

Policy Area: Administrative Provisions

Title of Policy: Veterans' Priority of Service	Number: 600-01 (2016)
Effective Date: January 1, 2017	Review by Date: January 1, 2019
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I. Purpose

The purpose of this issuance is to articulate veterans' priority of service requirements under the Workforce Innovation and Opportunity Act (WIOA).

II. Summary

The Workforce Innovation and Opportunity Act (Pub. L. 113-128) and the Jobs for Veterans Act of 2002 (Pub. L. 107-288) require that veterans and eligible spouses receive a priority of service for employment and training services funded through the U.S. Department of Labor. The Virginia Board of Workforce Development is tasked with overseeing this provision and ensuring its compliance by the state and local workforce development system.

III. References

- Workforce Innovation and Opportunity Act (Pub. L. 113-128)
- Jobs for Veterans Act of 2002 (Pub. L. 107-288)
- Training and Guidance Letter 10-09 (TEGL10-09) 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 (DOL)
- Training and Guidance Letter No. 03-15, *Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) and Wagner-Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services*
- *Priority of Service for Covered Persons Final Rule, 20 CFR Part 1010, Federal Regulation 78132 December 19, 2008*
- Training and Guidance Letter No. 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014*
- Notice of Proposed Rulemaking (NPRM) Docket No. ETA-2015-0001, RIN: 1205-AB73: Subpart B, § 680.650

IV. Policy

The Virginia workforce development system meets the veterans' priority of service provisions of federal law. To be eligible for priority of service, a veteran or eligible spouse must meet the "covered person" definition. A "covered person" is any of the following:

1. **Veteran:** A person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dis-honorable.
2. **Eligible Spouse:** The spouse of any of the following individuals:
 - Any veteran who died of a service connected disability
 - Any veteran who has a total disability resulting from a service-connected disability
 - Any veteran who died while a disability so evaluated was in existence
 - Any member of the Armed Forces serving on active duty who, at the time of application for assistance, is listed, pursuant to section 556 of title 37 and regulations issued by the Secretary concerned, 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 the line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.
3. **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 provided under a qualified job training program. Priority means that veterans and eligible spouses are entitled to precedence over non-covered persons for services. 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.
4. **WIOA Title I Programs:** While veterans and eligible spouses receive priority of service for all DOL-funded job training programs and services to include WIOA Title I Programs, the veteran or eligible spouse **must still meet each program's eligibility criteria** to receive services under the respective employment and training programs.
 - a. For income-based eligibility determinations, amounts 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 federal law.

b. The following chart demonstrates how priority of service operates:

<p>Individual A is a veteran, but does not meet the WIOA priority eligibility criteria, and</p> <p>Individual B is not a veteran, but does meet the WIOA priority eligibility criteria, then</p> <p><u>Individual B has priority for services.</u></p>	<p>Individual A is a veteran, and does meet the WIOA priority eligibility criteria, and</p> <p>Individual B is not a veteran, and does meet the WIOA priority eligibility criteria, then</p> <p><u>Individual A has priority for services.</u></p>
<p>Individual A is a veteran, but does not meet the WIOA priority eligibility criteria, and</p> <p>Individual B is not a veteran, and does not meet the WIOA priority eligibility criteria, then</p> <p><u>Individual A has priority for services.</u></p>	<p>Individual A is a veteran, and does not meet the WIOA priority eligibility criteria, and</p> <p>Individual B is a veteran, but does meet the WIOA priority eligibility criteria, then</p> <p><u>Individual B has priority for services.</u></p>

V. Procedures

The Virginia Board of Workforce Development shall monitor compliance with veterans' priority of service and promote coordination of services to veterans through the Combined State Plan and coordination with appropriate state agencies.