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## VETERANS PRIORITY OF SERVICE AND ELIGIBILITY POLICY #: 3019

Original Policy Date: 1/1/2004  
Effective Date:

Current Revision Date: / /2012

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### **Purpose:**

To ensure that all service providers throughout Southwest Washington Workforce Development Area understand and implement the Veterans Priority of Service and Eligibility for covered veterans and their eligible spouses. Southwest Washington Workforce Development Council (SAWDC) values the services of our veterans and wants to ensure they are properly notified of and provided priority of service when qualified for programs and services.

### **Background:**

The Department of Labor issued new regulations (20 CFR 1010) implementing the Jobs for Veterans Act (JVA 2002) and the Veterans' Benefits, Health Care, and Information Technology Act (2006).

1. Each program is to provide priority of service for veterans and eligible spouses;
2. 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)0; and
3. 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):
  - Applicants to any "qualified" DOL programs and services must be able to learn about priority of service and to indicate whether they are veterans etc.;
  - Program staff must initiate data collection for any person claiming priority at point of entry; and
  - Applicants who are veterans must be given the menu of programs and services to which the priority applies, and any additional program eligibility requirements.

### **Policy:**

Priority of service entitles veterans or spouses to precedence over eligible non-covered persons accessing services. Service Providers must comply with federal law, regulations, and guidance on priority of service, using the broad definition for veterans and eligible spouses (20 CFR 1010.110).

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. NOTE: This does not mean that the veteran or spouse is given "bumping rights" over others who are already enrolled and/or receiving services. Additionally, veterans and covered spouses must meet program eligibility before receiving priority into a program or service.

After eligibility requirements are met for program enrollment, **first priority** will be given to public assistance recipients and other low-income customers who are otherwise eligible for intensive or training services. Veterans and eligible spouses and who are recipients of public assistance or who are low-income shall be given first priority among this group. The term “low income individuals” is defined in WIA Section 101(25).

**Second priority** shall be given to other eligible veterans. **Third priority** shall be given to customers, who are otherwise eligible for intensive or training services, to those with income under 175 percent of poverty. Any further priorities beyond these will be defined by local Workforce Development Councils in conjunction with the chief local elected official.

Service providers throughout SWWDC must notify customers accessing services of the veteran’s priority of service, whether through physical or online access. Veterans and eligible spouses must be able to indicate whether they are entitled to priority of service at their point of entry into the system so they can take advantage of this priority policy. Once identified, covered persons must be made aware of their entitlement to priority of service. In addition to allowing applicants to claim entitlement to priority, identified covered persons are to be given a menu of programs and services to which the entitlement applies, and eligibility requirements for those programs.

Once veteran status is identified, service providers must determine if the veteran (or eligible spouse) is a “post 9/11” qualified veteran. Post 9/11 veterans are eligible for and should be provided information about the new “Gold Card” Initiative which qualifies them for a suite of intensive and follow-up services designed specifically for this group. The Gold Card Initiative does not change priority of service; rather it enhances the availability of services to qualified individuals. Once veterans are identified as post 9/11, they should be scheduled for an initial appointment with a Disabled Veterans Outreach Program specialist, a local Veterans Employment Representative, or a WorkSource Specialist.

All “qualified” programs must use the broad definitions for veterans and eligible spouse at point of entry into programs. It is required for all providers to collect, retain and report data in accordance with the Act, regulations and DOL program guidance to be issued (20 CFR 1010.320). SKIES will be the forum for all data collection. “Qualified” programs do not have to verify the status of a customer as a veteran or eligible spouse at the point of entry unless they immediately undergo eligibility determination and enrollment into the program (20 CFR 1010.300(a)).

The SWWDC 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 Grants; 5) Trade Adjustment Assistance; and 6) Senior Community Service Employment Program.

All front line staff in WorkSource and at affiliate sites must receive training on priority of service and its documentation, as well as, information on qualified programs to which the priority applies.

The Washington State Governor may, at times, determine a different priority of service for the WIA Statewide (10%) Discretionary Grants/Contracts or other programs. Within

those defined priorities from the Governor, the Veteran's Priority of Service and Eligibility still applies in that once qualified within a certain group of customers, the veteran receives priority among that group.

**Definitions:**

**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.

**Covered Persons:** veterans or their eligible spouses.

**Covered Entrants:** covered persons at point of entry into a program to receive services.

**Veteran:** a person who was in active military service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). For clarification, a *disable veteran* is one whose disability is permanent and service connected. Active service also includes full-time duty in the National Guard or a Reserve component, other than full time duty for training purposes.

**Eligible Spouse:** defined in section 2(a) of JVA (38 U.S. C. 4215(a)) means the spouse of any of the following: (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 (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; (3) any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs; or (4) any veteran who died while a disability, as indicated in paragraph (3) of this section, was in existence.

**References/Resources:**

- Washington State Policy #1009, Revision 1, Priority of Service for Veterans and Eligible Spouses
- Jobs for Veterans Act, Public Law (Pub. L.) 107-288 (Nov. 7, 2002)
- Veterans' Benefits, Health Care, and Information Technology Act (Pub. L.109-461) (Dec. 22, 2006)
- Priority of Service for Covered Persons (20 CFR 1010) (Dec. 19, 2008; Effective: Jan. 19, 2009)
- Training and Employment Guidance Letter (TEGL) No. 10-09 (Nov. 10, 2009)
- Veterans Program Letter (VPL) No. 07-09 (Nov. 10, 2009)
- Washington WorkSource System Policy #3640, Rev. 2 (June 10, 2011): Eligibility and Priority for Services
- Training and Employment Notice No. 15-11 (Nov. 4, 2011): Gold Card Initiative
  - WorkSource Information Notice WIN – 006 (Nov. 7, 2011)