



**STATE OF TENNESSEE**  
**DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT**  
DIVISION OF WORKFORCE SERVICES  
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**Effective Date: February 10, 2017**

**Duration: Until Changed**

**Workforce Services Policy - Veterans and Eligible Spouse Priority of Service  
TN-WIOA (17-5)**

**Subject:**

Priority of Services for Veterans and Eligible Spouse

**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).

**Scope:**

Tennessee Department of Labor and Workforce Development (TDLWD), State Workforce Development Board (State Board), Local Workforce Development Boards (LWDBs), Local Workforce Development Areas (LWDAs), Other Workforce System Subrecipients (Subrecipients), Workforce System Partners (Partners), Workforce System Operators (Operators), Chief Elected Official (CEO), Lead Chief Elected Official (LCEO), American Job Centers (AJCS).

**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 2000d; Title VII, of the Civil Rights Act of 1964, as amended; Title VII, U.S.C. Section 2000e-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.

**Background:**

On January 19, 2009, a Federal Regulation went into effect, via **Final Rule (Part VIII 20 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 spouse (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.

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, naval, or air 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 Military Service Form LB-1118 (April 2016), included with this policy as an attachment, 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 Military Service Form LB-1118 (April 2016) 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:**

For questions regarding this policy contact Nicholas Bishop, Director of Compliance and Policy-Division of Workforce Services, at (615) 741-0286 or Nicholas.Bishop@tn.gov

#### **Attachments:**

**Military Service Form LB-1118 (April 2016)**

**Effective Date: February 10, 2017**

**Duration: Until Changed**

A handwritten signature in black ink, appearing to read "Sterling van der Spuy", is written over a horizontal line.

Sterling van der Spuy, Administrator of Workforce Services

## 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: ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_  
Home  Cell Phone

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;

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 \_\_\_\_\_  Yes  No  
Have a claim pending with the VA; or \_\_\_\_\_  Yes  No  
Were discharged or released from active duty because of a service-connected disability? \_\_\_\_\_  Yes  No
2. Are you homeless or without a permanent residence? \_\_\_\_\_  Yes  No
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? \_\_\_\_\_  Yes  No
4. An offender, who is currently incarcerated or has been released from custody? \_\_\_\_\_  Yes  No
5. Are you in need of a high school diploma or equivalent certificate? \_\_\_\_\_  Yes  No
6. Low-income (as defined by the State.( See attached chart)? \_\_\_\_\_  Yes  No
7. Are you between the ages of 18 and 24? \_\_\_\_\_  Yes  No

### OTHER ELIGIBLE (Section B)

1. Are you a Transitioning Service Member with any of the criteria as defined in section A? \_\_\_\_\_  Yes  No
2. Do you have a letter from the VA stating you are an eligible spouse? \_\_\_\_\_  Yes  No
3. Does your spouse have a total disability from a service-connected disability? \_\_\_\_\_  Yes  No
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? \_\_\_\_\_  Yes  No
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? \_\_\_\_\_  Yes  No
6. Are you a "Wounded Warrior" currently in a treatment Facility or a Caregiver of one? \_\_\_\_\_  Yes  No

### MILITARY DOCUMENTS

1. Do you need to obtain a DD214? \_\_\_\_\_  Yes  No
2. Did you receive a DD2958 Service Member Career Readiness Standard/Individual Transition Plan?\_  Yes  No