



# U.S. Department of Labor Employment and Training Administration

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

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# Outline

- What is Priority of Service
- Implementation
- Monitoring and Reporting
- Sharing of Strategies

# Sharing Strategies

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# History of Priority of Service

- Jobs for Veterans Act – 2002
- TEGL 05-03 – 2003
- P.L. 109-461 – 2006
- Final rule – January 19, 2009
- Joint Guidance – November 10, 2009

# Key Definitions

- *Qualified Job Training Program* – a workforce program funded in whole or in part by DOL
- *Veteran* [38 USC 101(2)]
  - Discharged under “other than dishonorable” conditions
  - Active military service:
    - ❖ National Guard and Reserve – weekend and summer training does *not* qualify
    - ❖ National Guard – mobilization by a governor for state service (e.g., for a natural disaster) does *not* qualify

# Key Definitions

- *Eligible Spouse*

- Eligibility derived from a living veteran
  - ❖ Service member is missing in action, captured or forcibly detained
  - ❖ Veteran has total service-connected disability, per VA evaluation
- Eligibility derived from a deceased veteran
  - ❖ Veteran died of a service-connected disability
  - ❖ Veteran died while a total service-connected disability, per VA evaluation, was in existence

# Key Definitions

- *Covered Person*

- *A Veteran*
- *An Eligible Spouse*

- *Covered Entrant*

- *A Veteran or an Eligible Spouse who is;*
- *At the “point of entry” to the workforce system or a qualified job training program (i.e., at the initial point of contact, prior to receipt of any services; e.g., an applicant, not a participant)*

# Recognizing the Challenges

- The One-Stops are to apply the *priority of service definition* to all veterans who *access* the workforce system through the One-Stops
- The One-Stops also are to apply the *Wagner-Peyser definition* to DVOP/LVER *eligibility* and to *all reporting* on Wagner-Peyser services
- Although this duality of veteran definitions is awkward, it could be resolved by Congress

# Extent of Priority of Service

- Priority of Service applies to *every* qualified job training program funded, in whole or in part, by DOL
  - An agreement to implement priority of service is a condition for receipt of all DOL job training funds
  - Priority of service applies to all sub-recipients, including sub-grantees, subcontractors, and those delivering services under other types of agreements
- Priority of Service *cannot* be waived

# State and Local Planning

- Priority of service is to be addressed in:
  - States' Strategic Plans
  - Local Workforce Boards' Strategic Plans
- Policies apply to:
  - State Workforce Agencies
  - Local Workforce Investment Boards
  - One-Stop Career Centers

# Identifying and Informing

- *Identifying* veterans and eligible spouses at the point of entry
- Implementing processes to ensure veterans and eligible spouses are *made aware of*:
  - Their entitlement to priority of service
  - Other employment, training and placement services available
  - The eligibility requirements for those programs or services

# DVOP/LVER & Priority of Service

- Veterans and eligible spouses must be provided access to the *full range* of available One-Stop services
- DVOP and LVER services are *program-specific*, with their own eligibility requirements
- Therefore, referral to DVOP specialists or LVER staff members by itself does not meet the priority of service requirement

# Clarifying Verification

- § 1010.300(b)(2) of the *Rule* states: “The processes for identifying covered persons are *not required to verify* the status of an individual as a veteran or eligible spouse at the point of entry *unless they immediately undergo eligibility determination and enrollment in a program.*”

# Clarifying Verification (Cont.)

- The *Preamble* states: “Even in those instances in which eligibility determination and enrollment take place at the point of entry, the Department believes that the covered person should be enrolled and *given immediate priority* and then *be permitted to follow-up subsequently with any required verification* of his/her status as a covered person.”

# Clarifying Verification (Cont.)

- For a service such as classroom training, outside resources may not be committed on a priority basis prior to verification
- While awaiting verification, program staff may provide services on a priority basis, including intensive services
- While awaiting verification, services based on outside resources may not be delivered on a priority basis prior to verification

# Priority Defined

- The right to take precedence over non-covered persons – Depending on the type of service or resource being provided, taking precedence may mean:
  - Covered person gains access to service or resource *earlier than* the non-covered persons
  - Covered person receives service or resource *instead of* a non-covered person when resources are limited

# Applying Priority of Service

- Basic Categories of all *Qualified Job Training Programs*:
  - Eligibility Criteria
    - Specific conditions
  - Universal Access
    - No criteria

# Eligibility Criteria

- Conditions that all participants must meet, for example:
  - SCSEP Grant
  - WIA Dislocated Worker Program

First level of Priority – Veterans and Eligible Spouses who meet eligibility criteria

Second level of Priority – Non-covered persons who meet eligibility criteria

# Universal Access

- *Universal Access Programs* - Do not target specific groups (e.g., Wagner-Peyser services)
  - Veterans and eligible spouses receive *first* level of priority
  - Non-covered persons receive *second* level of priority

# Program Priorities

- Additionally, preferences may also be established
  - Statutory Priorities
  - Discretionary (Optional) Priorities

# Statutory Priorities

*Statutory Priority Programs - A mandatory priority or focus for certain groups:*

- For persons who *meet* the mandatory priority:
  - ❖ Veterans and eligible spouses who also meet the mandatory priority receive the *first* level of priority
  - ❖ Non-covered persons who meet the mandatory priority receive the *second* level of priority
- For persons who *don't meet* the mandatory priority:
  - ❖ Veterans and eligible spouses who don't meet the mandatory priority receive the *third* level of priority
  - ❖ Non-covered persons who don't meet the mandatory priority receive the *fourth* level of priority

# Statutory Priority Example

- *WIA Adult program* – statutory priority for low-income individuals and public assistance recipients, *if WIB determines funds are limited*:
  - First level: veterans or eligible spouses who also are low-income or public assistance recipients
  - Second level: non-covered persons who are low-income or public assistance recipients
  - Third level: veterans or eligible spouses who are *not* low-income or public assistance recipients
  - Fourth level: non-covered persons who are *not* low-income or public assistance recipients

# Discretionary Priorities

- *Discretionary (Optional) Priority Programs* - Focus on special groups, but not mandated
  - Veterans and eligible spouses receive *first* level of priority
  - Non-covered persons who meet the discretionary target receive *second* level of priority
  - Non-covered persons who do not meet the discretionary target receive *third* level of priority

# Program Eligibility and Income

- Military income *excluded* when determining if a veteran or eligible spouse meets a “low income” criterion
  - Pay or allowances while on active duty
  - Service-connected disability compensation
  - VA educational assistance (e.g., “GI Bill”)
- Military income *not* to be excluded when determining if a veteran or eligible spouse meets a “low income” criterion
  - pension for military retirees

# Coordination with WIA Training

- Although WIA statute and regulations require coordination of “other grant assistance” (e.g. Pell grants) with WIA training,
- Guidance clarifies that veterans are *not* required to exhaust VA benefits as a pre-condition for receiving WIA training

# WPRS/REA and POS

- Initiatives requiring UI claimants to report in-person:
  - Worker Profiling and Reemployment Services (WPRS)
  - Reemployment and Eligibility Assessments (REA)
- Prior guidance indicated that ‘reporting’ was a referral and, therefore, subject to priority of service
- Current guidance clarifies that:
  - These requirements are *not* services and, therefore, *not* subject to priority of service
  - Priority of service *does apply* if compliance leads to *referrals to services* for veterans or eligible spouses

# Monitoring of Compliance

- Joint monitoring of Priority of Service by:
  - The Veterans' Employment and Training Service (VETS)
  - The DOL agency responsible for the program's administration and oversight (typically ETA)
- If monitoring identifies a failure to comply:
  - To be handled in accord with the program's established compliance review processes
  - A corrective action plan also may be required

# Applying the New Definitions

- For those programs *not* reporting on covered entrants, the requirement to adopt the *new definitions* will take effect upon the *next OMB approval* of each program's Information Collection Request (ICR)

# Reporting on Covered Entrants

- Programs required to *report on covered entrants*, currently:
  - *Wagner-Peyser State Grants*
  - *WIA Adult*
  - *WIA Dislocated Worker*
  - *WIA National Emergency Grants*
  - *Trade Adjustment Assistance*
  - *Senior Community Service Employment Program (SCSEP)*

# Implementing Reporting

- For *SCSEP*, the *new definitions* have been adopted and reporting on *covered entrants* was implemented July 1, 2009 (PY09)
- For *Wagner-Peyser*, *WIA* (Adult, Dislocated Worker, and National Emergency Grants), and *Trade Adjustment Assistance*, the reporting on **covered entrants**, which will be required in the future, has been *waived for PY 2009*

# Implementing Reporting (Cont.)

- It is expected that reporting on covered entrants for the *Trade Adjustment Assistance* program will be coordinated with *Wagner-Peyser* and *WIA*
- The burden of reporting on *covered entrants* for *Wagner-Peyser*, *WIA* and *Trade* will be minimized if the new requirements are applied in conjunction with implementing a “next generation” reporting system.
- If a new reporting system is not implemented in the near future, the new reporting will be implemented via a “back-up” approach already approved by OMB.



# U.S. Department of Labor Employment and Training Administration

# *Questions??*

