

 <p>ARIZONA @ WORK™</p> <p>Innovative Workforce Solutions</p> <p><small>A proud partner of the americanjobcenter network</small></p>	<p>Subject Veterans Priority of Service Yuma County</p>	
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	<p>Authorized by: Patricia Ray, Operations Director</p>	

Veterans- Priority of Service

Purpose: To provide guidance to the Yuma County Local Workforce Development Area (LWDA) for the implementation of the priority of services for Veterans and Eligible Spouses and to ensure that all eligible Veterans are identified at point of entry and given an opportunity to take full advantage of priority of service. Individuals meeting the eligibility criteria outlined will be afforded priority over individuals who are not Veterans. Additionally, the guidance will ensure that all Veterans are made aware of their entitlement to priority of service, the full array of employment, training and placement services available under priority of services, and any applicable eligibility requirements for those program and/or services.

Monitored by: Operations Director, Program Director, EO & Compliance Manager

Definitions: For the purposes of this guidance, the following definitions will apply;

Covered Entrant: A Veteran or an Eligible Spouse who is at the point of entry to the workforce system or a qualified job training programs (i.e.: at the initial point of contact, prior to receipt of any services; e.g.: an applicant, not a participant.)

Covered Person: A Veteran or Eligible Spouse of a veteran, as defined in section 2(a) of the Jobs for Veterans Act {38 US.C. 4215 (a)}.

Veteran- an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable, which may include National Guard or Reserve personnel;

Military Spouse_– an individual who is married to an active duty service member including a National Guard or Reserve personnel on active duty. The surviving spouse of an active duty services member who lost his/her life while on active duty services in Afghanistan, Iraq or other combat-related areas is considered to be a military spouse.

Adult- an individual who is 18 years or older.

Dislocated Worker-The term “dislocated worker” is statutorily-defined for receiving services under WIOA. Specific requirements for eligibility are at WIOA Section 3(15)

as well as WIOA sections 170(c)(2)(A) and 170(d)(2) for certain National Dislocated Worker Grants. Generally a dislocated worker is an individual who has been or is scheduled to be laid off or terminated and requires assistance to find or qualify for new employment. This may also include a single worker or small groups of workers, as well as workers affected by mass layoffs, plant closures, defense downsizing and realignments, certain self-employed individuals as well as displaced homemakers as defined at WIOA Section 3(10).

Displaced Homemaker – an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income, and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Non-Covered Persons: An individual who meets neither the definition of “veteran,” nor the definition of “eligible spouse.”

Point of Entry: The point at which a customer first comes into contact with a DOL funded employment and training program.

Priority of Service: To avoid confusion, priority of service means, (with respect to any qualified job training program) that a covered person shall be given priority over non-covered persons for the receipt of employment, training, and placement services provided under that program. Priority of 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.

References

Training and Employment Guidance Letter WIOA No.: 3-15, 10-09

Training and Employment Notice No.: 15-10

Proposed Rules, Federal Register: §WIOA-680-660

WIOA Section : 3(63)(A) and 38 U.S.C 101

Federal Register: 20 CFR 1010

Policy

Military Service Members: It is a Department of Labor policy that being discharged (under honorable circumstances) either voluntarily or involuntarily terminates an employment relationship between an individual and the military and thus falls within the scope of the termination component of the WIOA definition of a dislocated worker. The separating military personnel must also satisfy the other criteria for dislocated worker eligibility, including the requirement that the individual is “unlikely to return to a previous industry or occupation.” Additionally, under the priority of service provisions of the Jobs for Veterans Act, separating service member who, upon discharge, meet the eligibility criteria for dislocated workers would be afforded priority over individuals who are not veterans.

Military Spouses : A military spouse who leaves his/her job to follow his/her spouse

can be served with dislocated worker formula grant funds in certain circumstances. When the spouse is unable to continue an employment relationship because of the Service member's permanent change of military station, or the military spouse loses employment as a result to the spouse's discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIOA definition of the dislocated worker, as discussed above. The military spouse must also satisfy the other criteria for dislocated work eligibility, including the requirement that the spouse is unlikely to return to a previous industry or occupation. When these criteria are met the military spouse is eligible to be served under the Dislocated Worker Formula Grant Program.

Additionally, a military spouse may also qualify to be served as a dislocated worker if he/she meets the definitional requirements for a displaced homemaker. Surviving spouses of veterans and military service members may also be served with WIOA funds.

If a surviving spouse qualified as a dislocated worker or displaced homemaker, he/she could be served under the WIOA Dislocated Worker Formula Program. If a surviving spouse does not meet those requirements, he/she could be served under the WIOA Adult formula program. In either program, a surviving spouse of a veteran may receive priority of service if he/she qualified for such priority under the Jobs for Veterans Act(P.L. 107-288(38USC 4215 (a)(1)(B))

<https://www.gpo.gov/fdsys/pkg/PLAW-107publ288/html/PLAW-107publ288.htm>

Required Eligibility Determination

Before priority of service can be extended to any covered person in Title 1 WIOA funded programs the covered person MUST be qualified to participate in the program. Therefore, documentation verifying Veteran or Spouse of a Veterans will be contained in program file. Those covered persons requiring training will require program registration and eligibility determination. Thus, individuals meeting the statutory eligibility criteria for Veteran's and military spouses who have been determined eligible to receive services under the dislocated worker program, will be given priority over participants who are non- veterans.

Process for Serving Eligible Veterans:

Upon entering the One-Stop, staff will ask all customers whether they are a veteran or eligible spouse of a veteran (covered person). All declared veterans will be provided immediate service; they will be given the Veterans' Priority of Service brochure and screening form to complete. Once, determined they meet the statutory criteria for Veterans/Spouse of Veteran Priority of Services. Customers that do not meet the definition of a covered person will receive workforce development services according to Department of Labor policy.

5. Veterans and eligible spouses of veterans, who meet the following eligibility criteria:
 - a. Are currently receiving public assistance;
 - b. Have received public assistance in the last 6 months;
 - b. Is a member of a family whose total family income does not exceed either the poverty line or 70 percent of the Lower Living Standard Income Level (LLSIL);
 - c. Is a homeless individual, as defined in 42 U.S.C. 14043e-2 (6); or

- d. Is an individual with a disability whose own income meets the income requirement in clause (b) of this section, but is a member of a family whose income does not meet this requirement;
 - e. Is a basic skills deficient, as defined in WIOA Section 3 (5)
6. Non-veterans, or eligible spouses of veterans, who meet one of the following:
- g. Are currently receiving public assistance;
 - h. Have received public assistance in the last 6 months;
 - i. Is a member of a family whose total family income does not exceed either the poverty line or 70 percent of the Lower Living Standard Income Level (LLSIL);
 - j. Is a homeless individual, as defined in 42 U.S.C. 14043e-2 (6); or
 - k. Is an individual with a disability whose own income meets the income requirement in clause (b) of this section, but is a member of a family whose income does not meet this requirement or
 - l. Is basic skills deficient, as defined in WIOA Section 3 (5)
7. Veterans and eligible spouses of veterans who are not included in WIOA priority groups.
8. Non-veterans, or eligible spouses of veterans, who are not included in WIOA priority groups.

Note: Military pay or allowances by any person who served on active duty, and certain other specified benefits, must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not included when calculated income for veterans or transitioning service members for priority of service, per 38 U.S.C. 4213. Military earnings are not included when calculated income for veterans or transitioning service members for priority of service.