



**POLICY
NUMBER
111**

Title:	Priority of Service for Veterans and Eligible Spouses
Program:	Workforce Innovation and Opportunity Act, Wagner-Peyser Trade Adjustment Assistance, Migrant Seasonal Farmworker Program. Jobs for Veterans' State Grant, National Dislocated Worker Grants
Effective:	06/09/2021

I. PURPOSE AND SCOPE

The purpose of this administrative policy is to provide Local Workforce Development Boards (LWDBs) the minimum requirements for implementing priority of service for veterans and eligible spouses for all U. S. Department of Labor (DOL) funded programs and services.

II. BACKGROUND

The Jobs for Veterans Act (JVA), codified at 38 United States Code (U.S.C.) 4215, established a priority of service requirement for covered persons (i.e., veterans and eligible spouses) in qualified job training programs. While recipients of DOL funds for qualified job training programs have been required to provide priority of service since 2002, the publication of 20 CFR Part 1010, Priority of Service for Covered Persons Final Rule, which took effect on January 19, 2009, signaled that recipients of USDOL funds for these job training programs should review, and if necessary, enhance their current policies and procedures to ensure that adequate protocols are in place to ensure that priority is given veterans and eligible spouses.

III. AUTHORITY

[Chapters 41 and 42, Title 38, U.S.C.](#)

[Public Law 107-288](#)

[20 Code of Federal Regulations \(CFR\), Part 1010](#)

[Veterans Program Letter \(VPL\) 07-09](#)

[Training and Employment Guidance Letter \(TEGL\) 10-09](#)

IV. POLICIES AND PROCEDURES

Priority of service means that covered persons are given priority over non-covered persons for the receipt of employment, training, and placement services funded in whole or in part by DOL, including, but not limited to:

- a) Workforce Innovation and Opportunity Act (WIOA) Title I, (Adult, Youth and Dislocated Worker);
- b) WIOA Title III, (Wagner-Peyser);
- c) Trade Adjustment Assistance (TAA);
- d) Migrant and Seasonal Farmworkers (MSFW);
- e) National Dislocated Worker Grants (NDWG); and
- f) Senior Community Service Employment Program (SCSEP).

A. Eligibility

Covered persons may self-attest their status as eligible for priority of service. The only services that require eligibility verification are those cases where a decision is made to commit funding (e.g., WIOA training) to a covered person over another non-covered individual. Covered persons, for purposes of the provision of priority of service, are defined as follows:

- a) **Veteran:** A person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C 101(2). Active service includes full-time Federal service in the National Guard or a Reserve component. It does not include full-time duty performed strictly for training purposes, nor does it include full-time active duty performed by National Guard personnel who are mobilized by state rather than federal authorities.
- b) **Eligible Spouse:** The spouse of:
 - i. A veteran who died of a service-connected disability.
 - ii. A 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:
 - a. Missing in action;
 - b. Captured in the line of duty by a hostile force;
 - c. Forcibly detained or interned in the line of duty by a foreign government or power;
 - d. 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
 - e. A spouse of any veteran who died while a total, service-connected disability was in existence.

Note: The statutory requirements for the Jobs for Veterans' State Grant (JVSG) require application of a more narrowly defined definition of veteran (i.e. eligible veteran). For purposes of receiving individualized career services from a Disabled Veteran Outreach Program (DVOP) specialist, "eligible veteran" means a person who meets any of the following:

- a) Served on active duty for a period of more than 180 days and was discharged or released with a character of service other than dishonorable;
- b) Was discharged or released from active duty by reason of a sole survivorship discharge;
- c) Was discharged or released from active duty because of a service-connected disability; or
- d) 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 a character of service other than dishonorable.

B. Identifying Covered Persons

LWDBs must develop and implement measures, to include Local Operating Procedures (LOPs), to identify covered persons who access career centers and/or programs and notify them with timely and useful information on priority of service for covered persons. These measures include, but are not limited to:

- a) **Point of Entry:** Ensuring staff (receptionists, welcome team) ask individuals at the point of entry if he/she, or his/her spouse, is currently serving, or has ever served, in the U.S. military;
- b) **Electronic Intake Systems:** Ensuring electronic kiosk intake systems allow individuals to self-identify as a covered person;
- c) **Prominently Displayed Notices:** To encourage covered persons to self-identify, LWDBs must develop and prominently display notices and signs strategically throughout the career center, to include the front intake area;
- d) **Staff Training:** All career center personnel must receive priority of service training on an annual basis. The LWDB's Local Veteran Employment Representative (LVER) must provide the required training. If a LVER is not available to conduct the training, the LWDB will temporarily assign another qualified staff member to conduct the training. LWDBs are encouraged to use the [Priority Of Service Training Template](#), developed by the Department of Economic Opportunity's (DEO's) State Veterans' Program Office;
- e) **Websites:** LWDB websites must include an explanation of priority of service for covered persons; and
- f) **Orientations:** Orientations, conducted remotely or in person, must include an explanation of priority of service for covered persons.

C. Applying Priority of Service

The application of priority of service varies depending on the eligibility requirements of the program. The four basic categories for WIOA Title I funded programs are listed below:

1. Universal Access Programs

For workforce programs that operate or deliver services to the public without targeting specific groups (e.g., Wagner-Peyser, WIOA basic career services), veterans and eligible spouses receive priority of service over all other program participants. Priority of service provides covered persons access to a service earlier than a non-covered person, or if a service or resource is limited, the person receives access instead of or before the non-covered person.

For example, if a veteran arrives at a career center and there is a waiting list to use a resource room computer, the covered person moves the front of that list. Priority of service does not mean that staff ask a non-covered person to cease using the resource room computer to allow the covered person access. Covered persons do not supplant non-covered persons who are already in receipt of a resource of service.

2. Programs with Eligibility Criteria

Eligibility criteria identify basic conditions that each participant in a specific program is required to meet. For example, for the WIOA Adult, Dislocated Worker, and Youth programs, every participant is required to meet program eligibility requirements (e.g., age, selective service registration, etc.). A veteran or eligible spouse must first meet all the eligibility criteria to be considered eligible for participation in the program. Once determined eligible for participation, the covered person receives priority for participation in the program and receipt of services.

3. Programs with Statutory Priorities

In addition to the eligibility criteria that all participants are required to meet, some programs have priorities that target certain populations and establish a rank order for enrolling or serving participants. While veterans' priority is required under federal law and cannot be waived, it is not intended to displace existing eligibility requirements and statutory priorities. Therefore, in these instances, veterans and eligible spouses must first meet both the program's eligibility and statutory priority criteria to receive priority for participation in the program and receipt of services (i.e. WIOA Adult). LWDBs must administer priority of service in accordance with the rank order prescribed in [Administrative Policy 105: Priority of Service](#).

4. Programs with Discretionary Priorities

Programs with discretionary priorities may try to provide a certain level of service to a group. However, the law does not mandate that the target group be served before other eligible individuals. With respect to priority of service, the only feature that distinguishes discretionary targeting programs from universal access programs is the additional application of the discretionary targeting criterion to non-covered persons. Therefore, LWDBs must apply priority of service in the order below:

- a) Veterans and eligible spouses;
- b) Non-covered persons within the discretionary targeting group; then
- c) Non-covered persons outside the discretionary targeting group.

D. Reporting Priority of Service

To accommodate priority of service at point of entry, Geographic Solutions has implemented notification pop-ups in Employ Florida. The pop-ups notify newly registered veterans and covered persons and ensures these newly registered veterans and covered persons are aware of their entitlement to priority of service and the scope and types of services available under priority of service. When a covered person self identifies at the point of registration in Employ Florida, the system automatically generates a service code 089 (Automated Veteran Priority of Service Notification) on the participant's Wagner-Peyser Program Application.

In instances where a covered person does not self-identify at registration, but is later determined to be eligible, staff must ensure the covered person is provided information regarding their priority of service rights and document this staff-assisted service through Employ Florida service code 189 (Notification of Veteran Priority of Service) and include the appropriate documentation/case note that aligns with the requirements prescribed in the [Employ Florida Service Code Guide](#).

E. Monitoring

Priority of service for veterans and eligible spouses must be monitored annually for compliance with state and federal requirements. DEO will monitor the requirements outlined in this policy inclusive of local operating procedures. Additionally, LWDBs must establish local monitoring policies and procedures that include, at minimum, how the LWDB will:

- a) Ensure covered persons are notified of their entitlement to priority of service, including the full array of employment, training, and placement services available, and applicable eligibility requirements for programs and services.
- b) Enable individuals to identify themselves as veterans or eligible spouses at the point of entry to the system for priority.
- c) Monitor the implementation of priority of service.
- d) Ensure continuous priority of service training for career center staff.

V. DEFINITIONS

Covered Person - An individual who meets the definition of veteran, or eligible spouse and as such, is eligible for priority of service.

Disabled veteran - A veteran who is entitled to compensation, or who, except for the receipt of military retirement pay, would be entitled to compensation, under the Department of Veteran Affairs, or a veteran who was discharged or released from active duty, because of a service-connected disability.

Disabled Veterans' Outreach Program (DVOP) Specialist - A specialized case manager funded by the JVSG who provides basic and individualized career services and facilitates placements to meet the employment needs of eligible veterans with significant barriers to employment or who are part of a special population as designated by DOL.

Local Veteran Employment Representative (LVER) - A representative funded by the JVSG who:

- a) Conducts outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups;
- b) Ensures priority of service is administered within the career center in accordance with federal in state requirements; and
- c) Facilitates employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

Non-Covered Person - Any individual who meets neither the definition of veteran, nor the definition of eligible spouse.

Veteran (for Priority of Service) - A person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C 101(2). Active service includes full-time Federal service in the National Guard or a Reserve component. It does not include full-time duty performed strictly for training purposes, nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities.

VI. REVISION HISTORY

Date	Description
06/09/2021	Approved by CareerSource Florida Board of Directors.
06/10/2021	Issued by Florida Department of Economic Opportunity.

VII. RESOURCES

[Department of Economic Opportunity Priority of Service Training Template](#)

[Training and Employment Notice \(TEN\) No. 15-10](#)

[Veterans and Spouses Final Rule Fact Sheet](#)

[Priority of Service for WIOA Adult Funds Desk Reference](#)

[Priority of Service Poster Template](#)