



PRIORITY of SERVICE for VETERANS and ELIGIBLE SPOUSES

Spokane WorkSource System Policies and Procedures

POLICY #: WS801

Effective Date: October 22, 2010

BACKGROUND:

The Spokane Area Workforce Development Council (SAWDC) is issuing this policy in conformance with Washington State Policy Number 1009, *Priority of Service for Veterans and Eligible Spouses*, which implemented Department of Labor (DOL) regulations. On December 19, 2008, DOL issued new regulations (20 CFR 1010) implementing the Jobs for Veterans Act of 2002 (JVA) and the Veterans' Benefits, Health Care, and Information Technology Act of 2006. The regulations which went into effect on January 19, 2009 apply to "qualified" programs under Wagner-Peyser, Trade, and the Workforce Investment Acts. These regulations:

- 1) Specify 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):
 - An applicant to any "qualified" DOL program or service must be able to learn about priority of service and to indicate whether s/he is a veteran;
 - WorkSource Spokane staff must initiate data collection for any person claiming priority at point of entry; and
 - An applicant who is a veteran or an eligible spouse must be given a list of programs and services for which the priority applies as well as any additional program eligibility requirements.

POLICY:

All Spokane WorkSource System partners must comply with federal law, regulations, and guidance on priority of service for DOL programs using the definition for veterans and eligible spouses provided in definitions below (20 CFR 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. No currently enrolled participant in a "qualified" DOL program is to be terminated to provide this access to a veteran or spouse however.

The Spokane WorkSource System partners will ensure that procedures are in place to notify all job seeker customers of the veterans' priority and to help job seekers indicate whether they are or are not entitled to priority of service. Priority job seekers are to be given a menu of programs and services to which the entitlement applies and eligibility requirements for those programs.

All “qualified” programs must use the definitions for veterans and eligible spouses provided in definitions below to determine priority of service for entry into their programs. They will be required to collect, retain and report data in accordance with the Act, regulations and DOL program guidance to be issued (20 CFR 1010.320). “Qualified” programs **do not** have to **verify** the status of an individual as a veteran or eligible spouse at the point of entry **unless** the veteran or eligible spouse immediately **undergoes program eligibility determination** and enrollment into the program (20 CFR 1010.300(a)).

The Spokane WorkSource System partners must ensure that the following programs collect and report data on covered entrants as defined below: 1) WIA Adult; 2) WIA Dislocated Worker; 3) National Emergency Grant; 4) Wagner-Peyser State Grant; 5) Trade Adjustment Assistance; and 6) Senior Community Service Employment Program.

The Spokane WorkSource System partners must provide training to all front line staff on priority of service and its documentation as well as information on “qualified” programs to which the priority applies.

MEASURES

- 100 percent of front line staff is trained on priority of service.
- 100 percent of applicants are given notification of the priority of service and the menu of programs and services to which it applies.
- The WorkSource Spokane partners and the Employment Security Department (ESD) Employment and Career Development Division (ECDD) have policies and operational processes for each “qualified” program available for review.

DEFINITIONS:

“Qualified” Program means any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by DOL.

Covered Persons means veterans and their eligible spouses as defined below.

Covered Entrants are covered persons at point of entry into a “qualified” program.

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

- 1) Any veteran who died of a 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 died while a disability, as indicated in paragraph (3) of this section, was in existence.

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 other than dishonorable be used (38 U.S.C. 101(2)).

REFERENCE:

- 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.
- Training and Employment Guidance Letter (TEGL) No. 10-09 Issued Nov. 10, 2009.
- Veterans Program Letter No. 07-09 Issued Nov. 10, 2009