

WIOA Guidance Notice No. 4-16

TO: Workforce Development Boards

FROM: Angela Fry
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Workforce Programs

SUBJECT: Veterans Priority of Service

EFFECTIVE DATE: July 1, 2015

I. REFERENCE(S):

Workforce Innovation & Opportunity Act of 2014, Section 3(63)(A), 38 U.S.C. 4215, and 20 CFR 1010.

II. PURPOSE:

To establish priority of service for veterans and eligible spouse in regards to the Workforce Innovation & Opportunity Act of 2014.

III. BACKGROUND:

Veterans, 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 1010.

IV. ACTION:

Veterans and eligible spouses, including widows and widowers as defined in the statute and regulations, are eligible for priority of service. For the purposes of implementing priority of service, the broad definition of veteran found in 38 U.S.C. 101(2) is used:

- Veteran
 - 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, as specified in 38 U.S.C. 101(2).

- Active service
 - Includes full-time Federal service in the National Guard or a Reserve component. 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.

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- Eligible spouse defined at section 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.
 - Missing in action
 - Captured in the line of duty by a hostile force
 - Forcibly detained or interned in the line of duty by a foreign government or power
 - Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs.
 - Any veteran who died while a disability was in existence
 - A spouse whose eligibility is derived from a living veteran or service member would lose his or her eligibility if the veteran or service member 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.

V. IMPLEMENTATION DATE:
Effective 7/01/2015

VI. INQUIRIES:
Please direct any questions regarding this Guidance Notice to WorkForce West Virginia/Workforce Programs Division.