

**NORTH CENTRAL ARKANSAS
WORKFORCE DEVELOPMENT BOARD**

P.O. Box 2396 • Batesville, AR 72501 • (870) 793-5233 • Fax (870) 793-4035

Serving the Counties of
Cleburne • Fulton • Independence • Izard • Jackson • Sharp • Stone • Van Buren • White • Woodruff

WDB Policy #: 2.11

Effective Date: 6/11/2014 (WIA)

Revision Date: 12/13/2017, 6/13/2018, 3/13/2019, 3/8//2023

SUBJECT Priority of Service – Veterans and Eligible Spouses

PURPOSE

To establish the Board's Priority of Service Policy for Veterans in the North Central Workforce Development Area.

REFERENCES: WIOA §§ 3(63), & 511 20 CFR 680.230, 680.610, 680.650 & 683.230 20 CFR part 1010 TEGSs 10-09 & 19-16 38 U.S.C. Sections 101, 4102A, 4213 & 4215 (Veterans' Benefits) PL 107-288 (Jobs for Veterans Act) Arkansas State Plan ADWS Policy WIOA I-B – 1.2 (Definitions)

BACKGROUND

The North Central Arkansas Workforce Development Board requires that veterans and eligible spouses receive priority of service consistent with the JVA, the Final Rule, and this policy.

Veterans and eligible spouses, including widows and widowers as defined in the statute and regulations, are eligible for priority of service.

Veteran, as specified in 38 U.S.C. 101(2), means a person who served at least one day in the active military, naval or air service, and who was discharged or released 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 (State mobilizations usually occur in response to events such as natural disasters).

Eligible spouse, as defined at § 2(a) of the JVA (38 U.S.C. 4215[a]), means the spouse of any of the following:

- Any veteran who died of a service-connected disability;
- 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:
 - a) Missing in action;
 - b) Captured in the line of the duty by a hostile force; or
 - c) Forcibly detained or interned in the line of duty by a foreign government or power;
- Any veteran who has a total disability (100% rating) resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- Any veteran who died while a total disability, as described in Condition #3 above, was in existence, whether or not that disability was the cause of death

Note: A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c.

above) would lose his or her eligibility if the veteran or service members were 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, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member. The eligible spouse retains eligibility if they are widowed and remarry after the death of their disabled veteran spouse.

Priority of service means that veterans and eligible spouses are given priority over non-priority persons for the receipt of employment, training, and placement services provided. The veteran or eligible spouse receives access to the service instead of or before the non-priority person. If a non-priority person is on a waiting list, the veteran or spouse will move to the top of the list. However, a non-priority person who is currently enrolled will not be “bumped” by the priority person.

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. 2.2 (Updated 8/27/18) Veterans' Priority of Service Page 2
2. When an individual is identified as a veteran or eligible spouse, the WIOA Title I-B Service Provider 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; TEGs 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; TEGs 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; DOI, 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. Each LWDB must develop policies and procedures to implement priority of service, including priority

for veterans [TEGLS 10-08 & 19-16]. Written copies of local priority of service should be maintained at all service delivery points and, to the extent practicable, should be posted in a way that makes it possible for members of the general public to easily access them [TEGL 10-09].

VETERAN'S PRIORITY OF SERVICES

Basic Career Services are universally accessible and must be made available to all adults seeking employment and training services.

- Veterans and eligible spouses self-identify
- No need to require additional documentation at this time
- Veterans and eligible spouses receive the first level of priority in universal access programs

Beyond universal access, enrollment in Individualized Career Services will require additional resources committed.

- For programs that cannot rely on self-attestation (e.g. classroom training), verification only needs to occur at the point at which a decision is made to commit outside resources to one individual over another.
- If determined eligible for the WIOA Title IB program, priority will be given to all veterans and eligible spouses upon receipt of required verification of status as a veteran or eligible spouse.

ACCEPTABLE DOCUMENTATION:

- DD214
- Dept. of Veterans Affairs official notice of entitlement to a disability rating or award to a qualified dependent
- Department of Defense official notice documenting eligibility of an individual, based on the missing or detained status of that individual's active duty spouse
- State veterans' service agency official notice that documents veteran status or spousal rights

EXCLUSIONS FOR CALCULATING ELIGIBILITY:

- Military pay or allowances of an individual who served on active duty.
- Amounts paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, compensation for service-connected disability or death, dependency and indemnity compensation for service-connected deaths, training and rehabilitation for veterans with service-connected disabilities, survivors' and dependents' educational assistance, and VA educational assistance from related VA-funded programs.

Note that pension payments, whether or not their retirement was based on disability, are not exempt and are to be included in "low income" calculations.

Adult Program Priority of Service Procedure:

Updated: 4/01/2020, 3/8/2023

Priority of service – Those in priority populations are given priority over non-priority persons for the receipt of employment, training, and placement services provided. A priority individual receives access to services before or instead of the non-priority person. If a non-priority person is on a waiting list, the priority person will move to the top of the list. However, the priority person will not remove a non-priority person who is currently enrolled. Policies are in place to give priority of services to those who are veterans and eligible spouses, low- income, basic skills deficient, and to those with barriers to employment. As described in Training and Employment Guidance Letter (TEGL) 03-2015, below is the order of priority. The facts used to deny an enrollment must be recorded and made available upon request.

- First Priority is given to eligible veterans and eligible spouses who are low income or basic skills deficient.
- Second Priority is given to individuals who are low-income, receiving public assistance, or basic skills deficient.
- Third Priority is given Veterans and eligible spouses who are not recipients of public assistance, are not other low-income individuals, and are not basic skills deficient
- Fourth Priority is given to individuals who are not low income, but have barriers to employment as listed on the Priority for Individuals with Barriers to Employment Policy. • Fifth Priority– staff may also serve these other eligible individuals who are not listed above after first serving eligible individuals who meet the established priority selection criteria.

Career Specialists should keep an ongoing list of those who are waiting to receive services if funding is limited. Once a participant is enrolled in a WIOA individualized career or training service, that participant shall not be displaced by an individual who qualifies for priority of service. The Fiscal Officer and Administrative Manager will monitor the expenditures and obligated expenses for the Adult Program and share information with the Executive Director, Assistant Fiscal Officer, One Stop Manager, Program Manager, and Records Manager weekly. The Executive Director will decide when to limit new obligations based on the current financial situation. When it is determined that funds for new obligations are available, those who have the highest priority are chosen first to receive WIOA funded services. The One-Stop Manager will notify the Career Specialists what priority is eligible for new funded services and the waiting lists will be used to determine who will receive the funding. Many services are available that do not require additional funding. These include but are not limited to:

- Referrals to other programs Information on In-Demand Occupations
- Information on Non-Traditional Employment Provision of Labor Market
- Information Workforce Information Services Performance
- Cost Information on Program Providers
- Assisting with Financial Aid Eligibility
- Job Referrals
- Job Search and Placement

- Assistance Career Guidance
- Workforce Preparation Activities
- Financial Literacy Education

Approved by the NCAWDB on 3/08/2023

NCAWDB Chair Signature: Gayle Cooper