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WIA BULLETIN No. 07-05, Change 2

TO: WIA Partners

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

PURPOSE

This bulletin rescinds and replaces WIA Bulletin No. 07-05, Change 1, dated July 24, 2013, in its entirety to comply with the current requirements of U.S. Department of Labor (USDOL) in providing priority of service to covered persons.

BACKGROUND

The Jobs for Veterans Act (PL 107-288) which was signed into law on November 7, 2002 required that any program funded in whole or in part by USDOL shall provide priority of service to a covered person who is also referred to a veteran or eligible spouse.

Effective January 9, 2009, 20 CFR 1010 required job training programs to provide priority of service to a covered person who is also defined as a veteran or eligible spouse.

This requirement applies to programs funded by USDOL, which include, but are not limited to, the following:

- WIA Adult, WIA Dislocated Worker, WIA Youth Programs;
- Wagner-Peyser Act;
- National Emergency Grants and other discretionary grants;
- Senior Community Service Employment Program, Indian and Native American Programs;
- National Farmworkers Job Programs;
- Trade Adjustment Assistance Program.

This requirement also applies to sub-recipients that operate these programs.

Key Revisions from WIA Bulletin 07-05, Change 2

1. References to and information from USDOL Training and Employment Guidance (TEGL) No. 05-03 were deleted because it was replaced by TEGL No. 10-09.
2. A new section, Key Terms and Definitions, was added.
3. Item 1 on Attachment 3, Questionnaire to Determine Eligibility for Veterans' Priority of Service was revised. Serving at least one day on active military service versus 180 consecutive days satisfies eligibility for veterans' priority of service.

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. Workforce Investment Act (WIA) of 1998; Title I: Workforce Investment System
4. Veteran's Benefits, Health Care, and Information Technology Act of 2006 (P.L. 109-461)
5. Title 20 Code of Federal Regulations (CFR) 1010, Application of Priority of Service for Covered Persons
6. 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 (USDOL), dated Nov 10, 2009
7. 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 (USDOL), dated Nov 10, 2009
8. 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 (USDOL), dated Nov 10, 2010

POLICY

Program operators, including grant sub-recipients, must implement priority of service to covered persons (veterans and eligible spouses) as a condition of receiving funding from the United States Department of Labor (USDOL). This requirement cannot be waived. Operating policies and procedures must be updated to include the latest information on veterans' priority. Staff at

all levels of the One-Stop Center system and other USDOL programs must be trained in priority of service requirements so that an applicant's status is assessed in light of program-specific requirements such as WIA and veterans' priority requirements.

Counties and program operators are responsible for ensuring that adequate protocols are established to identify covered persons, inform them of their entitlement to priority of service, and provide information on the full array of employment, training and placement services and program eligibility requirements.

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 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 eligible spouse 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 covered person enters the employment and training service delivery system or to any particular program. Applies to American Job Centers, virtual access via HireNet Hawaii, 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 USDOL.

PROCEDURES

In conjunction with their respective local workforce investment boards, as appropriate, all grantees and operators shall develop procedures for complying with the priority of service to covered persons which include, but are not limited, to:

1. **Identifying veterans and eligible spouses at the point of entry.**

- Prominently displayed notices.** To encourage individuals to self-identify as veterans and eligible spouses, Local Areas must prominently post notices or signs at reception at the One-Stop Centers that clearly describe priority of service and provide instructions on its application (**Attachments 1 & 2**).
- Staff shall be trained to ask about status of covered persons at intake.** Reception areas or resource areas may have a sign-in sheet and/or designated areas for veterans or eligible spouses. 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.
- Self-identification through virtual services.** Internet web sites operated by staff, programs, or agencies funded in whole or part, by the USDOL, must explain priority of service and provide instructions on where to self-identify as veterans and eligible spouses through virtual signup. Once identified through virtual access points, One-Stop Center staff, including DVOP/LVER staff, may contact the covered person to inform them of the full array of One-Stop services.
- Pre-recorded announcements.** Pre-recorded greetings on voicemail systems shall inform callers about priority of service for veterans and eligible spouses.

- e. **It is not required to verify covered person status at intake** through documents such as a DD-214. Self-identification through a checklist, such as **Attachment 3**, is sufficient.
- f. Whatever strategy is implemented 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 move ahead (receive first priority) over non-covered persons on any waiting list that is maintained for any program and service that meets the definition of Qualified Job Training Program. However, once a participant (covered or non-covered person) is enrolled in a program such as WIA or, has a confirmed start date, he or she may not be displaced by a veteran or eligible spouse for that program.
- d. **Universal access programs and services.** For workforce programs that operate or deliver services to the general public without targeting specific groups, such as Core services, veterans and eligible spouses must receive priority of service over all other program participants.
- e. **Programs with Eligibility Criteria.** Eligibility criteria identify basic conditions each participant in a specific program is required to meet. The WIA Adult, WIA Dislocated Worker, and Senior Community Service Employment Program, are examples of such programs. A veteran or eligible spouse must first meet any and all of the program statutory eligibility criteria in order to be considered eligible for: (i) enrollment in the program; (ii) receipt of priority for enrollment in the program; and (iii) priority of receipt of services.

3. **Verifying Status.**

- a. It is important to distinguish between identifying a veteran for priority of service and verifying a veteran's status. At the point of entry, it is neither necessary nor appropriate to require verification of the status of veteran or eligible spouse.

- b. If an individual self-identifies as a veteran or eligible spouse, that individual shall be provided immediate priority in the delivery of all employment and training services such as Core services as well as other services, e.g. Intensive and/or Training services, as appropriate.
- c. When a veteran or eligible spouse undergoes eligibility determination and subsequent registration and enrollment in a program using federal resources outside of Wagner-Peyser and DVOP/LVER, such as WIA intensive or training services, and the applicable program requires verification of veteran or eligible spouse status, then staff will proceed with verifying status.
- d. In those instances in which eligibility determination and enrollment occur at the point of entry, a veteran or eligible spouse who meets program-specific criteria and is otherwise eligible for enrollment shall be provided immediate priority, enrolled and then permitted to follow-up subsequently with any required verification of his or her status as a veteran or eligible spouse.

If documentation fails to support status of veteran or eligible spouse, staff should revise status in HireNet Hawaii. DVOPs who are serving these persons shall refer them for appropriate services provided by other programs.

- e. 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.

4. **Monitoring Compliance.**

- a. Monitoring will be jointly performed by the Veteran's Employment Training Service (VETS) and the USDOL to ensure that covered persons are made aware of and provided priority of service [20 CFR §1010.240].
- b. Local Areas shall review their procedures to assure that service providers capture and report required data on veteran's priority of service in HireNet Hawaii.

5. **Data Collection and Reporting.**

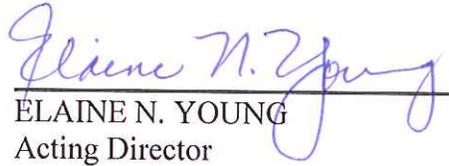
- a. Qualified job training program that have served, at the national level, an average of 1,000 or more covered persons each year for the three most recent years, are required to collect and report data on covered entrants. Covered persons are called covered entrants at the point of entry. [20 CFR 1010.300]
- b. Six programs meet the reporting threshold: (1) WIA Adult; (2) WIA Dislocated Worker; (3) National Emergency Grants; (4) Wagner-Peyser State

Grants; (5) Trade Adjustment Assistance (TAA); and, (6) Senior Community Service Employment Program.

- c. The Information Collection Request (ICR) requires: (1) a report on covered entrants; and, (2) application of the new definitions for veterans and eligible spouses in existing reports on covered participants.
- d. The ICR further requires that programs below the size threshold to apply the new definitions for veterans and eligible spouses in their existing reporting on covered persons.
- e. Programs listed in 5.b. above, must collect individual record data on covered persons from the point of entry. [20 CFR §1010.330(a)(1) & (c)]
- f. For both covered and non-covered persons in qualified job training programs information collected includes, but is not limited to [20 CFR §1010.330(c)(1)(i-iv)]: (1) status of persons receiving services; (2) types of services provided; (3) dates that services were received; and (4) employment outcomes.
- g. The HireNet Hawaii virtual operating system network of labor exchange services, funded by USDOL and operated by the State of Hawaii Department of Labor and Industrial Relations, is the automated database used by the State to collect and report data on covered entrants to USDOL.

INQUIRIES

Questions regarding this bulletin should be directed to Mark Olds, Employment and Employer Relations Program Specialist, at (808) 586-8819, or at e-mail Mark.N.Olds@hawaii.gov.


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Acting Director

Attachments (3)