
Priority of Service for Veterans and Eligible Spouses

PURPOSE

The purpose of this policy is to provide guidance in determining Priority of Service for Veterans and Eligible Spouses.

BACKGROUND

The Jobs for Veteran's Act (JVA) was enacted into Public Law (P.L.107-288) on November 7, 2002 to revise and improve employment, training, and placement services furnished to veterans and other covered persons. JVA Section (2) amended 38 U.S.C 4215(a) by mandating priority of service for veterans (and eligible spouses) who meet the eligibility requirements for participation in Department of Labor (DOL) programs. Since the passage of the JVA, the DOL has provided policy guidance to the workforce investment system regarding the implementation of priority of service. The Veterans' Benefits, Healthcare, and Information Technology Act of 2006 (P.L. 109-461) followed up on the JVA by requiring DOL to issue regulations governing the application of priority of service.

POLICY

Covered persons who are determined eligible for WIOA services are entitled to priority of service under all WIOA Title I funded programs including, but not limited to, Adult, Dislocated Worker, Youth, 15% and 25 % special projects, National Emergency Grants and other DOL qualified funded workforce programs.

Covered Person is defined as the following:

- (A) A Veteran (an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable); or
- (B) The Spouse of any of the following individuals:
 - (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 WIA assistance, is listed, pursuant to Section 556 of Title 37 and regulations issued there-under, 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 the line of duty by a hostile force, or (III) forcibly detained or interned in the line of duty by a foreign government or power;
 - (iii) Any veteran who has a total disability resulting from a service-connected disability; or
 - (iv) Any veteran who died while a disability so evaluated was in existence.

Veterans' priority of service indicates that an eligible covered person shall be given priority over eligible non-covered persons when receiving employment, training, and placement services provided under any DOL qualified job training program, which includes WIOA Title I programs. The Veterans' priority of service is required under federal law; however, it is not intended to displace existing eligibility or program requirements. An individual must meet basic eligibility requirements before priority of service is applied.

Section 134 (c)(3)(E) of WIOA establishes a priority of requirement with respect to funds allocated to a local area for adult employment and training activities. Veterans and eligible spouses continue to receive priority of service for all DOL funded job training programs, with the exception of the priority of service established for the WIOA Adult program. The priority for the WIOA Adult program must be provided in the following order:

1. Veterans and eligible spouses who are recipients of public assistance, low-income or basic skills deficient.
2. Eligible non-covered persons (not veterans or eligible spouses) who are recipients of public assistance, low-income or basic skills deficient.
3. Veterans and eligible spouses who are not recipients of public assistance, low-income or basic skills deficient.
4. Other populations identified by the Governor or Local Board for priority
5. Eligible non-covered persons who do not meet any of the priority groups

PROCEDURES

Pacific Gateway Workforce Innovation Network staff and subrecipients are responsible for identifying covered persons at the point of entry to programs and/or services so they can take full advantage of priority of service. Procedures should be put in place to ensure that covered persons are aware of their entitlement to priority of service, the full array of programs and services available to them and any applicable eligibility requirements for those programs and services. Verification and documentation of veterans and eligible spouse status should be collected at the time of eligibility determination and enrollment into WIOA and other DOL funded workforce programs.

REFERENCES

- The Jobs for Veterans' Act - PL 107-288 (enacted November 7, 2002)
- Department of Labor TEGL No. 5-03 (September 16, 2003)
- Department of Labor TEGL No. 3-15 (July 1, 2015)
- Workforce Services Directive "Final Rule on Eligibility for Veterans and Eligible Spouses (June 29, 2009)

INQUIRIES

For questions or assistance related to the policy, please contact Pacific Gateway Workforce Innovation Network staff at (562) 570-3748.

NS:am