

EASTERN WASHINGTON PARTNERSHIP

WORKFORCE DEVELOPMENT COUNCIL

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WDC Policy #: 210
Effective Date: 5/22/14
Revision Date:

SUBJECT Priority of Service for Veterans and Eligible Spouses

PURPOSE

This document provides policy for WDC service providers regarding priority of service for veterans and eligible spouses. The policy applies to all WIOA Title I funded programs including the adult, youth, dislocated workers, WIOA 10% funded projects, and National Emergency Grant (NEG) programs and National Dislocated Worker Grant programs..

On December 19, 2008, the Department of Labor (DOL) issued new regulations (20 CFR 1010) implementing the Jobs for Veterans Act (JVA 2002) and the Veterans' Benefits, Health Care, and Information Technology Act (2006). The regulations went into effect on January 19, 2009 and do three basic things:

1. Set forth requirements for each "qualified" program to provide priority of service for veterans and eligible spouses and require all grantees to have policies providing priority of service whether provided on-line or in-person;
2. Require that, for purposes of implementing priority of service, the broad definition of "veteran" meaning 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 be used (38 U.S.C. 101(2)); and
3. Add the following new requirements related to persons who physically access service delivery points or who access virtual service delivery programs on websites (See 20 CFR 1010.300):
 - Applicants to any "qualified" DOL programs and services must be able to learn about priority of service and to indicate whether they are veterans etc.;
 - Program staff must initiate data collection for any person claiming priority at point of entry; and
 - Applicants who are veterans or an eligible spouse must be given the menu of programs and services to which the priority applies, and any additional program eligibility requirements.

POLICY

The WDC and its subrecipients must comply with federal law, regulations and guidance on priority of service using the broad definition for veterans and eligible spouses (20CFR 1010.110).

Priority of service entitles veterans or spouses to precedence over eligible, non-covered persons in accessing service. The veteran or spouse is given enrollment or services earlier in time than others who are waiting for the same assistance. If program and service resources are limited, then the veteran or spouse is given access instead of others. NOTE: This does not mean that the veteran or spouse is given “bumping rights” over others who are already enrolled and/or receiving services.

Other targeting provisions for any WIOA Title I funded programs, whether established by the Governor or by regulation (but not by law) are considered discretionary or optional priorities. In these cases, veterans would receive priority in advance of the opportunities and services provided to the “targeted” population group.

The veterans’ priority is not intended to displace the core function of the WIOA program. The exact manner in which the veteran’s priority will be applied may vary depending upon the construct of the program and the services offered. In a sequential service delivery model, when services are limited due to available funding, priority of services should be applied. For example, if there was only sufficient money to provide services to one individual and a veteran is in the pool, the veteran must receive priority.

Program Operational Requirements

Service providers must implement processes for the “qualified” programs they administer to allow applicants who physically or virtually access services to learn of veterans’ priority and to indicate whether or not they are entitled to priority. Timely and useful information must be provided at the point of entry, which includes reception at a WorkSource Center, on-line access, group orientations or any other method by which veterans and eligible spouses express an interest in receiving services. Programs should begin data collection at the point at which applicants indicate entitlement, although there is no requirement to verify the applicants’ claims. In addition to allowing applicants to claim entitlement to priority, applicants claiming priority are to be given a menu of programs and services to which the entitlement applies, and eligibility requirements for those programs.

Training

All front line staff in WorkSource Centers and affiliate sites must receive training on priority of service and its documentation, as well as, information on qualified programs to which the priority applies.

Notification

All applicants must be made aware of priority of service and given the opportunity to claim veteran status. If claiming such status, then the applicants must be given the menu of programs and services to which the priority applies. This must be done at first contact with any program or service (whether physical or virtual) funded by DOL. WorkSource Centers and affiliate sites, and applicable providers, shall have written processes that ensure that all points of entry into their programs or services, whether physical or virtual, provide the required information.

Data Collection

Service providers and staff must collect, report, and retain the required data elements for covered persons when enrolling persons into the WIOA Title I program regardless of the numbers of covered persons served. "Qualified" programs do not have to verify the status of an individual as a veteran or eligible spouse at the point of entry unless they immediately undergo eligibility determination and enrollment into the program (20 CFR 1010.300(a)). Data records and reports on covered participants and entrants are available at the local level and reported in SKIES.

DEFINITIONS

Qualified Job Training Program means any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by the Department of Labor.

Covered Persons means veterans or their eligible spouses.

Covered Entrants are covered persons who have entered a program or are receiving services.

Veteran means a person who was in active military service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service also includes full-time duty in the National Guard or a Reserve component, other than full time duty for training purposes.

Eligible Spouse as defined in section 2(a) of JVA (38 U.S.C. 4215(a)) means the spouse of any of the following:

- (1) Any veteran who died of service-connected disability;
- (2) 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 line of duty by a hostile force; or (iii) forcibly detained or interned in line of duty by a foreign government or power;
- (3) Any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs;
- (4) Any veteran who dies while a disability, as indicated in paragraph (3) of this section, was in existence.

REFERENCES:

Jobs for Veterans Act, Public Law 107-288 (Nov. 7, 2002)

Veterans' Benefits, Health Care, and Information Technology Act (Public Law 109-461) (Dec. 22, 2006)

Priority of Service for Covered Persons (20 CFR 1010) Issued: Dec. 19, 2008; Effective Jan. 19, 2009

Washington State WorkSource System Policy Number 1009, Revision 1, Priority of Service for Veterans and Eligible Spouses, December 21, 2009

Training and Employment Guidance Letter (TEGL) 10-09 (Nov. 10, 2009)

Veterans' Program Letter (VPL) No. 07-09 (Nov. 10, 2009)

Website: <http://www.wa.gov/esd/policies/systems.htm>

SUPERCEDES:

WDC Policy Number: 207: Jobs for Veterans Act Priority of Services