

## ALABAMA WORKFORCE INVESTMENT SYSTEM

Alabama Department of Economic and Community Affairs  
Workforce Development Division  
401 Adams Avenue  
Post Office Box 5690  
Montgomery, Alabama 36103-5690

May 10, 2005

### GOVERNOR'S WORKFORCE DEVELOPMENT DIRECTIVE NO. 2004-17

**SUBJECT:** Serving Military Service Members and Military Spouses under the Workforce Investment Act Dislocated Worker Formula Grant

- Purpose.** This transmits Training and Employment Guidance Letter (TEGL) 22-04 clarifying the Department of Labor policy regarding Workforce Investment Act Dislocated Worker Formula Grant-funded services for two population: (1) military service members (non-retirees) and (2) military spouses.
- Discussion.** This guidance provides clarification of the Department of Labor's (DOL) policy regarding the eligibility of military service members and military spouses for services under the WIA Dislocated Worker Formula Grant Program.

A basic requirement to qualify as a dislocated worker is that the worker be terminated or laid-off. In regards to the term "terminated" for Military Service Members (non-retirees), being discharged (under honorable circumstances) either voluntarily or involuntarily terminates an employment relationship between an individual and the military and falls within the scope of the termination component of the WIA definition of dislocated worker. The separating military personnel must also satisfy other criteria for dislocated worker eligibility, including the requirement that the individual is "unlikely to return to a previous industry or occupation."

Military Spouses (married to an active duty service member) who leaves his/her job to follow his/her spouse can be served with dislocated worker funds in certain circumstances. These circumstances being the military spouse employment ends due to 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. The ending of employment because of the circumstances above can be considered to meet the termination component of the WIA definition of dislocated worker. The military spouse must also satisfy the other criteria for

May 10, 2005

GOVERNOR'S WORKFORCE DEVELOPMENT DIRECTIVE NO. 2004-17

Page Two

dislocated worker eligibility, including the requirement that the spouse is "unlikely to return to a previous industry or occupation."

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.

3. **Action.** Persons determining dislocated worker eligibility for Military Service Members (non-retiree) and Military Spouses must apply the definition of "terminated" as stated above along with other criteria. More detailed information is in TEGL 22-04.
4. **Contact.** Please refer any questions you may have relating to this Directive to Fannie Harris, at (334) 242-5381 or [fannieh@adeca.state.al.us](mailto:fannieh@adeca.state.al.us)



---

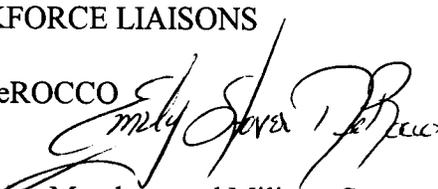
Steve Walkley, Division Director  
Workforce Development Division

Attachment

<b>EMPLOYMENT AND TRAINING ADMINISTRATION          ADVISORY SYSTEM          U.S. DEPARTMENT OF LABOR          Washington, D.C. 20210</b>	CLASSIFICATION WIA
	CORRESPONDENCE SYMBOL OWI
	DATE March 22, 2005

**TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 22-04**

**TO:** ALL STATE WORKFORCE AGENCIES  
ALL STATE WORKFORCE LIAISONS

**FROM:** EMILY STOVER DeROCCO  
Assistant Secretary 

**SUBJECT:** Serving Military Service Members and Military Spouses under the Workforce Investment Act Dislocated Worker Formula Grant

1. **Purpose.** To clarify the Department of Labor policy regarding Workforce Investment Act Dislocated Worker Formula Grant-funded services for two populations: (1) military service members (non-retirees) and (2) military spouses.
2. **References.** Workforce Investment Act of 1998 (WIA), as amended; WIA Regulations at 20 CFR Part 663.115; TEGL No. 16-03, Change 1, "NEG Policy Guidance – Assistance for Returning Members of the National Guard and Military Reserves," dated August 18, 2004; TEGL No. 16-03, "NEG Policy Guidance," dated January 26, 2004; and TEGL No. 5-03, "Implementing the Veterans' Priority Provisions of the Jobs for Veterans Act," dated September 16, 2003.
3. **Background.** A review of current WIA law and regulations indicates there is limited policy guidance on serving returning military service members (non-retiree) or military spouses as dislocated workers. These populations may be served with WIA Adult Formula Grant funds in accordance with the requirements of that program. Unlike the WIA Adult Program, however, the WIA Dislocated Worker Formula Grant Program has basic eligibility criteria that must be met for a participant to be considered a dislocated worker.

The Jobs for Veterans Act (PL 107-288) provides an emphasis on serving veterans by establishing a *priority of service* for veterans and certain spouses in all employment and training programs administered by the Department of Labor. The WIA Dislocated Worker Formula Grant Program is one of the affected programs, and guidance was issued in September 2003 (TEGL No. 5-03) explaining how the veterans' priority of

RESCISSIONS	EXPIRATION DATE CONTINUING
-------------	-------------------------------

service was to be implemented in all employment and training programs. In general, the guidance holds that the veterans' priority must be applied consistent with programmatic eligibility standards and other priorities mandated by statute.

Thus, to be served in the dislocated worker program, a participant must meet the statutory eligibility criteria to qualify as a dislocated worker and then, if the participant is a veteran or a spouse of certain veterans, must be given priority over dislocated workers who are non-veterans.

4. **Definitions.** For the purposes of this guidance, the following definitions apply:

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 21<sup>st</sup> 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.

5. **Policy Clarification.** This guidance provides clarification of the Department of Labor's policy regarding the eligibility of military service members and military spouses for services under the WIA Dislocated Worker Formula Grant Program. It is important to note that WIA regulations provide that state and local boards also have the authority to establish policies and procedures for use in determining an individual's eligibility as a dislocated worker.

## 1. MILITARY SERVICE MEMBERS

### Policy

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 the law or regulations. It is a Department of Labor policy 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." Additionally, under the priority of service provisions of the Jobs for Veterans Act, separating service members who, upon discharge, meet the eligibility criteria for dislocated workers would be afforded priority over individuals who are not veterans.

## 2. MILITARY SPOUSES

### Policy

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. These requirements are set forth in section 4 of 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 (P.L. 107-288 (38 USC 4215 (a)(1)(B))).

6. **Action Required.** States shall distribute this guidance to all appropriate staff.
7. **Inquiries.** Questions concerning this issuance may be directed to the appropriate Regional Office.