
Policy Number: WIOA I-B – 2.2 Updated Effective Date: August 27, 2018

Veterans' Priority of Service

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).

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)

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; TEGs 19-16 & 10-09; 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; TEGL 19-16*]. Additional details concerning priority are given with the eligibility requirements for each program.

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, 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; DOL comments concerning 20 CFR 680.610; TEG 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].