



Priority of WIA Services

Department: Office of Economic &
Workforce Development

Effective Date: February 1, 2014

Directive # 24-14

Supersedes: Directive 24-07 dated July 1, 2007

PURPOSE

This directive is to establish policy and provide direction for determining priority of Workforce Investment Act (WIA) services for veterans and eligible spouses of veterans in compliance with the Jobs for Veterans' Act Public Law 107-288 (JVA), and adults when the Workforce Investment Board of San Francisco (WISF) declares that funds in the local area are limited.

REFERENCES

- WIA section 134(d)(4)(E)
- A Protocol for Implementing Priority of Service for Veterans and Eligible Spouses, Prepared by: U.S. Department of Labor, Employment Training Administration and Veterans Employment and Training Service
- USDOL TEGL 10-09
- EDD Directive WSD08-10
- Veterans' Benefits, Health Care and Information Technology Act of 2006 (Public Law 109-461)
- Title 20 CFR Part 1010
- USDOL TEGL 22-04
- Title 20 CFR Section 663.600 and Preamble, Subpart F – Priority and Special Populations, p. 49343
- The Jobs for Veterans' Act– Public Law 107-288 (JVA)

BACKGROUND:

The JVA was enacted November 7, 2002, amending Chapter 42 of Title 38 U.S.C., to revise and improve employment, training, and placement services furnished to veterans and other covered persons. Specifically, Section 4215(b) requires that "a covered person is entitled to priority of service under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program." Since the passage of the JVA in 2002 policy guidance has been provided to the workforce investment system regarding implementation of priority of service. Then, on January 19, 2009, the Final Rule (Part VIII, 20 CFR Part 1010) went into effect articulating how priority of service for veterans and eligible spouses of veterans is to be applied across all existing and new U.S. Department of Labor (DOL) qualified job training programs.

In addition, WIA section 134(d)(4)(E) and Federal Regulations section 663.600 establish the need for the WIB to have a system of priority for services to adults when a determination has been made that funds are limited in a local area. When funds to a local area are deemed limited, priority for services to adults must be given to recipients of public assistance and other low-income individuals. When the WISF deems that funds are not limited, any adults may be eligible for intensive and/or training services under WIA.

DEFINITIONS:

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 Title 38 United States Code (USC) 101(2).

ACTIVE SERVICE - includes full-time federal service in the National Guard, Coast Guard, or a Reserve component. This definition does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as "weekend" or "annual" training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by state rather than federal authorities (state mobilizations usually occur in response to events such as natural disasters).

ELIGIBLE SPOUSE - the spouse of any of the following:

- (1) Any veteran who died of a service-connected disability;
- (2) 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:
 - (a) Missing in action;
 - (b) Captured in the line of duty by a hostile force; or
 - (c) Forcibly detained or interned in the line of duty by a foreign power;
- (3) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the U.S. Department of Veterans Affairs; or
- (4) Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories 1 or 2 above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member [Title 38 USC 4215(a)].

NON-COVERED PERSON – Persons not eligible for priority of service.

PRIORITY OF SERVICE - Veterans and eligible spouses are entitled to receive precedence over non-covered persons for employment, training, and placement services. Specifically, 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.

POLICY:

A veteran or eligible spouse of a veteran shall be entitled to priority of WIA services.

Funds for services to adults are limited in the local workforce investment area. As such, a Priority of Service system will be utilized that mandates a minimum of 80% of the enrolled adults in the area be recipients of public assistance or low-income individuals. A maximum of 10% of the enrolled adults may have family incomes above poverty guidelines, but must possess substantial barriers to employment at a livable wage. Such substantial barriers shall include limited English language proficiency, dropping out of school, teen pregnancy or parenting, basic skills deficiency, offender status, disabilities, veteran status, age (older individuals), substance abuse, and living at or below 200% of Federal recognized poverty guidelines. A maximum of 10% of the enrolled adults could include any individual, regardless of barriers or income status.

IMPLEMENTING PRIORITY OF SERVICE:

The application of priority of service varies depending on the eligibility requirements of the particular program. There are three basic categories of DOL-funded programs: universal access programs, programs that require participants to meet specified eligibility criteria, and programs with statutory priorities. The following describes how priority of service applies to these basic types of programs.

(1) Universal access programs - For workforce programs that operate or deliver services to the public as a whole without targeting specific groups (i.e., core services delivered through the America's Job Center of CaliforniaSM, formerly known as One-Stop Career Center, system under the Wagner-Peyser and WIA programs), veterans and eligible spouses must receive priority of service over all other program participants.

(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 WIA adult, dislocated worker, and youth programs, every participant is required to meet three criteria: authorization to work, selective service registration, and age requirements. A veteran or eligible spouse must first meet all of the statutory eligibility criteria in order to be considered eligible for participation in the program. Once determined eligible for participation, the veteran or eligible spouse receives priority for participation in the program and receipt of services.

(3) Programs with Statutory Priorities - For workforce programs with statutory priorities (such as priority for low-income individuals and recipients of public assistance for the adult program), OEWD Service Providers must determine the status of each individual veteran or eligible spouse and apply priority of service as described below:

(a) Veterans and eligible spouses who meet the mandatory priorities or spending requirement or limitation must receive the highest level of priority for the program or service;

b) Non-covered persons who meet the program's mandatory priority or spending requirement or limitation then receive the second level of priority for the program or service;

(c) Veterans and eligible spouses outside the program-specific mandatory priority or spending requirement or limitation then receive the third level of priority for the program or service; and

(d) Non-covered persons outside the program-specific mandatory priority or spending requirement or limitation then receive the fourth level of priority for the program or service.

VERIFICATION PROCESS:

Individuals can identify themselves as veterans or eligible spouses without having to produce documents (e.g., a DD -214 Discharge Form) to verify their status at self-registration / Universal Access and receive priority of services over all program participants. The requirement to produce necessary documentation to verify their status will be during the point of entry when eligibility determination and enrollment take place and given immediate priority.

INQUIRIES

Inquiries should be addressed to the OEWD Director of Operations at 415-701-4848 or workforce.development@sfgov.org.

OEWD and its service providers shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.