

Veteran and Adult Priority of Service Policy

Effective Date: January 2023

Background: Veterans and eligible spouses (Covered Persons) are given priority of service for the receipt of employment, training and placement services provided under all US Department of Labor (USDOL)-funded programs. This means that Covered Persons either receive access to a service earlier than others, or if resources are limited, the Covered Persons receive access to the service instead of others.

Additionally, to comply with WIOA and United States Department of Labor Employment and Training Administration (USDOL ETA) requirements, the New York State Department of Labor (NYSDOL) requires at least 50.1 percent of WIOA Title I Adults receiving individualized career or training services in each Local Workforce Development Area (LWDA) to fall into at least one (1) of three (3) priority populations: recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, which includes English language Learners.

In addition to the three (3) required populations identified above, veterans and their eligible spouses must also continue to receive priority of service in all NYSDOL-funded training programs, including WIOA programs. NYSDOL also considers the following individuals with barriers to employment as priority populations for individualized career and training services, if they do not already fall under one (1) of the WIOA-required populations: individuals with disabilities, justice-involved individuals, and single parents.

Policy

Due to limited WIOA Adult Program funding, priority for the WIOA Adult Program is given to Veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, which includes English Language Learners (ELL), meeting WIOA eligibility requirements. NYSDOL also considers individuals with disabilities, justice-involved individuals, and single parents as priority populations if they do not already fall under one of the WIOA-required populations.

Priority of service will be given to veterans and eligible spouses in accordance with the WDBRC's Veterans' Priority of Service as stated in this policy. Additionally, WIOA Section 134(c)(3)(E) establishes a priority requirement with respect to funds allocated for Adult employment and training activities. In accordance with the Workforce Development System Technical Advisory #23-01, priority will be provided in the following order:

- First, to Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient, including ELL.
- Second, to individuals who are not Veterans or eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient, including ELL.
- Third, to Veterans and eligible spouses who are not also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient, including ELL.

- Fourth, to individuals with disabilities, justice-involved individuals, and single parents, who are not veterans or eligible spouses, recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient, including ELL.
- Last, to non-covered persons outside the groups given priority above. For WIOA Eligible Adult populations, adults who reside in Rockland County will receive priority of training moneys. This priority of service rule DOES NOT apply to Dislocated Workers, TAA, or eligible Youth.

Furthermore, the WDBRC has determined that eligible participants will be served in the following order of priority according to their level of education:

- First, customers without a high school diploma.
- Second, customers with a high school diploma.
- Third, customers with an associate's degree.
- Fourth, customers with a bachelor's degree.
- Fifth, customers with a master's degree.
- Sixth, customers with a doctoral degree.

Veteran Service Delivery:

Priority of service means that veterans and eligible spouses are given priority for the receipt of employment, training, and placement services provided under a qualified job training program. This means that a veteran or an eligible spouse is served first by the next available staff member and given priority to any jobs or training for which they are eligible and qualified.

For a service such as classroom training, priority of service applies to the selection procedure as follows:

- First, if there is a waiting list for the formation of a training class, priority of service is intended to require a veteran or eligible spouse to go to the top of that list.
- Second, priority of service applies up to the point at which an individual is both approved for funding and accepted or enrolled in a training class. Therefore, once a non-covered person has been approved for funding and accepted/enrolled in a training class, priority of service is not intended to allow a veteran or eligible spouse who is subsequently identified to "bump" the non-covered person from that training class.

Veteran Priority of Service Verification:

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 a veteran or eligible spouse. If an individual self-identifies as a veteran or eligible spouse at the Career Center, that individual should be provided immediate priority in the delivery of employment and training services for which they are eligible and qualified. When a veteran or eligible spouse undergoes eligibility determination for enrollment (e.g. in WIOA Adult programs), it is appropriate to initiate verification of veteran status. If a veteran or an eligible spouse, at the point of eligibility determination and enrollment, does not have documentation verifying his/her eligibility for priority of service, he/she is to be afforded access on a priority basis to all services provided by program staff (including individualized career services) while awaiting verification.

Veteran/Covered Person:

A person who served **active duty** and was separated with any discharge type except dishonorable.

This definition includes Federal activation of a **reserve component**, other than **active duty for training**.

- a) **Active duty:** Full-time duty in the United States **armed forces**, other than **active duty for training**.
- b) **Armed Forces:** U.S. Army, Navy, Marine Corps, Air Force, and Coast Guard, including their **reserve component**.
- c) **Active Duty for Training:** Full-time duty in the **armed forces** performed by a **reserve component** (i.e. basic training, military job training, drill weekends, annual two-week drill, etc.)
- d) **Reserve Component:** Generally, perform a minimum of 39 days of **active duty for training** annually and are also referred to as the Guard or Reserves:
 - The Army Reserve;
 - The Navy Reserve;
 - The Marine Corps Reserve;
 - The Air Force Reserve;
 - The Coast Guard Reserve;
 - The Army National Guard of the United States;
 - The Air National Guard of the United States.

Please note that the veteran definition that requires an individual to have served on **active duty** for a period of more than 180 days still applies to Wagner-Peyser reporting and to eligibility for Disabled Veteran's Outreach Program specialist services but does not apply to priority of service in DOL funded employment and training programs. It is the responsibility of the program operator to ensure that policies and procedures and staff training reflect the correct eligibility definition.

Eligible Spouse: The spouse of any of the following:

- a) any veteran who died of a service-connected disability; **or**
- b) any member of the **armed forces** serving on **active duty** who, at the time of application for priority of service, 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; **or**
 - 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
- c) any veteran who has a total disability, permanent in nature, resulting from a service-connected disability **or** who died while such a disability was in existence.

Note: A spouse whose eligibility is derived from a living veteran or service member would lose their eligibility if the veteran or service member was 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, a spouse whose eligibility is derived from a living veteran or service member would lose that eligibility upon divorce from the veteran or service member. However, the spouse of a veteran who died of a service-connected disability or while a disability was in existence would not lose covered status through subsequent remarriage.