

Mass Workforce Issuance

Workforce Issuance No. 07-73

Policy Information

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Associate Directors
DCS Field Managers

cc: WIA State Partners

From: David W. Mackley, Director
Department of Workforce Development

Date: October 31, 2007

Subject: **Serving Military Spouses under the Workforce Investment Act Dislocated Worker Formula Grant**

Purpose: To notify Local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce investment partners of a clarification by the U.S. Department of Labor (USDOL) with regard to the eligibility of military spouses for service enrollment under the Dislocated Worker Formula Grant.

Background: The Division of Career Services posted MassWorkforce Issuance No. 05-35, [Serving Military Service Members and Military Spouses under the Workforce Investment Act Dislocated Worker Formula Grant](#) on 5/19/2005. The issuance provided guidance to local areas with respect to USDOL's interpretation of eligibility requirements for non-retiree former service members and the spouses of military service members regarding dislocated worker services under WIA. USDOL's interpretation was delineated in TEGL No. 22-04 (3/22/05), providing the criteria on which a positive determination of eligibility for dislocated worker status could be made. With respect to military spouses, the criteria is:

“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, the cessation of employment can be considered to also meet the

termination component of the WIA definition of dislocated worker. 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 also 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.”

On September 28, 2007, USDOL issued TEGL No. 22-04, Change 1:

<http://wdr.doleta.gov/directives/attach/TEGL/TEGL22-04c1acc.pdf>

to clarify USDOL’s policy regarding “existing flexibility under the Workforce Investment Act (WIA) to serve military spouses as dislocated workers under the WIA Dislocated Worker formula grant.”

TEGL 22-04, Change 1 specifically clarifies that the spouse’s “cessation of employment, due to the service member’s permanent change of military station or his/her discharge from the military, can also be considered to meet the ‘unlikely to return to a previous industry or occupation’ criterion of the WIA definition of dislocated worker outlined in Section 101(9)(A)(iii).”

Action

Required:

Local Workforce Investment Boards should assure that all local providers of WIA services, including all One-Stop Career Center staff are familiar with the contents of this issuance and that all relevant dislocated worker eligibility determinations take into account USDOL’s interpretation as expressed in TEGL No. 22-04, Change 1. Additionally, LWIBs and Career Center Operators are strongly encouraged to identify any customer who meets the definition of Veteran and/or Military Spouse who could benefit from enrollment in the WIA Dislocated Worker Formula Grant Program.

Inquiries:

Direct all inquires to Carl Waal at cwaal@detma.org. Please cite Issuance number and subject with all inquiries.