

Veterans and Eligible Spouses Priority of Services



Effective Date: 10/01/2018
Duration: Indefinite

Purpose:

The purpose of this policy is to communicate guidance on federal regulations related to delivery of WIOA services to veterans and other covered persons under 38 U.S.C. 4215. These regulations implement the priority of service to Veteran and Eligible Spouse that is to be applied to all workforce preparation, development or delivery, programs or services, directly funded, in whole or in part, by the United States Department of Labor (USDOL).

Background:

On January 19, 2009, a Federal Regulation went into effect, via Final Rule (Part V/1120 CFR Part 1010), requiring the United States Department of Labor (USDOL) to implement priority of services for all veterans and eligible spouses of veterans as part of the publicly funded employment and training programs. WIOA also expands the definition of displaced home-makers to include dependent spouses of the Armed Forces on active duty to ensure that they have access to WIOA Title I services.

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. 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.

Instruction

It is the responsibility of the public workforce system to provide priority of service for all veterans and eligible spouses (covered persons) who receive services under any qualified job training program. This action means that veterans and eligible spouses are given priority over non-covered persons for the receipt of career assistance provided under workforce services. A veteran, or an eligible spouse of a veteran, will receive access to a service earlier than a non-covered person. Priority of service will be determined during initial assessment and during training or employment services.

For the purpose of this policy, priority is defined as to take precedence or precede. Individuals meeting eligibility under Priority 1 would receive services such as classroom training or other training services prior to individuals classified as Priority 2, 3, and 4. Those individuals meeting eligibility under Priority 2 would receive services prior to those classified as Priority 3 and 4. Those individuals classified as Priority 3 would receive services prior to those classified as Priority 4. The explanation of each of these classifications follows:

Priority 1 - The participant is an eligible veteran or spouse of a veteran who is receiving public assistance and is considered low-income or basic skills deficient.

Priority 2 - This participant is not a veteran or spouse of a veteran who is receiving public assistance and is considered low income or basic skills deficient.

Priority 3 - The participant is an eligible veteran or spouse of a veteran who has no barriers.

Priority 4 - This participant is not a veteran or spouse of a veteran.

Who is a Veteran?

A veteran is a person who has served at least one day of active duty in the military service and who was discharged or released from such service with other than a dishonorable discharge. Please note that the veteran definition of requiring 180 days of active service still applies for career services provided by a Disabled Veteran Outreach Program specialist. The 180 day requirement does not apply to priority of service in USDOL funded employment and training programs. It is the responsibility of the program operator to ensure that policies, procedures, and staff training reflect the correct eligibility definition.

Eligible Spouse (must meet one qualification):

- A spouse of any veteran who died of a service connected disability.
- A spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days;
 - Missing in action
 - Captured in the line of duty by a hostile force, or
 - Forcibly detained or interned in the line of duty by a foreign government or power
- A spouse of a veteran who has a total disability resulting from a service-connected disability, as evaluated by the department of Veteran Affairs.
- A spouse of any veteran who died while a disability was in existence.

Please note: A spouse will lose eligibility if it is derived from a living veteran, or a service member, who loses their status which made them eligible. Such a situation would be: 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 a divorce from that veteran or service member. To further clarify, the spouse of a veteran who died of a service-connected disability, or died while a disability was in existence, would not lose covered status through subsequent remarriage. It is important to distinguish between the identification of a veteran for priority of services and the verification a veteran's status or the verification of an eligible spouse. If an individual self-identifies as a veteran, or eligible spouse, at the American Job Center, 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.

The only employment services that require prior verification of eligibility for priority of service are those that require a commitment such as classroom training. American Job Centers must ensure that veterans and eligible spouses are identified at the "point of entry" (reception area, resource area, web-sites, Self Service and informational bulletin boards etc.), and informing veterans and eligible spouses of their entitlement to priority of services. American Job Center staff will use the approved Military Service Form as an initial screening tool to establish eligibility. These services include the full array of employment, training and placement services. Procedure to ensuring the priority of service:

- Identifying veterans and other covered persons using the approved Military Service Form when they visit service delivery points.

- 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 services electronically or by telephone.
- It is neither necessary nor appropriate to require verification of the status of a veteran or other eligible 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.

CONTACT: Questions concerning the above may be addressed to Kathy Pierce, Executive Director of the NETLWDB at kpierce@ab-t.org.

This policy will remain in effect until amended, modified, or set aside by the Northeast Tennessee Local Workforce Development Board.

APPROVED:



Kathy Pierce
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