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Veterans & Eligible Spouse Priority of Service Policy & Procedures

Purpose

The purpose of this policy is to clarify the priority of service for veterans in WIOA Title I-B programs and services in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB) and the Southeast Arkansas Workforce Development Board (SEAWDB).

Reference: (WIOA Law)

<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

Policy:

Veterans and eligible spouses, as defined in ADWS Policy No. WIOA I-B – 1.2 (Definitions), WIOA §§ 3(63), 38 U.S.C. Sections 101, PL 107-288, and TEGL 10-09, receive priority of service for all USDOL-funded job training programs, which include WIOA programs [Arkansas State Plan; TEGL 19-16; 38 U.S.C. 4215; PL 107-288;]. A veteran or eligible spouse must meet each program’s eligibility criteria to receive services [38 U.S.C. 4215; 38 U.S.C. 4102A(d); WIOA § 511(gg)(2)(A); 20 CFR 680.650 & 683.230;]. Additional details concerning priority are given with the eligibility requirements for each program.

Veterans:

For the purposes of implementing priority of service, a “veteran” is a person who served at least one day in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable. Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of “active service” does not

include full-time duty performed strictly for training purposes (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by state rather than Federal authorities, such as mobilization in response to events such as natural disasters).

Veterans and eligible spouses receive priority of service for all WIOA programs. A veteran or eligible spouse must meet the programs eligibility criteria to receive services.

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. Arkansas Workforce Center (WFC) 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:

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

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 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;
 - 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
- (c) A spouse of a veteran who has a total disability resulting from a service-connected disability, as evaluated by the department of Veteran Affairs.
- (d) 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

Other regulations concerning veteran preference and the status of military-based funds in determining eligibility are:

1. Veterans and eligible spouses should identify themselves at the point of entry into the system or program to take full advantage of the priority of service [TEGL 10-09]. If the veteran or eligible spouse identity is not declared at the point of entry, the status may be identified during the interview and registration process.

2. When an individual is identified as a veteran or eligible spouse, SEAWDB & Arkansas Workforce Center staff must notify the applicant of his or her priority of service, the full array of employment, training, and placement services available, and the applicable eligibility requirements for programs and services [TEGL 10-09].
3. For income-based eligibility determinations, military pay or allowances paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income. This policy applies for both the “low-income individual” requirement of Youth programs, and for the priority of services for “low-income individuals” for Adult funds. [20 CFR 680.650; 20 CFR 683.230; 38 U.S.C. 4213; TEGLs 10-09 & 19-16].
4. VA benefits for education and training services are not included in the category of “other sources of training grants” listed in 20 CFR 680.230(b) [Comments concerning §680.230 in the WIOA Final Rule; TEGLs 10-09 & 19-16]. Veterans or spouses who are eligible for the GI Bill or other forms of VA-funded education or training are not required to coordinate these benefits with WIOA-funds for training purposes. VA funds for training do not need to be exhausted before WIOA funds can be used for training for a veteran or eligible spouse [TEGL 19-16].
5. Pension payments, whether or not their retirement was based on disability, are not exempt and are to be included in “low income” calculations [TEGL 10-09].
6. Specific details concerning priority for Adult eligibility are given in ADWS Policy No. WIOA I-B – 2.3 (Eligibility for Adult Program).
7. Veterans priority of services applies to all WIOA Title I-B programs, although each veteran must meet particular eligibility requirements for each program in which he or she is enrolled [20 CFR 680.610 & 680.650; 38 U.S.C. 4215; 20 CFR part 1010; DOL comments concerning 20 CFR 680.610; TEGL 19-16]. In addition, special rules for veterans and their spouses apply in determining the eligibility of dislocated workers (See ADWS Policy No. WIOA I-B – 2.4 Eligibility for Dislocated Worker Program).
8. SEAWDB has developed policies and procedures to implement priority of service, including priority for veterans [TEGLS 10-09 & 19-16]. Written copies of local priority of service is maintained at all service delivery points and, to the extent practicable, is posted in a way that makes it possible for members of the general public to easily access them [TEGL 10-09].

Procedures for Priority of Service

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

- If an individual self-identifies as a veteran, or eligible spouse that individual should be provided with immediate priority in the delivery of services.
- When a veteran or eligible spouse undergoes eligibility determination for enrollment, it is appropriate to initiate verification of veteran status.
- If a veteran or eligible spouse, at the point of eligibility determination and enrollment, does not have documentation verifying his or 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.
- It is neither necessary nor appropriate to require verification of the status of a veteran or other eligible person at the point of entry.

Priority of Service will be ensured by...

- Identifying veterans and other covered persons using the acceptable documentation listed in the ADWS WIOA Title I-B Policy Manual when customers visit service delivery points.
- Displaying signs and or this policy that clearly describe the priority of services and the registration process. This information will also be conveyed when a veteran and eligible spouse access services electronically or by telephone.
- Coordinating service delivery, outreach, employer and all other related activities with Local Veterans Employment Representative (LVER) staff
- Identifying employers who are interested in hiring veterans
- Promoting job fairs for veterans and eligible spouses
- Assisting veterans and eligible spouse before other customers
- Tracking and monitoring customer flow and compliance with all priority of services policies

Approved:

 2-20-19
 SEAWDB Chairperson Date

Amended:

 SEAWDB Chairperson Date