



PRIORITY OF SERVICE FOR VETERANS AND ELIGIBLE SPOUSES POLICY #: 3019 Revision 1

Original Policy Date: 1/1/2004
Effective Revision Date: 1/30/2019

Purpose:

To ensure that all service providers throughout Southwest Washington Area understand and implement the Veterans Priority of Service and Eligibility requirements for covered veterans and their eligible spouses. Workforce Southwest Washington (WSW) clarifies and communicates point of entry requirements under priority of service.

Background:

The Department of Labor issued new regulations ([20 CFR 1010](#)) implementing the [Jobs for Veterans Act](#) (JVA 2002) and the Veterans' Benefits, Health Care, and Information Technology Act (2006).

1. Each "qualified" program is to provide priority of service for veterans and eligible spouses;
2. For purposes of implementing priority of service, the broad definition of "veteran" meaning 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 be used (38 U.S.C. 101(2)); and
3. New requirements related to persons who physically access service delivery points or who access virtual service delivery programs on websites (See [20 CFR 1010.300](#)):
 - Applicants to any "qualified" DOL programs and services must be able to learn about priority of service and to indicate whether they are veterans etc.;
 - Program staff must initiate data collection for any person claiming priority at point of entry; and
 - Applicants who are veterans must be given the menu of programs and services to which the priority applies, and any additional program eligibility requirements.

Policy:

Service Providers must comply with federal law, regulations, and guidance on priority of service, using the broad definition for veterans and eligible spouses ([20 CFR 1010.110](#)).

Priority of service entitles veterans or spouses precedence over eligible non-covered persons accessing services. The veteran or spouse is enrolled or provided services earlier in time than others who are waiting for the same assistance. If program and service resources are limited, then the veteran or spouse is given access instead of others. NOTE: This does not mean that the veteran or spouse is given "bumping rights" over others who are already enrolled and/or receiving services. Additionally, veterans and covered spouses must meet program eligibility before receiving priority into a program or service.

After meeting the eligibility requirement for the program, the veteran must be given priority over all non-veterans who also meet the requirement. Priorities set by federal statute are at the top of the hierarchy. Priority of service for veterans takes precedence over state and local level targeting.

Service providers throughout WSW must notify customers accessing services of the veteran's priority of service, whether through physical or online access. Veterans and eligible spouses must be able to indicate whether they are entitled to priority of service at their point of entry into the system so they can take advantage of this priority policy. Once identified, covered persons must be made aware of their entitlement to priority of service. In addition to allowing applicants to claim entitlement to priority, identified covered persons are to be given a menu of programs and services to which the entitlement applies, and eligibility requirements for those programs.

Point of entry is defined as the point of contact with the One-Stop system, either in-person or virtually, whether or not a service is provided. It cannot only be at initial registration as not all veterans and eligible spouses who touch the one-stop system reach that point.

All "qualified" programs must use the broad definitions for veterans and eligible spouse at point of entry into programs. It is required for all providers to collect, retain and report data in accordance with the Act, regulations and DOL program guidance to be issued ([20 CFR 1010.320](#)). ETO/WAWIN will be the forum for all data collection. "Qualified" programs do not have to verify the status of a customer as a veteran or eligible spouse at the point of entry unless they immediately undergo eligibility determination and enrollment into the program ([20 CFR 1010.300\(a\)](#)).

The WSW WorkSource System partners must ensure that the following programs collect and report data on covered entrants as defined below: 1) WIOA Adult; 2) WIOA Dislocated Worker; 3) National Emergency Grant; 4) Wagner-Peyser State Grants; 5) Trade Adjustment Assistance and 6) Senior Community Service Employment Program.

All staff in WorkSource and at affiliate sites must receive training on priority of service and its documentation, as well as, information on qualified programs to which the priority applies.

The Washington State Governor may, at times, determine a different priority of service for the WIOA Statewide (10%) Discretionary Grants/Contracts or other programs. Within those defined priorities from the Governor, the Veteran's Priority of Service and Eligibility still applies in that once qualified within a certain group of customers, the veteran receives priority among that group.

Definitions:

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 Department of Labor.

Covered Persons: veterans or their eligible spouses.

Covered Entrants: covered persons at point of entry into a program to receive services.

Veteran: a person who was in active military service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). For clarification, a *disabled veteran* is one whose disability is permanent and service connected. Active service also includes full-time duty in the National Guard or a Reserve component, other than full time duty for training purposes.

Eligible Spouse: defined in section 2(a) of JVA (38 U.S. C. 4215(a)) means 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 (for a total of more than 90 days): missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power; (3) any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs; or (4) any veteran who died while a disability, as indicated in paragraph (3) of this section, was in existence.

References/Resources:

- [Washington State Policy #1009, Revision 2, Priority of Service for Veterans and Eligible Spouses](#)
- [Jobs for Veterans Act, Public Law \(Pub. L.\) 107-288 \(Nov. 7, 2002\)](#)
- [Veterans' Benefits, Health Care, and Information Technology Act \(Pub. L.109-461\) \(Dec. 22, 2006\)](#)
- [Priority of Service for Covered Persons \(20 CFR 1010\) \(Dec. 19, 2008; Effective: Jan. 19, 2009\)](#)
- [Training and Employment Guidance Letter \(TEGL\) No. 10-09 \(Nov. 10, 2009\)](#)
- [Veterans Program Letter \(VPL\) No. 07-09 \(Nov. 10, 2009\)](#)