



STATE OF ARKANSAS
EMPLOYMENT SECURITY DEPARTMENT

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EMPLOYMENT ASSISTANCE
ISSUANCE PY 01-13

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April 1, 2002

TO: Local Area Workforce Investment Boards, Local Workforce Investment Areas and Workforce Career Centers

SUBJECT: Statewide Policy Related to Reservist Called to Duty - Regarding Workforce Investment Act (WIA) Participation.

1. **Purpose:** To transmit policy guidance related to businesses and individuals affected by the activation of reservists called to duty in the U.S. Armed Forces, and their participation in WIA. Please reference Training and Employment Guidance Letter (TEGL) No. 8-01, dated November 30, 2001.
2. **General Information:** The events of September 11, 2001, created some new issues for employment and training programs serving American businesses and current and future workers. Training and Employment Guidance Letter (TEGL) No. 8-01 recommends means to ensure that temporary disruptions in periods of WIA participation for those reservists activated for military service are met with long-term encouragement and support for job seeking and training endeavors. This TEGL also encourages States and local areas to use the flexibility available to them within the act and the regulations to assist in this effort.

The guidance allows States to 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; **OR NOT EXIT** the participant and treat these participants in the same way as those who have a health or medical condition that prevents them from participating in services.

Based on approval by the Arkansas Workforce Investment Board, at its January 15 meeting, the State has opted to use the NOT EXIT policy. The attached policy is issued for use under the Workforce Investment Act programs throughout the State.

3. **Action Required:** Please ensure that appropriate staff are aware of and receive a copy of the attached policy guidance.
4. **Inquiries:** Contact your Workforce Development Specialist.
5. **Attachment:** State policy guidance related to Reservist called to active duty regarding reservists called to active duty in the U.S. Armed forces and their WIA participation.
6. **Expiration Date:** Continuing



WIA STATE POLICY RELATED TO RESERVIST CALLED TO ACTIVE DUTY

The State's policy in determining services to 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 shall continue to be considered participants in the WIA program. They must not be considered as program exiters.

WIA Participants who are called up for active duty must be treated 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 from active duty in which to resume participation before terminating the individual from the program.

Individuals on active duty cannot continue to receive needs-related payments, and/or supportive services once they are called to active duty. Individuals must be actively participating in a training program to receive needs-related payments. Similarly, other supportive 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.

Individuals who were on active duty who choose not to return to participation in the program should be exited as described in Training and Employment Guidance Letter (TEGL) No. 8-01, dated November 30, 2001.