

# SNAPSHOT

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| Subject: | Priority of Service for Veterans and Eligible Spouses |
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- Policy Guidance Letter (PGL) published on May 14, 2019.
- The purpose of the Priority of Service for Veterans and Eligible Spouses policy is to:
  - Provide guidance on identifying and verifying veterans and eligible spouses and applying priority of service
  - emphasize the requirement that application of priority of service for veterans and eligible spouses applies to all Workforce Innovation and Opportunity Act (WIOA) and Wagner-Peyser funded activities, and also including but not limited to:
    - Trade Adjustment Assistance Program (TAA);
    - National Emergency Grants; and
    - All future grant formula or discretionary program and grants
- Local Veterans' Priority of Service Policy Requirements
  - Identify veterans and eligible spouses at point of entry (physical locations, web sites, and other virtual service delivery resources);
  - Advise veterans and eligible spouse of their entitlement to priority of service;
  - Make veterans and eligible spouses aware of the full array of employment, training and placement services available; and
  - Identify applicable eligibility requirements for programs and services.
- Addition of "Special Disabled Veteran" and definition
  - A veteran entitled to compensation by the Department of Veterans Affairs for a disability:
    - Rated at 30 percent or more; or
    - Rated at 10 or 20 percent disabled in the case of a veteran who has been determined to have a serious employment handicap, or
  - A person who was discharged or released from activity duty because of a service-connected disability

- **“Veteran”** means a person who served at least one day of active duty in the United States military, in any branch including the Army, Marines, Navy, Air Force, or Coast Guard, and who was discharged or released under conditions other than dishonorable.

Active duty includes full-time Federal service in the National Guard or a Reserve component. This definition of “active service” does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters).

- **“Eligible spouse”** as defined at section 2(a) of the JVA (38 U.S.C. 4215[a]) means the spouse of any of the following:

- Any veteran who died of a service-connected disability;
- 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:
  - Missing in action;
  - Captured in line of duty by a hostile force; or
  - Forcibly detained or interned in line of duty by a foreign government;
- Any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs
- Any veteran who died while a service-connected disability was in existence (whether or not that disability was the cause of death). 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.

- **What It Means to Provide Priority of Service**

- Priority of service means that veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training, and placement services provided under a qualified job training program. This means that a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

- It is important to note that local program operators do not have the discretion to establish further priorities within the overall priority established by the regulations. In addition, local program operators do not have the authority to “hold” or prevent veterans from registration into workforce development programs regardless of whether the local program operators are currently accepting registrations or not. The Jobs for Veterans Act reserves that authority to the Secretary of Labor.
- **Order of Priority for Services to Veterans**
  - After a veteran or eligible spouse has been identified and priority of service explained at the point of entry, the workforce center may proceed to offer the normal services that are usually available to program customers. Veterans and eligible spouses do not receive different services than non-covered customers. However, they are eligible to receive priority treatment in the manner that the services or resources are delivered. A veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.
  - Section 1001.120 of 20 CFR requires that every local workforce center shall provide services to veterans in the following order of priority:
    - Special disabled veterans;
    - Disabled veterans other than special disabled veterans;
    - All other veterans and eligible spouses; and
    - Non-veterans.
- **Programs with Statutory Priorities**
  - Some programs are required by law to provide a priority or preference for a particular group of individuals or require the program to spend a certain portion of program funds on a particular group of persons. For example the priority of service in the WIOA Title I Adult program for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient is a statutory priority that applies only to receipt of individualized career services and training services. Local boards may establish a discretionary priority that also gives priority to other individuals in the Title I Adult program. With regard to the priority of service for veterans and eligible spouses, priority of service for programs with statutory priorities must be applied in the following order:

- Veterans and eligible spouses who meet the **statutory** priorities (such as public assistance recipient, other low-income individuals including the underemployed, or basic skills deficient for WIOA Title I Adult) must receive the highest level of priority for individualized career services and training services;
- Other individuals (not veterans or eligible spouses) who meet the **statutory** priorities receive the second level of priority;
- All other veterans and eligible spouses who do not meet the statutory priorities, then receive the third level of priority;
- Individuals who meet the **Governor's Priority** or **Local Priority** receive the fourth level of priority
- All other individuals then receive the fifth level of priority

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