

# Oklahoma Employment Security Commission

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## Oklahoma Employment and Training Issuance # 07-2005

**DATE:** April 4, 2005

**TO:** WIA Grant Recipients

**FROM:** Employment and Training Division

**SUBJECT:** Serving Military Members and Spouses Under the WIA Dislocated Worker Formula Grant

**Purpose:** To advise that DOL has expanded the definition of Dislocated Worker to include military members discharged (under honorable circumstances) and the military spouse who leaves his/her job to follow his/her spouse.

**MESSAGE:** The Employment and Training Division of the Department of Labor (DOL) has issued [TEGL 22-2004](#) to clarify DOL policy regarding Workforce Investment Act Dislocated Worker Formula Grant-funded services for two populations: (1) Military service members (non-retirees) and (2) military spouses. These clarifications and new policy follow a review of current WIA law and regulations which provide limited policy guidance on serving military service members or military spouses as dislocated workers. The policy is repeated herein to ensure WIA grant recipients and sub-recipients are fully aware of the clarifications and definitions in the TEG. 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.

### **Policy for 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 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 a 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.

## **Policy for 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. 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))).

**Action:** Grant recipients are to apply this clarified provision when establishing policies or procedures for use in determining an individual's eligibility as a dislocated worker. This is official policy and must be maintained in your policy files.

**Inquiries:** Refer questions to Tami Decker, Employment and Training at (405) 962-7595 or Lee McGough, Director of Veterans Services Division at (405) 557-7194.