

**Monroe County/Rochester
Workforce Investment Board
Local Policy Bulletin**

TO: All RochesterWorks! Career Center Staff and Providers

SUBJECT: Veterans Priority of Service

DATE: January 12, 2010

Purpose: The purpose of this policy is to implement veterans' priority of service as mandated in Federal regulation (Final Rule, 20CFR Part 1010) that went into effect on January 19, 2009.

Background: The Jobs for Veterans Act, enacted into Public Law 107-288 on November 7, 2002 made a number of amendments to encourage military veterans' access to services within an integrated one-stop service delivery system. One such amendment creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in DOL training programs. As mandated in Federal regulation, One-Stop Career Centers are required to implement priority of service for veterans and eligible spouses of veterans.

Policy:

- 1) Veterans and their eligible spouses will be served first by the next available staff member of a RochesterWorks! Career Center. Veterans and eligible spouses will be referred first to a Vet specialist if one is available. If a Vet specialist is not immediately available, they will be given the option of waiting to see a specialist or meeting with the next available advisor. Career Center management is responsible for ensuring that triage procedures are in place to appropriately identify eligible individuals at the earliest point in the service delivery process, i.e., at the front desk and in the initial assessment process, including Unemployment Insurance orientations.
- 2) Priority of Service signs will be prominently displayed near the entrance of all career centers and in all resource rooms to encourage Vets and eligible spouses to self-identify.
- 3) The Priority of Service policy will be posted at the home page of RochesterWorks!' website (www.rochesterworks.org.) A list of local Vet representatives will also be posted along with links to websites with additional information about Vet services including the New York State Department of Labor (<http://www.labor.state.ny.us/VETS/VETINTROPAGE.shtm>) and the New York State Division of Veterans Affairs website (<http://veterans.ny.gov/>.)
- 4) All RochesterWorks! contract templates, sub-agreements, and requests for proposals/applications will include Veteran Priority of Service language.
- 5) Career Center Vet staff will be responsible for ensuring that all direct service staff are trained regarding program eligibility and are familiar with the array of services available to Vets.

Definitions: See Attachment A

VETERANS' PRIORITY OF SERVICE DEFINITIONS

(Resource Document to Provide Guidance to Front-Line and Impacted Staff)

An individual who self-identifies as a "veteran" or "spouse of a veteran" may qualify for One-Stop Priority of Service based on the following definitions. Please familiarize yourself with the stated definitions as indicated below.

1. **PRIORITY OF SERVICE:** Priority of service means (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. Priority in the context of providing priority of service to veterans and other covered persons means the right to take precedence over non-covered persons in obtaining services. Taking precedence may mean; (1) the covered person receives access to the service or resource earlier in time than the non-covered person, or (2) 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.
2. **COVERED PERSON:** As defined in the Final Rule, a covered person means a veteran or eligible spouse of a veteran.
3. **VETERAN:** A veteran for purposes of priority of service is defined as "a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable." Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.
4. **ELIGIBLE VETERAN:** The statutory reporting requirements for Wagner-Peyser and Veteran Grants require application of a more narrowly defined definition of eligible veteran. Under Title 38, United States Code Section 4211, the term "eligible veteran" means a person who:
 - a) Served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge; OR
 - b) Was discharged or released from active duty because of a service-connected disability; OR
 - c) As a member of a reserve component under an order to active duty, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.

5. **ELIGIBLE SPOUSE:** An individual may identify as a spouse of a veteran and qualify for priority of service. The term "eligible spouse" means:

- a) The spouse of any person who died of a service-connected disability; OR
- b) The 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:
 - Missing in action; OR
 - Captured in line of duty by a hostile force; OR
 - Forcibly detained or interned in line of duty by a foreign government or power.
- c) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability; OR
- d) The spouse of a veteran who died while a disability so evaluated was in existence.

6. **QUALIFIED JOB TRAINING PROGRAM:** Priority of service applies to any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by the USDOL (see Attachment C). The USDOL does not have the authority to impose priority of service on programs funded by non-USDOL sources. However, NYSDOL encourages all partners of One-Stop Centers to focus on providing services to veterans as a standard operating procedure within their respective service delivery strategies.

NOTE:

It is very important that the distinction between the definition of "veteran" and the definition of "eligible veteran" is understood and applied correctly. USDOL is bound by law to use the "Final Rule" definition as it was the intent of Congress that priority of service be made available to a broad category of former service members. However, the definition of veteran to be applied for the purposes of the priority does not alter the statutory reporting requirements for Wagner-Peyser and Veteran Grants, which require application of the more narrowly defined definition of eligible veteran. In other words, a veterans' priority is not intended to displace the core mission of any particular program.