

**WORKFORCE INVESTMENT FIELD INSTRUCTION (WIFI) No. 03-12**

**DATE:** July 10, 2012

**TO:** Maryland Workforce Investment Act (WIA) Grant Recipients and Subrecipients  
Labor Exchange Administrators

**SUBJECT:** Veteran's Services – Priority Services – Eligible Persons

**REFERENCES:** Training Employment Notice (TEN) No. 15-10; Training and Employment Guidance Letter (TEGL) No. 10-09; Veteran's Program Letter (VPL) No. 07-09; Title 38 United States Code Section 101(2) (38 U.S.C. 101(2)); Title 38 United States Code Section 4215(a)(B)(i-iv) (38 U.S.C. 4215(a)(B)(i-iv)); 38 U.S.C. Chapters 41 and 42.

**BACKGROUND INFORMATION:**

The following guidelines are meant to clarify the meaning of who qualifies as an "eligible covered person" for purposes of implementing Maryland's Veterans Priority of Service Policy for Eligible Veterans and Spouses. WIFI #03-12 is meant to be a supplement to WIFI #02-10 and is not meant to supersede any portion of WIFI #02-10.

On November 7, 2002, the Jobs for Veterans Act (JVA), Public Law (P.L.) 107-288 was signed into law. One provision of the JVA, codified at 38 U.S.C. 4215, establishes a priority of service requirement for covered persons (i.e., veterans and eligible spouses, including widows and widowers, as defined by this statute) in qualified job training programs.

Since the passage of the JVA, ETA and VETS have provided policy guidance to the workforce investment system regarding the implementation of priority of service, including ETA's issuance of TEGL 05-03 in September 2003. On December 22, 2006, the Veterans' Benefits, Health Care, and Information Technology Act of 2006 (P.L. 109-461) was enacted. Section 605 of that statute requires the Department of Labor to implement priority of service via regulation, and 20 CFR Part 1010, published on December 19, 2008, reflects the Department's response to that statutory requirement.

**ACTION TO BE TAKEN:**

In order for the requirements of TEGL 10-09 and VPL 07-09 to be effectively followed, it is necessary that all Local Workforce Investment (LWIA) staff be properly trained in the statutory definitions that pertain to the Maryland Veterans Priority of Service Policy for Veterans and Spouses. As there are differing statutory definitions for WIA Program Eligibility versus the statutory definition for DVOP/LVER Program Eligibility and Wagner-Peyser reporting, all One-Stop Career Center staff should be trained in the following priority of service requirements.

## Covered Persons

**Veteran:** TEGL 10-09 specifies that for the purpose of implementing POS, the LWIA should use the definition of “veteran” as defined in 38 U.S.C. 101(2), which is a person who has served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable. This definition also applies to WIA Program Eligibility. However, it is important to note that the former definition differs from the Wagner-Peyser definition of “eligible veteran” as defined in 38 U.S.C. 4211(4)(A), which includes a 180 days of service criterion and applies to DVOP/LVER program eligibility and Wagner-Peyser reporting.

**Eligible Spouses:** 38 U.S.C. 4215(a)(B)(i-iv) includes among covered persons a “spouse” of any of the following:

- (i) Any veteran who died of a service-connected disability.
- (ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 days:
  - (I) missing in action,
  - (II) captured in line of duty by a hostile force, or
  - (III) forcibly detained or interned in line of duty by a foreign government or power.
- (iii) Any veteran who has a total disability resulting from a service-connected disability.
- (iv) Any veteran who died while a disability so evaluated was in existence.

**Identification of Veterans and Eligible Spouses:** Each LWIA must have systems set up at the Point of Entry, either at a physical service delivery point, One-Stop Career Centers, or through an Internet service delivery point. The point of entry should inform any covered person through signage, detailed sign-in sheets, etc., that by identifying themselves as a veteran or covered spouse they are entitled to (1) Priority of Service, (2) the full array of employment, training and placement services available, and (3) applicable eligibility requirements for programs and services. Any individual self-identifying as a covered person should be provided immediate priority in the delivery of employment and training services. No covered person should be denied access on a priority basis to any services provided by program staff, including intensive services, in order to verify covered person status.

**Verification:** The only services that require prior verification of eligibility for priority of service purposes are those that require the use of outside resources, such as classroom training, and verification need only occur when a decision is made to commit outside resources to a covered person over another individual. For all other purposes, covered persons should be enrolled and provided immediate priority before being asked to provide the required verification as a covered person.

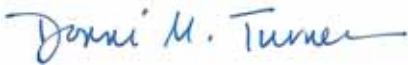
**Application of Priority Services:** priority of service application depends on the eligibility requirements of the qualified job training program, (1) Universal Access Programs, or (2) Programs with Specific Eligibility Criteria.

**Universal Access Programs:** covered persons must receive priority of services over all other program participants. (e.g. "core" services delivered through the One-Stop system under Wagner-Peyser and WIA programs.)

**Programs with Eligibility Criteria:** For those programs that have statutory priorities and/or requirements, covered persons must first meet any and all statutory eligibility requirements in order to be considered eligible for priority of service within those programs. For those programs wherein there is Discretionary priority to focus on a particular group without a specific statutory mandate, covered persons must receive the highest priority for enrollment similar to the priority of service as applied to universal access programs.

**CONTACT  
PERSON:**

**EFFECTIVE:** July 1, 2012



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Attachment