

<b><u>MESA COUNTY WORKFORCE DEVELOPMENT BOARD</u></b>	
Policy and Procedure	
<b>Title:</b> Veteran’s Priority of Service <b>Program:</b> Workforce Center/Wagner Peyser/ WIOA	<b>State Policy Guidance Letter:</b> VET-2014-02 <b>Effective Date:</b> July 13, 2015 <b>Revision Date:</b> N/A
<b>Authorized Signature(s):</b>	

**I. REFERENCE(S):**

- Title 38, USC Section 101(2), Chapters 41 and 42;
- The Jobs for Veterans Act (JVA) of 2002, Public Law (P.L.) 107-288, section 2(a) codified at 38 U.S.C. 4215;
- Veterans’ Benefits, Health Care Information Technology Act of 2006, P.L. 109-461;
- Priority of Service for Covered Persons; Final Rule, 20 CFR Part 1010 (December 19, 2008);
- Standards of Performance Governing State Agency Services to Veterans and Eligible Persons, 20 CFR 1001.120 (a)(b);
- Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014, WIOA Section 134(3)(E).
- Training and Employment Guidance Letter 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, (jointly issued by the Veterans’ Employment and Training Service as Veterans’ Program Letter 07-09);
- Veterans’ Program Letter 03-14, Jobs for Veterans’ State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans;
- Training and Employment Notice 15-10, Attachment 1, Protocol for Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by USDOL.
- VET-2014-03, Refocused Roles and Responsibilities of Jobs for Veteran State Grant (JVSG) Funded Staff

**II. PURPOSE:**

To implement the Priority of Service for Veterans and Eligible Spouses by Local Workforce Areas, and to provide specific guidance on identifying and verifying veterans and eligible spouses when applying priority of service.

**III. POLICY/ACTION:**

**A. Definitions and Eligibility:**

The following definitions are derived from the federal law (Jobs for Veterans Act) and relevant regulations.

**“Recipient”** to mean an entity to which Federal financial assistance, in whole or in part, is awarded directly from the USDOL or through sub-award for any qualified job training program.

**“Qualified job training program”** to mean any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by the USDOL.

**“Program operator”** is intended to refer to a recipient or a sub-recipient of USDOL funds for a qualified job training program for the purpose of this guidance. Agreement by a program operator to implement priority of service is a condition of receipt of USDOL funds.

The requirement to provide priority of service applies to the Workforce Innovation and Opportunity Act (WIOA), Wagner-Peyser funded activities, and also including but not limited to:

- Trade Adjustment Assistance Program;
- Veterans' Workforce Investment Program;
- National Emergency Grants;
- Discretionary grants such as those using H-1B funds; and
- Future grant formula or discretionary programs and grants.

Additionally, all program operators are required to ensure that priority of service is applied by all sub-recipients of DOL funds. All program activities issued or executed by the program operator, regardless of how they are procured, must be administered in compliance with priority of service requirements. For the purposes of priority of service eligibility, the Final Rule requires that program operators use the following definition of veteran:

**“Veteran”** means a person who served at least one day of active duty in the United States military, in any branch including the Army, Marines, Navy, Air Force, or Coast Guard, and who was discharged or released under conditions other than dishonorable.

Active duty includes full-time Federal service in the National Guard or a Reserve component. 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).

**“Eligible spouse”** as defined at section 2(a) of the 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 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;
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 service-connected disability was in existence (whether or not that disability was the cause of death). 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.

The priority of service statute does not include a disqualification clause pertaining to re-marriage by a widow or widower that is an “eligible spouse.”

This guidance refers to those eligible for priority of service as “veterans and eligible spouses” and those who are not eligible as “non-covered persons.”

## **B. What It Means to Provide Priority of Service**

Priority of service means that veterans and eligible spouses are given priority over non-veterans for the receipt of employment, training, and placement services provided under a qualified job training program. This means that a veteran or an eligible spouse either receives access to a service earlier in time than a non-veteran or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-veteran.

For a service such as classroom training, here’s how veterans’ priority of service applies to the selection procedure:

1. If there is a waiting list for the formation of a training class, priority of service requires a veteran or eligible spouse to go to the top of that list.
2. 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 training class.

Once a non-veteran has been both approved for funding and accepted/enrolled in a training class, priority of service is not intended to allow a veteran or eligible spouse who is identified subsequently to “bump” the non-veteran from that training class.

All contract executed between the Mesa County Workforce Development Board and WIOA subcontractor must adhere to this established veterans priority of service policy.

## **C. Identifying Veterans and Eligible Spouses:**

The Mesa County Workforce Center will enable veterans and eligible spouses to identify themselves at the point of entry to the system or program, and veterans and eligible spouses will be given the opportunity to take full advantage of the priority. Workforce center staff will ensure that veterans and eligible spouses are made aware of the following:

- Their entitlement to priority of service;
- The full array of employment, training and placement services available; and
- Applicable eligibility requirements for programs and services.

In addition to making veterans and eligible spouses aware of priority of service at point of entry, the Mesa County Workforce Center will notify veterans through a priority of service rights statement in the complaint procedures provided to a veteran customer, and/or a priority of service rights statement in the signature portion of the WIOA application.

The Mesa County Workforce Center will allow veterans and eligible spouses to identify themselves in order to provide timely and useful information on priority of service at the point of entry. Point of entry includes, but is not limited to, physically entering the Workforce Center as part of an application process for a specific program, or through any other method by which veterans and eligible spouses express an interest in receiving services, either in-person or virtually. Veterans and eligible spouses will also be identified as such in the Mesa County Workforce Center Queue System to ensure priority of service.

During intake, which utilizes the Queue system, if two customers enter the workforce center at the same time, the veteran and/or eligible spouse will be given priority attention over a non-veteran.

Proactive recruitment of veterans by targeted contact strategies and/or other strategies will be utilized by the Mesa County Workforce Center, as well as use of veteran's priority of service information on recruitment material and website.

All job orders that are entered into Connecting Colorado by Wagner Peyser staff, employers, or other sources will be file searched for qualified veterans, and the Wagner Peyser staff will contact qualified veterans to inform them about job openings before non-veterans.

The Mesa County Workforce Center will adhere to State policy requiring that all job orders be put on hold for a minimum of 4 hours after identifying and contacting qualified veterans by one or more of the following methods:

- a. Phone;
- b. E-mail, or
- c. Postcard

An Auto File Search (AFS) will be run in Connecting Colorado and Wagner Peyser staff will review the contact list. If the number of veterans contacted is unusually low, Wagner Peyser staff will complete a manual Applicant Search to increase the veteran contact pool. The Veterans' file search will be documented in Connecting Colorado in the "First AFS" field on the Job Display page, including the date of file search, type of search, and the results.

#### **D. Verifying Status and Documentation:**

It is neither necessary nor appropriate for program operators to require documentation to verify the status of a veteran or eligible spouse at the point of entry, unless:

1. The individual who self-identifies as a veteran or eligible is to immediately undergo eligibility determination and be registered or enrolled in a program (other than Wagner-Peyser); and,

2. The applicable federal program rules require verification of veteran or eligible spouse status at that time.

Verification only needs to occur at the point at which a decision is made to incur direct costs for one individual over another. The commitment of program staff time does not require verification of status by a veteran or eligible spouse. If a veteran or eligible spouse self-identifies, program staff should be permitted to deliver appropriate services, while permitting the veteran or eligible spouse to follow-up subsequently with verification of his or her status.

Even in those instances in which eligibility determination and enrollment occur at the point of entry, a veteran or eligible spouse may be enrolled on the basis of self-attestation and provided immediate priority and then be permitted to follow-up subsequently with any required verification of his or her status as a veteran or eligible spouse.

The Mesa County Workforce Center will follow up with the veteran or eligible spouse to encourage submittal of required verification. The Mesa County Workforce Center will ask the veteran to obtain the paperwork, the Mesa County Workforce Center will provide assistance to the veteran to obtain the documentation, and the Mesa County Workforce Center will be responsible for ensuring that the appropriate document is provided and placed in the case file. If all methods to obtain the documentation are exhausted (phone, e-mail, postcard, etc) and the documentation is not provided, the efforts should be documented and the individual should not receive priority of service as a veteran under WIOA or other programs.

Colorado allows two options for documenting veteran status:

- DD Form 214, Certificate of Release or Discharge from Active Duty; or
- Letter from the Veterans' Administration.

The same documentation requirements apply to eligible spouses of veterans.

On rare occasions the veteran may receive a DD Form 215, which is a correction to the DD Form 214. The DD Form 215 should accompany the DD Form 214; however the DD Form 214 must be used for documenting veteran status. Jobs for Veterans' State Grant (JVSG) staff are available as a resource to assist with determining length and character of service.

#### **E. Order of Priority for Services to Veterans:**

After a veteran or eligible spouse has been identified and priority of service explained at the point of entry, the workforce center will proceed to offer the normal services that are usually available to program customers. Veterans and eligible spouses do not receive different services than non-veteran customers. However, they are eligible to receive priority treatment in the manner that the services or resources are delivered. A veteran or an eligible spouse either receives access to a service earlier in time than a non-veteran person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-veteran.

Section 1001.120 of 20 CFR requires that every local workforce center shall provide services to veterans in the following order of priority:

1. Special disabled veterans;
2. Disabled veterans other than special disabled veterans;
3. All other veterans and eligible spouses; and
4. Non-veterans

#### **F. Applying Priority of Service to Programs:**

Qualified job training programs fall into two basic categories: universal access programs and programs that require prospective participants to meet specified eligibility criteria. The subsections below describe how priority of service applies to these two types of programs. In addition to the eligibility criteria that all participants are required to meet, some programs also have statutory or discretionary priorities that establish a rank order to be observed in enrolling or serving participants.

**1. Universal Access Programs:** For Mesa County Workforce Center programs that operate or deliver services to the public as a whole without targeting specific groups, veterans and eligible spouses will receive priority of service over all other program participants. The primary universal access services are the “core” services delivered through the workforce system under the Wagner Peyser program. Veterans and eligible spouses will receive the first level of priority in universal access programs.

**2. Programs with Eligibility Criteria:** Eligibility criteria identify basic conditions that each and every participant in a specific program is required to meet. For example, for the WIOA Dislocated Worker program every participant is required to meet basic WIOA eligibility for age, Selective Service, and legal work status, and fit in one of the eligible Dislocated Worker categories. It is important to note that a veteran or eligible spouse must first meet any and all of the statutory eligibility criteria in order to be considered eligible for enrollment in the program, receipt of priority for enrollment, and priority for receipt of services. For programs with eligibility criteria, the Career Development Program (WIOA) will apply priority of service as described below:

- a. Veterans and eligible spouses who meet WIOA Dislocated Worker eligibility receive the highest level of priority for the program or service;
- b. Non-veterans who meet WIOA Dislocated Worker eligibility then receive the second level of priority for the program or service.

**3. Programs with Statutory Priorities:** Some programs are required by law to provide a priority or preference for a particular group of individuals or require the program to spend a certain portion of program funds on a particular group of persons. An example of a statutory priority is the priority for public assistance recipients, other low-income individuals, and basic skills deficient individuals for the WIOA adult formula programs. Under this statutory priority, priority

of service may also include other priority categories determined by the Mesa County Workforce Development Board. For programs with this type of mandatory priority, the Career Development program (WIOA) will determine the status of each individual veteran or eligible spouse and apply priority of service as described below:

- a. Veterans and eligible spouses who meet the mandatory priorities, local priorities such as residency, and program eligibility must receive the highest level of priority for enrollment in the program or service;
- b. Non-veterans who meet the program's mandatory priorities, local priorities, and program eligibility then receive the second level of priority for enrollment in the program or service;
- c. Veterans and eligible spouses who do not meet the program-specific mandatory priority, but meet program eligibility, then receive the third level of priority for enrollment in the program or service;
- d. Non-veterans outside the program-specific mandatory priority, but meet program eligibility, then receive the fourth level of priority for enrollment in the program or service.

\*\* The priority of service for veterans always applies, regardless of program.

**4. Programs with Discretionary Priorities:** Some qualified job training grants may include a focus on a particular group or make efforts to provide a certain level of service to a particular group without the authorizing law specifically mandating that the target group be served before other eligible individuals. For this type of discretionary focus, priority of service will be applied as described below:

- a. Veterans and eligible spouses who meet discretionary program eligibility and target population;
- b. Veterans who meet discretionary program eligibility but not target population;
- c. Non-veterans who meet discretionary program eligibility and target population;
- d. Non-veterans who meet discretionary program eligibility but not target population.

Because a discretionary focus of this type is not a statutorily mandated priority, or targeting requirement, veterans and eligible spouses must receive the highest priority for programs or services with a discretionary targeting requirement.

Non-veterans within the discretionary targeting group may then receive the second level of priority. Non-veterans outside the discretionary targeting group receive the third level of priority.

For veterans and eligible spouses, priority of service applies to discretionary targeting programs and services the same way that it applies to universal access programs, i.e., veterans and eligible spouses first.

The Career Development Program (WIOA) does not typically utilize “Applicant Status” in Connecting Colorado. All interested customers are considered applicants until appropriate eligibility documents are submitted and eligibility is determined by case managers. At that point individuals are enrolled into the Career Development Program (WIOA) and offered services. Veteran priority of service will continue to pertain during eligibility/enrollment determination with priority of service going to veterans and eligible spouses when eligibility documents are received, and/or eligibility status is reached at the same time as a non-veteran.

5. Contractors: The Mesa County Workforce Region will provide contractual language that contains priority of service requirements for subrecipients.

## **G. Performance and Reporting**

The Mesa County Workforce Center will utilize a formula comparing the percentage of veterans who applied to the affected program(s) and were accepted versus the non-veterans who applied to the same program(s) and were accepted. This formula will be tracked through the Connecting Colorado client characteristics report, and that report will be utilized during internal monitoring processes. A quarterly report, which will be submitted to the State Regional Director and the appropriate Regional Liaison will also be prepared.