



West Tennessee Workforce Development Board

www.westtennesseecareers.org

P. O. Box 264
1527 White Avenue
Henderson, TN 38340
Phone: 731-989-0533
Fax: 731-983-3149

Craig S. Butler
Board Chair

Jimmy Bell
Director

Local Workforce Development Area 11 Policy Memorandum # 17-5

Subject:

Veterans and Eligible Spouses Priority of Services

Purpose: The purpose of this policy memorandum is to provide guidance on federal regulations regarding WIOA services to veterans and other covered persons under **38 U.S.C. 4215**. These regulations implement the priority of service to Veterans and Eligible Spouses 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.

References: WIOA Section (3)(15)(A)(i)(ii) and Section 3(16)(A)(ii); Final Regulations 680.650, 683.230, 688.310; 42 U.S.C. Section 3000d; Title VII, of the Civil Rights Act of 1964, as amended; Title VII, U.S.C. Section 20003- 16{Section 717} (Employment by Federal Government (a) Discriminatory practices prohibited, employees or applicants for employment subject to coverage); WIOA Section 188; Title 29 CFR 31-33, 35-36; TN WIOA 17-5 Veteran and Eligible Spouse Priority of Service

Background:

Per **Final Rule (Part VIII 20 CFR Part 1010)**, priority of services for all veterans and eligible spouses of veterans was implemented. **20 CFR 680.650** states that veterans, as defined under **WIOA Section 3(63)(A)** and **38 U.S.C. 101**, receive priority of service in all Department of Labor-funded training programs under **38 U.S.C. 4215** and described in **20 CFR part 1010**. A veteran still must meet each program's eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or VA-funded programs are not to be considered as income, in accordance with **38 U.S.C. 4213** and **20 CFR 683.230**.

Policy:

In order to adhere to WIOA regulations, it shall be the policy of LWDA-11 that priority will be given to veterans and eligible spouses to receive services under any qualified job training program. Priority is defined as taking precedence.

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The definition of a veteran is 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. An eligible spouse of a veteran must meet one of the following qualifications:

1. A spouse of any veteran who died of a service-connected disability
2. 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;
 - a. Missing in action
 - b. Captured in the line of duty by a hostile force, or
 - c. Forcibly detained or interned in the line of duty by a foreign government or power
3. A spouse of a veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs
4. 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.

Action:

All American Job Centers served through LWDB-11 area will be made aware of this policy. LWDB-11 staff will direct the local One-Stop Operator Director to inform all Service Delivery staff to ensure that veterans and eligible spouses are identified at the "point of entry" (reception area, resource area, websites, self-service and informational bulletin boards, etc.). Should a person self-identify themselves as a veteran, or other eligible person, immediate priority of service will be given in the delivery of employment services. Signs clearly describing priority of services and the registration process will be displayed in lobby of each American Job Center. This information is also conveyed when veteran and eligible spouse access services electronically or by telephone.

Employer outreach development activities will be coordinated with area employers by the Local Veterans Employment Representative (LVER) in order to identify employers who are interested in hiring veterans. Job fairs for veterans and eligible spouses will be conducted.

Verification as a veteran must be done ONLY when determining eligibility for enrollment (e.g. in WIOA Program). Military Service Form LB-1118 will be used as an initial screening tool to establish eligibility.

Contact:

Questions regarding this policy should be addressed to Jimmy Bell, LWDB-11 Director, at SWHRA, 1527 White Avenue, P. O. Box 264, Henderson, TN 38340. Phone: (731) 983-3688. Email: jbell@swhra.org.

Attachment:

Military Services Form LB-1118 (April 2016)

Effective Date: July 1, 2017

Expiration Date: Until further notice

Approved: 
Jimmy Bell, LWDA-11 Director



MILITARY SERVICES FORM

Priority of service is the right of every qualifying individual who served in the military or eligible military spouses to receive employment, training, and placement services before non-eligible persons, as long as other provisions of the law are met. Please complete this questionnaire so we can determine your eligibility for services.

SERVED IN THE MILITARY (Section A)	
Date: _____	
Full Name: _____ SSN: _____	
Branch of Service: _____ Discharge Type: _____ Dates of Service: _____ Rank/Rate: _____	
Contact Information: (_____) Home <input type="checkbox"/> Cell Phone <input type="checkbox"/> E-Mail: _____	
How can we help you today? _____	
Have you ever served on active duty in any branch of the Armed Forces, or are you a Transitioning Service Member, Wounded Warrior, Spouse or Family Caregiver of a service member or veteran? If so you may be entitled to additional services if you can attest to at least one of the criteria below;	
<p>1. Are you a special disabled or disabled veteran whereas you are; Entitled to compensation (or who but for the receipt of military retired pay would be entitled to Compensation)? or _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Have a claim pending with the VA; or _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Were discharged or released from active duty because of a service-connected disability? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Are you homeless or without a permanent residence? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. A recently-separated service member, (Within 3 years of End of Active Service) who at any point in the previous 12 months has been unemployed for 27 or more weeks? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>4. An offender, who is currently incarcerated or has been released from custody? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5. Are you in need of a high school diploma or equivalent certificate? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>6. Low-income (as defined by the State.(See attached chart)? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7. Are you between the ages of 18 and 24? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
OTHER ELIGIBLE (Section B)	
<p>1. Are you a Transitioning Service Member with any of the criteria as defined in section A? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Do you have a letter from the VA stating you are an eligible spouse? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. Does your spouse have a total disability from a service-connected disability? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>4. Has your spouse been listed as forcibly detained or interned by a foreign government or power, missing in action, or captured in line of duty for a total or more than 90 days? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5. Are you the surviving spouse of a veteran who died of a service-connected disability as evaluated by the VA or while having a total permanent service-connected disability? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>6. Are you a "Wounded Warrior" currently in a treatment Facility or a Caregiver of one? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
MILITARY DOCUMENTS	
<p>1. Do you need to obtain a DD214? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Did you receive a DD2958 Service Member Career Readiness Standard/Individual Transition Plan? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	