

Purpose.

The Jobs for Veterans Act (JVA), Public Law (P. L.) 107-288, was signed into law on November 7, 2002. One provision of the JVA, established a priority of service requirement for covered persons (i.e., veterans and eligible spouses, including widows and widowers, as defined by this statute) in qualified job training programs. Since the passage of the JVA, recipients of DOL funds for qualified job training program funds have been required to provide priority of service to covered persons. On December 22, 2006, the Veterans' Benefits, Health Care, and Information Technology Act of 2006 (P.L. 109-461) was enacted and required DOL to implement priority of service via regulation. 20 CFR Part 1010, published on December 19, 2008, reflects the DOL's response to that statutory requirement. The Final Rule, which took effect on January 19, 2009, requires the recipients of federal job training funds to review, and if necessary, enhance their current policies and procedures to ensure that adequate protocols are in place. This document provides the policy for the Southwest Wisconsin Workforce Development Board (SWWDB) regarding the implementation and administration of the Priority of Service for veterans and eligible spouses for all WIA programs operated by SWWDB.

Policy.

It shall be the policy of SWWDB to provide veterans and eligible spouses, including widows and widowers as defined in the statute and regulations, priority of service under all WIA funded programs. The term "veteran" means a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable. The definition of active service includes full-time Federal service in the National Guard or a Reserve component, but does not include full-time duty performed strictly for training purposes nor does it include full-time active duty performed by personnel mobilized by State rather than Federal authorities.

"Eligible spouse" 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:
 - 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;
- 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.

Priority of service means that veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training, and placement services provided under all WIA funded programs. WIA programs shall include programs for adults, older youth and dislocated workers; 10% funded projects; National Emergency Grants (NEG); and any other programs or services funded by the Department of Labor.

Priority means that veterans and eligible spouses are entitled to precedence over non-covered persons for services. This means that a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person. Veterans or and eligible spouses must first meet the WIA program's eligibility requirements.

Priority of service applies up to the point at which an individual is both: a) approved for funding; and, b) accepted or enrolled in a service. Priority of service is not intended to allow a covered person to "bump" a non-covered person. Therefore, once a non-covered person has been both approved for funding and accepted/enrolled in a service or program a covered person will not be given preference of that service.

The Board directs the executive director to develop and maintain a priority of service policy and procedures for veterans and eligible spouses that complies with applicable regulations as they may change from time to time. The executive director shall ensure that required data to document veterans' priority of service are maintained and reported as necessary.

SWWDB shall require every program operator receiving funds through a WIA contract with SWWDB to provide veterans and eligible spouses' priority of service as outlined in this policy. Program operators shall inform covered individuals of their right to priority for employment and training services by establishing organizational processes that will enable veterans and eligible spouses to identify themselves at the point of entry to the system or program when they will be given the opportunity to take full advantage of the priority. Furthermore, program operators shall provide veterans and eligible spouses' information on all services available under WIA Title I programs and all eligibility requirements necessary for participation. Contracted program operators may provide the information either verbally or in writing, during orientation, assessment, or enrollment.

SWWDB shall require service providers to collect and report the required data elements for covered persons enrolled into WIA Title I programs. SWWDB shall, during its monitoring processes, ensure that the grantee's systems and procedures comply with this policy. Failure by the grantee to comply is considered a service deficiency requiring immediate action to comply with the policy.

Program operator compliance with this policy will be reviewed during the SWWDB monitoring and will be a factor in SWWDB's evaluation of the program operator's performance. Any disallowed costs associated with failure of the program operator or its staff to comply with this policy will be the responsibility of the program operator.

References: Veteran's Benefits, Title 38, United States Code (U.S.C.), Section 101(2) (38 U.S.C. 101(2))

The Jobs for Veterans Act (JVA) of 2002, Public Law (P.L.) 107-288, section 2(a) codified at 38 U.S.C. 4215, dated November 7, 2002
Eligibility Requirements for Veterans Under Federal Employment and Training Programs, 38 U.S.C. 4213
USDOL, ETA, Training and Guidance Letter (TEGL) #10-9, dated November 10, 2009, RE:
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 (DOL)
Veterans' Benefits, Health Care and Information Technology Act of 2006, P.L. 109-461
Veterans' Benefits
Priority of Service for Covered Persons Final Rule, 20 CFR Part 1010, Fed. Reg. 78132 Dec.19, 2008

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Policy Revised: