



# Montgomery County Workforce Investment Board

Policy:

**Priority of Service for Veterans and Eligible Spouses**

Effective Date: July 1, 2012

Policy Number: 2012-15

## **SUBJECT: PRIORITY OF SERVICE FOR VETERANS AND ELIGIBLE SPOUSES**

**PURPOSE:** To provide guidance for the application of Priority of Service for 'qualified' programs administered in the Montgomery County Local Workforce Investment Area that receive funding from the Department of Labor. They include, but are not limited to, Wagner-Peyser, Trade Act, and the Workforce Investment Act (WIA) of 1998.

### **REFERENCES:**

Jobs for Veterans Act 2002 (38 USC Section 4215); TEGL 5-03: Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (P.L. 107-288); Jobs for Veterans Act Q&A Guidance Web site--[www.doleta.gov/programs/VETs](http://www.doleta.gov/programs/VETs); TEGL 10-09; TEGL 22-04: Serving Military Service Members and Military Spouses Under the WIA Dislocated Worker Formula; and Grant; 20 CFR 1010 for implementing the Jobs for Veterans Act (JVA 2002) and the Veterans' Benefits, Health Care, and Information Technology Act (2006); and Workforce Investment Field Instruction (WIFI) 02-10; and 03-12.

**EFFECTIVE DATE:** July 1, 2012

**ACTION REQUIRED:** Within 15 days of the receipt of this policy it is the recipient's responsibility to ensure all staff are informed of the policy and to create an internal process to ensure accountability.

### **BACKGROUND:**

On November 7, 2002, President Bush signed the Jobs for Veterans Act (JVA) to revise and improve employment, training, and placement services furnished to veterans. Section 2(a) of the Act, amended 38 U.S.C. 4215(a) mandates priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in the U.S. Department of Labor (DOL) programs. For a few programs, (including WIA Title I-funded adult, dislocated worker and youth programs), the veterans' priority will compete with existing statutory priorities that favor certain population groups. Local Boards must ensure that veterans are afforded priority for DOL-funded employment and training services, if they meet the existing eligibility requirements. Veterans' priority is required under federal law; however, it is not intended to displace existing eligibility requirements for WIA. An individual must first qualify for WIA before a priority of service can be applied. Local boards must use the following guidelines when determining priority for DOL-funded services:

- If the existing provisions are mandatory, a veteran must meet both the existing provisions and the veterans' provisions to receive priority. A non-veteran receives priority over a veteran who does not meet the mandatory provisions.
- If the existing provisions are optional, a veteran receives priority.

The Training and Employment Guidance Letter (TEGL) 5-03 provides specific guidance on (a) the interaction of the veteran's priority with existing program requirements that target specific

groups, and (b) makes note of the fact that local programs are not required to change their allocations among services to reserve funds for veterans but (c) are required to ensure that eligible veteran workers are given priority over non-veterans for all available services. Additional guidance and detailed examples for a specific program is available at Jobs for Veterans Act Q&A Guidance Web page.

[References: Jobs for Veterans Act 2002 (38 USC Section 4215); TEGL 5-03: Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (P.L. 107-288); Jobs for Veterans Act Q&A Guidance Web site— <http://www.doleta.gov/programs/VETs/>; and TEGL 22-04: Serving Military Service Members and Military Spouses Under the WIA Dislocated Worker Formula Grant]

One provision of the JVA, codified at 38 U.S.C.4215, establishes a priority of service requirement for covered persons (i.e., veterans and eligible spouses, including widows and widowers, as defined by this statute) in qualified job training programs.

While recipients of DOL funds for qualified job training programs such as Montgomery County have been required to provide priority of service since 2002, the Maryland Department of Labor, Licensing and Regulation has asked local workforce areas to develop a Veterans Priority of Service policy with applicable procedures that is consistent with the requirements of recent notices from the US Department of Labor.

On December 19, 2008, the Department of Labor (DOL) 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). The regulations went into effect on January 19, 2009 and do three basic things:

1. Set forth 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)0; and
3. Add 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:**

Veterans and eligible spouses will always have priority of service on a "first come, first served" basis in the following ways.

- Veterans and eligible spouses will have first access to information and registration of workshops provided at MontgomeryWorks

- Veterans and eligible spouses will be referred by the Veterans representatives to the Intensive Services Unit (ISU) and be assigned an ISU counselor promptly.
- Veterans and eligible spouses will have priority of service on a “first come, first served” basis for all ITAs in Montgomery County until ITA funding is expended in any program year.
- Veterans and eligible spouses cannot be required to exhaust their benefits prior to gaining access to WIA training”

Veterans and eligible spouses will be made aware of priority of service entitlement through:

- TAP/DTAP training sessions
- “Staff assisted services”
- Signage posted in the One-Stop Centers
- Workshops/orientations
- Handouts/fliers, fact sheets and presentations by One-Stop staff
- Local Veteran Employment Representative (LVER) and Business Services Team representatives when conducting employer contacts
- DLLR’s website
- MontgomeryWorks Website
- Montgomery County Commission on Veterans

Signage announcing the Priority of Service for Veterans and eligible spouses will be prominently displayed throughout MontgomeryWorks. This signage will include a statement requesting military spouses to contact a Veterans Representative to determine their eligibility for Priority of Service.

**Eligibility for Priority of Service.**

Veterans and eligible spouses, including widows and widowers as defined in the statute and regulations, are eligible for priority of service. For the purposes of implementing priority of service, program operators use the broad definition of veteran found in 38 U.S.C. 101(2).

Under this definition, the term “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, as specified in 38 U.S.C. 101(2). Active service 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:

- a. Any veteran who died of a service-connected disability;
- b. 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 the line of duty by a hostile force; or
  - iii. Forcibly detained or interned in the line of duty by a foreign government or power;
- c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or

d. Any veteran who died while a disability was in existence. 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.

### **Identification of Veterans**

Individuals accessing MontgomeryWorks for the first time are asked to fill out a registration form. The form asks individuals if they are veterans. Those identifying themselves are referred to the Veteran Services representatives. Those registering/enrolling on MWE by themselves are also encouraged to identify themselves as veterans.

### **Applying Priority of Services**

Programs provided by Montgomery County fall into two basic categories: -universal access programs and programs that require prospective participants to meet specified eligibility criteria.

#### **Universal access programs.**

For workforce programs that operate or deliver services to the public as a whole without targeting specific groups, veterans and eligible spouses receive priority of service over all other program participants. Universal access programs include use of equipment in the resource room and workshops held.

- For access to the resource room and the equipment, veterans and their eligible spouses, may use the equipment prior to others.
- For workshops, Veterans and their eligible spouses receive notification of class registration dates one day prior to public release.

#### **Programs with Eligibility Criteria.**

Programs with eligibility criteria are considered to be intensive and training services. Veteran or eligible spouse must first meet the eligibility criteria in order to be considered eligible for: a) enrollment in the program; b) receipt of priority for enrollment in the program; and c) priority for receipt of services.

- Veterans and eligible spouses receive assistance from the Veterans representatives who determine if the veteran or eligible spouse meets the eligibility requirements for referral to the Intensive Services Unit (ISU). If the veteran or eligible spouse meets the eligibility requirements they are immediately referred to ISU without a waiting period.
- Those veterans and eligible spouses being served by the ISU are in the queue for training which is a "first come, first served" basis for all ITAs in Montgomery County until ITA funding is expended in any program year.

#### **Training of staff and partners**

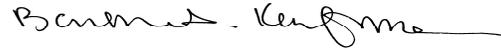
- Veterans' Services staff makes a presentation annually at a MontgomeryWorks staff meeting.
- Veterans' Services staff will present to staff of the youth provider.
- Copies of the WIFI, TEGE No. 10-09 and VPL No. 07-09 will be made and distributed to MontgomeryWorks staff. They will be asked to sign that they have received this information.
- Veterans' Services staff will train new staff added after the training described above.

- MontgomeryWorks will send a reminder to both its required and non-mandated partners about priority of services with instructions of how to refer individuals to the Veterans Services Representatives.

This policy shall be conducted with 100% of the individuals, (e.g., universal customers) walking into each One Stop and its affiliated sites for the purposes of accessing any core services.

**Approved:**

**November 14, 2012**



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Date of Board Approval

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Barbara Kaufmann, WIB Director