

MISSISSIPPI DEPARTMENT of EMPLOYMENT SECURITY

State Policy Number 6

PRIORITY OF SERVICE

For VETERANS and ELIGIBLE SPOUSES

Workforce Innovation and Opportunity Act (WIOA)

I. SCOPE AND PURPOSE

The purpose of this policy is to articulate the procedures for providing priority of service to veterans and the eligible spouses of veterans with respect to qualified job training programs.

II. REQUIREMENTS

The requirement to provide priority of service applies to all Workforce Innovation and Opportunity Act (WIOA) and Wagner-Peyser funded activities, including technology-assisted activities; the Senior Community Service Employment Program (SCSEP); Indian and Native American Programs (INAP); National Farmworker Jobs Training Programs (NFJP); Trade Adjustment Assistance Programs (TAA); job training programs funded through the Women's Bureau, and any other current or future qualified job training program.

Additionally, all program operators are required to ensure that priority of service is applied by all sub-recipients of DOL funds. All program activities issued or executed by program operators, regardless of how they are procured, must be administered in compliance with priority of service requirements.

A. Background

The Jobs for Veterans Act (JVA), Public Law (P.L.) 107-288 was signed into law in November 2002, establishing a priority of service requirement for covered persons, as defined by this statute, in qualified job training programs.

The Department of Labor, in December 2008, published 20 CFR Part 1010 to reflect the statutory requirement of section 605 of the Veteran's Benefits, Health Care, and Information Technology Act of 2006, (P.L. 109-461), implementing priority of service via regulation.

The Final Rule took effect in January 2009, stating that recipients of funds subject to these regulations should review and, if necessary, enhance their current policies to ensure adequate protocols are in place.

B. Definitions

1. Priority of Service

With respect to any qualified job training program, 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.

2. Covered Person

As defined in Federal Rule (20 CFR Part 1010), a covered person means a veteran or eligible spouse of a veteran.

3. Veteran

A veteran is defined as a person who served in the active military, naval, or air service, who was discharged or released under conditions other than dishonorable.

4. Eligible Spouse

- a. The spouse of any persons who died of a service-connected disability
- 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
 - captured in the line of duty by hostile force; or
 - forcibly detained or interned in the line of duty by a foreign government or power
- c. The spouse of any persons who have 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.

The United States Department of Labor (USDOL) has indicated for clarification concerning (a) and (d) above that the re-marriage of the spouse would not terminate their eligibility. However, if a spouse

becomes divorced from a veteran under (b) and (c) above, eligibility for priority of service is terminated.

It is further understood that this policy does not exclude from eligibility spouses who were not citizens at the time that the veteran was discharged or retired, nor does it stipulate that a spouse had to be married to a veteran at the time of his or her discharge or retirement.

5. Qualified Job Training Program

Any program or service for workforce preparation, development or delivery that is directly funded, in whole or in part, by the USDOL.

C. Implementing Priority of Service

The regulations provide that priority of service means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining services. They further specify that taking precedence may mean:

- The covered person receives access to the service or resource earlier in time than the non-covered person; or
- 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.

The regulations specify how priority of service is to be applied across three different types of qualified job training programs:

- Universal access programs that do not target specific groups;
- Discretionary targeting programs that focus on certain groups but are not mandated to serve target group members before other eligible individuals; and,
- Statutory targeting programs that are mandated by federal law to provide priority or preference to certain groups.

D. Identifying and Informing Covered Persons

All recipients of funds for qualified job training programs are required to identify covered persons at the point of entry to programs to enable them to take full advantage of priority of service. The USDOL will not prescribe how this is to be done. Program operators are reminded, however, that self-registration systems are not, at this stage, to require documents to be produced that verify status, unless the point of entry is also the point at which program eligibility determination and registration or enrollment takes place. Even then, the

applicant should be permitted to enroll and follow-up subsequently with the verification of his or her status. Point of entry will include physical locations as well as websites and other virtual service delivery resources.

Protocol should require that the receptionist or office manager ask each applicant if he or she is a veteran or eligible spouse. Staff should also explain to each applicant that veterans and eligible spouses get priority of service, and describe any eligibility requirements for those services or programs.

E. Local Board Requirements

Local Workforce Development Boards are required to develop and include in their local plan, policies which implement priority of service for the one Stop Centers and a service delivery plan for the local training providers.

III. EFFECTIVE DATE

This policy shall be effective as of July 1, 2015.

IV. APPROVAL


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