

determinations and resulting monetary redeterminations, SWAs should consider staggering notifications to such individuals who are in current TEUC or TEUC-X benefit status, allowing sufficient time to determine whether or not the claimant is an "eligible individual" for TEUC-A purposes prior to exhaustion. The notification of claimants that are currently in regular, additional, or extended benefit (EB) status (under the permanent EB program) can be accomplished as a notice included with a TEUC monetary determination.

b. *Notification of Media.* To assure public knowledge of this special extension of the TEUC program for airline and related workers, the SWA must notify appropriate news media having coverage throughout the state and provide appropriate information on its website.

8. *Qualifying Base Period Employment.* Establishing base period employment as "qualifying employment" for TEUC-A purposes is three-fold. First, the employment must have occurred "in whole or in part" during the base period of the "applicable benefit year" for the TEUC-A claim. Second, the employment must be with the type of employer(s) or at the location specified below. Third, the separation from such employment, which may have occurred during the base period or later, must be "in whole or in part" due to a qualifying reason specified in 'b' below.

a. *Qualifying Employment.* To satisfy the requirement for "qualifying employment," some base period employment must be with the type of employer(s) or at the location specified as follows:

(1) *Air Carriers.* Air carriers for purposes of TEUC-A are limited to those that hold a certificate issued under chapter 411 of title 49, United States Code, by the Federal Aviation Administration of the U.S. Department of Transportation. Certificates issued under this chapter include those issued for charter air carriers and all-cargo air carriers. Attachment C provides a listing of all such carriers.

(2) *At a facility at an airport.* A "facility at an airport" includes any employer that is physically located on the grounds of an airport such as:

- Retail food facilities such as restaurants, bars, fast-food shops, and popcorn stands.
- Other retail facilities such as gift shops, newsstands, clothing stores, and kiosks.
- Hotels located on the airport grounds.
- Aircraft maintenance and service facilities.
- Parking facilities.
- Car rental facilities.
- Any other business physically located on the airport grounds, regardless of its business activities.

A "facility at an airport" also includes any airline related business which, although offsite, provides functions that are integrally related to the operation of the airport. These include airport parking on privately owned land, car rental services, or aircraft maintenance and service facilities. Employment with the same employer at a facility that does not meet this definition of "facility at an airport" is not "qualifying employment" for purposes of TEUC-A.

(3) *Supplier for an Air Carrier.* A "supplier" is an employer that produces component parts for, or articles and contract services considered to be a part of the production process or services for, an air carrier or for another supplier or upstream producer whose supplies, products or services are received or utilized by an air carrier and used for airline industry purposes.

*Example 1:* A catering service that supplies an air carrier with food purchased from another firm is a supplier. The firm from which the food is purchased is also a supplier because it is supplying products to a supplier that are received by an air carrier.

*Example 2:* An employer manufactures commercial aircraft for air carriers and private aircraft for individuals and non-airline corporations. As a result of the terrorist action, the employer suffers a loss of business in its private aircraft business. It loses no sales to air carriers. The employer separates some workers, including those who manufactured commercial aircraft, because of the lost revenues. Even though the employer supplies air carriers and even though workers who worked on those supplies were separated, the separated workers are not eligible for TEUC-A because there is no loss in air carrier-related business.

*Example 3:* A janitorial company provides services for an aircraft manufacturer. It does not provide services to an air carrier. Due to a loss in air carrier business, the aircraft manufacturer no longer has a need for these janitorial services. As a result, the janitorial company separates several workers. Even though these workers were separated due to a loss of business by the aircraft manufacturer that could be traced back to the air carrier, they are not eligible for TEUC-A because they did not supply any item or service which was used or received by an air carrier. For eligibility, services must always extend to an air carrier.

*Example 4:* An accounting firm provides accounting services for a caterer to an air carrier. The air carrier goes out of business because of the terrorist action. The caterer closes because the air carrier was its sole customer. The caterer's closing causes the accounting firm to separate one of its employees who provided services for the caterer. That individual does not have "qualifying employment" because the accounting firm is not a "supplier" within the meaning of the statute. The accounting firm's service to the caterer did not extend to the air carrier.

(4) *Upstream Producer for an Air Carrier.* An "upstream producer" is an employer that "performs additional, value-added, production processes, including firms that perform final assembly, finishing, or packaging of articles, for another firm."

We are not providing an example of an "upstream producer" because the definition of supplier appears to cover all entities eligible under the two definitions.

b. *Qualifying Separations.* To be in qualified employment the separation from base period employment must be due—in whole or in part—to one or more of the following reasons:

- Reductions in service by an air carrier as a result of the terrorist actions on September

11, 2001, or a security measure taken in response to such actions.

- A closure of an airport in the United States as a result of the terrorist actions on September 11, 2001, or a security measure taken in response to such actions.
- The military conflict with Iraq.

The separation from "qualifying employment" that establishes a claimant as an "eligible individual" may occur during the base period or lag period and does not have to be the most recent separation when the "applicable benefit year" was established.

A separation from lag period only employment with a qualified employer does not establish an individual as an "eligible individual." Also, any separation from a qualified employer due to a voluntary quit or discharge for any reason is not a separation for a qualifying reason; the separation must be a "lack-of-work" separation due to one or more of the reasons stated above.

c. *Determining Whether a Claimant Has "Qualifying Employment" and is an "Eligible Individual."* To determine if a claimant is an "eligible individual" for TEUC-A purposes, SWAs must determine if the claimant has "qualifying employment" during the base period of the "applicable benefit year" that was used in the monetary determination for regular benefits. In making this determination, SWAs will follow their usual fact-finding procedures. This will require the SWA to contact employers to determine if the employment was of the type, or performed at the location, specified above, and if the reason for separation was one of the reasons specified above. We have attached a sample form that SWAs may elect to use for this purpose. SWAs may use an altered design as long as the required information is solicited from the employer. Where, after reasonable efforts to obtain information from the employer, the SWA does not have sufficient information to make a determination, then SWAs should evaluate the claimant's statement and follow standard procedures for issuing nonmonetary determinations. SWAs will be expected to preserve all documents relating to the determination for audit purposes.

In the case of larger employers, it may be evident that the employer is an air carrier (based on the attached listing), another type of easily identifiable large employer, or a facility located at an airport; it will not be necessary to verify the nature of the base period employment in such cases. As a result, when such an employer is identified, SWAs are encouraged, in lieu of sending a form for each claimant, to contact the employer as soon as possible to obtain a listing of all individuals laid-off, in whole or in part, due to the reasons described above.

If the SWA determines that the claimant is not an "eligible individual" for TEUC-A purposes, an appealable nonmonetary determination must be issued.

9. *Calculating Entitlement to TEUC-A and TEUC-AX.* Once an individual has been identified as an "eligible individual" qualifying for TEUC-A, the SWA will issue a monetary determination (or redetermination as the case may be) establishing TEUC-A eligibility. Any TEUC-