

Priority of Service Policy

Effective: July 1, 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. Federal regulations (Final Rule, 20CFR Part 1010) that went into effect on January 19, 2009 mandate that local boards implement a priority of service policy for Veterans and Eligible Spouses, and to have clear strategies for providing veterans and eligible spouses of veterans with quality services at every phase of services offered.

The ARRA of 2009 signed by President Obama on February 17, 2009 also addresses priority of service policy. The ARRA is intended to preserve and create jobs, promote the nation's economic recovery, and to assist those most impacted by the recession. On March 18, 2009, the United States Department of Labor's, Employment and Training Administration released guidance (TEGL 14-8) for implementing Workforce Investment Act and Wagner-Peyser Act funding under the ARRA. The ARRA contains several provisions designed to target services to certain populations. One such provision mandates local boards to enact a priority of service policy for recipients of public assistance and other low-income individuals who receive intensive and training services under the WIA ARRA Adult Funding Stream.

Policy: The Workforce Development Board of Oswego County has declared a priority of service policy to be in effect for Veterans and Eligible Spouses of Veterans at every phase of services offered.

The Workforce Development Board of Oswego County has also declared a priority of service policy to be in effect for recipients of public assistance and other low-income individuals who receive intensive and training services under the WIA ARRA Adult funding source..

The Workforce Development Board of Oswego County has not declared a priority of service policy for individuals who receive intensive and training services under the WIA Formula Funding.

However, should funding be determined to be limited, the Board has declared that priority of service will automatically be invoked for recipients of public assistance and other low-income individuals who receive intensive and training services under the Adult Formula funding source.

- Procedure: Individuals eligible for priority of service will be notified by:
- Signs posted in the career center identifying priority populations
 - Written notice on the application/registration form advising applicants of priority populations and requesting information to determine priority status
 - Verbal notice at the one-to-one assessment conducted with all customers when accessing one stop services
 - Posting on the website to make individuals aware of the priority of service policies
 - Applicants identified as Veterans through the intake process are immediately referred to the Local Veterans Employment Representative (LVER) who makes the individual aware of the services available and reinforces the priority status.

All contracts/contract language is to be reviewed to ensure priority of service language is included at the point contracts are being written and/or distributed. Contracts missing this language are to be revised to include it.

As individual requests for intensive and training services come through, individuals eligible for priority of service are to be identified at the weekly staffings when funding requests are being made. Priority will be provided to targeted groups.

With multiple priority of service policies in effect, the priority for service will be applied as follows:

1. The first population to receive intensive and training services is public assistance and low-income veterans (or eligible spouses of veterans);
2. The second priority is for public assistance and low-income non-veterans;
3. The third priority is for veterans (or eligible spouses of veterans) who are not low income or receiving public assistance;
4. The last priority is for adults who are non-veterans who are not low-income or receiving public assistance.

Definitions:

- Veteran - A veteran is defined as “a person who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable.” This is essentially the same as the WIA definition found in WIA Law at

Section 101(49). Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes. This definition to be applied for the purposes of the priority differs from and is broader than the definition of “eligible veteran,” which is applied under Veterans and Wagner-Peyser grant programs.

- Eligible Veteran - Under Title 38, United States Code Section 4211, the term “eligible veteran” means a person who – (A) served on active duty for a period of more than 180 days and was discharged or released therefrom 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, 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. It is very important that the distinction between the two definitions is understood and applied correctly. USDOL is bound by law to use the “Final Rule” definition as it was the intent of Congress that priority of service be made available to a broad category of former service members. However, the definition of veteran to be applied for the purposes of the priority does not alter the statutory reporting requirements for Wagner-Peyser and Veteran Grants, which require application of the more narrowly defined definition of eligible veteran. In other words, a veterans’ priority is not intended to displace the core mission of any particular program.
- Eligible Spouse - The term “eligible spouse” means – (A) the spouse of any person who died 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 the priority, is listed in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power; or (C) the spouse of any person who has a total disability permanent in nature 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.
- Public Assistance Recipient – In accordance with WIA Law Section 101 (37), a public assistance recipient is one receives cash payments

from the Federal, State or local government for which eligibility is determined by a needs or income test.

- Low Income Individual – In accordance with WIA Law Section 101 (25), a low income individual is an individual who –
 - Receives, or is a member of a family that receives, cash payments under a Federal, State or local income-based public assistance program;
 - Received an income, or is a member of a family that received a total family income, for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, public assistance program payments, and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402)) that, in relation to family size, does not exceed the higher of –
 - The poverty line, for an equivalent period; or
 - 70% of the lower living standard income level, for an equivalent period;
 - Is a member of a household that receives (or has been determined within the six-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 USC 2001 et seq);
 - Qualifies as a homeless individual, as defined in subsection (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 USC 11302);
 - Is a foster child on behalf of whom State or local government payments are made; or
 - In cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements above, but who is a member of a family whose income does not meet such requirements.

In addition, income earned while on active duty status is disregarded in our eligibility determinations.