NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL

POLICY 2-11-06 (1)

VETERANS PRIORITY OF SERVICE

PURPOSE:

The Jobs for Veterans Act, enacted into Public Law 107–288 on November 7, 2002, made a number of amendments to encourage Veterans access to services within an integrated one-stop service delivery system. A new section of the law established a priority of service requirement applicable to all Department of Labor programs offering employment and training related services. (P.L. 107–288 Section 4215(b)). Changes were also made to veterans programs established under the Wagner Peyser Act.

New reporting requirements to account for representation of veterans in programs in proportion to incidence of their representation in the labor market were also enacted. The Secretary of Labor was directed to evaluate whether veterans and other covered persons are receiving priority of services and are being fully served. (P.L. 107–288 Section 4215(c)).

POLICY:

A "covered person" is entitled to priority of service under all WIA Title I funded programs e.g. adult, youth, dislocated workers, 10% funded projects, and National Emergency Grant (NEG).

For purposes of this policy, the term ‘veterans priority of service’ means that a covered person shall be given priority over non-veterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of law.

Veterans and other covered persons must first meet the WIA program’s eligibility requirements. A covered person who is determined eligible for WIA services shall receive priority over non-veterans, except for the priority of service established by law for the WIA adult program. Within WIA Title I-B, the adult program is the only program to have a priority provision established by law, and therefore is considered a mandatory priority. Veterans are to be served within the context of giving priority to public assistance and low-income persons for intensive and training services.

Other targeting provisions for any WIA Title I funded programs, whether established by policy or by regulation (but not by law) are considered discretionary or optional priorities. In these cases, veterans would receive priority in advance of the opportunities and services provided to the "targeted" population group. The veteran’s priority is not intended to displace the core function of the WIA program. In a sequential service delivery model, when services are limited due to available funding, priority of services should be applied. For example, if there was only sufficient money to provide services to one individual and a veteran is in the pool, the veteran must receive priority.

Policy Requirement:

Workforce Investment Act Title I B subrecipient(s), except for the priority of service established by law for the WIA adult program must provide priority of services to veterans and other covered persons. This policy applies to all WIA Title I-B funded programs, including adult, dislocated worker, youth, 10% statewide activity programs, and National Emergency Grant Data Collection.

Grant subrecipient(s) must instruct service providers and staff to collect the required data elements for covered persons when enrolling persons into the WIA Title I program. This data will be collected for the annual report to be submitted to the Department of Labor.

Grants subrecipient(s) will report quarterly to the North Dakota Workforce Development Council on priority of services provided to Veterans, including outreach and special efforts to reach veteran populations.

Provision of Information:

The Grant subrecipient and service providers must provide information to covered persons on services available under Department of Labor job training programs. The Grant subrecipient and service providers are responsible to ensure that individuals are informed of their right to priority for employment and training services. This information could be provided in any number of ways, either verbally or in writing, on websites, during presentations to employers and customers, during orientation, assessment, or enrollment and other pro-active activities to recruit veterans or other covered individuals.

DEFINITIONS:

A "covered person" is one of the following:

- A veteran who is an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable (WIA definition);
- A recently separated veteran is any veteran who applies for participation under this title within 48 months after the discharge or release from active military, naval, or air service (WIA definition); or
- The spouse of:
  - A veteran who died of a service connected disability; a member on active duty who (at time of spouse's application) is listed as missing in action, captured in the line of duty, or forcibly detained; or
  - A veteran with a total disability from a service connected disability or one who died while being evaluated for it.

Legal References:
Public Law 107-288
USDOL Draft General Policy Guidance: Veterans' Priority under the Jobs for Veterans Act of 2002

The term veteran is defined in WIA Title I Section 101(49)
The term covered spouse is defined in P.L.107–288 Section 4215 (a)
The term priority of service is defined in P.L.107–288 Section 4215 (3)

REFERENCE:

(0) NDWDC minutes dated January 12, 2006
(1) NDWDC minutes dated November 20, 2008

SUNSET: November 20, 2011