



DATE: October 23, 2003
TO: All Local Workforce Investment Areas
FROM: Cheryl A. Brush, Chief, Workforce Systems Bureau
SUBJECT: Implementation of Veterans' Priority Provisions of the "Jobs for Veterans Act"
(PL 107-288)

On November 2, 2002, President Bush signed the "Jobs for Veterans Act" (Public Law 107-288), which affects twenty USDOL-funded workforce programs. Section 2(a) of the Act 38 U.S.C. 4215(a) creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in these programs. The affected programs include, but are not limited to, all WIA programs (Adult, Dislocated Worker, Youth), Wagner-Peyser Employment Services, and SCSEP, as well as other programs administered by the USDOL.

TEGL (Training and Employment Guidance Letter) 5-03 has been issued by USDOL to provide the workforce investment system with general guidance regarding the statute and its scope, as well as an understanding of how the veterans' priority will affect current business processes as it is implemented. Individual guidance will be issued separately for each affected program after WIA reauthorization, during which time veterans' priority guidance will be updated as well.

Most USDOL programs have only general program eligibility requirements and do not target specific participant groups, thus implementation of the veterans' priority will pose few practical difficulties for these programs. However, in a few programs such as the WIA-funded Adult and Youth programs, the veterans' priority will compete with existing statutory priorities that favor certain population groups and must be taken into account when applying the priority. State staff have updated necessary program information, including TAGs (Technical Assistance Guides), to reflect the general guidance issued on priority of service for *covered persons*. Once USDOL presents more specific guidance after WIA reauthorization, the program information will then reflect any changes issued at that time.

Priority of Service For Veterans

The passage of Public Law 107-288, "Jobs for Veterans Act", provides for priority of services for covered persons for USDOL-funded programs. A *covered person* is entitled to and will be given priority over non-covered persons for the receipt of employment, training and placement services if the person otherwise meets the eligibility requirements for participation in the program (see specifics below).

A **covered person** is a veteran:

- A. Who served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge;
- B. Who was discharged or released from active duty because of a service-connected disability; or
- C. Who, as a member of a reserve component under an order to active duty pursuant to section 12301 (a), (d), or (g), 12302, or 12304 of Title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.

A **covered person** also includes the spouse of any of the following:

- A. Any veteran who died of a service-connected disability.
- B. Any member of the Armed Forces on active duty who, at the time of application for assistance under this section, is listed in one of the following categories for at least 90 days: missing in action, captured in line of duty by hostile force, or forcibly detained or interned in line of duty by a foreign government or power.
- C. Any veteran who has a total disability resulting from a service-connected disability.
- D. Any veteran who died while a disability so evaluated was in existence.

When would a service provider apply this priority?

For programs that have existing statutory priorities that target certain population groups, such as WIA Adult and Youth programs, the veterans' priority is applied to covered persons that meet program criteria. This means an individual meeting both the veterans' priority and the program requirements would receive the highest priority for WIA Youth or Adult services over a non-covered person, assessing the person's status in light of both the veterans' priority and the program's eligibility criteria.

Non-covered persons meeting program requirements will have preference over any covered person who does not meet these requirements.

If both the non-covered person and the covered person are outside the program requirements, the covered person will have priority if the requirements of the program are ultimately met. ***No one, including a covered person, should receive any type of service if they do not meet the program eligibility criteria.***

For programs that do not target specific groups, such as the WIA Dislocated Worker program, the veterans' priority is given to those that first meet the program's existing eligibility requirements. This means a covered person would receive priority for services over a non-covered individual, only after satisfying the Dislocated Worker program's eligibility requirements.

In cases where targeting of a particular group is discretionary and not required by law, such as local policy, the veterans' priority for an individual takes precedence above the discretionary priority group.

Examples:

Adult - A covered person interested in the Adult WIA program meets the mandated low-income program priority. A second individual, a non-covered person, also meets the program's low-income requirements. Because the local funding situation only allows enough funding for one more participant for training, the covered person would take priority.

Dislocated Worker - Two individuals seeking assistance from the Dislocated Worker program are awaiting an appointment for assessment testing. There is only one appointment remaining that week. If one of the participants is a covered person, they would take priority over the other participant.

Dislocated Worker - Two applicants for the Dislocated Worker program are requesting an appointment for the same day to see a case manager. There is only one appointment slot remaining. One of the applicants has already been determined to meet all eligibility requirements of the program and is a non-covered person. The other applicant is a covered person who has not yet been determined eligible for the program. The non-covered person would take priority for the appointment because the covered person must first meet program eligibility criteria before the veterans' priority can be applied.

Youth - A participant, who is a non-covered person in a Youth program, would like assistance in paying for an appropriate training course. At the same time, another youth participant, a covered person, requests similar assistance. Having only enough funds to assist one of the participants at this time, the covered person would take priority and receive the training assistance before the non-covered participant.

All subgrantees, including youth subgrantees, should review their enrollment processes to insure that they are in compliance with this mandate by instituting priority of service for veterans as presented in the general guidance from TEGl 5-03.

If you have any questions on this matter, please contact Rico Barrera at 332-3570, ext. 3316