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STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

INTER-OFFICE MEMORANDUM

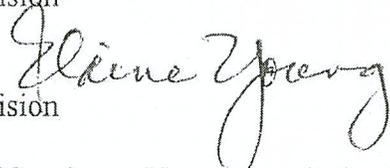
February 12, 2013

(SN 80)

JOB SERVICE BULLETIN No. 14-12, Change 1

TO: All Branch Managers  
Workforce Development Division

FROM: Elaine Young, Administrator  
Workforce Development Division



SUBJECT: Implementation of Priority of Service to Veterans and Eligible Spouses

PURPOSE

The purpose of this bulletin is to transmit policy and guidance in implementing priority of service to veterans and eligible spouses. Additional important details have been included in this bulletin to ensure the proper implementation of priority of service procedures, which were not included in Job Service Bulletin No. 14-12.

This bulletin **replaces** Job Service Bulletin No. 14-12, dated September 20, 2012, subject: Implementation of Priority of Service to Veterans and Covered Persons.

REFERENCES

1. Jobs for Veterans Act, P.L. 107-288, section 2(a), Nov 7, 2002
2. Title 38 United States Code (U.S.C) 4215, Priority of Service for Veterans in Department of Labor Job Training Programs
3. Title 20 Code of Federal Regulations (CFR) 1010, Application of Priority of Service for Covered Persons
4. Training and Employment Guidance Letter No. 10-09, subject: Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL), dated Nov 10, 2009

5. Veterans' Program Letter No. 07-09, subject: Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL), dated Nov 10, 2009
6. Training and Employment Notice No. 15-10, Subject: Protocol for Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL), dated Nov 10, 2010

## BACKGROUND

The Jobs for Veterans Act (PL 107-288), signed into law on November 7, 2002, required that a covered person shall be given priority over a non-covered person with respect to any qualified job training program directly funded in whole or part, by the U.S. Department of Labor (DOL) (38 U.S.C. 4215). Federal regulations codified at 20 CFR 1010, and issued on December 19, 2008, required qualified job training programs to implement priority of service for a covered person (also referred to as either a veteran or eligible spouse), effective January 9, 2009.

The requirement to provide priority of service applies to all WIA, Wagner-Peyser Act, discretionary grants, targeted programs (Senior Community Service Employment Program, Indian and Native American Programs, National Farmworkers Job Programs, and Trade Adjustment Assistance) and all other programs and services funded in whole or in part by the DOL. Agreement by a program operator, including grant sub-recipients, to implement priority of service is a condition of receipt of DOL funds. This requirement cannot be waived.

## POLICY

Workforce Development Division shall ensure program delivery and services directly funded in whole or part, by the DOL, provide priority of service to a covered person over a non-covered person at all levels (local, branch and administration offices) of WDD operations and in One-Stop Centers.

The Branch Manager has the responsibility to ensure their local offices/One-Stop Centers establish a process for identifying veterans and eligible spouses, informing them of their entitlement to priority of service, and providing information on services and programs.

Procedures shall be implemented in each office to identify veterans and eligible spouses entitled to priority of service at **every point of entry** in the service delivery system. Branch operating procedures and policies should include veteran's priority of service in their service delivery strategy. Staff at all levels of WDD operations and in One-Stop Centers shall be trained in priority of service requirements. Managers must implement procedures that allow veterans and eligible spouses to receive priority of service at all stages of services.

## KEY TERMS AND DEFINITIONS

### 1. Covered Person

Means a veteran or eligible spouse as defined in section 2(a) of the Jobs for Veterans Act (38 U.S.C. 4215(a)).

#### a. Veteran

Person who served at least one day in the active military, naval, or air service, and who was discharged or released from service under any condition other than a condition classified as dishonorable. This definition includes persons in Reserve and National Guard units activated for Federal service.

#### b. Eligible Spouse

- A spouse of any veteran who died of a service-connected disability;
- A spouse of any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs;
- A spouse of any veteran who died while a disability (a service-connected disability) was in existence;
- A spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in either of the following statuses for a total of more than 90 days: missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power.

### 2. Non-covered Person

Means any individual who meets neither the definition of “veteran,” as defined in this section, nor the definition of “eligible spouse” as defined in this section.

### 3. Priority of Service

- A veteran or covered person, if eligible for services, shall be **given precedence** over a non-covered person in obtaining services or access to resources; and
- **Given precedence** means the veteran or covered person receives access to services **earlier in time** than the non-covered person or if the service is limited, the covered person receives access to the service **instead of or before** the non-covered person.

4. Point of Entry

The point at which a veteran or covered person enters the employment and training service delivery system or to any particular program. Applies to One-Stop Career Centers, virtual access via HireNet Hawaii or the One-Stop Center website, and telephone or email inquiries.

5. Qualified Job Training Program

Any workforce preparation program or services to include employment, training, and placement services that are directly funded, in whole or in part, by the DOL.

## PROCEDURES

1. Identifying veterans and eligible spouses at the point of entry. (Sample language, questionnaires, and flyer are attached.)
  - a. **Prominently displayed notices.** To encourage individuals to self-identify as veterans and eligible spouses, WDD offices must develop and prominently post notices or signs at reception that clearly describe priority of service and provide additional instructions.
  - b. **Staff shall be trained to ask about veteran status at intake.** Reception areas or resource areas may have a veteran sign-in sheet and/or designated areas for veterans. If an individual self-identifies as a veteran or eligible spouse at intake, the individual shall be provided immediate priority without the need for verification.
  - c. **Self-identification through virtual services.** Internet web sites operated by staff, programs, or agencies directly funded in whole or part, by the DOL, must include content that explains priority of service, and instructions to veterans and eligible spouses on where to self-identify through virtual signup. Once identified through virtual access points, One-Stop Center staff, including DVOP/LVER staff, may contact the veteran or eligible spouse to inform them of the full array of services available through the One-Stop Center. (HireNet Hawaii will contain language regarding priority of service in the near future.)
  - d. **Pre-recorded announcements.** Pre-recorded greetings on voicemail systems shall inform callers about priority of service for veterans and eligible spouses.
  - e. **At intake to One-Stop Center services, it is not required to verify the status** of the veteran or eligible spouse through documents such as a DD214. Self-identification through a checklist, such as the one attached, is sufficient. However, when a veteran or eligible spouse undergoes eligibility determination for program services such as WIA intensive services and training, it is then appropriate to verify veteran and spouse eligibility status through supporting documents.

- f. Whatever strategy is implemented, it should be consistent in providing priority of service for the use of self-service resources and staff assisted services.

2. **Applying the priority of service rule.**

- a. **General rule:** Among those who are eligible for WIA and other applicable programs, a veteran or eligible spouse shall be **given precedence** over a non-covered person.
- b. **Given precedence** means the veteran or eligible spouse receives access to services **earlier in time** than the non-covered person, or if the service is limited, the veteran and eligible spouse receives access to the service **instead of or before** the non-covered person. This only applies at a given point in time, if there are both non-covered and covered persons who are eligible.
- c. **Waiting list.** Veterans and eligible spouses are to receive first priority on any waiting list that is maintained. For example, if there is a waiting list for WIA, they, if eligible, are to be enrolled prior to non-covered persons. However, once a participant is enrolled in a program such as WIA or, has a confirmed start date, he/she may not be displaced by a veteran or eligible spouse for that program or activity.

3. **Verifying Status.**

- a. It is not necessary for staff to require verification of the status of veteran or eligible spouse at the point of entry.
- b. When a veteran or eligible spouse undergoes eligibility determination and subsequent registration and enrollment in a program such as WIA, and the applicable federal program requires verification of veteran or eligible spouse status then staff will proceed with verifying status.
- c. In those instances in which eligibility determination and enrollment occur at the point of entry, a veteran or eligible spouse should be enrolled and provided immediate priority and then permitted to follow-up subsequently with any required verification of his or her status as a veteran or eligible spouse.
- d. For programs or services that cannot rely on self-attestation, verification only needs to occur at the point at which a decision is made to commit outside resources to one individual over another. In contrast, the commitment of program staff effort does not require verification of status by a veteran or eligible spouse. Thus, if a veteran or eligible spouse self-identifies, staff shall deliver any appropriate intensive services, while permitting the veteran or eligible spouse to follow-up subsequently with verification of his or her status.

## Suggested language to use to inform public about Priority of Service

### (A) Pre-recorded greetings on voicemail system

"If you are a military veteran or a spouse of a disabled veteran or service member, you may be eligible for priority of employment and training services at the One-Stop Center. Please contact our receptionist or staff to inquire further."

### (B) Posted Flyers or Sign

#### **Veterans' Priority of Service**

The U.S. Department of Labor (DOL) has mandated Veterans' Priority of Service in DOL funded programs. Eligibility requirement: U.S. military veteran or eligible spouse. Ask the receptionist or staff for a questionnaire to see if you meet the eligibility requirements for priority of service.

OR

#### **Veterans' Priority of Service**

The U.S. Department of Labor has mandated Veterans' Priority of Service in DOL funded programs for veterans and eligible spouses. With priority of service veteran or eligible spouse shall be given precedence in obtaining employment and training assistance. Eligible veteran and spouse must meet the following requirements:

- (1) An eligible veteran is a military veteran who served at least one day on active duty in the United States Armed Forces and received a other than dishonorable discharge;  
or
- (2) An eligible spouse must meet any of the following conditions:
  - a. A spouse of a veteran who died of a service-connected disability;
  - b. A spouse of a veteran who died while a disability was in existence;
  - c. A spouse of a veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veteran Affairs; or
  - d. At the time of application for services, a spouse of an active duty service member who is in one or more of the following situations for a total of 90 days:
    - Missing in action;
    - Captured in the line of duty of a hostile forces; or
    - Forcibly detained or interned in the line of duty by a foreign government or power.

### (C) For website

The U.S. Department of Labor (DOL) has mandated Veterans' Priority of Service in DOL funded programs for veterans and eligible spouses. With priority of service, veterans or eligible spouses will be given precedence in obtaining employment and training assistance. Click on the following link to learn if you're eligible for priority of service.

(Link will take user to a site with eligibility criteria)