

Union County Workforce Development Board
Policies and Procedures Handbook
Priority of Service for Covered Persons (Veterans and their Spouses)

SECTION 1. PURPOSE.

The purpose of the priority of service for covered persons policy is to clearly articulate the roles and responsibilities of the Union County American Job Center Partners in implementing the statutory requirements of the Jobs for Veterans Act, pursuant to Public Law 107-288, November 7, 2002, 116 Stat. 2033, in the provision of career services to covered persons—veterans and their spouses—in the context of the Workforce Innovation and Opportunity Act Adult program as well as other United States Department of Labor qualified job training programs.

SECTION 2. REFERENCES.

- a. Public Law 107-288, November 7, 2002, 116 Stat. 2033
- b. 20 CFR Part 1010, Application of Priority of Service for Covered Persons
- c. Veterans’ Program Letter No. 07-09, Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs funded in Whole or in Part by the U.S. Department of Labor, dated November 10, 2009.
- d. 20 CFR 678.430, What are career services?
- e. Training and Employment Guidance Letter No. 10-09, dated November 10, 2009
- f. Training and Employment Guidance Letter No. 3-15, dated July 1, 2015
- g. Training and Employment Guidance Letter No. 19-16, dated March 1, 2017
- h. Training and Employment Guidance Letter No. 7-20, dated November 24, 2020
- i. Training and Employment Guidance Letter No. 18-16, Change 1, dated July 12, 2021

SECTION 3. BACKGROUND.

The Jobs for Veterans Act established the priority of service parameters to be followed by qualified job training programs when providing individualized career services, training services, and supportive services to covered persons, meaning veterans or their spouses, relative to eligible non-covered persons.

The Union County American Job Center Partners are required follow the priority of service hierarchy as prescribed by referenced statutes, regulations, and governance policies and procedures. Veterans and their spouses are placed first on the training service list.

SECTION 4. DEFINITIONS.

- a. *Career services* as identified in sec. 134(c)(2) of WIOA, consist of three types: (a) basic career services, (b) individualized career services—which includes training services and supportive services—and (c) follow-up services. The types of career services are defined in detail at 20 CFR 678.430.

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In addition to the description of types of career services available through WIOA, a detailed summary and exemplary guidance of the WIOA (a) basic career services, (b) individualized career services and (c) follow-up services, may be found at Training and Employment Guidance Letter No. 19-16. Instruction on transitional jobs, training services, training contracts, work-based training, incumbent worker training, supportive services and needs-based payments are but some of the topics address in the Training and Employment Guidance Letter No. 19-16.

- b. **Covered person** as defined in section 2(a) of the Jobs for Veterans Act (38 U.S.C. 4215(a)) means a veteran or eligible spouse.

- c. **Eligible spouse** as defined in section 2(a) of the Jobs for Veterans Act (38 U.S.C. 4215(a)) means the spouse of any of the following:
 - 1) Any veteran who died of a service-connected disability;

 - 2) 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 line of duty by a hostile force; or

 - iii. Forcibly detained or interned in line of duty by a foreign government or power;

 - 3) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs;

 - 4) Any veteran who died while a disability, as indicated in paragraph (3) of this section, was in existence.

- d. **Low-Income** individual means an individual as defined in WIOA Section 3(36)(A), and incorporating the low-income provision of the NFJP appropriations language in Public Law 116-260, who:
 - i. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP) established under the

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Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); the program of block grants to States for temporary assistance for needy families program (TANF) under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or the supplemental security income (SSI) program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or State or local income-based public assistance;

- ii. Is in a family with total family income that does not exceed the higher of:
 - 1. 150 percent of the poverty line (Note: this provision of the low-income definition takes effect July 1, 2021 for determining eligibility of participants to receive services through NFJP grants awarded with Program Year 2021 funds. For determining eligibility of participants to receive services through Program Year 2020 funds or earlier, grantees must use 100 percent of the poverty line for this provision); or
 - 2. 70 percent of the Lower Living Standard Income Level (LLSIL);
 - iii. Is a homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), or a homeless child or youth (as defined under Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
 - iv. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); Is a foster child on behalf of whom State or local government payments are made; or
 - v. Is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement (WIOA Section 3(36)(A)).
- e. **Non-covered** person means any individual who meets neither the definition of “veteran,” as defined in this policy, nor the definition of “eligible spouse” as defined in this policy.
- f. **Qualified job training program** means any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by

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the Department of Labor. Career services provided by the Union County American Job Center, its partners, and its affiliates, are designated as qualified job training programs.

- g. **Veteran** means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.
- h. **Priority of service** means (I), with respect to any qualified job training program, that a covered person shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of the law.

(II) Priority in the context of providing priority of service to veterans and other covered persons in qualified job training programs covered by this regulation means the right to take precedence over non-covered persons in obtaining services. Depending on the type of service or resource being provided, taking precedence may mean:

- i. The covered person receives access to the service or resource earlier in time than the non-covered person; or
- ii. If the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.

SECTION 5. POLICY.

- a. Union County American Job Center Partners shall comply with federal, state, and county statutory, regulatory, and policy guidance as enumerated in Section 2, References of this Priority of Service for Covered Persons Policy.
- b. Pursuant to Training and Employment Guidance Letter No 10-09, the Union County American Job Center Partners are required to deploy the use of Workforce Innovation and Opportunity Act Adult funding in a manner which gives priority of service to veterans and eligible spouses seeking (a) basic career services, (b) individualized career services—which includes training services and supportive services—and (3) follow-up services. The Union County American Job Center Partners may contact the Union County Workforce Development for additional

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guidance on implementing policies related to transitional jobs, training services, training contracts, work-based training, incumbent worker training, supportive services and needs-based payments.

- c. While priority of service under the Workforce Innovation and Opportunity Act requires Union County American Job Center Partners to prioritize individuals receiving public assistance, other low-income individuals, basic skills deficient individuals (including English language learners), and other individuals with barriers to employment. Veterans and eligible spouses are to receive first consideration for services.
- d. Pursuant to Title 2 Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, all costs must meet the standard of being allowable, allocable, and reasonable, which includes aligning the expenditure with Federal Costs Principles as found in 2 CFR 200.403.
- e. Pursuant to New Jersey Workforce Innovation Notice 11-16, Union County American Job Center Partners are required to prominently display priority of service posters at the entrance of all facilities, and in all public areas, to indicate where veterans or eligible spouses may access single-window liaisons designated to assist veterans or eligible spouses with career services.
- f. Union County American Job Center Partners are required to prominently post on their websites the name, email, and phone number of the liaison designated to assist the veteran or eligible spouses with career services.
- g. Pursuant to Training and Employment Guidance Letter No. 7-20, Union County American Job Center Partners shall adhere to the prioritizing the provision of career services and training services in the following order:
 - i. 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.

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- ii. 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.
 - iii. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
 - iv. Fourth, priority populations established by the Governor and/or Local WDB.
 - v. Last, to non-covered persons outside the groups given priority under WIOA.
- h. Pursuant to 20 CFR Part 1010.220, all federal funding administered or operated by a qualified job training program—whether funding is received through a request for proposals, solicitation for grant awards, contract, sub-contract, and/or memorandum of understanding—shall comply with the with the priority of service for covered persons policy.
- i. Union County American Job Center Partners shall, as standard operating procedure, develop and update on a quarterly basis a database of local and regional community-based organizations, service providers, and other pertinent resources, to whom veterans or eligible spouses may be referred to for career services, training services, and for supportive services. The database shall be made available to staff of all the Union County American Job Center Partners.
- j. Union County American Job Center Partners shall, as standard operating procedure, forge intra-agency and inter-agency single-window-liaisons with whom wraparound service strategies may be coordinated to better serve veterans and their spouses. Payment for career services, training services, and for supportive services shall be covered through the Workforce Innovation and Opportunity Act grant.
- k. Management of the Union County American Job Center Partners shall (a) provide all employees paid with Workforce Innovation and Opportunity Act funds, in whole or in part, with a copy of the priority of service for covered persons policy, (b) review the policy with all the employees, (c) train all the employees on how to implement the policy within the workforce operational ecosystem; and (d) document that the aforementioned procedures were followed.

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- I. Pursuant to Veterans' Program Letter No. 07-09, income earned while on active military duty by veterans and/or their spouses shall not be included in the calculation of income eligibility where same is required by the Workforce Innovation and Opportunity Act by other persons.

Training and Employment Guidance Letter No. 18-16, Change 1, more specifically states, "Any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income, in accordance with VA Title 38 U.S.C. 4213 and 20 CFR 683.230.

All pay and/or financial allowances earned while a veteran was on active duty are exempt. Title 38 U.S.C. 4213 also exempts from inclusion in "low income" calculations any financial benefits received by a covered person under the following Chapters of Title 38 of the U.S. Code:

- 11. Compensation for service-connected disability or death.
- 13. Dependency and indemnity compensation for service-connected deaths.
- 30. All-volunteer force educational assistance program.
- 31. Training and rehabilitation for veterans with service-connected disabilities.
- 35. Survivors' and dependents' educational assistance.
- 36. Administration of educational benefits

Also excluded from "low income" calculations are benefits received under Chapter 106 of Title 10 U.S. Code, Educational assistance for members of the selected reserve."

- m. Union County American Job Center Partners shall, as standard operating procedure, clearly document in America's One-Stop Operating System (AOSOS) and in Union County Works, as offered through Geographic Solutions, the identification of participants as veterans, the timeliness of services rendered to veterans and their spouses, the development of a career pathway in the Individual Employment Plan (IEP) of the participant veterans and their spouses, and quality of the successful services. In the event the participant is co-enrolled as both a youth and an adult, a similar career pathway shall be developed and documented in the required Individual Service Strategy (ISS) of the participant. Youth participants are not

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required to have both an Individual Employment Plan (IEP) and an Individual Service Strategy (ISS), as the latter meets the regulatory requirements.

- n. The Union County American Job Center Partners shall, as standard operating procedure, clearly articulate to veterans and their spouses the availability of all the career services, training services, and supportive services available to them through the Union County American Job Center Partners, including but not limited to:
 - i. Adult, Dislocated, and Youth Services (WIOA Title I)
 - ii. Adult Education and Family Literacy Services (WIOA Title II)
 - iii. Career Services by Wagner-Peyser Employment Services (WIOA Title III)
 - iv. Rehabilitation Services (WIOA Title IV)
 - v. Jobs for Veterans State Grants
 - vi. Temporary Assistance to Needy Families (TANF)
 - vii. Supplemental Nutritional Assistance to Needy Families (SNAP)
 - viii. General Assistance (GA)
 - ix. Wraparound Services by Community-Based Organizations and other Government Organizations

- o. The Union County American Job Center Partners shall, as standard operating procedure, screen veterans and their spouses to determine their eligibility for all the services available through the Union County American Job Center Partners (items mentioned in Section 5, Subsections n. i-ix above of this policy), and document same in America's One-Stop Operating System and in Union County Works.