



To: Indiana's Workforce Investment System

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Josh Richardson, Chief Operating Officer *JDR*

Date: May 4, 2016

Subject: DWD Policy 2015-08
Priority of Service for Veterans and Eligible Spouses in Indiana
Department of Workforce Development's Integrated WorkOne Offices

Purpose

This policy addresses Priority of Service for Veterans and Eligible Spouses under the Workforce Innovation and Opportunity Act (WIOA).

Rescission

DWD Policy 2009-01 Priority of Service for Veterans and Eligible Spouses and Required Roles and Responsibilities of Disabled Veterans' Outreach Program (DVOP) Specialists and Local Veterans' Employment Representatives (LVER) in Indiana Department of Workforce Development's Integrated WorkOne offices

References

- 38 United States Code, Chapter 42, Section 4211 and Section 4215
- Federal Register Part VIII, Department of Labor, Veterans' Employment and Training Service, 20 CFR Part 1010, Priority of Service for Covered Persons (Dec. 19, 2008)
- Jobs for Veterans Act, Public Law 107-288 (Nov. 7, 2002)
- Veterans' Program Letter (VPL) No. 07-09, "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"
- USDOL/Employment and Training Administration (ETA) Training and Employment Guidance Letter (TEGL) No. 10-09, "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"

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- Training and Employment Notice (TEN) 15-10a, “A Protocol for Implementing Priority of Service for Veterans and Eligible Spouses”

Content

Definitions

- **Covered Person**-A veteran who is eligible or the spouse of an eligible veteran who is entitled to receive priority of service as a person who has served at least one day in the active military, naval, or air service and who was discharged or released from service under any condition other than a condition classified as dishonorable. This definition includes Reserve units and National Guard units activated for Federal Service.
- **Qualified job training program** -Any workforce preparation, delivery program, or service that is directly funded, in whole or in part, by the Department of Labor and includes the following:
 - Any such programs or services that use 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).
 - Any such program or service under the public employment system, One-stop Career Centers, the Workforce Innovation and Opportunity Act of 2015, a demonstration or other temporary program, and/or those programs implemented by States or local service providers based on Federal block grants administered by the Department of Labor.
 - Any such program that is a workforce program targeted to specific groups.
- **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 duty**- Full-time duty in the Armed Forces, other than active duty for training. This definition of “active service” does not include full-time duty performed strictly for training purposes, (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities. (State mobilizations usually occur in response to events such as natural disasters.)
- **Armed Forces**- United States Army, Navy, Marine Corps, Air Force, and Coast Guard.
- **Eligible spouse**- means the spouse of any of the following:
 - Any veteran who died of a service-connected disability;
 - 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:
 - Missing in action;
 - Captured in line of duty by a hostile force; or
 - Forcibly detained or interned in line of duty by a foreign government or power;
 - Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
 - Any veteran who died while a disability was in existence.
 - **NOTE:** A spouse whose eligibility is derived from a living veteran or service member 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

WorkOne offices are required to ensure that Priority of Service is observed. To further improve service to veterans, the Priority of Service to Veterans and Eligible Spouses Federal Regulations, effective January 19, 2009, provides specific guidance on how One-stop Career Center providers, Wagner-Peyser staff, DVOPs, and LVERs are to serve veterans with respect to priority of service.

Veteran and eligible spouse customers should be identified upon entry at a WorkOne and allowed to move to the front of the waiting line. To assist with identifying veterans and eligible spouses, Priority of Service signs have been developed and are posted in all WorkOne offices where veterans are served. Signs are framed and displayed in a manner where the public and especially veteran and eligible spouse customers can easily see them. In accordance with the priority of service sign, eligible veterans and eligible spouses should notify staff upon entry into the facility. Typically, this will be near the entry point. Customers with visual impairments must be asked if they are a veteran or eligible spouse.

Verification

- Basic Career Services – No source documentation needed for eligibility when these services are accessed or provided unless the individual who self-identifies as a veteran or eligible spouse:
 - Is to immediately undergo eligibility determination and be registered or enrolled in a program; and
 - The applicable federal program rules require verification of a veteran or eligible spouse status at that time.
- Programs or Services that cannot rely on self-attestation – verification only needs to occur at the point at which a decision is made to commit outside resources to one individual over another for these programs or services.
 - When verification of eligibility is required in these instances, a veteran or eligible spouse should be enrolled, provided immediate priority, and be permitted to follow-up subsequently with any required verification of his or her status as a veteran or eligible spouse.
- Labor Exchange System Reporting— Federal regulations require that all individuals who are veterans be identified as veterans in the Wagner-Peyser labor exchange system, regardless of eligibility requirements.
- Verification of veteran status or eligible spouse—When verification is required, the following official documents may be used:
 - A DD 214 (issued following separation from active duty);
 - An official notice issued by the Department of Veterans Affairs that establishes entitlement to a disability rating or award of compensation to a qualified dependent;
 - An official notice issued by the Department of Defense that documents the eligibility of an individual, based on the missing or detained status of that individual's active duty spouse; or
 - An official notice issued by a State veterans' service agency that documents veteran status or spousal rights, provided that the State veterans' service agency requires Federal documentation of that information.

Implementing Priority of Service

As defined in Section 2(a) of the JVA (38 U.S.C. 4215(a)), **priority of service means**, with respect to any qualified job training program, that a covered person shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provisions of the law.

Priority in the context of providing priority of service to veterans and other covered persons in qualified job training programs means the right to take precedence over non-covered persons in obtaining services. Depending on the type of service or resource being provided, taking precedence may mean:

- The covered person receives access to the service or resource earlier in time than the non-covered person; or
- If the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.

Priority of service applies to every qualified job training program funded, in whole or in part, by the Department of Labor, including:

- Any such 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); and
- Any such program or service under the public employment service system, One-stop Career Centers, the Workforce Innovation and Opportunity Act, a demonstration, or other temporary program; any workforce development program targeted to specific groups; and those programs implemented by States or local service providers based on Federal block grants administered by the Department.

Identifying and Informing Covered Persons

Local Workforce Development Boards must develop and include in their strategic local plan policies implementing priority of service for the local One-Stop Career Centers and for all qualified job training programs delivered through the State's workforce system. These policies must establish processes to ensure that covered persons are identified at the point of entry so that covered persons are able to take full advantage of priority of service. These processes shall ensure that covered persons are aware of:

- Their entitlement to priority of service;
- The full array of employment, training, and placement services available under priority of service; and
- Any applicable eligibility requirements for those programs and/or services.

Point of entry may include reception through a One-stop Career Center established pursuant to the Workforce Innovation and Opportunity Act, as part of an application process for a specific program, or through any other method by which covered persons express an interest in receiving services, either in-person or virtually.

Monitoring for Compliance with Priority of Service

The U. S. Department of Labor will monitor recipients of funds for qualified job training programs to ensure that covered persons are made aware of and provided priority of service. Monitoring will be performed jointly by the Veterans' Employment and Training Service (VETS) and the DOL agency

responsible for the program's administration and oversight. A recipient's failure to provide priority of service to covered persons will be handled in accordance with the program's established compliance review processes. In addition to the remedies available under the program's compliance review process, a recipient may be required to submit a corrective action plan to correct such failure.

Effective Date

Immediately.

Ending Date

Upon rescission.

Contact for Questions

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