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Subject of Policy:	Priority of Service for Veterans and Eligible Spouses	Policy No.	PY15-23
To:	<ul style="list-style-type: none"> Local Board Directors Title I Program Managers/Directors BES Managers and Program Directors BRS Managers and Program Directors Adult Education Program Directors 	From:	Richard Freund, Acting Bureau Director and Deputy Commissioner of Labor
Issuance Date:	December 28, 2015 <i>Revised 03-08-16</i>	Status:	ACTIVE
Definitions:	<i>Are included after the Policy section</i>	Rescinds	Policy 09-04
Reference/Authority:	<ul style="list-style-type: none"> Jobs for Veterans Act (PL 107-288) at 38 U.S.C. 4215 WIOA Section 102(b)(2)(C)(vi) 		

Purpose:

The purpose of this policy is to outline requirements for implementation of priority of service to veterans and eligible spouses for all USDOL and MDOL funded workforce development programs.

Background:

On November 7, 2002, the Jobs for Veterans Act (JVA), Public Law (P.L.) 107-288 was signed into law. One provision of the JVA, codified at 38 U.S.C. 4215, establishes a Priority of Service requirement for covered persons in qualified job training programs. While recipients of USDOL funds for qualified job training programs have been required to provide priority of service since 2002, the publication of 20 CFR Part 1010, Priority of Service for Covered Persons Final Rule, which took effect on January 19, 2009, signaled that recipients of USDOL funds for these job training programs should review, and if necessary, enhance their current policies and procedures to ensure that adequate protocols are in place to ensure that priority is given veterans and eligible spouses.

Policy:

Requirement: Priority of service means that covered persons are given priority over non-covered persons for the receipt of employment, training, and placement services funded in whole or in part by USDOL, including: Wagner-Peyser, Trade Adjustment Assistance, Workforce Innovation and Opportunity Act, Senior Community Service Employment Program, Indian and Native American Programs, Migrant and Seasonal Farmworkers, USDOL funded Discretionary Grants, National Dislocated Worker Grants and MDOL funded workforce development programs. All funded grant recipients must comply with locally developed priority of service policies. All program operators are required to ensure that priority of service is applied to all subrecipients of USDOL and MDOL funds.

A. Development of Local Priority of Service Policy: Each local workforce development board is required to develop and implement a priority of service policy that includes:

- How the local area will ensure veterans and eligible spouses are notified of their entitlement to priority of service, the full array of employment, training and placement services available and applicable eligibility requirements for programs and services.
- How the local area will assist individuals in identifying themselves as veterans or eligible spouses at the point of entry to the system or priority.
- How the local area will monitor the area’s implementation of priority of service, including how monitoring is a shared responsibility between the service providers and partners participating in the local workforce development area.

Physical copies of the local Priority of Service policy shall be maintained at all service delivery points and posted in such a way that it makes it possible for members of the general public to have easy access to them.

Furthermore service provider staff must be trained on the implementation of priority of services for veterans and eligible spouses.

Notification of Priority of Service: Within the local priority of service policy, areas must develop and implement processes to notify covered persons who physically access the workforce development system through one-stops and/or affiliate sites and/or who access the system through the internet, with timely and useful information on priority of service. This may be accomplished through inclusion of or written procedures as follows:

Outreach/Recruitment:

- Inclusion of information regarding veterans' priority of service in printed materials targeted to customers and employers;
- Inclusion of information regarding veterans' priority of service in presentations made to customers and employers;
- Addition of veterans' priority of service information to LWDBs, Service Providers, Maine CareerCenter and Department of Labor websites; and
- Pro-active recruitment of veterans by targeted contact strategies or other strategies, particularly when a region is not in compliance with veterans' priority of service performance measures;
- Assurances that labor exchange activities and services are conducted so that veterans receive priority.

Formal Notification:

- Addition of a veterans' priority of service rights statement to the complaint procedures provided to a veteran customer; and/or
- Addition of a veterans' priority of service rights statement to the signature portion of the WIOA paper intake or application forms;
- Inclusion of information regarding Veteran's priority of service at front desk reception areas, as well as universal access information center locations;
- Provision of opportunity for veterans and eligible spouses to make their veteran status known;
- The Maine Job Bank or Job Link notification system will inform eligible veterans of job opportunities first.

Intake/Registration for Services:

- Written policies to establish that service providers who receive WIOA funds will be required to identify covered persons at the point of entry to programs and/or services, so that veterans and eligible spouses can take full advantage of the priority of service.
- Written policies and procedures that ensure veterans and eligible spouses understand their entitlement to priority of service and the full array of employment and training services available. Such policies will address eligibility requirements that veterans and eligible spouses must meet in order to gain entry into programs and be provided applicable services.

Eligibility for Services:

- Written policies and procedures to ensure veterans and eligible spouses meet the statutory eligibility requirements applicable to the specific employment and training program.
- Written policies and procedures to ensure veterans and eligible spouses are given priority of service where statutory or mandatory priorities are in effect and particularly where local areas have instituted mandatory priorities.
- Written policies and procedures to ensure that veterans and eligible spouses receive access to service or resources earlier than non-covered persons, or before a non-covered person, if resources or services are limited.
- Written policies that target special populations of veterans, including Special Disabled Veterans, Campaign Badge Veterans, Disabled Veterans and eligible spouses when services or resources are limited.

To determine whether veterans are receiving priority of service in core programs funded by the U.S. Department of Labor and administered in Maine by the Maine Department of Labor (MDOL), several measurements will be incorporated. The following benchmarks were established to provide a baseline from which to measure the impact of priority of service to covered participants:

- A. Benchmark the number of covered participants in core programs for program year 2008.
 - B. During each successive program year, identify how many participants were enrolled in core, intensive and training services during this period.
 - C. During each successive program year, identify how many covered veterans and/or eligible spouses were enrolled in core/basic, intensive/individualized career and training services during this period.
 - D. Determine that all eligible veterans and/or eligible spouses are registered for training first and that the remaining slots/funds may be used to register non-covered persons for training.
1. LWDBs must develop and issue local policy to providers to ensure that the priority of service for Veterans requirements are included in all written agreements for services (plans, contracts and subcontracts).
 2. MDOL, in conjunction with Maine’s DVET (Director of Veteran Employment and Training Services), will monitor LWDB issuance, implementation and compliance of the priority of service statute and policy. LWDBs are subsequently required to conduct the same monitoring with any and all contractors receiving Department of Labor funds. DVOP Specialists and LVERs are responsible for advocating for veterans and monitoring the priority of service principle within the Maine’s workforce development network. Any case where a Veteran or eligible spouse is denied services over a non-veteran will be documented and brought to the attention of the Bureau of Employment Services for review and further action as appropriate.

Monitoring Compliance with State Plan: Monitoring compliance with the state plan will meet legislated oversight requirements and support the State Workforce Development Boards requirement of accountability. Monitoring compliance fulfills the mandate of the State oversight agency (MDOL BES) to ensure that statutes, regulation, and policies are being followed.

The Bureau of Employment Services anticipates using its comprehensive monitoring plan to review compliance with laws, regulations, state policies, and state and local plans pertaining to veterans’ priority of service. This comprehensive plan covers all programs for which the BES has administrative responsibilities and monitoring obligations including WIOA formula grants, American, National Dislocated Worker Grants, Trade Assistance Adjustment Act and CSSP programs and services.

Identifying and Informing Covered Persons

- The regulations require all recipients of funds for qualified job training programs to identify covered persons at the *point of entry* to programs and/or services so they can take full advantage of priority of service. Point of entry includes physical locations, such as One-Stop Career Centers, as well as web sites and other virtual service delivery resources.
- The regulations require all recipients to implement policies to ensure that covered persons are aware of:
 - Their entitlement to priority of service;
 - The full array of programs and services available to them; and,
 - Any applicable eligibility requirements for those programs and/or services.

Implementing Priority of Service

- The regulations provide that priority of service means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining services. They further specify that taking precedence may mean:
 - The covered person receives access to the service or resource earlier in time than the non-covered person; or
 - If the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.

- The regulations specify how priority of service is to be applied across three different types of qualified job training programs:
 - Universal access programs that do not target specific groups;
 - Discretionary targeting programs that focus on certain groups but are not mandated to serve target group members before other eligible individuals; and,
 - Statutory targeting programs that are mandated by federal law to provide priority or preference to certain groups.

Responsibilities of States and Localities

- States must develop policies for the delivery of priority of service by:
 - State Workforce Agencies;
 - Local Workforce Investment Boards; and,
 - One-Stop Career Centers.
- The State's policies must require Local Workforce Investment Boards to develop policies for delivery of priority of service by:
 - Local One-Stop Career Centers; and,
 - Local workforce preparation and training providers.

Monitoring Compliance with Priority of Service

- DOL will monitor recipients of funds for qualified job training programs to ensure that covered persons are made aware of and provided priority of service.
- Monitoring will be performed jointly by the Veterans' Employment and Training Service (VETS) and the DOL agency responsible for administering the program.
- If monitoring identifies non-compliance with priority of service, the results of the monitoring: 1) will be handled in accord with each program's compliance review procedures; and, 2) may lead to imposition of a corrective action plan.

Data Collection and Reporting on Priority of Service

- The regulations refer to covered persons at the point of entry as *covered entrants*.
- Those qualified job training programs that have served an average of 1,000 or more covered persons per year over the three most recent years of operation are required to collect and report data on covered entrants.
- Six programs currently meet the size threshold for reporting on covered entrants: 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.
- The Information Collection Request (ICR) accompanying the regulations provides that those programs that meet the size threshold will be required to: a) implement reporting on covered entrants; and, b) apply the new definitions for veterans and eligible spouses in their existing reporting on covered participants.
- The ICR further provides that programs below the size threshold will be required to apply the new definitions for veterans and eligible spouses in their existing reporting on covered participants.

The means for affording veterans priority in labor exchange referrals is through "first opportunity." When a job match is made to a new job order, the applicant database is first searched for disabled veterans and non-disabled veterans. When veterans are identified, they are provided referrals to positions prior to referrals being made to the general public.

The priority service requirement is communicated to one-stop center managers who, in turn, communicate it to all staff. DVOPs and LVERs are responsible for advocating for veterans and monitoring the priority of service principle. Any case where a veteran is denied services over a non-veteran must be documented and brought to the attention of the Bureau of Employment Services.

Definitions

Key Definitions

- **Covered person** – The regulations adopt and apply this statutory term, which includes *eligible spouses*, as defined by the statute, and *veteran*, as defined by the regulations.
- **Disable Veteran** – A veteran who is entitled to compensation (or who, except for the receipt of military retired pay, would be entitled to compensation) under the Department of Veteran Affairs, or a veteran who was discharged or released from active duty because of a service-connected disability.
- **Disabled Veterans' Outreach Program (DVOP) specialist:** The individual who provides intensive/individualized career services and facilitates placement to meet the employment needs of veterans;
- **Eligible Spouse** – An individual who is one of the following:
 - a. The spouse of any person who died of a service-connected disability.
 - b. The spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance, 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;
 - Captured in the line of duty by a hostile force;
 - Forcibly detained or interned in the line of duty by a foreign government or power for a total of more than 90 days; or
 - The spouse of any person who has a total 100% disability permanent in nature resulting from a service connected or the spouse of a veteran who died while a disability so evaluated was in existence.
- **Eligible Veteran** a person who
 - a. served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge;
 - b. Was discharged or released from active duty because of a service connected disability; or
 - c. Is a member of a reserve component under an order to active duty pursuant to section 12301 (a), (d), or (g), 12302 or 12304 of U.S.C. Title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge was authorized, and was discharged or released from such duty with other than dishonorable discharge.

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