

Priority of Service for Veterans and Eligible Spouses

Purpose

This policy provides guidance and establishes the procedures regarding priority of service for veterans and eligible spouses served with Workforce Innovation and Opportunity Act (WIOA) funds.

References

- 👉 WIOA (Public Law 113-128) Sections 3 and 134
- 👉 Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461)
- 👉 Jobs for Veterans Act (JVA) of 2002 (Public Law 107-288)
- 👉 Title 38 United States Code (U.S.C.) Sections 101(2), 4213, and 4215(a), and Chapters 11, 13, 15, 30-31, 33, and 35-36
- 👉 Title 20 Code of Federal Regulations (CFR) Part 1010: “Priority of Service for Covered Persons”
- 👉 Title 20 CFR “WIOA, Notice of Proposed Rule Making” (NPRM), Sections 680.600, 680.650, and 683.230 Page 2 of 8
- 👉 Training and Employment Guidance Letter (TEGL) 19-16, Subject: Guidance on Services provided through the Adult and Dislocated Worker Programs under the WIOA and the Wagner-Peyser Act Employment Services, as amended by Title III of WIOA, and for implementation of the WIOA Final Rules (March 1, 2017)
- 👉 TEGL 26-13, Subject: Impact of the U.S. Supreme Court’s Decision in *United States v. Windsor* on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration (June 18, 2014)
- 👉 TEGL 10-09, Subject: Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or part by DOL (November 10, 2009)
- 👉 Workforce Services Directive WSD19-04, Subject: Priority of Service for Veterans and Eligible Spouses (September 11, 2019)
- 👉 Workforce Services Directive WSD15-14 (PDF), Subject: WIOA Adult Program Priority of Service (January 22, 2016)

Background

The Jobs for Veterans Act was enacted into Public Law on November 7, 2002 (P.L. 107-288). A new section of the law established a priority of service requirement applicable to all United States Department of Labor (DOL) programs that offer employment and training related services (P.L. 107-288 Section 4215). Since the passage of the JVA, the DOL has provided policy guidance to the workforce development system regarding the implementation of priority of service. The Veterans' Benefits, Health Care, and Information Technology Act of 2006 (P.L. 109-461) followed up on the JVA by requiring DOL to issue regulations governing the application of priority of service.

Veterans and eligible spouses continue to receive priority of service for all DOL-funded programs amongst all participants. These requirements were not affected by the passage of WIOA and must still be applied in accordance with guidance previously issued by the DOL and Workforce Services Directive WSD19-04.

Policy

A "covered person" is entitled to priority of service under all WIOA Title I funded programs, including the Youth, Adult, and Dislocated Worker Programs, 10% funded projects, National Emergency Grant (NEG) projects and any other DOL qualified job training program. "Veterans priority of service" means the right of eligible covered persons to take precedence over eligible non-covered persons for the receipt of employment, training, and placement services provided under any DOL qualified job training program, notwithstanding any other provision of law. Available funds will not change nor are local areas required to set aside funds to serve veterans. The priority for veterans is mandated by law and cannot be waived.

Covered persons (defined below) must first meet the program's eligibility requirements, and those determined eligible will receive priority over non-covered persons, with the exception of the priority of service established by law for the WIOA Adult Program. The priority of service for the WIOA Adult Program is:

- Eligible covered persons who are recipients of public assistance, or are low-income, or basic skills deficient;
- Eligible non-covered persons who are recipients of public assistance, or are low-income, or basic skills deficient;
- Eligible covered persons who are not recipients of public assistance, or are low-income, or basic skills deficient;
- All other eligible individuals.

For more information, please refer to NOVAworks' WIOA Adult Program Priority of Service Policies & Procedures.

Procedures

In order to take full advantage of priority of service, covered persons will be identified at point of entry. These individuals are made aware of their priority of service and the programs/services available to them.

Documentation and verification of Veteran/Spouse of Certain Veteran status will be collected at time of registration for services.

Acceptable Documentation:

- Veteran – DD214 or Veteran’s Administration Letter or Record
- Eligible spouse - documentation from the Office of Personnel Management, the Veterans Administration, or the specific military branch stating the spouse is eligible for such benefits

Definitions

A “covered person” is defined as one of the following:

1. A veteran who is 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
2. A recently separated veteran, that is any veteran who applies for participation under this title within 48 months after the discharge or release from active duty in the military, naval, or air service; or
3. The spouse of:
 - a. A veteran who died of a service-connected disability.
 - b. A service member on active duty who for a period of at least 90 days (at time of spouse’s application) has been missing in action, captured by a hostile force, forcibly detained, or interned by a foreign government.
 - c. A veteran with a total disability from a service-connected disability or one who died while being evaluated for it.

The term “Active Duty” includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.

The term “Veteran” is defined in Section 101 of title 38, United States Code.

The term “Covered Spouse” is defined in P.L. 107-288 Section 4215(a).

The term “Priority of Service” is defined in P.L. 107-288 Section 4215(3).