

separated for a qualifying reason. Therefore, employment with a non-airline related employers who have suffered a loss of business due to the deployment of large number of military servicemembers from the community is not "qualifying employment."

c. *Question:* If the claimant's regular benefit entitlement is determined using an alternate base period, are the normally lag period wages that are used in the determination "qualifying employment" if all other conditions are met?

*Answer:* Yes. If regular entitlement is determined using the alternate base period, that is the base period for purposes of determining "qualifying employment."

d. *Question:* During the base period, the claimant was employed with an air carrier and was separated for a nonqualifying reason. Subsequent to establishing the "applicable benefit year," the claimant returned to work with that employer and was separated for a qualifying reason. Would this separation establish the base period employment as "qualifying employment?"

*Answer:* Yes. The qualifying separation does not have to occur during the base period. In most cases it will probably occur during the lag period.

e. *Question:* The term "qualifying employment" as expressed in the law provides that separation from the employment must be due "in whole or in part" to one of three conditions. Is it possible that an individual can have employment with more than one base period employer that can be considered qualifying employment?

*Answer:* Yes.

f. *Question:* There are several hotels "offsite" along the main road of the airport. Would these hotels qualify as hotels at the facility?

*Answer:* No. Employment with a hotel that is not physically located on the grounds of the airport and that does not provide functions that are integrally related to the operation of the airport, is not "employment at a facility at an airport." A "facility at an airport" includes any facility that is physically located on the grounds of an airport or those offsite businesses/facilities that provide functions that are integrally related to the operation of the airport. An offsite hotel may be convenient, but it is not "integrally related to the operation of the airport."

g. *Question:* A hotel located offsite near an airport had a contract with a certified air carrier to supply a certain number of rooms each night for airline personnel. Due to a reduction in the air carrier's flights, the contract with the hotel was canceled. Does the hotel meet the definition of a "supplier" for TEUC-A purposes?

*Answer:* Yes. This hotel is a "supplier" that provided services to a certified air carrier.

h. *Question:* An individual worked as a security screener at an airport. In response to the terrorist actions of September 11, 2001, this function was transferred to the newly created federal Transportation Security Administration (TSA). The individual was not hired by the TSA and is, as a result, now unemployed. Is this a qualifying reason for separation for TEUC-A purposes?

*Answer:* No. The above individual worked at a facility at an airport and was separated from employment due to a security measure taken in response to the terrorist actions of September 11, 2001. However, to have "qualifying employment," the individual must have been separated because of reductions in service by an air carrier or the closure of an airport in the United States. This did not occur under the scenario described. Rather, the individual was separated because the TSA took over security at the airport.

i. *Question:* The claimant has a qualifying employer during the base period and a qualifying separation from that employer. The claimant is subsequently reemployed by the employer and has a disqualifying separation. Is this claimant's first separation from this employer a qualifying separation for TEUC-A purposes?

*Answer:* No. The definition of an "eligible individual" requires the individual to be separated from "qualifying employment." The determination that base period employment constitutes "qualifying employment" includes a determination that the claimant was separated from the base period employment for a qualifying reason. In this case, although this claimant was separated after September 11, 2001, for a qualifying reason, when the employer recalled the claimant, the claimant was no longer separated from this employer. The claimant's subsequent separation from this base period employer is not for one of the three qualifying reasons.

j. *Question:* The claimant has base period employment with two potentially qualifying employers. One employer laid the individual off after September 11, 2001, for a qualifying reason; the other employer fired the claimant after September 11, 2001, for gross misconduct. Does this claimant have a qualifying separation, and is he/she eligible for TEUC-A?

*Answer:* Whether this claimant is "eligible" to receive TEUC-A depends on whether he/she has requalified if there was a misconduct disqualification. However, this claimant has "qualifying employment" and meets the definition of "eligible individual" for TEUC-A monetary determination purposes because he/she is separated from a base period employment for a qualifying reason. This situation is different from the individual with two separations from the same employer in that the non-qualifying separation from one base period employer does not nullify the qualifying separation from another base period employer. The issue is not whether the claimant's separation from his/her most recent potentially qualifying employment is qualifying, it is whether the claimant has "qualifying employment," and this claimant does. However, to receive TEUC-A benefits, the individual must still meet all other eligibility requirements. Therefore, if the claimant has been disqualified, no TEUC-A is payable until the claimant has requalified.

k. *Question:* The claimant worked at an airport construction site building a parking ramp or remodeling a building. Would this employment be considered "employment at a facility at an airport?"

*Answer:* Yes. Although the employer's office may have been located offsite, the claimant's employment at the construction site on the airport grounds constitutes "employment at a facility at an airport." However, in order for the claimant to be an "eligible individual," he/she must have been laid off from work at the airport construction site for one of the three qualifying reasons.

l. *Question:* Is a company that makes and supplies parts to an aircraft manufacturer that sells airplanes to a certified air carrier a "supplier" for purposes of TEUC-A?

*Answer:* Yes, because the air carrier is certified. However, to satisfy the definition of "qualifying employment," the separation from the base period employment must be for a qualifying reason.

m. *Question:* Is a company that is contracted to install phones or computer equipment at an airport considered a "supplier" for an air carrier?

*Answer:* Yes, if the contract is with a certified air carrier. Also, the individual(s) installing the equipment on the airport grounds is performing services "at a facility at an airport." Therefore, the employment satisfies the definition of "qualifying employment" if the separation was for one of the three qualifying reasons.

n. *Question:* A foreign air carrier has suffered a loss in business associated with the terrorist actions of September 11, 2001, and has laid off workers at airports throughout the United States. Does this employer meet the definition of an "air carrier" for purposes of TEUC-A?

*Answer:* No. An "air carrier" for purposes of TEUC-A is defined as "an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code." We have been advised by the Federal Aviation Administration that foreign air carriers are not issued such certificates. However, if this employer is located at an airport, then services performed for it at the airport represent "employment at a facility at the airport." To qualify, however, the individual must have a qualifying separation. Because the reduction in service was not by a certified air carrier, the layoff must be due to one of the other two qualifying reasons, *i.e.*, due to an airport closure as a result of the terrorist actions of September 11, 2001, or due to the military conflict in Iraq.

o. *Question:* Due to a drop in business after the terrorist actions of September 11, 2001, a foreign air carrier cancels its contract with the local caterer whose sole contract was with this air carrier. The caterer goes out of business, laying off all of its workers. Does the caterer meet the definition of an "upstream producer" or "supplier" for TEUC-A purposes?

*Answer:* No. The caterer does not meet the definition of "supplier" because the products and services were not provided to a qualifying "air carrier" as defined in section 4002(a)(3) of Public Law 108-11.

p. *Question:* A manufacturer or supplier of private aircraft exclusively to individuals and non-airline related businesses laid off workers after the terrorist actions on September 11, 2001, when sales of the private aircraft were reduced. Does this constitute "qualifying employment" for purposes of TEUC-A?