**Washington** **State Information Memorandum**

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| **EFFECTIVE DATE:INFORMATION MEMORANDUM NUMBER:SUBJECT:** | August 25, 200606-01Veterans and WIA Dislocated Worker Services |

 **Purpose**

The Department of Labor issued WIA Training and Guidance Letter (TEGL) 22-04 “Serving Military Service Members and Military Spouses under the Workforce Investment Act Dislocated Worker Formula Grant” on March 22, 2005. This information memo highlights WIA program requirements as discussed in this TEGL. The memo also intends to clarify when a member of the National Guard or Military Reserves may be considered a potential dislocated worker.

**Background**

With more individuals transitioning from active duty overseas, recent questions have been asked on what qualifies a member of the National Guard or Military Reserves as a veteran, and what is the criteria used to decide if a veteran is eligible to receive WIA dislocated worker funded services and resources.

Representatives from the Employment Security WIA Unit and Veterans Unit and the Region DOL Veterans Office have met to discuss these questions, in the context of the policy guidance in TEGL 22-04. They concluded there are a range of situations which may occur and judgments about eligibility which need to be made in accordance with governing laws and policies, local policy and economic conditions, and the individual’s situation. This memo was prepared to highlight and clarify veteran’s related information in the TEGL for WIA and veterans program service providers as well as other WorkSource providers.

**Information and Guidance**

Generally, a veteran is an individual who served in the active military, naval, or air service who was discharged or released from such service under conditions other than dishonorable. This may include National Guard or Reserve members who have been discharged from active duty service but not necessarily from other reserve commitments such as training. A DD-214 form is the most common source of documentation used to determine veteran discharge status. Length of service for such discharges under WIA guidance may be as few as one day of service.

In the WorkSource system ESD Veterans staff have expertise and knowledge about the different military services and are available to assist WIA staff who may have questions in determining a veteran’s or other qualifying person’s status. They are also a valuable contact for coordination and referral purposes, since they are knowledgeable about related services and resources available to veterans and their families in the community.

Under WIA Title I, in general, a dislocated worker is an individual who:

1. Was laid off (or given notice) due to a plant closure or substantial layoff; or
2. Was self-employed; or
3. Is a displaced homemaker; or
4. Meets the three following criteria (D is the category that is most applicable to returning military service, National Guard, and Military Reserve members):
5. Has been terminated or laid off, or received notice of termination or layoff;  *TEGL 22-04 states that a discharge from the military under honorable circumstances meets this “termination” criterion.*
6. Is eligible for unemployment insurance (UI) benefits or has exhausted UI entitlement; or has had an employment duration that shows attachment to the workforce but was not monetarily eligible (need minimum of 680 hours in the base year of employment to qualify) or worked in employment not covered by UI taxes.

*Individual circumstances affect whether a returning Military Reserve or National Guard member is eligible for UI benefits.*

*For example, the Uniformed Services Employment and Reemployment Rights Act (USERRA) provides reemployment rights to many veterans who left their civilian jobs to serve. If an individual separates from the military but chooses not to return to available work with the former employer, eligibility for UI benefits is in question. Depending on individual circumstance it may be looked at as a voluntary quit and to be eligible for UI the individual would have to establish “good cause” under state law for the quit.*

*Compare that to an individual who separates from the military who chooses to return to work with the former employer but, due to the economy, the employer has not work available for the individual. He or she would likely qualify for unemployment.*

1. Is unlikely to return to a previous industry or occupation.

*Generally, overall work history of a Military Reserve or National Guard member is taken into account, which could include most recent and past industries and occupations. Length of time in the military, since that would also be the last industry worked in, may also be relevant to a decision.*

Unemployment Insurance Specialists determine UI eligibility when a claim is filed. They consider all factors required by federal and state law, regulation, and policy in making eligibility decisions. Though UI state law (RCW 50.04.075) has slight differences in the definition of a dislocated worker, UI also considers that a discharge from the military under honorable circumstances meets the “termination” component of state law.

WIA funded service providers determine if a person is eligible for intensive or training dislocated worker funded services. They base their decisions on local policies, practices, and interpretations of an individual’s situation. This includes determining whether a person is unlikely to return to work in a previous industry or occupation.

Staff who determine eligibility give consideration to a person’s employment history, previous occupation and industry, and all the skills and experience the person possesses. They take into account the area’s economy, labor market, and declining or growing occupations. They also consider whether a person is likely to benefit from training, e.g. to complete the training successfully and find employment.

Other workforce programs may have different definitions for the term dislocated worker e.g. Unemployment Insurance law, or a community college policy. This memo focuses only on the WIA definition for someone to receive core, intensive or training services funded by the dislocated worker program.

Once determined eligible for WIA, qualified veterans and other eligible persons are given priority for services under the Jobs for Veterans Act in accordance with state and local policy.

**References:**

* WIA Sections 101(9)
* TEGL 22-04
* UI Resource Manual, Section 5123

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