



PRIORITY OF SERVICE FOR VETERANS AND SPOUSES

PURPOSE

The purpose of this policy is to provide guidance on how federal regulations implementing priority of service are to be applied to all workforce preparation, development or delivery programs or services that are directly funded, in whole or in part, by Department of Labor (DOL).

SCOPE

Workforce Innovation and Opportunity Act Title I contracted Service Providers

RESPONSIBLE PARTY

Workforce Alliance of the North Bay
Regional Workforce Development Board

REFERENCES

- Veterans' Benefits, Health Care, and Information Technology Act of 2006 (P.L. 109-461)
- Jobs for Veterans Act of 2002 (P.L. 107-288)
- Workforce Innovation and Opportunities Act (WIOA) (Public Law 113-125) Section 188
- Workforce Services Directive WSD08-10, Subject: Final Rule on Priority of Service for Veterans and Eligible Spouses
- Priority of Service for Covered Persons; Final Rule, Title 20 Code of Federal Regulations (CFR) Part 1010, Federal Register 78132, December 19, 2008
- DOL Training and Employment Guidance Letter No. 10-09
- DOL WIOA Final Rule Fact Sheet, Veterans and Spouses, August 2016

DEFINITIONS

Veteran – 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, as specified in 38 U.S.C 101(2). Active services include full-time Federal service in the National Guard or a Reserve component. It does not include full-time duty performed strictly for training purposes, nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities.

Eligible spouse – as defined at section 2(a) of the JVA (38 U.S.C. 4215[a]) means the spouse of any of the following:

- A. Any veteran who died of a service-connected disability;
- B. 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:
 1. Missing in action;

2. Captured in the line of duty by a hostile force, or
 3. Forcibly detained or interned in the line of duty by a foreign government or power;
- C. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- D. Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

Covered persons – those veterans and spouses who are eligible for priority of service.

Non-covered persons – those persons who are not veterans or spouses eligible for priority of service.

Priority of service - the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining services.

Taking precedence - the covered person receives access to the service or resource earlier in time than the non-covered person and, if the service or resource is limited, the covered person received access to the service or resource instead of or before the non-covered person.

Qualified job training program – any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by the Department of Labor.

POLICY

- I. The Workforce Alliance of the North Bay (Alliance) will ensure that veterans are afforded priority for DOL-funded employment and training services, if they meet the existing eligibility requirements. Veterans' priority is required under federal law; however, it is not intended to displace existing eligibility requirements for WIOA. An individual must first qualify for WIOA before a priority of service can be applied.
- II. Identifying and Informing Covered Persons
 - A. The Alliance service providers will have processes to identify covered persons at the point of entry to programs and/or services, so they can take full advantage of priority of service. Point of entry includes physical locations, such as One-Stop Career Centers, as well as Web sites and other virtual service delivery resources.
 - B. The service providers will 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/or services.
 - C. The processes for identifying covered persons are not required 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 in a program.
- III. Implementing Priority of Service
 - A. Priority of service means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining services. Taking precedence means that the covered person receives access to the service or resource earlier in time than the non-



covered person and, if the service or resource is limited, the covered person received access to the service or resource instead of or before the non-covered person.

- B. Priority of service is to be applied to all the qualified job training programs including programs that do not target specific groups, programs that focus on certain groups but are not mandated to serve that group before other eligible individuals, and programs that are mandated by federal law to provide priority or preference to certain groups. The Alliance service providers will apply priority for services in the order below:
 - 1. First, to veterans and eligible spouses who are in the priority of service classification.
 - 2. Second, to non-covered persons who are in the priority of service classification.
 - 3. Third, to veterans and eligible spouses who are not in the priority of service classification.
 - 4. Forth, to any other populations identified by the Governor or Workforce Alliance of the North Bay Regional Workforce Development Board for priority.
 - 5. Last, to non-covered persons who do not meet any priority.

IV. Monitoring Compliance with Priority of Service

- A. The Alliance will monitor local service delivery operations to ensure that service providers' internal policies and procedures result in compliance with the priority of service requirements and to assure that as recipients of funds for qualified job training programs they capture and report required data on veterans priority of service.
- B. If monitoring identifies non-compliance with priority of service, the results of the monitoring may lead to the imposition of a corrective action plan.

V. Data Collection and Reporting on Priority of Service

- A. All recipients of funds for qualified job training programs must collect the following information:
 - 1. Information on covered persons from the point of entry in the qualified job training program to include individual record data for all covered entrants.
 - 2. Information on covered and non-covered persons who received services, to include but is not limited to: the covered and noncovered person status of all persons receiving services; the types of services provided to covered and non-covered persons; the dates that services were received by covered and non-covered persons; and the employment outcomes experiences by covered and non-covered persons receiving services.
- B. Service providers will ensure they have implemented procedures to collect the required data collection in CalJOBS for reporting priority of service.

POLICY UPDATE HISTORY

February 13, 2019 – New Policy

INQUIRIES

Questions regarding this policy can be sent to Operations Unit.

