

AUTHORITY: The Michigan Works! Southwest Workforce Development Board is established under the Workforce Innovation and Opportunity Act of 2014, and subsequent changes. The Board is assigned the responsibility to set policy for the workforce investment system within the local area.

ORDER OF PRECEDENCE: Where any part of this policy shall be determined to conflict with any federal, state or local policy, the federal, state, and then local policy shall take precedence without affecting any other part or parts of this policy.

Priority of Service for Veterans, Eligible Spouses and Family Caregivers

BACKGROUND

The Jobs for Veterans Act (JVA), PL 107-288 signed into law on November 7, 2002, requires that there be a priority of service for veterans and eligible spouses over non-covered persons for the receipt of employment, training, and placement services provided under new or existing job training funded in whole or part, by the U.S. Department of Labor (38 U.S.C. 4215).

The Priority of Service regulations, codified at 20 CFR 1010, were issued December 19, 2008 and require qualified job training programs to implement priority of service for veterans and eligible spouses, effective January 19, 2009.

On November 21, 2011, the Veterans Opportunity to Work (VOW) to Hire Heroes Act of 2011 (Public Law 112-56) was signed. The VOW Act amends chapter 21 of title 5, United State Code (U.S.C.) by adding section 2108a, "Treatment of certain individuals as veterans, disabled veteran, and preference eligible."

In annual appropriations bills since the Consolidated Appropriations Act of 2014, Congress authorized Jobs for Veterans State Grants (JVSG) to support services described in Veterans Program Letter (VPL) 07-14 to include eligible transitioning members of the Armed Forces who have been identified as in need of intensive services; members of the Armed Forces who are wounded, ill, or injured and receiving treatment in Military Treatment Facilities (MTFs) or Warrior Transition Units (WTUs); and the spouse or other family caregivers of such wounded, ill, or injured members.

The State of Michigan expanded eligibility for Veterans Priority of Service in the September 11, 2019 Employment Services Manual to include Family Caregivers as defined below.

SCOPE

All workforce development programs, services and activities under the auspices of the Michigan Works! Southwest Workforce Development Board.

REFERENCES

Jobs for Veterans Act (Public Law 107-288)

Veterans Opportunity to Work (VOW) to Hire Heroes Act of 2011 (Public Law 112-56)

Jobs for Veterans State Grant (JVSG)

USDOL TEGL 19-13 - Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans

USDOL TEGL 19-13 Changes 1 & 2 – Expansion and Clarification of Definition of Significant Barriers to Employment (SBE) for Determining Eligibility for the Disabled Veterans’ Outreach Program (DVOP)

USDOL TEGL 20-13 and subsequent changes – Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans’ Outreach Program Specialists

USDOL TEGL 22-04 - Serving Military Service Members and Military Spouses Under the Workforce Investment Act (now WIOA) Dislocated Work Formula Grant

USDOL TEGL 10-09 - Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (USDOL)

USDOL TEN 15-10 - Protocol for Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (USDOL)

Workforce Innovation and Opportunity Act of 2014, Public Law 133-128, as amended

Title 38 United State Code Sections 4101 and 4211

20 CFR 1010 Code of Federal Regulations - Application of Priority of Service for Veterans

The State of Michigan WIOA Manual, January 29, 2018 and subsequent changes

The State of Michigan Policy Issuance 19-01 Michigan Works! System Plan (MWSP) Instructions for Calendar Year (CY) 2019, the period of January 1, 2019 through December 31, 2019 and subsequent changes

The State of Michigan Employment Services (ES) Manual, September 11, 2019 and subsequent changes

The State of Michigan WIOA Electronic Participant Management Information Guide (WIOA E P-MIG) and subsequent changes

The State of Michigan WIOA Youth Electronic Participant Management Information Guide (WIOA Youth E P-MIG) and subsequent changes

The State of Michigan Employment Services (ES) Electronic Participant Management Information Guide (ES E P-MIG) and subsequent changes

DEFINITIONS

For purposes of providing priority of service to veterans, eligible spouses, and family caregivers, the following definitions shall apply:

Veteran - A veteran is defined as a person who has served for a period of more than 180 days in active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable. This may include National Guard or Military Reserve members who have been discharged from active duty, but not necessarily from other reserve commitments, such as training.

Covered Person - Family Caregiver – A family caregiver is a parent, spouse, child, step-family member, extended family member, or a person who lives with, but is not a member of the family of the veteran, who cares for the wounded, ill or injured veteran.

Covered Person - Eligible Spouse - An eligible spouse is defined as

- a. a spouse of a veteran who died of a service-connected disability; or
- b. a spouse of any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- c. a spouse of any veteran who died while a disability so evaluated was in existence; or
- d. 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:
 - i. missing in action;
 - ii. captured in the line of duty by a hostile force; or
 - iii. forcibly detained or interned while in the line of duty by a foreign government or power.
- e. a spouse of any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs, or
- f. a spouse of any veteran who died while a disability was in existence.

Non-covered Persons - For purposes of this policy, individuals who do not meet the definition of a veteran, eligible spouse or family caregiver will be considered and referred to as a non-covered person(s).

Veterans Priority of Service – Veterans Priority of Service means that the right of eligible covered persons (veterans, eligible spouses and family caregivers) shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under a qualified job training program, notwithstanding any other provision of the law. This means that veterans, eligible spouses and family caregivers either receive access to a service or resource earlier in time than a non-covered person, or if the service or resource is limited, the veteran or eligible spouse receives access to the service instead of, or before, the non-covered person.

Veterans' preference applies to all USDOL-funded, in whole or in part, employment and training programs.

Federal law requires that the individual receiving priority must first meet all statutory eligibility and program requirements.

Active Duty – Active Duty is defined as full-time duty in the Armed Forces.

Disabled Veteran – A Disabled Veteran is defined as either

- a. A veteran who is entitled to compensation or the receipt of military retirement pay, would be entitled to compensation under the laws administered by the Department of Veterans Affairs, and who is not classified as a special disabled veteran.
- b. A veteran who was discharged or released from active duty because of a service-connected disability.

Eligible Veteran – An eligible veteran is defined as either

- a. a person who served on active duty for a period of more than 180 days and was discharged or released from service with other than a dishonorable discharge;
- b. a person who was discharge or released from active duty because of a service-connected disability; or

- c. a person who was discharged or released from active duty by reason of sole survivorship.

Other Covered Veteran – Other covered veteran is defined as any other veteran who served on active duty during a period of war, or in a campaign or expedition for which a campaign badge was authorized and was discharged or released from such duty with other than a dishonorable discharge. Examples include Afghanistan and Iraq.

Other Eligible Person – Other eligible person is defined as the spouse of any person who has a total disability that is permanent in nature resulting from a service-connected disability.

Recently Separated Veteran – Recently separated veteran is defined as any veteran during the three-year period beginning on the date of such veteran’s discharge or release from active duty.

Special Disabled Veteran – A special disabled veteran is defined as a veteran entitled to disability compensation, or as one who would be entitled to disability compensation, except for the receipt of military retirement pay, under the laws administered by the Department of Veterans Affairs, for a disability rated in one of the following ways:

- a. Thirty (30) percent or more.
- b. Ten (10) percent or twenty (20) percent in the case of a veteran who has been determined under Title 38 Code of Federal Regulation (CFR) to have a serious employment disability.
- c. A service-connected disability that resulted in a release or discharge from active duty.

POLICY

Implementing Priority of Service for Veterans, Eligible Spouses and Family Caregivers

- A. All workforce development programs, services and activities administered through the Michigan Works! Southwest Workforce Development Board will implement procedures and processes to ensure that the priority of service to veterans, eligible spouses and family caregivers, as defined in this policy and the noted references, is provided at each level of service.
 1. For universal access services - veterans will have first priority in receiving services that require no eligibility as a condition to receive services. For example, where a group of individuals are being scheduled for a general program information session, or workshop, a veteran would receive priority over a non-covered individual for the next available offering.
 2. For targeted programs, services and activities - individuals receiving veterans’ priority of service must first meet all statutory eligibility and program requirements.
- B. At each point of entry to all programs and services, opportunities shall be available for veterans, eligible spouses and family caregivers to identify themselves. At these points, veterans, eligible spouses and family caregivers shall be made aware of
 1. Their entitlement to priority of service;
 2. The full array of employment, training and placement services available; and
 3. The applicable eligibility requirements for programs and services.
- C. To communicate veterans’ priority of service the following actions will be taken:
 1. All program and service locations will post signage at points of entry and throughout their service area that make customers aware of access to veterans’ priority of service.
 2. Service Centers and other service locations will display and have available, printed materials that make customers aware of the veterans’ priority of service available through the Michigan Works! system.

3. The Michigan Works! Southwest website will include information to make individuals aware of the veterans' priority of service as well as employment resources for veterans, eligible spouses and family caregivers.
 4. Veterans, eligible spouses and family caregivers accessing services and information through the Veterans Employment Services staff serving the Michigan Works! Southwest area will be made aware of the veterans' priority of service and will be informed of the services and programs available through the workforce system.
 5. Program registration and intake materials shall include questions that allow individuals to disclose their status as a veteran, eligible spouse or family caregiver.
- D. Once disclosed, the veteran status of the individual shall be recorded in the One Stop Management Information System (OSMIS) making this information available to all workforce development partners.
- E. Michigan Works! Southwest (MWSW) staff shall notify veterans, eligible spouses or family caregivers that they may be qualified to receive additional services from a Veterans' Career Advisor (VCA). The notification must include the following:
1. The customer is entitled to receive Priority of Service;
 2. The customer may be eligible to receive additional personalized employment services from a VCA; and
 3. VCA services are in addition to other One Stop services.
- F. MWSW staff shall formally refer veterans, eligible spouses or family caregivers to a VCA while continuing to provide them with the appropriate services and programs in accordance with the requirements of Veterans' Priority of Service.
- G. If a veteran, eligible spouse or family caregiver is interested in pursuing veteran career services, in addition to Employment Services, the MWSW staff must immediately provide that customer with a copy of the Military Service Questionnaire and they must notify the customer that the information requested is
1. Voluntary;
 2. Required for VCA staff services;
 3. The information will be kept confidential;
 4. Refusal to provide the information will not subject the customer to any adverse treatment, but they may not be eligible for VCA services;
 5. The information will be used only in accordance with the law; and
 6. Where to return the completed form.
- H. The MWSW staff must immediately review all completed Military Service Questionnaires received to determine qualification to receive VCA services.
- I. All customers referred to a VCA are required to have an active Wagner-Peyser registration in the One Stop Management Information System (OSMIS) that is completed by a MWSW staff. The registration must include the Referral to VCA service, as well as any other service(s) provided.
- J. For customers who are determined not to be qualified to receive VCA services, the MWSW staff must immediately
1. Inform the customer they do not qualify to receive VCA services.
 2. Continue to provide the customer with all other appropriate services and programs as with any other customer, and in accordance with the requirements of Veterans' Priority of Service.

3. Keep all non-qualifying customers Military Service Questionnaires (physical or electronic) on file in accordance with all applicable privacy policies and laws for a period of three (3) years.
 4. Keep all qualifying customers' Military Service Questionnaires (physical or electronic) on file in accordance with all applicable privacy policies and laws for a period of three (3) years.
- K. MWSW Employment Services and all other workforce development partners shall comply with the 24-hour hold on any new Pure Michigan Talent Connect (PMTTC) job postings. During this period the new job orders are restricted to use by the State of Michigan Veterans staff for dissemination to veterans, eligible spouses and family caregivers.
- L. Participants in the Partnership. Accountability. Training. Hope. (PATH) Program, the State of Michigan's Welfare Reform Program, are served by Michigan Works! Southwest based on a referral from the Michigan Department of Health and Human Services (DHHS). Veterans, eligible spouses and family caregivers being served in the program have the opportunity to disclose their status as an individual eligible for veterans' priority of service.
1. PATH Program staff shall assure that veteran status is accurately entered in OSMIS.
 2. When funding dictates that access to services be limited, veterans, eligible spouses and family caregivers shall have priority over other similarly situated program participants.

INITIAL EFFECTIVE DATE 5/1/2009

APPROVED

Initial Policy:	WDB Executive Committee	5/14/2009
Revision 01:	WDB Executive Committee	8/4/2011
Revision 01:	WDB	10/15/2014 <i>(All WDB policies accepted to apply to all four counties.)</i>
Revision 02:	WDB	2/18/2015
Revision 03:	WDB Executive Committee	10/11/2019

EXPIRATION Ongoing

Note: Prior to Revision 01 the policy was titled Services to Veterans