



Area 11: Local Policy

Interim Priority of Service

Purpose:

The purpose of this interim policy is to outline requirements of the local workforce development board (WDB) and American Jobs Centers (in Ohio, called the OhioMeansJobs centers) for implementation of priority of service to veterans and eligible spouses for all U.S. Department of Labor (DOL) funded training 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 DOL funds for qualified job training programs have been required to provide priority of service since 2002, the publication of 20 C.F.R. Part 1010, Priority of Service for Covered Persons; Final Rule, which took effect on January 19, 2009, signaled that recipients of DOL 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.

Veterans under WIOA sec. 3(63)(A) and 38 USC. 101 also receive Priority of Service in all Department of Labor-funded training programs under 38 USC. 4215 and described in 20 CFR 1010. A veteran must still meet each program's eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income in accordance with 38 USC. 4213 and 20 CFR 683.230.

Policy:

Notification of priority of service

Veterans and spouses should be notified of their priority of services by:

1. Posters and flyers throughout the Franklin County OhioMeansJob Center. and on the
2. Notifying Priority of Service rights by listing them on the Area 11 OhioMeansJobs website: <https://jobseeker.ohiomeansjobs.monster.com>.

3. Making Consortium partners and partner programs at other service delivery points aware of Priority of Service requirements.

Determination of Veteran Status

Individuals entering the OhioMeansJobs Centers are identified at the point of entry upon completing registration.

Utilizing the Veteran Questionnaire (JFS Form 01863), the OhioMeansJobs front desk staff will thoroughly screen all Veteran or Eligible Spouses to ensure all covered parties are provided the full array of employment, training, and placement services. During the intake process, OhioMeansJobs staff will further explore the covered person's veteran status and assess whether or not the eligible parties meet one or more of the significant barriers to employment:

1. A special disabled or disabled veteran (or an individual who has a disability claim pending with the Department of Veterans Affairs (VA));
2. A homeless individual;
3. A recently-separated service member who has been unemployed for 27 or more weeks in the previous 12 months;
4. An offender who is currently incarcerated or has been released from incarceration;
5. An individual who lacks a high school diploma or equivalent certificate;
6. A low-income individual; or
7. A veteran of the Vietnam Era (February 28, 1961 to May 7, 1975).

If the covered person has at least one of the identified barriers to employment listed above and meet the definition of eligible veteran or eligible spouse or any other service group identified by the Jobs for Veterans State Grant (JVSG) along with the time and service requirements, they will be referred to the assigned Disabled Veteran Outreach Program Specialist (DVOP).

The Veteran Questionnaire also gives permission for staff and OhioMeansJobs Center partners to exchange and disclose necessary information in order for services to be provided by all programs being administered by OhioMeansJobs centers and/or other partners.

If the covered person, transitioning service member, or wounded, ill, or injured member of the Armed Forces (or spouse or family caregiver of such) does not meet the criteria for the JVSG program as outlined above, then the individual may still be provided career and/or training services through Wagner-Peyser or WIOA funded programs, based upon eligibility and suitability.

Programs with Statutory Priorities

Priority for WIOA adult-funded individualized career and training services is given to low-income individuals, recipients of public assistance, and individuals who are basic skills deficient. When determining if a veteran or eligible spouse is a "low income individual" for eligibility purposes, amounts paid while on active duty or paid by the Department of Veteran Affairs (VA)

for vocational rehabilitation, disability, or related VA-funded programs are not to be considered as income.

A low-income veteran or eligible spouse takes precedence, with all other qualifying requirements being equal, over a low income non-covered person in obtaining individualized career services and training services. This does not allow for "bumping" of non-covered persons who had previously been accepted into a program prior to the covered person applying within the same program. However, if there is a waiting list, the veterans or eligible spouses receive access to the service instead of or before the non- covered person on the waiting list.

In Area 11 the Workforce Development Board of Central Ohio (WDBCO), and OhioMeansJobs center operator will coordinate and share monitoring responsibilities. These monitoring responsibilities include a review of the implementation of internal policies and procedures and how these procedures result in compliance with the priority of service requirements. Priority of service will be reviewed on a yearly basis as part of the internal monitoring procedures.

Definitions:

Caregiver: With respect to an eligible veteran, an individual who provides personal care services to the veteran.

Covered person: A veteran or his/her eligible spouse.

Disabled 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 basic and individualized career services and facilitates placements to meet the employment needs of veterans.

Eligible spouse: An individual who is one of the following:

1. The spouse of any person who died of a service-connected disability.
2. 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:
 - a. Missing in action;
 - b. Captured in the line of duty by a hostile force;
 - c. Forcibly detained or interned in the line of duty by a foreign government or power for a total of more than 90 days; or

- d. The spouse of any person who has a total (100%) disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability was so evaluated was in existence.

Eligible veteran (for Jobs for Veterans State Grant (JVSG) Program): A person who:

1. Served on active duty for a period of more than 180 days and was discharged (or) released with other than a dishonorable discharge;
2. Was discharged or released from active duty because of a service-connected disability; or
3. Is a member of a reserve component under an order to active duty pursuant to 10 U.S.C. 12301(a), (d) or (g), 12302 or 12304, 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.

Family caregiver: With respect to an eligible veteran, a family member who is a caregiver of the veteran.

Family member: With respect to an eligible veteran, an individual who:

1. Is a member of the family of the veteran, including:
 - a. Missing in action;
 - b. Captured in the line of duty by a hostile force;
 - c. Forcibly detained or interned in the line of duty by a foreign government or power for a total of more than 90 days; or
 - d. The spouse of any person who has a total (100%) disability permanent in nature resulting from a service connected disability or the spouse of a veteran who died while a disability was so evaluated was in existence.
2. Lives with, but is not a member of the family of the veteran.

Homeless individual (Sections 103 (a) and (b) of the McKinney – Vento Homeless Assistance Act (42 U.S.C. 11302 (a) and (b), as amended)) means:

1. An individual or family
 - a. Who lacks a fixed, regular, adequate nighttime residence;
 - b. With a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - c. Living in a supervised publicly or privately operated shelter designated to provide temporary living accommodations (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); or
 - d. Who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided; or

2. An individual or family:
 - a. Who will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by:
 - i. A court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
 - ii. The individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
 - iii. Credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from the individual seeking homeless assistance that is found to be credible evidence for the purposes of this clause; and
 - b. Has no subsequent residence identified; and
 - c. Lacks the resources or support networks needed to obtain other permanent housing; or
3. Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who:
 - a. Have experienced a long-term period without living independently in permanent housing;
 - b. Have experienced persistent instability as measured by frequent moves over such period; and
 - c. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.
4. Notwithstanding any of the provisions above, the definition of "homeless" shall include any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of the children are jeopardized, and who have no other residence or lack the resources or support networks to obtain other permanent housing.

Low-income individual (Section 3(36)(A)(i) and (ii) of the Workforce Innovation and Opportunity Act (WIOA)): For the purposes of this policy, the term "low income individual" means an individual who receives or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP) established under the Food and Nutrition Act of 2008; the program of block grants to States for temporary assistance for needy families (TANF) program under part A of title VI of the Social Security Act, or the supplemental security income (SSI) program established under title XVI of the Social Security Act, or other income-based public assistance, or is in a family with total family income that does not exceed the higher of:

- i. The poverty line; or
- ii. 70 percent of the lower living standard income level.

Non-covered person: Any individual who meets neither the definition of "veteran," nor the definition of "eligible spouse."

Offender (Section 3(38) of WIOA): An adult or juvenile who:

1. Is or has been subject to any stage of the criminal justice process, and for whom services under WIOA may be beneficial; or
2. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Priority of service: With respect to any qualified job training program, a covered person shall be given priority over a non-covered person in obtaining all employment, training, and placement services provided under the program.

Recently-separated service member: Any veteran during the three year period beginning on the date of such veteran's discharge or release from active duty.

Service-connected disability: A disability resulting from disease or injury incurred or aggravated during active military service.

Special disabled veteran: A veteran who is entitled to compensation under laws administered by the U.S. Department of Veterans Affairs for:

1. Disabilities rated at 30 percent or higher; or
2. Disabilities rated at 10 to 20 percent, if the individual has a serious employment disability; or
3. A veteran who was discharged or released from active duty because of a service-connected disability.

Spouse: Someone who is married.

Transitioning service member: An individual in active duty status (including separation leave) who registers for employment services and is within 24 months of retirement or 12 months of separation.

Veteran (for priority of service): Any person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than "dishonorable." Active service includes full-time Federal service in the National Guard or a Reserve component, other than full-time duty for training purposes.

Veteran of the Vietnam Era: Any person who fulfills the previous definition of "Veteran" and served between February 28, 1961 and May 7, 1975.

References:

Workforce Innovation and Opportunity Act, §§ 3(36)(A)(i)(ii) and 3(38), Pub. L. 113-128.

20 C.F.R. §§ 680.650 – 680.660.

Jobs for Veterans Act, § 2(a), Pub. L. 107-288, (codified at 38 U.S.C. § 4215).

Priority of Service for Covered Persons; Final Rules, 73 FR 78142 - 78144 (December 19, 2008).

20 C.F.R §§ 1010.110 – 1010.200 (2008).

38 U.S.C. § 4211.

USDOL, Training and Employment Guidance Letter No. 19-13, Change 2, Expansion and Clarification of Homeless Definition as a Significant Barrier to Employment (SBE), (October 30, 2015).

USDOL, Training and Employment Guidance Letter No. 19-13, Change 1, Expansion and Clarification of Definition of Significant Barriers to Employment for Determining Eligibility for the Disabled Veterans' Outreach Program (DVOP), (February 11, 2015).

USDOL, Veterans' Program Letter No. 03-14, Change 1, Expansion and Clarification of Definition of Significant Barriers to Employment for Determining Eligibility for the Disabled Veterans' Outreach Program (DVOP), (February 11, 2015).

USDOL, Training and Employment Notice No. 10-14, American Job Center (AJC) Participation in Capstone Activities and Other Outreach to Transitioning Service Members, (September 29, 2014).

USDOL Veterans' Program Letter No. 08-14, Designation for Additional Populations Eligible for Services from Disabled Veterans' Outreach Program (DVOP) Specialists: Transitioning Service Members in need of Intensive Services; and Wounded, Ill, or Injured Service Members Receiving Treatment at Military Treatment Facilities or Warrior Transition Units (MTFs - WTUs); and the Spouses and Family Caregivers of such Wounded, Ill or Injured Service Members, (September 26, 2014).

USDOL, Training and Employment Guidance Letter No. 20-13, Change 2, Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans' Outreach Program Specialists, (April 10, 2014).

USDOL, Training and Employment Guidance Letter No. 19-13, Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans, (April 10, 2014).

USDOL Veterans' Program Letter No. 04-14, Designation for Additional Population of Veterans Eligible for Services from Disabled Veterans Outreach Program Specialist – Veterans Ages 18-24, (April 10, 2014).

USDOL Veterans' Program Letter No. 03-19, Designation of Additional Populations Eligible for Services from Disabled Veteran's Outreach Program Specialists, (February 7, 2019).

USDOL Veterans' Program Letter No. 03-14, Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans, (April 10, 2014).

USDOL, Training and Employment Notice No. 15-10, 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 (DOL), (November 10, 2010).

USDOL, Training and Employment Guidance Letter No. 10-09, 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 (DOL), (November 10, 2009).

USDOL Veterans' Program Letter No. 07-09, 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, (November 10, 2009).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 17-01, Mandate Use of OhioMeansJobs.com, (September 15, 2017)

Inquiries:

Stephanie Robinson
Director, Policy
Workforce Development Board of Central Ohio
1650 Lake Shore Drive, Suite 110
Columbus, Ohio 43204
614-583-1336

Approved:

WDBCO Board	WDBCO
Signature:	Signature: 
Title: Evelyn Sullen Smith	Name: Lisa Patt-McDaniel
Title: WDBCO Board Chair	Title: President & CEO
Date:	Date: