

**CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC.**

TO: All One-Stop Career Center Staff and Providers

SUBJECT: Veterans Priority of Service

ISSUANCE DATE: June 19, 2009

EFFECTIVE DATE: January 19, 2009

EXPIRATION DATE: None

Purpose

The purpose of this policy is to implement veterans' priority of service as mandated in Federal regulation (Final Rule, 20CFR Part 1010) that went into effect on January 19, 2009.

Background

The Jobs for Veterans Act, enacted into Public Law 107-288 on November 7, 2002 made a number of amendments to encourage military veterans' access to services within an integrated one-stop service delivery system. One such amendment creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in DOL training programs. As mandated in Federal regulation, One-Stop Career Centers are required to implement priority of service and will need to have clear strategies for providing veterans and eligible spouses of veterans with quality service at every phase of services offered.

Policy

One Stop Center Operators will assure the provision of veterans' priority of service for all "covered persons" in a manner consistent with the requirements of the Jobs for Veterans Act and the guidance provided herein. All eligible "covered persons" shall receive first priority for all qualified job training programs as offered through the One Stop Centers. Assurance will also be made that veterans' priority of service will be implemented and provided *at the point of entry*. This policy is applicable to services funded through the U.S. Department of Labor – including, but not limited to:

- Wagner-Peyser funded employment services;
- Trade Adjustment Assistance Program;
- Adult and Dislocated Worker Programs funded under the Workforce Investment Act (WIA);
- WIA Youth Formula Funded Programs,
- WIA national programs;
- Community Based Job Training Grants;
- Job Corps;
- Veterans' Workforce Investment Program;
- Office of Disability Employment Programs;

- Pilot and Demonstration Grants;
- Discretionary grants such as those using H-1B funds; and
- Future grant formula or discretionary grants.

As additional programs or services funded in whole or in part by USDOL are developed, they will also be covered by this priority of service.

Definition

“**Covered Person**” is the new term that now collectively refers to individuals eligible for the veterans’ priority of service provision of the Jobs for Veterans Act. The Jobs for Veterans Act originally defined eligible persons in two categories:

- Eligible Veteran, and
- Other Eligible Person

An “**Eligible Veteran**” is a person who --

- (A) served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge;
- (B) was discharged or released from active duty because of a service connected disability; or
- (C) as a member of a reserve component under an order to active duty pursuant to section 12301(a), (d), or (g), 12302, or 12304 of Title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.”

Other “**Eligible Person**” is defined as:

- (A) the spouse of any veteran who died as a result of a service-connected disability,
- (B) the spouse of any member of the Armed Forces serving on active duty who, at the time of application for U.S. Department of Labor employment and training services, has, for a period longer than 90 days either been declared missing in action, has been captured by a hostile force while in the line of duty, or has been forcibly detained/interned while on active duty by a foreign government or power; or
- (C) the spouse of any person who has a permanent, total disability resulting from a service-connected disability, or
- (D) the spouse of a veteran who died while a disability so evaluated was in existence.

USDOL provides additional clarification for “A” and “D” above by indicating that the re-marriage of the spouse would not terminate their eligibility. However, if a spouse becomes divorced from a veteran under “B” and “C” above, eligibility for priority of service is terminated.

It is further understood that the JVA does not exclude from eligibility spouses who were not citizens at the time that the veteran was discharged or retired, nor does it stipulate that a spouse had to be married to a veteran at the time of his or her discharge or retirement.

The Jobs for Veterans Act specifies that National Guard and Reserve personnel who served in active duty and who were released with other than a dishonorable discharge would qualify as veterans for purposes of the priority of service requirement.

“**Qualified Job Training**” programs is defined in the Jobs for Veterans Act as “any workforce preparation, development or delivery program or service that is directly funded, in whole or in part, by the Department.”

WIA Eligibility

Eligibility requirements for the WIA Adult, Youth, Dislocated Worker, and TAA/TRA programs are not changed by the veterans’ priority. The Jobs for Veterans Act provides that priority of service applies only to those covered persons who meet the WIA Adult, Youth, Dislocated Worker, and TAA/TRA programs’ eligibility requirements.

Determination of Covered Person Status

Each One Stop customer registers in the system by completion of an ES-100 form. The answers to questions #29 and #30 are preliminary determiners of status as a covered person. If answer to either question is “yes” the customer preliminarily qualifies as a covered person under this policy however the customer must be asked if the discharge from the military was other than “dishonorable.” If the answer is yes, the person qualifies; if the answer is “no” they do not qualify under this policy.

Customer Awareness

Each One Stop Center will prominently display signage near the entry-way and in their Resource Rooms to make customers aware of the priority of service policy as it relates to veterans. In addition, the www.cawfny.com system website will contain the priority of service policy for those customers accessing information about programs via the internet. The CAWIB will also include notification to other area agencies serving veterans to inform them of our priority policy and incorporate ads specifically targeted to veterans in our regular marketing campaign.

Identification of Covered Persons at the Point of Entry

The One Stop Centers will identify covered persons at the point of entry to our programs and services. This identification process will be implemented each time a customer accesses our program – whether the contact is made by telephone or in person. (Currently the One Stop Centers do not have point of entry access via internet or e-mail).

Procedure for Identifying Covered Persons

Before any other service or screening process is implemented, the staff person working at the Greeter Desk should ask the customer:

“Are you a veteran or the spouse or widow(er) of a veteran?”

If the customer replies positively, then follow-up questions must be asked to confirm that the individual meets the definition of “covered person” as given in the Jobs for Veterans Act.

Follow-Up for “Veteran.” If the customer is a veteran, staff must confirm that the individual served in the active military, naval, or air service, and was discharged or released under conditions other than dishonorable.

Delivering Services to Jobs for Veterans Priority Customers

After a Jobs for Veterans Priority Customer has been identified at the point of entry, the One Stops may proceed to offer the normal services that are usually available to program customers.

Jobs for Veterans Priority Customer do not receive different services than non-covered customers. However, they are eligible to receive priority treatment in the manner that the services or resources are delivered.

In practical terms, “priority treatment” means:

- (1) The covered person will receive access to the service or resource *earlier in time* than non-covered persons; or
- (2) If the service or resource is limited, covered persons will receive access to the service or resource *instead of or before* any non-covered customers.

For example—

- During intake, if two customers arrive in the reception area at the same time, the covered person should be given priority attention over a non-covered individual.
- If there is not a sufficient number of counselors / intake specialists to give immediate attention to all customers who wish to apply for services, the Jobs for Veterans Priority Customer(s) should be served first – before other customers who have been waiting just as long.
- If any services are being offered in the form of a group session, Jobs for Veterans Priority Customers must be given the opportunity to access the session before it is opened up to non-covered customers. For example, if a sign-up system is used to reserve a spot for customers in a community resource workshop, Jobs for Veterans Priority Customers should be given an opportunity to sign up in advance of other non-covered customers. Or, if there is not a pre-registration system in place, Jobs for Veterans Priority Customers should be given the opportunity to take a seat ahead of other customers who arrive for the same session.

This Priority Treatment system for covered customers is not intended to completely replace the usual rule for delivering services – that is, “first come; first serve.” In fact, these Priority of Service Guidelines should not generally be used to “bump” non-covered customers who have been waiting longer than a covered person for a limited resource or service opportunity.

Provisions to Contracts, Agreements and RFPs

The CAWIB will incorporate an addendum or contain in the body of its standard contract language and RFPs the adopted priority of service policy to inform all contractors of this requirement. The CAWIB does not allow sub-agreements or sub-contracts for services in order to ensure conformance with WIA rules and regulations and other requirements such as this policy.

Customer Flow and Functional Alignment

Covered persons under this policy should be afforded expedited access to intensive and training services as feasible. For those covered persons who demonstrate job readiness skills through their initial assessment or extensive knowledge and aptitude for their desired training program, Career Counselors should eliminate cumbersome steps to ensure quick access to training services.

All staff should have the ability to serve covered persons under this policy if the DVOP is unavailable. When the DVOP is available, the customer should be immediately referred to them for services.

Implementation

All Center staff including Partner staff will be required to participate in an in-service training focused specifically on this policy to ensure proper implementation. In addition, this policy will be distributed via e-mail to all staff as well as be posted on the www.cawfny.com website.