



CUMBERLAND COUNTY

WORKFORCE DEVELOPMENT BOARD

410 Ray Avenue • Fayetteville, North Carolina 28301
P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 323-3421 • (910) 323-5755

Policy Letter #32

TO: All Staff

FROM: Nedra Clayborne Rodriguez, Director

SUBJECT: Separating Service Members and Military Spouses (Transition Tech Policy)

PURPOSE

To establish a policy that provides guidance for the Cumberland County NCWorks Career Staff to follow when delivering training services under Title I of the Workforce Innovation and Opportunity Act (WIOA) to Separating Service Members and Military Spouses (reference Training and Employment Guidance Letter (TEGL) No. 19 – 16 dated XX).

Background

Training services provided by WIOA Title I Dislocated Worker funds to Separating Service Members and Military Spouses can help separating service members and their spouses enter or reenter the civilian labor force. Under 20 CFR 680.660, service members exiting the military, including, but not limited to, those who receive or are eligible for Unemployment Compensation for ex-service members (UCX), generally qualify as Dislocated Workers.

For federal employment or training programs, past income is used as an eligibility determinant. Any amount received as military pay or allowances by any person who served on active duty, and certain other specified benefits, must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied when making an eligibility determination. **Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority in accordance with 38.U.S.C.4213.**

Policy

Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of “active service” does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters). In general, separating service members require a notice of separation, either a DD-214 from the Department of Defense (DOD) or other appropriate documentation that shows a separation or imminent separation from the Armed Forces.

Celebrating Our Past... Embracing Our Future

EASTOVER • FALCON • FAYETTEVILLE • GODWIN • HOPE MILLS • LINDEN • SPRING LAKE • STEDMAN • WADE

Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities

These documents meet the requirement that the individual has received a notice of termination or layoff and meet the required dislocated worker definition.

In the case of separating service members, because they may be on terminal leave from the military, it may be appropriate to begin providing career services while the service member is still part of the Active Duty military (provided that they have submitted acceptable verification of an imminent separation date). Career services should not be provided more than six (6) months (180 days) prior to the separation date stated on the verification documents.

It is appropriate to provide career services to separating service members who will be imminently separating from the military, ***provided that their discharge will be anything other than dishonorable***. A separating service member meets the dislocated worker requirement that an individual is unlikely to return to his or her previous industry or occupation in the military.

The definition of Dislocated Worker expands to Military Spouses who have experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the active duty spouse. Military spouses can qualify if they are unemployed, underemployed, experiencing difficulty in obtaining or upgrading employment, or a dependent spouse of an active duty member of the Armed Forces whose family income is significantly reduced (as determined by the state or local area due to deployment, along with deployment, a call or order to active duty, a permanent change of station or the service-connected death or disability of the service member).

Title 18, U.S. Code Part I, Chapter 33, Section 701

Specifically states that: “Whoever manufactures, sells or possesses any badge, identification card or other insignia of the design prescribed by the head of any department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof, or photographs, prints or in any other manner makes or executes any engraving, photograph, print or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under the regulation made pursuant to law, **shall be fined under this title or imprisoned not more than six months, or both.**”

*This requirement **does not apply to state and federal agencies**, (scan only) but does apply to non-profit and for-profit organizations. Keeping a record of the number set forth on the Military ID. If the organization needs a copy of a picture ID, request another form of Identification (i.e. a passport or driver’s license).

If the organization is concerned that someone has had unauthorized access to a copy of a Military ID, the organization should contact law enforcement immediately. All organizations should be aware of, and adhere to, this regulation.

If you have any questions, you can contact Katharine Meyer at kmeyer@gkglaw.com.

References

TEGL 19-16

38. U.S.C.4213

20 CFR 680.660

Title 18, U.S. Code Part I, Chapter 33, Section 701

Creation Date

December 10, 2019

Revised Date

N/A