

Union County Workforce Development Board
Workforce Area Guidance Letter
Priority of Service Policy

SECTION 1. PURPOSE.

The Union County Workforce Development Board (UCWDB) issues the following guidance letter to American Job Center Network Partners (AJCNP) regarding the priority of service requirements for WIOA Title I participants eligible for individualized career and training services.

SECTION 2. REFERENCES.

- A. WIOA sec. 134(c)3) (E), WIOA Sec. 3(6) and 20 CFR 680.600
- B. New Jersey Department of Labor Workforce Innovation Notice 11-16 Change 1(A), February 21, 2018
- C. Training and Employment Guidance Letter No 7-20, November 24, 2020
- D. Training and Employment Guidance Letter No. 03-15, July 1, 2015
- E. Training and Employment Guidance Letter No. 10-09, November 10, 2009
- F. Training and Employment Guidance Letter No. 19-16, March 1, 2017
- G. Training and Employment Notice 15-10, TEN 10-15, November 10, 2010

SECTION 3. BACKGROUND.

In accordance with the New Jersey Workforce Innovation Notice (NJWIN) 11-16 Change 1 (Attachment A) and Training and Employment Guidance Letter (TEGL), 3-15 priority of service shall be granted to individuals with barriers to employment who are seeking Individualized Career Services or Training offered through WIOA Title I-funded programs. Priority of service populations can be classified into the following four categories:

- 1. Veterans and their spouse
- 2. Recipients of public assistance
- 3. Other low-income recipients
- 4. Individuals who are basic skills deficient

Individuals who do not meet the priority of service criteria may continue to receive staff-assisted basic career services from the American Job Center Network Partners.

SECTION 4 POLICY.

- A. As set forth in the Union County Workforce Development Board Strategic Plan, Priority of Service requirements under WIOA legislation requires that American Job Centers ensure that priority for adult career and training services be given to:

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- Recipients of public assistance, other low-income individuals, and individuals who are basic-skills deficient consistent with WIOA sec. 134(c)3) (E) and § 680.600 and,
 - Veterans and their spouses
- B. According to the NJ Workforce Innovation Notice 11-16 Change 1, customers within the American Job Center Network who need more intensive individualized career and training services and are funded with Title I WIOA Adult funds must be determined eligible by the American Job Center. It is imperative that the American Job Center Network Partners work proactively to improve services for those individuals who can most benefit from the public workforce system and conduct meaningful outreach to those populations. Eligible participants within those populations must meet one of the following priorities of service criteria:
- C. Veterans and Spouses: TEGl 10-09 define a "veteran" as a person who served at least one day in the active military, naval, or air service and who was discharged and released under conditions other than dishonorable. Eligible Spouse - 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.
- D. Per the Training and Employment Notice (TEN), 10-15 American Job Center Network Partners shall adhere to the strategies listed in the Protocol for Implementing Priority of Service for Veterans and Eligible Spouses manual (Attachment B). In addition, American Job Center Network Partners must ensure that the veteran priority of service poster is prominently displayed in all public areas of One-Stop Career Centers to raise awareness of the services offered. Attachment C
- E. Recipients of Public Assistance: Individuals who receive, or, in the past six months received, or are a member of a family that is receiving or in the past six months have received assistance through one or more of the following:

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- a. Supplemental Nutrition Assistance Program (SNAP)
 - b. Temporary Assistance for Needy Families (TANF)
 - c. Supplemental Security Income (SSI)
 - d. State or local income-based public assistance
- F. Other low-income individuals include those who are any one of the following:
1. In a family with a total family income that does not exceed the higher of:
 - a. the poverty line; or
 - b. 70 percent of the lower living standard income level;
 2. An employed individual who
 3. A homeless individual as defined in the Violence Against Women Act of 1994, or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act
 4. An individual who receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act;
 5. A foster child on behalf of whom State or local government payments are made; or
 6. An individual with a disability whose own income meets the income requirement of clause (1), but who is a member of a family whose income does not meet this requirement.
- G. A basic-skills deficient individual, for the purposes of the WIOA Adult and Dislocated Worker programs, is an adult that is unable to compute or solve problems or read, write, or speak English at a level necessary to function on the job in the individual's family, or in society is an individual who meets any one of the following criteria:
- Has English reading, writing, or computing skills at or below the 8th grade level (at or below 8.9 grade level) on a generally accepted standardized test or a comparable score on a criterion-referenced test.
 - Lacks a high school diploma or high school equivalency and is not enrolled in secondary education.
 - Is currently enrolled in a WIOA Title II adult literacy program.
- H. The Union County Workforce Development Board abides by the Federal guidelines as stated in TEGL 7-20 that 75 percent of its participants receiving individualized career and training services in the Adult program are from at least one of the three main priority groups. The Union County Workforce Development Board has identified additional priority groups, which will represent less than 25 percent of participants receiving Adult training

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services, provided participants have a significant barrier to employment and are also underemployed.

- I. Additional barriers to employment considered outside of the 75% goal include:
 1. Displaced homemakers
 2. Individuals with disabilities, including youth with disabilities
 3. Older individuals (55 and older)
 4. Ex-offenders
 5. Homeless individuals (as defined in the Violence Against Women Act), or homeless children and youths (as defined in the McKinney-Vento Homeless Assistance Act)
 6. Youth who are in, or have aged out of, the foster care system
 7. Single parents (including single pregnant women)
 8. Long-term unemployed individuals

- J. Individuals may meet multiple categories; in these cases, the highest priority level that a person is eligible for applies to them. For example, a local area identifies ex-offenders as a local priority group. If a person is an ex-offender and low income, they would receive first or second priority, depending on their veteran status.

- K. The Union County Workforce Development Board establishes an Underemployed workers as defined by TEGL 3-15 and TEGL 19-16 as ;
 - Individuals employed less than full-time who are seeking full-time employment
 - The employee is currently working but not earning the self-sufficient wage of \$15.00/hour
 - Individuals who are employed in a position that is inadequate with respect to their skills and training
 - Individuals who are employed who meet the definition of a low-income individual in Workforce Innovation and Opportunity Act (WIOA) Sec 3(6)
 - Individuals who are employed but whose current job's earnings are 80% or less than their previous position

- L. While underemployed workers are employed, they may have accepted reduced hours to gain or maintain employment, or a previous dislocation has led them to accept reduced employment and often lower wages that may have a permanent effect on their careers. It is the responsibility of the American Job Center Network Partners to identify and focus on increasing skills for underemployed frontline workers to advance to more skilled positions.

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with the same employer or industry sector. Thus, leading to an increase in earnings through more work hours or a pay increase.

M. Customer Order of Priority

First, to veterans and eligible spouses who are included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient receive first priority for services with WIOA Adult formula funds for individualized career services and training services.

Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.

Third, to veterans and eligible spouses who are not included in WIOA's priority groups.

Fourth, priority populations are established by the Governor and/or Local WDB.

Last, to non-covered persons outside the groups are given priority under WIOA.

N. A Priority of Service individual receives access to a service earlier in time than an individual not in a priority group, or, if the resource is limited, the person in the priority group receives access to the service instead of a person outside any priority group.

O. Priority of service applies to the selection procedure for services such as classroom training in the following manner: if there is a waiting list for the formation of a training class, priority of service is intended to require that a person in a priority group goes to the top of that list. Priority of service applies up to the point at which an individual is both approved for funding and accepted or enrolled in a training class. Once a person outside any priority group has been approved for funding and accepted/enrolled in a training class, priority of service is not intended to allow a person in a priority group who is identified subsequently to "bump" the other person from that training class.

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- P. To ensure compliance with a priority of service requirements, all partners must assess and document the priority of service during intake, eligibility, or in the development of the Individualized Employment Plan. Priority of service category must be documented in American One Stop Operating System, Union County Works, and client case file. Please see New Jersey Workforce Innovation Notice 11-16 Change 1 (Attachment A) for details on required documentation and verification requirements.

SECTION 5 ATTACHMENTS.

Attachment A: New Jersey Department of Labor Workforce Innovation Notice 11-16 Change 1(A)

Attachment B: A Protocol for Implementing Priority of Service for Veterans and Eligible Spouses

Attachment C: Veterans Priority of Service Poster

New Jersey

Workforce Innovation Notice 11-16 Change 1(A)

TO: Workforce Development System

SUBJECT: Priority of Service under Workforce Innovation and Opportunity Act Title I programs.

DATE: February 21, 2018

Purpose

To provide additional information regarding priority of service policies under Workforce Innovation and Opportunity Act (WIOA) programs. This document updates NJWIN 11-16 by adding sections relating to how local areas may develop policies on serving other individuals with barriers to employment (see page 5) under the WIOA Title I Adult program, in addition to the mandatory priority groups.

Background

WIOA Sec. 134 (c)(3)(E) establishes a priority of service requirement for customers served under the WIOA Title I adult program. Training and Employment Guidance Letter (TEGL) 3-15 provides guidance on applying those priorities as well as the priority of service for veterans and eligible military spouses. This guidance provides the sections of TEGL 3-15 that address priority of service and related definitions and policies.

Priority for Adult Funds

Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, One-Stop Center staff responsible for these funds must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient in the provision of **individualized** career services and **training** services. Under WIA, priority was required to be given to public assistance recipients and low-income individuals when States and local areas determined that allocated funds were limited. Under WIOA, priority must be provided regardless of the level of funds. WIOA also expanded the priority to include individuals who are **basic skills deficient** as defined in WIOA section 3(5). **(TEGL 3-15)**

Adult Priority Groups

The following are the groups identified for priority of service for the WIOA Adult Program:

Recipients of Public Assistance

These are individuals who receive, or, in the past six months received, or are a member of a family that is receiving or in the past six months has received, assistance through one or more of the following:

- a. Supplemental Nutrition Assistance Program
- b. Temporary Assistance for Needy Families
- c. Supplemental Security Income
- d. State or local income-based public assistance

Other Low Income Individuals

Other low-income individuals include those who are any one of the following:

- (1) In a family with total family income that does not exceed the higher of—
 - (a) the poverty line; or
 - (b) 70 percent of the lower living standard income level;
- (2) A homeless individual as defined in the Violence Against Women Act of 1994, or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act
- (3) An individual who receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act;
- (4) A foster child on behalf of whom State or local government payments are made; or
- (5) An individual with a disability whose own income meets the income requirement of clause (1), but who is a member of a family whose income does not meet this requirement.

TEGL 3-15 states that individuals who are underemployed (see Adult and Dislocated Worker Program and Training Eligibility Guidelines) and meet the definition of a low-income individual may receive career and training services under WIOA on a priority basis.

Basic Skills Deficient Individuals

A basic-skills deficient individual, for the purposes of the WIOA Adult and Dislocated Worker programs, is an adult that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society is an individual who meets any one of the following criteria:

- Has English reading, writing, or computing skills at or below the 8th grade level (at or below 8.9 grade level) on a generally accepted standardized test or a comparable score on a criterion-referenced test
- Lacks a high school diploma or high school equivalency and is not enrolled in secondary education
- Is currently enrolled in a WIOA Title II adult literacy program

Policies and Procedures

The following provides guidance regarding the application of priority of service under the WIOA Adult program and the development of local policies:

WIOA Adult Program Priority-Veterans and eligible spouses (these are defined on page 5) continue to receive priority of service for all job training programs funded by the United States Department of Labor, which include WIOA programs. The WIOA Title I Adult program has a statutory priority for individuals who are receiving public assistance, other low-income individual and basic-skills deficient individuals. Local areas may also identify local priority groups from among individuals with barriers to employment identified in WIOA (see below).

Individuals with Barriers to Employment:

- (1) Displaced homemakers
- (2) Low-income individuals
- (3) Indians, Alaska Natives, and Native Hawaiians
- (4) Individuals with disabilities including youth who are individuals with disabilities
- (5) Older individuals (55 and older)
- (6) Ex-offenders
- (7) Homeless individuals (as defined in the Violence Against Women Act), or homeless children and youths (as defined in the McKinney-Vento Homeless Assistance Act)
- (8) Youth who are in, or have aged out of, the foster care system.
- (9) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers
- (10) Eligible migrant and seasonal farmworkers
- (11) Individuals within two years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (TANF)
- (12) Single parents (including single pregnant women)
- (13) Long-term unemployed individuals
- (14) Such other groups as the Governor involved determines to have barriers to employment

When programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the following order:

1. First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. This means that veterans and eligible spouses who are public assistance recipients, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA Adult formula funds.
2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given statutory priority for WIOA Adult formula funds. (public assistance recipients, other low-income individuals and individual who are basic skills deficient)
3. Third, to veterans and eligible spouses who are **not** included in WIOA's priority groups, but who are included in the locally-identified priority group.
4. Fourth, to non-covered individuals who are not included in WIOA's priority groups, but are included in the locally-identified priority group.
5. Last, to non-covered persons (not veterans or eligible spouses) who do not meet the statutory priority outside the groups given priority under WIOA (public assistance recipients, other low-income individuals and individual who are basic skills deficient) and the local area priority group.

Individuals may meet multiple categories; in these cases, the highest priority level that a person is eligible for applies to them. For example, a local area identifies ex-offenders as a local priority group. If a person is an ex-offender *and* low income they would receive first or second priority, depending on their veteran status.

Military Pay

When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits **must be disregarded** for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. **Military earnings are not to be included** when calculating income for veterans or transitioning service members for this priority in accordance with 38 U.S.C. 4213.

TEGL 3-15 requires local area to develop policies and procedures for providing priority of service for the populations described above for participants served in the WIOA Title I Adult program. The State is required to monitor local areas to ensure that these procedures have been developed and implemented. When developing policies related to applying priority of service, a One-Stop Operator may consider the following criteria:

- The availability of other funds for providing employment and training programs
- The needs of any individual identified as priority under local policy. These individuals must be individuals with barriers to employment as defined in WIOA. (some of these are already identified in the mandatory priority groups)

LWDBs are encouraged to actively seek out individuals with barriers to employment and provide those participants with relevant services under WIOA Title I funded programs, in accordance with the local priority of service policies. Individuals with barriers to employment should be the next level of consideration after statutory priorities in establishing local policy. This does not mean that only individuals with barriers to employment can be served. Where there is overlap in priority groups, WDBs can apply the highest level of priority that is relevant to that group.

Examples:

Determining Eligibility for Priority of Service for Veterans and Eligible Spouses

The following are used to determine eligibility for priority of service over non-veterans for receipt of services (covered person). This priority is only used if the person is already eligible under one of the WIOA programs.

1. Veteran
2. Spouse of any of the following:
 - a. Any veteran who died of a service connected disability.
 - b. Any member of the Armed Forces on active duty, who at the time of application for assistance under this section, is listed in one of the following categories for at least 90 days: missing in action; captured in the line of duty by hostile force; forcibly detained or interned in line of duty by a foreign government or power.
 - c. Any veteran who has a total disability resulting from a service-connected disability.

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

Any amounts received as military pay or allowance by any person who served on active duty and certain other specified benefits must be disregarded for veterans and other individuals for whom the amounts would normally be applied in making an eligibility determination. (TEGL 3-15) VA benefits for education and training services do not constitute "other grant assistance" under WIOA's eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran's eligible spouse from receiving WIOA funded services, including training funds. Similarly, WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

Note that for programs that do not have mandatory priority populations (such as the WIOA Dislocated Worker program), veterans always receive first priority followed by all other participants. One-Stop Centers must prominently display, in all public areas, signage that informs individuals of the priority of service for veterans and eligible spouses. The New Jersey Department of Labor and Workforce Development (LWD) has a poster (see **Attachment**) that is available for printing in the **Veterans Services** section of the **Workforce** page of **Inform**.

Local Policies

Policies/Processes that provide service to other eligible individuals while remaining consistent with prevailing statute and regulations could include:

1. Flexibility to serve other individuals when required priority individuals have been served, are not available or are not appropriate to receive a specific service (e.g. OJT, customized training)
2. Service to other eligible individuals does not impair the capacity to fully service required priority individuals (e.g., certain individual career services)

In developing Local Policies and Procedures implementing WIOA's priority of service, Local Boards are reminded:

1. Priority of service is NOT an eligibility factor or criteria to limit which individuals will receive service.
2. Except for eligible Veterans, there is no priority of service requirement for 'basic' career services or for services funded using WIOA Youth or WIOA Dislocated Worker funding. Veterans receive priority in all DOL funded training programs.
3. Except where service to a specific population is authorized by statute it is unlawful under WIOA sec. 188(a)(2) to use demographic information to limit which individuals will receive services.
4. Local Boards are strongly discouraged from setting arbitrary percentages, numbers or quotas in developing priority of service policies.
5. Local areas can select populations from the list of individuals with barriers to employment, or identify a locally determined population based on the needs of their local area. Local boards must identify the population they will serve and include this information in their local plan and submit to the State Employment and Training Commission for approval.

Recording Local Priority in America's One-Stop Operating System

If a customer meets only the local priority of services, record by selecting "Yes" from the drop-down for **Local Priority** under **Income Info** in the **Eligibility** tab. (See screenshot below)

Income Info

Lower Living Standard ▼

Income 70% LLSIL ▼

Local Priority ▼

Definitions

Veteran-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 therefrom under conditions other than dishonorable. **Note:** This definition applies specifically to eligibility for priority of service. Eligibility for other veteran services may have different definitions.

Eligible Spouse - 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. **(TEGL 10-09)**

Long-Term Unemployed-An individual with an employment history of a duration sufficient to demonstrate attachment to the workforce to the One-Stop Operator, who has been unemployed for 27 or more weeks in the previous 12 months.

Applying Priority of Service

Priority of Service - This means that an eligible individual receives access to a service earlier in time than an individual not in a priority group, or, if the resource is limited, the person in the priority group receives access to the service instead of a person outside any priority group.

Priority of service applies to the selection procedure for services such as classroom training in the following manner: if there is a waiting list for the formation of a training class, priority of service is intended to require that a person in a priority group goes to the top of that list. Priority of service applies up to the point at which an individual is both approved for funding and accepted or enrolled in a training class. Once a person outside any priority group has been approved for funding and accepted/enrolled in a training class, priority of service is **not** intended to allow a person in a priority group who is identified subsequently to “bump” the other person from that training class.

Verifying Status

At entry into the One-Stop system, it is not necessary to require verification of veteran/eligible spouse status; at this point self-attestation is acceptable. Veteran/eligible spouse status must be verified when a customer is to receive **individualized career or training services**. If an individual is already recorded in America’s One-Stop Operating System as a veteran when seeking WIOA individualized career or training services, but there is no hard documentation of their veteran status in their file, (such as a DD-214) it must be obtained and kept on file. The WIOA Adult and Dislocated Worker Eligibility Guidelines provide the documentation requirements.

Action Required

Local areas must establish written policies and procedures to ensure priority for the populations described above for participants served in the WIOA Adult program. LWD will verify implementation of these policies as part of its annual monitoring. Also, Employment Service Managers and One-Stop Operators must ensure that the attached veteran priority of service poster is prominently displayed in all public areas of One-Stop Career Centers.

Rescissions

NJWIN 11-16

References and Links:

TEGL 10-09 <http://wdr.doleta.gov/directives/attach/TEGL/TEGL10-09.pdf>

Training Employment Notice 15-10

<http://wdr.doleta.gov/directives/attach/TEN/ten2010/ten15-10.pdf>

TEGL 3-15 https://wdr.doleta.gov/directives/attach/TEGL/TEGL_03-15_Acc.pdf

Authority

New Jersey Department of Labor and Workforce Development	X
State Employment And Training Commission	

Questions

For general questions regarding this guidance, contact John Bicica, Chief, Office of WDB Coordination and Support, at john.bicica@dol.nj.gov

Attachment



ATTENTION

**YOU MAY BE ELIGIBLE FOR
PRIORITY SERVICE IF -**

You served in the United States military; or were activated
as a member of a National Guard or Reserve unit

OR

ARE THE SPOUSE OF -

- (1) A veteran who died of a service connected disability;
- (2) A member of the Armed Forces who is:
 - (i) Missing in action;
 - (ii) Captured in line of duty; or
 - (iii) Forcibly detained by a foreign government or power;
- (3) A veteran who has a Department of Veterans Affairs total disability rating
- (4) A veteran who died while a Department of Veterans Affairs total disability rating existed

Let the receptionist know upon check-in.

A Protocol for Implementing Priority of Service For Veterans and Eligible Spouses



Prepared by:

U.S. DEPARTMENT OF LABOR

Employment and Training Administration (ETA)

and

Veterans Employment and Training Service (VETS)

INTRODUCTION

It is the responsibility of the public workforce system to provide priority of service to all veterans and eligible spouses who receive services under any qualified job training program funded in whole or in part by the U.S. Department of Labor (DOL). With the many competing priorities that the workforce system is facing during this challenging economic environment, it is critical that the system ensure priority of service to veterans and their eligible spouses.

Through this protocol for Implementing Priority of Service (POS), the Department of Labor's Employment and Training Administration (ETA) is providing technical assistance to the workforce system at all levels, including One-Stop Career Centers, local Workforce Investment Boards (WIBs), State Workforce Agencies, and other targeted grant programs, to help them enact policies and procedures to ensure that POS is implemented fully and effectively for veterans and their eligible spouses.

WHO IS A COVERED PERSON?

A veteran who is eligible or spouse of an eligible veteran who is entitled to receive priority of service is a person who has served at least one day in the active military, naval, or air service, and who was discharged or released from service under any condition other than a condition classified as dishonorable. Is a covered person. This definition includes Reserve units and National Guard units activated for Federal Service.

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It is important to note that the definition of veteran in the Jobs For Veterans Act (JVA), the Priority of Service Regulations and TEGL 10-09 differs from the definition of veteran that applies to reporting of Wagner-Peyser services and to eligibility to receive services from a Disabled Veterans' Outreach Program (DVOP) specialist or a Local Veterans' Employment Representative (LVER) staff member. The veteran definition that requires the individual to have over 180 days of active service still applies to Wagner-Peyser reporting and to eligibility for DVOP and LVER services but does not apply to priority of service in DOL-funded employment and training programs. It is the responsibility of the program operator to ensure that policies and procedures and staff training reflect the correct eligibility definition.

BACKGROUND

The Jobs for Veterans Act (JVA), PL 107-288, signed into law on November 7, 2002, requires that there be priority of service for veterans and eligible spouses in any workforce preparation, development, or delivery program or service directly funded in whole or in part, by the U.S. Department of Labor (38 U.S.C. 4215). The Priority of Service regulations, codified at 20 CFR 1010, were issued December 19, 2008 and require qualified job training programs to implement priority of service for veterans and eligible spouses, effective January 19, 2009.

To provide additional guidance to the workforce investment system and all impacted grantees, the ETA and the Veterans' Employment and Training Service (VETS) issued guidance regarding implementation of priority of service on November 10, 2009, through Training and Guidance Letter (TEGL) 10-09 and Veterans' Program Letter (VPL) No. 07-09. That guidance details the requirements of State Workforce Agencies (SWAs), local WIBs, and One-Stop Career Centers in providing priority of service to veterans and eligible spouses; the law refers to these individuals as "covered persons." For the purpose of this Protocol, we will refer to covered persons as "veterans and eligible spouses." Those persons not eligible for priority of service are referred to in this protocol as "non-covered persons."

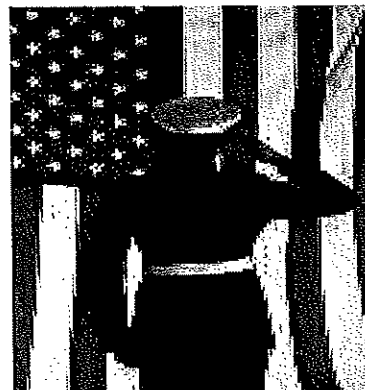
Service providers should have processes in place at the point of entry to the system to identify veterans and eligible spouses who are entitled to priority of service. Priority of service means the right of veterans and eligible spouses to take precedence over a non-covered person in obtaining all employment and training services. Depending on the type of service, this may mean veterans and eligible spouses receive services earlier in time or instead of non-covered persons.



GOAL FOR THIS PROTOCOL

The goal of this Protocol is to provide action steps to support the strategic planning of the SWAs, local WIBs, One-Stop Career Centers, and other targeted grantees and to provide effective strategies for service delivery for veterans and eligible spouses in One-Stop Career Centers. This Protocol can also help assess current procedures and improve priority of service methods for all levels of the workforce system.

The Protocol amplifies information from the Priority of Service regulations, TEGL 10-09 and VPL 07-09 and does not contain any new or conflicting information. Its purpose is to provide information, suggestions, and examples about how to effectively implement priority of service to meet the requirements of the Department's regulations. After reviewing this protocol, individuals managing the Department's grants, will have useful tools and examples to help inform their planning and implementation of priority of service.



DETERMINING THE STATUS OF A VETERAN

Veteran status is determined from answers to some key questions:

1. "Did the individual serve on active duty in the U.S. Armed Services?"
2. "Is the individual still in the Armed Forces?"

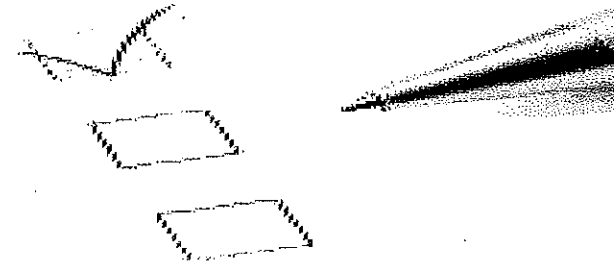
Answers of "yes" to the first question and "no" to the second question may qualify the person as a veteran or eligible spouse.

3. "Finally, what type of discharge did the individual receive?"

NOTE:

- The full definition of veteran and eligible spouse is specified in 38 U.S.C. 101(2).
- The definition of veteran for the purposes of priority of service is *different* from the definition of veteran that applies under the Wagner-Peyser Act. To meet the requirements of priority of service, you must use the definition included in 20 CFR 1010.
- Only a veteran's discharge clearly categorized as "Dishonorable" would bar a veteran or a veteran's spouse from eligibility for priority of service.

Any discharge that is not dishonorable qualifies the individual as a veteran who is entitled to priority of service



DETERMINING THE STATUS OF ELIGIBLE SPOUSES

An "eligible spouse" means a spouse of any of the following:

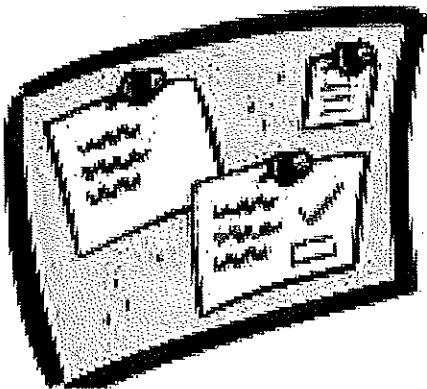
- a. A spouse of any veteran who died of a service-connected disability;
- b. A spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - 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. A spouse of any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- d. A spouse of any veteran who died while a disability was in existence.

A spouse whose eligibility is derived from a living veteran or service member (categories b. or c. above) would lose his or her eligibility if the veteran or service member was 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, a spouse whose eligibility is derived from a living veteran or service member would lose that eligibility upon divorce from the veteran or service member. However, a spouse who qualifies under categories a. or d. would not lose covered status through subsequent remarriage.

THE STATE WORKFORCE AGENCY'S ROLE IN IMPLEMENTING PRIORITY

The process of effectively and uniformly implementing priority of service begins with the State Workforce Agency conducting a strategic review and analysis of its policies and procedures to identify where priority of service applies and where guidance from the state is needed.

While the Priority of Service Regulations and joint guidance issued by ETA and VETS provide definitions and requirements, the state has a strong role in applying them to their programs by creating and implementing policies, procedures and ensuring that priority of service is implemented uniformly and appropriately across its local systems

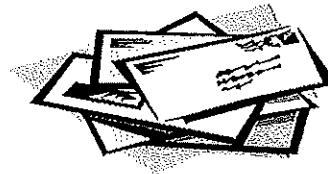


COMMUNICATIONS

Implement communication strategies among SWAs, local WIBs, One-Stop Career Center managers, and sub-recipients to ensure that policy changes and expectations are clearly articulated, strategies for priority of service are clearly conveyed, and solutions to barriers to priority of service are generated and shared.

To meet the requirements in the regulations and the TEGL, and to ensure that veterans and eligible spouses receive the priority of service offered to them by law, states should have comprehensive policies, state plans, procedures and processes that address:

- ◆ Implementation of priority of service by the State Workforce Agency, local WIBs, and One-Stop Career Centers for all employment and training services delivered through the state's workforce system;
- ◆ Guidance for local WIBs on strategic planning and required areas for policy and service delivery changes;
- ◆ Necessary adjustments to Web sites and other portals by which job seekers remotely access resources, including self-service resources, to notify users of priority of service to ensure veterans and eligible spouses receive this benefit;
- ◆ Integration of DVOP specialists and LVER staff members, both as sources of information on priority of service, as well as specialized service providers for those veterans who qualify to receive their services;
- ◆ Language in contracts, sub-contracts, solicitations for grant awards, sub-grants, memoranda of understanding (MOUs), and other service provision agreements to ensure compliance with priority of service by sub-recipients;
- ◆ Data collection procedures and tools to track services to veterans and eligible spouses; and
- ◆ Monitoring of sub-recipients to ensure compliance with priority of service requirements.



STATE STRATEGIC PLANNING AND GUIDANCE

States and local areas should include veteran's priority of service in their strategic planning. The state's planning should consider:

1. Recently separated veterans who are in need of support to enter the civilian workforce for the first time, including veterans who need assistance in transferring their skills, experience, and credentials to the civilian job market;
2. Veterans who have been back in the civilian workforce for some time and may be experiencing unemployment as a result of the economic downturn; and
3. Veterans who have had long periods of unemployment and may require additional support due to homelessness, disabilities or other barriers to employment.

Veteran's priority of service should be included in local planning as well. State Workforce Agencies should encourage local WIBs and One-Stop Career Centers to use data and e-tools to inform strategic planning at the local level to serve veterans and eligible spouses. This might include labor market information, O*NET, military credential translation, and other e-tools which will inform and support the strategic implementation of priority of service. States should encourage local WIBs and One-Stop Career Centers to investigate strategic partnering with required and optional One-Stop partners and other organizations to serve veterans and eligible spouses. This may include partnering with local non-profits to participate in stand downs for homeless veterans; DOL VETS programs; and the Department of Veterans Affairs offices to support the needs of the veteran community. In addition to incorporating veteran's priority of service into strategic planning, states should include specific veteran's priority of service information in its WIA/Wagner-Peyser Act state plan.

A stand down for homeless veterans is a secure event where veterans are able to take care of personal hygiene, get clean clothing, enjoy warm meals, receive medical and dental care, mail and receive letters, and enjoy the camaraderie of friends in a safe environment. For a list of events, visit <http://www.nchv.org/standdownevents.cfm>

LOCAL WORKFORCE INVESTMENT BOARD ROLE IN IMPLEMENTING PRIORITY OF SERVICE

Similar to the process recommended for State Workforce Agencies, local WIBs are encouraged to begin by conducting a strategic review and analysis of their policies, procedures, and service delivery strategies to identify points where priority of service should be implemented. While the local WIB policy is likely to mirror state policies, it is critical that policies addressing priority of service are operationalized in a way that provides veterans and eligible spouses with the full range of employment and training services in a manner that is comprehensive, customer-driven, and seamless.

The guidance issued by the Department requires local WIBs to develop policies implementing priority of service for the One-Stop Career Centers and other service delivery providers in their strategic local plan. Policies should inform veterans and eligible spouses of:

- ◆ Their entitlement to priority of service;
- ◆ The full array of employment, training, and placement services available under priority of service; and
- ◆ Any applicable eligibility requirements for those programs and/or services.

ONE-STOP CAREER CENTER ROLE IN IMPLEMENTING PRIORITY OF SERVICE

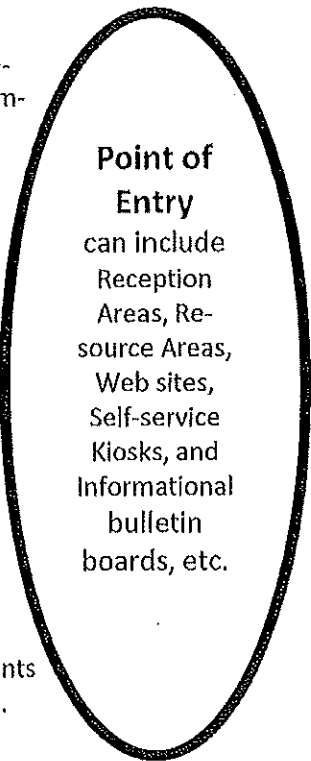
While only minor adjustments may be needed, at a minimum, One-Stop Career Centers need to review and evaluate whether their current policies, procedures, and service delivery processes meet the requirements of law and regulations along with the applicable TEGL and this supplementary guidance. Additionally, staff at all levels will need training to understand the depth and breadth of what the law requires. In some One-Stop Career Centers, changes may be minimal and involve updates to policies.

See TEGL 10-09 guidance for implementation of priority of service for veterans and eligible spouses in all qualified job training programs funded in whole or in part by DOL.

ONE-STOP CAREER CENTER POLICIES AND PROCEDURES

Local One-Stop Career Centers must develop local policies and procedures to improve integration of priority of service into existing service delivery strategies. This means that One-Stop managers should establish business processes to ensure that veterans and eligible spouses are identified at the "point of entry" and to facilitate the implementation of priority of service by informing veterans and eligible spouses of:

1. Their entitlement to priority of service;
2. The full array of employment, training and placement services available under priority of service; and
3. Any applicable eligibility requirements for those programs and/or services.



Point of Entry
can include
Reception
Areas, Re-
source Areas,
Web sites,
Self-service
Kiosks, and
Informational
bulletin
boards, etc.

QUESTIONS TO CONSIDER

Has the One-Stop Career Center evaluated its service provision to all groups of veterans including:

1. Separating veterans who are in need of support to enter the civilian workforce for the first time including veterans who need assistance transferring their skills, experience, and credentials to the civilian job market;
2. Veterans who have been back in the civilian workforce for some time and may be experiencing unemployment as a result of the economic downturn; and
3. Veterans who have had long periods of unemployment and may require additional support due to homelessness, or disabilities and other barriers to employment?



TRAINING OF ONE-STOP CAREER CENTER STAFF

Helping veterans obtain training and employment is the responsibility of all One-Stop Career Center staff. All One-Stop Career Center staff should be trained in priority of service requirements. This training will allow veterans' representatives and One-Stop Career Center program staff to learn about veterans' needs and the resources available to help veterans access the full range of services available in the community.

AREAS OF STAFF TRAINING SHOULD INCLUDE:

- ◆ Understanding the definitions of veteran and eligible spouse;
- ◆ Knowing the requirements of priority of service;
- ◆ Obtaining DD-214 forms and other state-approved documentation of veteran status and clarifying when that documentation must be provided;
- ◆ Providing training on the specific needs of various populations of veterans and eligible spouses;
- ◆ Using data and tools that are specific to serving veterans, to evaluate military experience and credentials against civilian occupations;
- ◆ Understanding the criteria that qualify some veterans and eligible spouses for the specialized services of DVOP specialists and LVER staff; and
- ◆ Becoming familiar with other services available to veterans and eligible spouses throughout the community.

One-Stop Career Center managers should also consider holding staff meetings to provide opportunities for informal training and general sharing of program information, policies, procedures and updates.

POINT OF ENTRY AND INITIAL SERVICES

One-Stop Career Centers must have intake forms or sign-in sheets to identify veterans and eligible spouses when they visit service delivery points in person or through other means. In order to encourage individuals to self-identify, One-Stop Career Centers must develop and prominently display signs that clearly describe priority of service and the registration process. This information must also be conveyed when veterans and eligible spouses access services electronically or by telephone.

It is the responsibility of the One-Stop Career Center manager to establish customized processes for providing priority of service within the local/state strategic guidance. At intake, this can be accomplished by assessing veteran's status through sign-in sheets. Another alternative is to establish a way to greet veterans similar to the way airports provide priority service to some of their priority passengers. One-Stops can create veteran only sign-in sheets or designated veteran areas in the One-Stop Career Centers. Staff should also be trained to ask about veteran status at intake. Whatever policies are established, they should be consistent in providing priority of service for the use of self-service resources and staff assisted services.

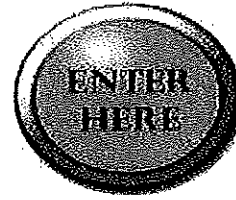
It is important to distinguish between identifying a veteran for priority of service and verifying a veteran's status. At the point of entry, it is neither necessary nor appropriate to require verification of the status of a veteran or eligible spouse.

If an individual self-identifies as a veteran or eligible spouse at a One-Stop Career Center, that individual should be provided immediate priority in the delivery of employment and training services.

When a veteran or eligible spouse undergoes eligibility determination for enrollment (e.g. in WIA Adult programs), it is appropriate to initiate verification of veteran status.

If a veteran or an eligible spouse, at the point of eligibility determination and enrollment, does not have documentation verifying his/her eligibility for priority of service, he/she is to be afforded access on a priority basis to all services provided by program staff (including intensive services) while awaiting verification.

The only services that require prior verification of eligibility for priority of service are those that require a commitment of outside resources, such as classroom training.



- ◆ *The One-Stop Career Center manager has the responsibility to establish a process for providing priority of service ...*
- ◆ *Revisions of forms, sign-in sheets and other means to identify veterans and eligible spouse may be necessary ...*
- ◆ *Signage is an important element in ensuring veterans identify themselves ...*
- ◆ *Staff should be trained to ask about veteran status at intake ...*
- ◆ *One-Stop Career Centers may establish veteran-only sign-in sheets, or designated areas patterned after airport practices for priority passengers ...*
- ◆ *If an individual self-identifies as a veteran or spouse at a One-Stop Career Center, the individual should be provided immediate priority.*

CORE, INTENSIVE, AND TRAINING SERVICES

One-Stop Career Center managers must put in place procedures that allow veterans and eligible spouses to receive priority of service at all stages of core, intensive and training services.

For veterans who are recently separated or who have recently lost their jobs due to the economic downturn, many of these intensive services will be vital to preparing them for employment. The use of assessment and testing can be important tools for ensuring that veterans and eligible spouses receive the services that they need to be successful. Based on these assessments, veterans and eligible spouses should receive

The use of assessment and testing can be important tools for ensuring that veterans and eligible spouses receive the services they need to be successful.

Training may include:

- ◆ *Occupational skills training*
- ◆ *On-the-job training*
- ◆ *Job readiness training*
- ◆ *Adult education and literacy*
- ◆ *Employer customized training*

priority in accessing training that is determined necessary by the case managers. This may include occupational skills training, on-the-job training, job readiness training, adult education and literacy, and/or employer customized training. In order to ensure priority of service, One-Stop Career Center managers must see to it that veterans and eligible spouses receive intensive services before other non-covered persons. Similarly, veterans and eligible spouses are to receive first priority on any waiting list that are maintained for training slots and they are to be enrolled in training prior to non-covered persons. However, once a participant is enrolled in a workshop or training class, he/she may not be displaced by a veteran or eligible spouse for that class or service.

One-Stop Career Center managers should also consider developing job search workshops that are specific to the needs of veterans and eligible spouses in the area. These workshops may be held in conjunction with the Transition Assistance Program (TAP) employment workshop sessions for separating service members or in conjunction with orientations offered by LVER/DVOP staff.

Targeting policies for specific populations, such as the WIA formula programs, should note that priority of service for veterans and priority of service for low income individuals should be implemented in tandem. Therefore, low income veterans and eligible spouses would receive first priority, followed by low income non-covered persons. For more information on this, see Section I. Programs with Statutory Priorities, in Attachment A of TEGL 10-09.

BUSINESS SERVICE UNITS

The One-Stop Career Center staff must review and update current employer outreach strategies to ensure that veterans and eligible spouses are integrated into service delivery strategies. This may include changes to outreach information given to the business community as well as identifying new employers for promoting the hiring of veterans. Veteran status should be "flagged" in systems that match job seekers with job postings to help employers identify veterans and eligible spouses' job seekers. Some suggestions for providing priority of service when working with employers include:

- ◆ Coordinating the employer outreach and job development activities undertaken by business service units with the related responsibilities of LVER staff;
- ◆ "Flagging" of Federal job opportunities, in order to guide veterans to these listings;
- ◆ Use of "veteran-only" electronic employment resources;
- ◆ Identifying employers who are interested in hiring veterans;
- ◆ Identifying Federal contractors required by the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) to provide hiring preference to veterans and promote the hiring of veterans;
- ◆ Inviting employers to workshops that promote the benefits of hiring veterans;
- ◆ Working with industry sectors that include occupations that crosswalk well to military training, education and experience; and
- ◆ Promoting job fairs for veterans and eligible spouses.

VIRTUAL SERVICES

In addition to revising paper forms, One-Stop Career Centers must be prepared to institute information collection at virtual points of entry to meet the requirements of the Priority of Service regulations.

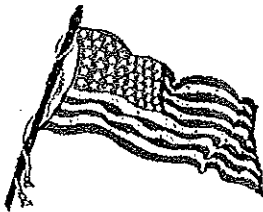
This means that Web sites must include content that explains priority of service, as well as provides veterans and eligible spouses with an opportunity to self-identify through virtual sign-up and registration forms. Once identified through virtual access points, One-Stop Career Center staff, including the DVOP/LVER staff, may contact the veteran or eligible spouse to inform them of the full array of services available through the One-Stop Career Center.

Web sites must include content that explains priority of service, as well as provide veterans and eligible spouses with an opportunity to self-identify through virtual sign-up and registration forms

Likewise, call centers and information hotlines must make sure that scripts, pre-recorded announcements, and standard greetings inform callers of priority of service for veterans and eligible spouses.

OUTREACH

As part of implementing priority of service, One-Stops are encouraged, but not required to implement an outreach strategy. There are many ways a One-Stop can create a robust outreach strategy to engage various types of veterans including transitioning, separated, and/or homeless veterans and eligible spouses.



FOUR STEPS TO CONSIDER

1. Connecting to nearby military installations in order to engage transitioning service members and eligible spouses;
3. Working with Local Veterans' Employment Representatives, and Disabled Veterans' Outreach Program specialists to ensure coordination with DOL VETS funded programs;
3. Visiting local homeless shelters and stand downs to encourage homeless veterans to access the One-Stops; and
4. Working with the Department of Veterans Affairs to serve veterans in the community who may need support gaining employment.

GETTING THE WORD OUT TO VETERANS AND ELIGIBLE SPOUSES WHO HAVE VISITED ONE-STOP CAREER CENTERS IN THE PAST

- ✓ The use of posted bulletins and brochures inside the One-Stop Career Center and at job fairs, veterans' services and benefits fairs, stand downs, and community events is a valuable and inexpensive way to conduct outreach and to promote priority of service to veterans and eligible spouses.
- ✓ Outreach to Veterans Service Organizations is also an effective strategy. These organizations welcome the opportunity to disseminate information and to schedule presentations about services available to their members.
- ✓ One-Stop Career Centers may also generate a list of veterans who have visited the One-Stop but have not received staff assisted services and attempt to re-engage them by sending letters, making phone calls, or sending email.

CONCLUSION

The requirement to provide priority of service applies to all WIA, Wagner-Peyser Act, discretionary grants, targeted programs (Senior Community Service Employment Program, Indian and Native American Programs, National Farmworkers Job Programs, and Trade Adjustment Assistance) and all other programs and services funded in whole or in part by the DOL. Agreement by a program operator to implement priority of service is a condition of receipt of DOL funds. This requirement cannot be waived.

To help the workforce system implement priority of service, this Protocol, along with the guidance in TEGl 10-09 and VPL 07-09, provides an overview of some promising strategies to implement priority of service to veterans and eligible spouses. While the strategies discussed here show promise for addressing the service delivery strategies for implementing priority of service, there are many other policies and practices that can be implemented to ensure that program operators are in compliance with the JVA.

ADDITIONAL RESOURCES

ETA's Regional office staff can provide additional information and examples of ways to implement priority of service to meet the requirements set forth in the JVA. For a listing of ETA Regional Offices, visit: http://www.doleta.gov/Regions/regoffices/Pages/eta_default.cfm

The careeronestop website, www.mySkillsmyFuture.org, can help career changers find new occupations to explore. Users can identify occupations that require skills and knowledge similar to their current or previous job, learn more about these suggested matches, locate local training programs, and/or apply for jobs.

VETS and ETA have Regional Directors Administrators co-located at each of the six ETA Regional Office locations. In addition, VETS has Directors of Veterans Employment and Training (DVETS) in every state. These federal officials are familiar with the veteran communities within the states to which they are assigned and can provide valuable information and examples of promising practices for providing priority of service and provide connections to VETS programs and grants in the state. For a listing of VETS Regional Offices and State Offices, visit: <http://www.dol.gov/vets/aboutvets/contacts/main.htm#RegionalStateDirectory>

Finally, DVOP specialists and LVER staff members in the One-Stop Career Center can be a valuable resource and can help to facilitate the delivery of services to veterans. DVOP specialists and LVER staff members can cross-train One-Stop Career Center staff and can provide tailored services to veterans and eligible spouses who have barriers to employment and who meet the eligibility criteria for those services. It is important to note that veterans can and should be served by any One-Stop staff; LVERs and DVOPs have specialized roles in the One-Stops and their experiences make them experts in addressing the unique needs of veterans.



ATTENTION

**YOU MAY BE ELIGIBLE FOR
PRIORITY SERVICE IF -**

You served in the United States military; or were activated
as a member of a National Guard or Reserve unit

OR

ARE THE SPOUSE OF -

- (1) A veteran who died of a service connected disability;
- (2) A member of the Armed Forces who is:
 - (i) Missing in action;
 - (ii) Captured in line of duty; or
 - (iii) Forcibly detained by a foreign government or power;
- (3) A veteran who has a Department of Veterans Affairs total disability rating
- (4) A veteran who died while a Department of Veterans Affairs total disability rating existed

Let the receptionist know upon check-in.