

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Dislocated Workers
	CORRESPONDENCE SYMBOL OAS
	DATE November 30, 2001

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 8-01

TO : ALL STATE WORKFORCE LIAISONS
 ALL STATE WORKER ADJUSTMENT LIAISONS
 ALL STATE WORKFORCE AGENCIES
 ALL ONE-STOP CENTER SYSTEM LEADS

/S/

FROM : EMILY STOVER DeROCCO
 Assistant Secretary

SUBJECT: Information Related to Reservists Called to Duty

1. **Purpose.** To transmit information regarding businesses and individuals affected by the activation of reservists in the U.S. Armed Forces.

2. **Background.** The events of September 11, 2001, created some new issues for employment and training programs serving American businesses and current and future workers. The Employment and Training Administration is working with state and local partners to identify policy changes and share best practices. Please continue to forward any questions or suggestions to regional staff so that the information may be shared in future

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communications.

3. Assistance for Employers and Employees/Reservists.

The website for the National Committee of Employer Support for the Guard and Reserve (ESGR) is www.esgr.org.

Information posted on the site includes: The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA); questions and answers for employers and employees; tips for employers of those who serve in the National Guard; and a Military Leave of Absence Record Form (www.esgr.org/forms/leaveofabsence.pdf). Additional information can be located at www.dol.gov/vets.

Local ombudsmen trained to answer questions and provide mediation assistance are available by calling 1-800-336-4590. Situations that are complex or beyond the scope of informal resolution are immediately referred to the U.S. Department of Labor Veterans' Employment and Training Service and state contacts are listed on the ESGR website.

4. Information About WIA and Reservists. Inherent in the Workforce Investment Act of 1998 is much of the flexibility needed to ensure that temporary disruptions in periods of participation for those reservists activated for service are met with long-term encouragement and support for job seeking and training endeavors. State and local areas may want to exercise the flexibility available to them within the framework of the act and the regulations to make further policy decisions that make additional resources available to reservists.

A. *Question: Can individuals who are called up for active duty continue to be considered participants in the WIA program or must they be considered as program exiters?*

A. *Answer: States have flexibility in determining whether to exit a participant in a Reserve/National Guard status who has been called to active duty who experiences gaps in service for more than 90 days.*

Participant Is Exited from Program: Participants

called to active duty have been issued orders telling them the expected time they will be in service; therefore, based on the time they will be active, states may exit the participant and re-enroll him or her once the military obligation has been fulfilled if needed. This will alleviate the burden of states having to perform follow-up on the participant while allowing them, in

some cases, to take credit for positive outcomes.

Participants Not Exited from Program: States may treat these participants in the same way as those who have a health or medical condition that prevents them from participating in services. In this instance, service providers must document the gap in service with a note to the file indicating the individual will be on active duty and the expected return date.

If possible, written documentation such as a copy of the call up notice, letter from employer, or Military Leave of Absence Record Form (DA Form 31) should be included in the file.

Once reservists return from active duty, their original eligibility status will stand. However, if the individual was not determined eligible for intensive or training activities before his or her call to duty and subsequent circumstances would make him or her eligible, the new status will take precedence. Upon their return from service, some individuals may need additional time before they are ready to resume their job search or training activities. With documentation in the file, up to one year should be provided to the individual returning

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from active duty in which to resume participation before terminating the individual from the program.

B. Question: Can individuals on active duty continue to receive needs-related payments, and/or supportive services once they are called to active duty?

B. Answer: No. Individuals must be actively participating in a training program to receive needs-related payments. Similarly, other supportive

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services are authorized "to enable an individual to participate in activities authorized" under Title I. Local areas may, however, assist reservists by referring them to other community resources that may be available to respond to specific needs.

C. Question: How should we report individuals who were on active duty who choose not to return to participation in the program?

C. Answer: Employment, including military employment, or other positive outcomes should be noted when applicable. In other cases, item number 622, "Other Reasons for Exit" on the Workforce Investment Act Title I-B Standardized Record Data (WIASRD) may be used. Please enter code number 8 - which will be defined as, "Reservists called to active duty who choose not to return to WIA" for all other cases. When an entry is made in item 622, the individual's outcome is excluded from performance measures. (Instructions for WIASRD coding will be included in TEGL 14-00, Change 1).

D. Question: Should reservists in NRA or NEG grants that expire during the time the individuals are in active service be transferred into another program?

D. Yes. Reservists should be provided the opportunity to complete their training through alternative sources of available funding.

5. **Action Required**. States should provide this guidance to the appropriate staff.

6. **Inquiries**. Direct questions regarding this guidance to the appropriate Regional Staff.

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