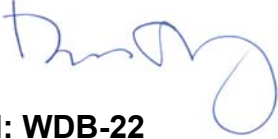


Date: November 28, 2007

To: Pacific Gateway Workforce Investment Network Staff
One-Stop Partners
WIN Sub-Recipients

From: Bryan S. Rogers
WIB Executive Director 

Subject: **POLICY MEMORANDUM: WDB-22**
VETERAN'S PRIORITY

EFFECTIVE DATE

This policy is effective upon date of issue. It supersedes previous policy dated November 1, 2004.

PURPOSE

The purpose of this policy is to provide direction for complying with the Jobs for Veterans' Act (PL 107-288), which specifies that Veterans and other covered persons who are determined eligible for WIA services are entitled to priority of service under WIA Title I funded programs.

BACKGROUND

The Jobs for Veteran's Act (Public Law 107-288) was enacted November 7, 2002 amending Chapter 42 of Title 38 U.S.C., to revise and improve employment, training, and placement services furnished to veterans and other covered persons. Specifically, Section 4215(b) requires that "a covered person is entitled to priority of service under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program." On September 16, 2003 the Department of Labor (DOL) Employment and Training Administration (ETA) published Training and Employment Guidance Letter (TEGL) No. 5-03, which provided general guidance on the implementation of these provision and indicated individual guidance would be issued separately for each affected ETA program, including WIA-funded Adult and Youth programs. On July 6, 2004 the Employment Development Department's (EDD) Workforce Investment Division published Bulletin WIAB04-4 announcing the DOL release of the individual guidance in the form of a series of Questions and Answers to address the application of the Jobs for Veteran's Act to federal workforce programs.



DEFINITIONS

Covered Person means any of the following individuals:

- (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.

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

- (A) Any program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services);
- (B) Any program or service under the public employment service system, one-stop career centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, and those programs implemented by States or local service providers based on Federal block grants administered by the Department of Labor; and
- (C) Any program or service that is a workforce development program targeted to specific groups;

Priority of Service means, with respect to any qualified job training program, that a covered person shall be given priority over non-veterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of law.

POLICIES AND PROCEDURES

A covered person shall be entitled to priority of service under any qualified job training program if the person otherwise meets the eligibility requirements for participation in the program. Specific to Pacific Gateway Workforce Investment

Network-funded training and services, veterans and other covered persons who are determined eligible for WIA services are entitled to priority of service under all WIA Title I funded programs including, but not limited to, adult, dislocated worker, youth, 15% and 25 % special projects, and National Emergency Grants.

As provided in TEGL No. 5-03, the Jobs for Veterans Act does not change the requirement that participants must qualify as eligible under the WIA. However, it does require eligible veteran workers to be given priority over non-veterans for all available services. In addition, any informational or service delivery website developed with WIA funding or grant will be expected to provide information on veterans' priority and how to access assistance via the nearest One-Stop Center in receiving priority service from any applicable program or grant.

Pacific Gateway Workforce Investment Network Staff and WIN Sub-recipients will be responsible for developing procedures to ensure covered persons who otherwise meet the eligibility requirements for participation:

- Are provided information on services available under DOL-funded job training programs;
- Are informed of their rights to priority for employment and training services; and
- Receive priority of service under any qualified job-training program.

The following specific examples illustrate the process for providing priority of service to veterans:

- For Adult and Dislocated Workers Program, the WIA requires that first priority for intensive and training services be given to public assistance recipients and low-income individuals when adult funds allocated to the local area are limited. In regards to veterans, the priority of provision of services would be to serve public assistance recipients and low-income individuals who are also veterans. The second group to be served would be public assistance recipients and low-income non-veterans. Among participants who are not public assistance recipients or low-income individuals, veterans would receive priority over non-veterans.
- Dislocated workers who are veterans will receive priority over dislocated workers who are non-veterans.
- For WIA Youth, funds are available to serve low-income youth age 14 to 21 with one or more barriers to employment. The priority provision at Section 129(c)(4) requires, with limited exceptions, that program operators ensure that at least 30 percent of local area funds be used to serve out-of-school youth. The veterans' priority does not change these requirements. In providing services to both in-school and out-of-school youth, priority should be given to any veterans who qualify under the WIA eligibility requirements.

REFERENCES

The Jobs for Veterans' Act - PL 107-288 (enacted November 7, 2002)

Department of Labor TEGE No. 5-03 (September 16, 2003)

WIA Bulletin WIAB03-25 (September 26, 2003)

Workforce Development Bureau Information Memorandum 2b (August 22, 2003)

ADDITIONAL INFORMATION

Please note that this revision updates new Executive Director and policy numbering system.

CONTACT

Should you have any questions regarding this Policy Memorandum, please contact Cherie Gomez at (562) 570-4715; TTY (562) 570-4629.

Thank you.

BSR:mh