



## **POLICY 23**

### **IMPLEMENTING THE VETERANS' PRIORITY PROVISIONS (P.L. 107-288)**

#### **PURPOSE**

To provide general guidance as to the implementation of the veterans' priority provisions of the "Jobs for Veterans Act" (P.L. 107-288) relative to Workforce Investment Act (WIA) programs.

#### **BACKGROUND**

The "Jobs for Veterans Act," enacted into Public Law 107-288 in November 2002, amended legislation to encourage veterans' access to services within an integrated One-Stop service delivery system. Section 2(a) of the Act, 38 U.S.C. 4215(a), created a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in Department of Labor (DOL) training programs. The legislation affects twenty DOL-funded workforce programs, including all WIA programs.

#### **REFERENCES**

- The term "veteran" is defined in WIA Title I Section 101(49)
- The term "covered person" is defined in P.L. 107-288 Section 4215(a)(1)
- The term "qualified job training program" is defined in P.L. 107-288 Section 4215(a)(2)
- The term "priority of service" is defined in P.L. 107-288 Section 4215(a)(3)
- "Jobs for Veterans Act" (P. L.107-288), November 7, 2002
- ETA Training and Employment Guidance Letter No. 5-03, Subject: Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act," September 16, 2003
- Employment Development Department (EDD) Information Bulletin WIAB03-25, Subject: Implementing the Veterans' Priority Provisions, September 26, 2003
- EDD Information Bulletin WIAB04-4, Subject: Released Guidance on Implementing the Veteran's Priority Provisions, July 6, 2004
- DOL Employment and Training Administration (ETA), "Jobs for Veterans Act, Q&A Guidance," <<http://www.doleta.gov/programs/VETS/>> (July 15, 2004)

## DEFINITIONS

A. A “**covered person**” is one of the following:

1. A **veteran** who is an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable;
2. A **recently separated veteran** who is any veteran who applies for participation under this title within 48 months after the discharge or release from active military, naval, or air service; or
3. The **spouse** of any of the following individuals:
  - 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 spouse’s application) is listed as missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power; or
  - c) A veteran with a total disability from a service-connected disability or one who died while a disability so evaluated was in existence.

B. **Qualified job training program** means any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the DOL and includes the following:

1. Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services).
2. Any such program or service under the public employment service system, One-Stop Career Centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, a workforce development program targeted to specific groups, and those programs implemented by states or local service providers based on federal block grants administered by the DOL.

C. **Priority of service** means, with respect to any qualified job training program, that a covered person shall be given priority over nonveterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of law.

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A. Based on the Jobs for Veterans Act, a covered person is entitled to priority of service under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program.

- B. While the exact manner in which the veterans' priority is applied will vary depending on the services offered, the law requires that for all programs, covered persons must meet the program eligibility requirements in order to obtain priority of service.
- C. For programs with existing targeting provisions, the veterans' priority must be applied by assessing a person's status in light of both the veterans' priority and the existing provision(s). It is important to distinguish the targeting provisions that are statutory and mandatory compared with those that are regulatory and/or optional. The veteran's priority is a statutory mandate, but one that is not intended to displace the core function of the program.

1. Priority of Service in Cases Where the Existing Targeting is Required by Law:

Mandatory priorities occur when targeting provisions are derived from a statutory mandate that requires a priority or preference for a particular group of participants or requires spending a certain portion of program funds on a particular group of participants. For these programs, the veterans' priority applies as follows:

- a) An individual meeting both the veterans' and the mandatory priorities (or spending requirement or limitation) obtains the highest priority for the program.
- b) Non-veterans within the program's mandatory priority receive priority over covered persons outside the program-specific mandatory priority (or spending requirement or limitation).
- c) Covered persons outside the program-specific mandatory priority (or spending requirement or limitation) receive priority over non-veterans outside the priority (or spending requirement or limitation once the spending requirement or limitation is met).

2. Priority of Service in Cases Where the Existing Targeting is Discretionary and Not Required by Law:

Discretionary or optional priorities occur when targeting provisions require the program to focus on a particular group of participants, or to make efforts to provide a certain level of service to such a group, but do not specifically mandate that the favored group be served before other eligible individuals.

The veterans' priority is applied as follows: The veterans' priority takes precedence over discretionary or optional priorities. Within the program as a whole, grantees are required to implement the veterans' priority in advance of the opportunities and services provided to the population group covered by the optional priority.

D. Guidance for Individual DOL Programs

- 1. Local programs are not required to change their allocations among services to reserve funds for veterans, but are required to ensure that eligible covered persons are given priority over non-veterans for all available services.

2. WIA Dislocated Workers Programs:
  - a) Dislocated workers who are covered persons will receive priority over non-veterans.
  - b) Covered persons who are not dislocated workers cannot be served with dislocated worker funds.
3. WIA Adult Programs:
  - a) Current law requires that first priority for intensive and training services be given to public assistance recipients and low-income individuals when adult funds allocated to a local area are limited.
  - b) Priority of provision of services:
    - i) First to be served are public assistance recipients and low-income individuals who are also covered persons.
    - ii) Second to be served are public assistance recipients and low-income non-veterans.
    - iii) Among participants who are not public assistance recipients or low-income individuals, covered persons will receive priority over non-veterans.
4. Welfare-to-Work (WtW) Program:
  - a) The veterans' priority does not change the 30 percent limit on funds spent on individuals that meet the "other eligibles" eligibility provisions.
  - b) Priority of provision of services under the 30 percent eligibility provision:
    - i) First to be served are covered persons who qualify as "other eligibles."
    - ii) Second to be served are "other eligibles" who are non-veterans.
    - iii) If a program has reached the 30 percent limit, an individual's status as covered person does not permit the program to exceed the 30 percent limit on "other eligibles."
5. WIA Youth Program:
  - a) In providing services to both in-school and out-of-school youth, priority should be given to any covered person who qualifies under the WIA eligibility requirements.
  - b) A covered person's status does not permit the program to avoid the 30 percent out-of-school requirement (that is, the program may not exceed 70 percent of expenditures on account of covered person status).

E. Co-enrollment:

The DOL expects local workforce investment system program operators to co-enroll participants when necessary, feasible, and prudent in order to eliminate duplication and increase the numbers able to be served. In some instances, however, the veterans' priority will impact the ability to co-enroll. There may be situations among some federal programs (which are not funded by the Department of Labor and not subject to the Jobs for Veterans Act) where individuals referred to WIA must defer to veterans who are first in line, or where eligible veterans referred by WIA to other programs must defer to other statutory or policy mandates not subject to the Jobs for Veterans Act.

F. All requests for proposal (RFPs), solicitations for grant awards (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements must be administered in compliance with the veterans' priority.

G. Outreach efforts, written materials on available services, and Web sites related to all affected programs shall express and implement a priority of service to veterans. Any informational or service delivery Web site developed with funding from an impacted program or grant will be expected to provide information on veterans' priority and how to access assistance via the nearest One-Stop Center in receiving priority service from any applicable program or grant. Self-service instructions will be expected to go beyond mention of, or referral to, Local Veteran Employment Representatives and Disabled Veterans Outreach Programs.

H. Registration, data collection, record keeping and reporting may be affected due to state and federal reporting requirements. Where there is a registration requirement associated with receipt of services for an impacted program or grant, collection of the individual's veteran status is necessary.

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