, meet the eligibility criteria would be afforded priority over individuals who are

Military Spouses

A military spouse who leaves his/her job to follow his/her spouse can be served with dislocated worker formula grant funds in certain circumstances. When the spouse is unable to continue an employment relationship because of the service member’s permanent change of military station, or the military spouse loses employment as a result of the spouse’s discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIA definition of dislocated worker, as discussed above. The military spouse must also satisfy the other criteria for dislocated worker eligibility, including the requirement that the spouse is unlikely to return to a previous industry or occupation. When these criteria are met, the military spouse is eligible to be served under the Dislocated Worker Formula Grant Program.

Additionally, a military spouse may also qualify to be served as a dislocated worker if he/she meets the definitional requirements for a displaced homemaker.

Surviving spouses of veterans and military service members may also be served with WIA funds. If a surviving spouse qualifies as a dislocated worker or displaced homemaker, he/she could be served under the WIA Dislocated Worker Formula Program. See the definitions provided in this document. If a surviving spouse does not meet those requirements, he/she could be served under the WIA Adult Formula Program. In either program, a surviving spouse of a veteran may receive priority of service if he/she qualifies for such priority under the Jobs for Veterans Act (PL 107-288 (38 USC 4215 (a)(1)(B))).

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