

I. Purpose:

The purpose of this policy is to ensure compliance with federal regulations related to priority of services to veterans and eligible spouses.

II. Background:

The Jobs for Veterans Act (JVA), PL 107-288, signed into law on November 7, 2002, requires that there be priority of service for veterans and eligible spouses in any workforce preparation, development, or delivery program or service directly funded in whole or in part, by the U.S. Department of Labor (**38 U.S.C. 4215**). The Priority of Service regulations, codified at **20 CFR 1010**, were issued December 19, 2008 and require qualified job training programs to implement priority of service for veterans and eligible spouses, effective January 19, 2009.

Final Rule 680.650 builds on the USDOL's efforts to ensure veterans are entitled to priority of service in all department funded training programs under **38 U.S.C. 4215**. The WIOA regulation states that veterans must receive priority of service in programs for which they are eligible. The ETA and the Veterans' Employment and Training Service (VETS) issued guidance regarding implementation of priority of service on November 10, 2009, through **Training and Guidance Letter (TEGL) 10-09** and **Veterans' Program Letter (VPL) No. 07-09**. That guidance details the requirements of State Workforce Agencies (SWAs), local WIBs, and One-Stop Career Centers in providing priority of service to veterans and eligible spouses.

III. Instructions:

AJC staff must ensure priority of service to veterans and their eligible spouses for all DOL-funded job training programs. Veteran's and eligible spouses priority of service means the right of veterans and eligible spouses to take precedence over a non-covered person in obtaining all employment and training services. Depending on the type of service, this may mean veterans and eligible spouses receive services earlier in time or instead of non-covered persons.

WIOA Section 134 (c)(3)(E) establishes a priority of requirement with respect to funds allocated to a local area for adult employment and training activities. Veterans and eligible spouses continue to receive priority of service for all DOL funded job training programs, with the exception of the priority of service established for the WIOA Adult program. The WIOA Title I Adult program also provides priority services for public assistance recipients, other low-income individuals, or individuals who are basic skills deficient. AJC staff must apply priority of service in the order below:

- Priority 1: Eligible veterans and eligible spouses who are recipients of public assistance and considered low-income or basic skills deficient.
- Priority 2: Eligible non-covered persons (not veterans or eligible spouses) who are recipients of public assistance and determined to be low-income or basic skills deficient.
- Priority 3: Veterans and eligible spouses who are not recipients of public assistance and are not determined to be low-income or basic skills deficient.
- Priority 4: Individuals (non-covered persons) who do not meet the above priorities but who are:

- Unemployed but do not meet the definition of low income, or
- Employed but do not meet the local area's definition of self-sufficiency; **and**
 - Is an individual with barriers to employment as identified in NPRM sec 680.320 including the following:
 - Indians, Alaska Native and Native Hawaiians
 - Individuals with disabilities
 - Older individuals – (age 55 or older)
 - Ex-offenders
 - Homeless individuals
 - Youth who are in or have aged out of the foster care system
 - Individuals who are English learners, who have low literacy levels, or face substantial cultural barriers
 - Eligible Migrant Seasonal Farm Workers (MSFWs)
 - Single parents (including pregnant women)
 - Long-term unemployed individuals (unemployed 27 weeks or more)

NOTE: A veteran must meet each program's eligibility criteria to receive services under the perspective employment and training program. In programs that require income-based eligibility to receive services, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA), or Vocational Rehabilitation (VR) disability, or other related Veteran Affairs programs are not considered as income when determining low-income status. Generally, this means many separating service members may qualify for the WIOA Adult Program because it provides services for low-income individuals where military earnings are not to be considered income, in accordance with 38 U.S.C. 4213 and 20 CFR 683.230.

Veterans or eligible spouses who are eligible for the GI Bill or other forms of VA funded education or training do not preclude a veteran or the veteran's eligible spouse from receiving WIOA funded services, including training funds. WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allow them to enroll in WIOA funded training, in accordance with TEGL 19-16.

IV. Definitions:

Veteran - a person who has served at least one day of active duty in the military, naval, or air service, and who was discharged or released from such service with other than a dishonorable discharge. This definition includes Reserve units and National Guard units activated for Federal Service.

NOTE: The veteran definition of requiring 180 days of active service still applies for career services provided by a Disabled Veteran Outreach Program (DVOP) specialist. The 180 day requirement does not apply to priority of service in USDOL funded employment and training programs. STLWDB ensures that policies, procedures, and staff training reflect the correct eligibility definition.

Eligible Spouse (must meet one qualification):

- (a) A spouse of any veteran who died of a service connected disability
- (b) A spouse of any member of the Armed Forces serving on active duty who, at the
- (c) time of application for the priority, is listed in one or more of the following
- (d) categories and has been so listed for a total of more than 90 days;

- i. Missing in action
 - ii. Captured in the line of duty by a hostile force, or
 - iii. Forcibly detained or interned in the line of duty by a foreign government or power
- (e) A spouse of a veteran who has a total disability resulting from a service-connected disability, as evaluated by the department of Veteran Affairs.
- (f) A spouse of any veteran who died while a disability was in existence.

NOTE: A spouse whose eligibility is derived from a living veteran or service member (categories b. or c. above) would lose his or her eligibility if the veteran or service member was to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, a spouse whose eligibility is derived from a living veteran or service member would lose that eligibility upon divorce from the veteran or service member. However, a spouse who qualifies under categories a. or d. would not lose covered status through subsequent remarriage.

Covered Person - a Veteran or Eligible Spouse as defined above.

Non-Covered Person – those persons who are not veterans and eligible spouses

V. Procedures:

All AJC staff are responsible for identifying covered persons at the point of entry (including reception areas, resource areas, websites, self-service kiosks, and informational bulletin boards, etc). Welcome function procedures are in place to ensure that covered are persons identified and informed of:

- their entitlement to priority of service
- the full array of programs and services available to them; and
- any applicable eligibility requirements for those programs and services.

These services include the full range of employment, training and placement services in a manner that is comprehensive, customer-driven, and seamless. For more guidance, see the TN-WIOA 17-6 Veteran referral process. The document can be found at:

https://www.tn.gov/content/dam/tn/workforce/documents/ProgramManagement/Completed_WFS_Policy_-_Veteran_Referral_Process_-_WIOA.PDF

Serving Separating Service Members and Military Spouses with Dislocated Worker Funds:

WIOA Sec. (3)(15) provides the full definition of the term dislocated worker. 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. Dislocated Worker funds under title I can help separating service members to enter or re-enter the civilian labor force. Further guidance can be found in TEGL 19-16, page 11. Regarding military spouses, 20 CFR 680.630 the definition of displaced home-maker is expanded to include 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 spouse. Military spouses also can qualify if they are unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment (see WIOA secs 3(15)(E) and 3(16)(A) and (B) and 20 CFR 680.630 of the DOL-only Final Regulations). Military spouses may also qualify if they are a dependent spouse of a member of the Armed Forces on active duty whose family income is reduced by a minimum of

15% because of a deployment, a call or order to active duty, a permanent change of station, or the service connected death or disability of the service member.

Verification of Veteran, or Eligible Spouse Status:

It is important to distinguish between the identification of a veteran for priority of services and the verification of a veteran's status or the verification of an eligible spouse.

- If an individual self-identifies as a veteran, or eligible spouse, at the AJC, that individual should be provided with immediate priority in the delivery of employment services.
- When a veteran or eligible spouse undergoes eligibility determination for enrollment (e.g. in WIOA Adult Program), it is appropriate to initiate verification of veteran status.
- If a veteran or an eligible spouse, at the point of eligibility determination and enrollment, does not have documentation verifying his/her eligibility for priority of service, he/she is to be afforded access on a priority basis to all services provided by program staff while awaiting verification

NOTE: The only services that require prior verification of eligibility for priority of service are those that require a commitment such as classroom training.

Ensuring the Priority of Service:

- Identifying veterans and other covered persons using **Military Service Form LB-1118** (April 2016) when they visit service delivery points (form is included as attachment)
- Displaying signs that clearly describe the priority of services and the registration process. This information must also be conveyed when veteran and eligible spouse access to services electronically or by telephone
- It is neither necessary nor appropriate to require verification of the status of a veteran or other eligible person at the point of entry
- If a person self identifies as a veteran, or other eligible person, immediate priority of service is required
- Coordinating employer outreach development activities with related responsibilities of the Local Veterans Employment Representative (LVER) staff
- Identifying employers who are interested in hiring veterans
- Promoting job fairs for veterans and eligible spouses
- Monitoring the priority of services will be done at the point of entry and during training or employment services

AUTHORIZED BY:



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Date

APPROVED BY:



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Date

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